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Servi legum sumus, or We Are Slaves of the Law

In the discussion on the procedure for determining the risk of violating the rule of law under Article 7 (1) in connection with Article 2 TEU[1], it is sometimes alleged that it is difficult clearly to determine the content of the term "rule of law". Thus, according to some, the whole procedure suffers from the flaw of arbitrary assessment, since allegedly there is no precisely defined standard of assessment.

Prima facie, it could be considered that this allegation is, indeed, not without a certain degree of rationality because of the lack of an unambiguous definition of the term "rule of law" (and a variety of related terms) and because of the fact that this category is always immersed in the specific realities of the political and legal order of a given state. On closer examination, however, it is not difficult to prove that these arguments are misguided, even if we do not ascribe to them any particularly ill will or politically-determined instrumentalization. The fact that it is impossible to construct an unambiguous definition of a given phenomenon and that the context of its functioning should always be taken into account does not mean that it is completely impossible to reconstruct its inviolable central core, which is not subject to any contextual relativization, and that there is no need to build a commonly accepted consensus around this core. The same applies

[1] Consolidated version of the Treaty of European Union, OJ C 2016, 202/02 (hereinafter, TEU).

to other values/principles expressed in Article 2 TEU – democracy, dignity, equality, freedom, and human rights.

The basis for building such an agreement may be not only methodological constructions known to contemporary social sciences, such as overlapping consensus or reflective equilibrium, but also certain intuitions that are based on the historically established tradition of European legal culture and that reach back into antiquity. It is, therefore, no coincidence that most contemporary studies on the essence and content of the rule of law very often refer to classics such as works by Plato, Aristotle, Polybius, and in particular Cicero, and then draw this thread of intellectual tradition through the Middle Ages, the early modern era, and Enlightenment thought up to the present day in such a way that it is difficult to accuse such discussions of an ahistorical approach[2].

The renaissance of Ciceronian thought in contemporary literature on the subject, which is accompanied by a recognition of its creative eclecticism rather than a hostile attitude toward it, primarily concerns Cicero's philosophy of politics, state, and the law, especially that formulated in *De re publica* (On the State) and *De legibus* (On Laws)[3], and partly also in *De Officiis* (On Duties). In the latest work on his thought, it is emphasized that while Greek thought was certainly deeper and more sophisticated in terms of theory and philosophy, Roman concepts abounded in issues that have retained a surprising topicality to this day, such as the issue of political legitimacy, the mixed political system, the constitutional separation of powers, individual rights, the universal and particular dimension of constitutional values, the theory of just war, and the idea of republicanism in general[4].

The last item on the list is particularly interesting, because it may be the main reason for the increased interest in Cicero in contemporary political philosophy. Even a cursory presentation of the basic elements that make up the notion of republicanism in its classic and modern versions obviously exceeds the scope of this study, because this is not its main goal and subject. So let us just conclude that the problem of the nature of republicanism is indeed one of the main themes of contemporary political philosophy, and that it was Cicero who, to some extent, developed the basic conceptual apparatus of this debate. Suffice it to say that the title of Cicero's basic work in this area was translated into Polish as *O państwie* (On the State), but in

[2] See, for example: B. Tamanaha, *On the Rule...*; P. Costa, *The Rule...*, pp. 135–148.

[3] Cf., for example: J.W. Atkins, *Cicero...*; B. Straumann, *Crisis...*; *Ciceros Staatsphilosophie...*

[4] J.W. Atkins, *Roman...*, pp. 7 ff.

the Latin original it was not *De republica*, but rather *De re publica* (that is, About a public thing, or About a shared thing, or ultimately About a common thing). The English translation of the original title are also interesting. Just as Plato's *Politeia* bears the surprising title in English of the *Republic*[5], so Cicero's *De re publica* is very aptly rendered as *On the Commonwealth*[6].

Therefore, if the discussion about the essence of republicanism is also present to a large extent in Polish public debate, and if attempts are made to read the provisions of our current constitution in a republican way[7], it may be worth recalling what Cicero wrote about it, because he is to some extent the key to understanding concepts such as the Republic of Poland, the common good, civil society, political virtues, the constitution, democracy, the separation of powers, and the rule of law. Here we share the view of those scholars who see in Cicero's thought a surprising topicality from the point of view of contemporary debates on republicanism, and especially on the model of the republican system[8]. This return to the sources is justified insofar as, as a result of various ideological mutations of republicanism, we have begun to have doubts about what actually belongs to its essence and what does not. In the Polish debate, there is one more element to this. There is often a fully justified accusation made in public that shortcomings in the education of civil society constitute the most serious consequences of abandoning the transformation process after 1989, something that Cicero also regretted when observing the slow but inevitable collapse of the Roman Republic.

Experts on Cicero's thought naturally focus, understandably, on the above-mentioned dialogue *De re publica*, but with increasing frequency they also refer to his other basic work in the field of political philosophy, which for various reasons was neglected for years, that is, the dialogue *De legibus*. It constitutes a very important supplement to Cicero's constitutional thought, even if we take into consideration the fact that it is very difficult to read because of its incompleteness and its rather unclear internal structure. The best proof of this increased interest may be the fact that an extensive

5 Plato, *Republic*...

6 Cicero, *On the Commonwealth*...

7 For example: W. Ciszewski, *Republikańskie*..., pp. 5–32. It is true that the author presents his ideas mainly on the basis of what is called neo-republicanism and draws on the work of scholars such as Quentin Skinner and Philip Pettit, but if we are methodologically careful enough to avoid accusations of ahistoricism, we can do something similar analysing the Polish Constitution via Ciceronian concepts.

8 See, for example: E. Richter, *Cicero*..., pp. 23–34; see also: R.T. Radford, *Cicero*...

and very detailed commentary on this work appeared relatively recently[9]. An anthology of the most important texts from recent years devoted to the subject of Cicero and the law has also been published, although its scope goes beyond the issues of the *De legibus* dialogue and also concerns other works by Cicero[10].

The use of the word "constitution" (*constitutio*) in the analysis of Cicero's political and legal thought may, of course, seem rather surprising to some readers. Jurists tend to associate this concept primarily with Roman private law, and there the constitution meant, from the end of the principate and during the imperial period, a legal act of the Emperor, which had replaced the earlier *lex*. However, this is not a mistake. Ancient Republican Rome had its constitution in a material sense *par excellence* and it consisted not only of legal norms and current political practice, but, above all, in a set of certain traditions and customs proudly referred to as *mos maiorum*. Without any hesitation, modern historians of the Roman system simply call it the Constitution (in German, *Verfassung*)[11]. Modern constitutional experts do the same and simply refer to Cicero, who, it is said, was the first to use the concept with this meaning. Stephen Holmes believes that Cicero when using the word *constitutio* (from Latin *constituere* – to create, arrange, or shape) in several places in *De re publica* and *De legibus*, meant a morphological structure and set of operating rules (an operating code), defining the organization and functioning of the state at various levels of power and authority; it consisted not only of legal norms, but also, and perhaps above all, of customs sanctified by tradition[12].

Cicero valued them highly because he considered them an emanation of natural law understood in terms of *recta ratio*, but, at the same time, he was fully aware of the danger that hung over the Republic. In *De re publica*, he paints a picture of an ideal mixed system based on three elements: power (*potestas*) concentrated in offices (*magistratum*), wisdom (*auctoritas*)

9 A.R. Dyck, *A Commentary...*

10 *Cicero and Modern...*

11 See, for example: A. Lintott, *The Constitution...*; J. Bleicken, *Die Verfassung...*

12 S. Holmes, *Constitution...*, p. 195: "Cicero meant the morphological structure and operating code of Rome's republican government, the system of major and minor magistracies, the scheduling and organization of elections and judicial trials, the citizens' right to appeal to a popular tribunal against penalties meted out by magistrates in peacetime, the interweaving of Senatorial deliberation, popular approval, and consular action, the legendary power-sharing agreement between the few and the many, and the policy of granting citizenship rights to conquered cities in exchange for military service".

concentrated in the Senate, and freedom (*libertas*), which was the domain of the people. Further, in the third book of *De legibus*, he presents a number of moderate proposals that are to correct some political solutions in order to restore and subsequently increase the stability of the political and legal system of the Roman Republic. In particular, he wanted to reduce the state of extreme tension between the aristocratic element (Senate) and the democratic one (tribune and popular assembly), for example, by appropriate electoral solutions regarding the secrecy/openness of voting (*De legibus* III, 33–34).

Both of these dialogues by Cicero in the field of political philosophy had one basic goal, which is worth recalling in the context of the Polish constitutional dispute: they were a last attempt to save the Roman Republican system and its values. But as we know from history, it was ultimately a belated attempt and therefore ineffective. Readers interested not only in the scholarly but also in the fictionalized history of the last years of the Roman Republic seen through the prism of Cicero's biography should consult Robert Harris's Rome Trilogy, which I have already quoted above. In the third volume *Dictator*, as we have already seen, the author puts into the protagonist's words from his last speech in the Roman Senate before the fall of the Republic. As we have already seen, Cicero self-critically admits that he himself has contributed to the defeat by allowing deviations from the law in the past: "Whenever in the course of my thirty years in the service of the state we have yielded to temptation and ignored the law, often what seemed at the time to be good reasons, we have slipped a little further toward the precipice", but ultimately he utters the following if somewhat tardy words: "(...) the Roman Republic, with its division of powers, its annual free elections for every magistracy, its law courtsn and its juries, its balance between Senat and people, its liberty of speech and thought, is mankind's noblest creation , and I would sooner lie choking in my own blood upon the ground than betray the principle on which all this stands – that is, first and last and always, the rule of law"[13]. Of course, to a degree, these words are the product of a contemporary writer's imagination, but that imagination does not stray far from historical facts. The imaginative account could be justified by the contents of the *Philippicae*, Cicero's fourteen speeches against Mark Anthony[14].

Let us return, however, to the main theme of this article and to one particular statement from the *Oratio pro Cluentio*. "Primacy of the rule of

[13] R. Harris, *The Cicero...*, pp. 937 ff.

[14] Cicero, *Philippics...*

law" – literally Cicero would probably phrase it slightly differently than in this fictional form, but his intuitions in this regard seem to coincide completely with ours when we try to reconstruct the central core of the rule of law from Article 2 TEU. It is interesting and perhaps surprising that contemporary literature, in the context of the rule of law, points not only to Cicero's most famous works mentioned above in the field of philosophy of politics, state, law, and morality, but also to a specific extract from one of his many extant and lost political and judicial speeches, the *oratio pro Cluentio* (53, 146)[15]. That this is so is largely due to Friedrich August Hayek, who contributed to Cicero's fame by citing him in his celebrated *Constitution of Liberty*[16] and by recognizing its author as a precursor of liberal constitutionalism[17].

For a final evaluation of the passage in question from *oratio pro Cluentio*, the date and circumstances of its creation are of some importance. It was composed in 66 BCE for the criminal trial for murder brought against Cicero's client, Aulius Cluentius Habitus. The date indicates that Cicero's statement took place long before the creation of his basic works in the field of philosophy of state and law, since the creation of *De re publica* and *De legibus* is dated to the years 54–51 BCE. At the same time, Cicero himself was only at the beginning of his later brilliant political career. He became a consul only three years later in 63 BCE, and the Roman Republic was not yet that far down the high road to the dictatorship that was to destroy it. The context was also specific. Cicero's entire speech, by the way, the longest of the surviving ones, includes as many as seventy-one chapters that concern various aspects of the defence strategy he adopted. The two passages quoted below are from chapter 53 and, at first glance, may seem to be only a matter of a Ciceronian rhetorical device, an incidental remark intended to impress the judges and seemingly completely unrelated to the subject of the trial. No wonder that in contemporary literature on the subject, *oratio pro Cluentio* is primarily subjected to rhetorical and procedural analyses[18], and not to political or philosophical-legal ones.

However, there is one exception, but it does not, at least on the surface, concern the notion of the "rule of law" that we are discussing, but rather concerns ethical issues related to lawyers' rhetoric. Quintilian in *Institutiones oratoriae* later reckoned that Cicero, who defended Cluentius with skillful

15 See, for example: L. Morlino, *The Two...*, p. 40.
16 F.A. Hayek, *The Constitution...*, p. 245, footnote 37.
17 See, for example: D. Dyzenhaus, *Dreaming...*, p. 255.
18 See, for example: T. Nótári, *Tatbestandsbehandlung...*, pp. 45–90; T. Nótári, *Forensic...*, pp. 48–61.

rhetorical tricks and, perhaps, contrary to the evidence, "threw dust in the eyes of judges"[19]. This issue later became a source of literary inspiration: in 1798, it was raised by a representative of so-called American Gothic, Charles Brockden Brown, in his novel *Wieland: or, the Transformation – An American Tale*. Nowadays, the issue is critically analyzed by representatives of the literary school of law as a postmodernist philosophical and legal trend (Law and Literature)[20]. In any case, this is a completely separate topic. Cicero's speeches are nowadays treated as literary works, and the best example is the speech in defence of the comic actor Roscius (*oratio pro Roscio Comoedo*), the text of which Jerzy Axer, the son of the outstanding theater director Erwin Axer, once subjected to a critical analysis[21].

However, the issue of the role of rhetoric in Cicero's court speeches is so fascinating in itself that in recent years it has attracted great interest in the literature on the subject all over the world[22]. In the context of the main topic of this study, this obviously raises a problem and, indeed, the question of how credible Cicero is in his reflections on the essence of the rule of law, since in his legal practice he favoured rhetorical competence over legal knowledge. However, this resulted from the specific role of the Roman *advocatus* in any confrontation with the Roman *iurisconsultus*. This topic has long fascinated scholars under the heading of the question "Was Cicero a lawyer?"[23]. Here, in order to maintain narrative coherence, we must repeat it. The answer to this question depends largely on one's perspective. From a historical perspective, Cicero was not a lawyer in the Roman sense, because he rather did not deal with what was the domain of late Republican and classical *iurisconsulti*. In turn, from a modern perspective, it can be said that he was more than just a classic Roman lawyer. This is so because in modern legal studies, we are dealing with a change in the meaning of existing concepts. The British sociologist of law, Roger Cotterrell, uses the example of Gustav Radbruch to explain the difference between a lawyer in the sense of a jurist and a lawyer in the sense of a lawyer[24]. The former is marked by a deep sense of professional responsibility for the law and therefore he/she is not

[19] I quote following K. Kumaniecki, *Literatura...*, p. 221; see also: T. Nótári, *Forensic...*, p. 48, footnote 5: *gloriatus est offudisse tenebras iudicibus Cluentianis.*

[20] See, for example: M. Nichols, *Cicero's* Pro Cluentio..., pp. 450–476; P. Schneck, *Wieland's Testimony...*, pp. 76–119.

[21] J. Axer, *Mowa...*

[22] T. Nótári, *Handling...*

[23] For more on this subject, see: J. Zajadło, *Czy Cyceron...*, pp. 32–38, and quoted literature.

[24] R. Cotterrell, *The Role...*, pp. 510–522.

indifferent as to how a law is created or what its content is; the latter, in turn, focuses almost exclusively on practical-technical aspects of the process of application of a law and its interpretation. If we apply this terminology to the realities of Roman jurisprudence, the meanings paradoxically change. Cicero would be considered a jurist, while classical Roman lawyers would have to be labelled lawyers. This, however, means that Cicero's remarks are of particular importance to us when reconstructing the hard core of the rule of law from the perspective of the long tradition of Western legal culture.

Thus, if we look closely at the content of this passage from the *Oratio pro Cluentio* that we are discussing here, and compare it with the philosophy of the state and law formulated later in *De re publica* and *De legibus*, we can see that we are dealing with what we started with in our discussion: a search for the hard core of the "rule of law" based on the legitimate and time-honoured intuitions of Western legal culture and without any intention of constructing any exhaustive, complete, and universal definition. To put it simply, Cicero's intuition resembles *mutatis mutandis* those of some modern legal philosophers, such as Gustav Radbruch with his famous formula, Lon L. Fuller with his concept of the internal morality of the law, or Norberto Bobbio with his necessary conditions for a good legislator. In this context, Cicero's opinion is invoked in contemporary literature on the subject, especially when attempts are made to define the essence and basic minimum content of the rule of law[25].

The most frequently quoted passage of the *oratio pro Cluentio* (53, 146) is Cicero's following view: "The law has its ministers in our magistrates, its interpreters in our jurors; it makes servants of us all only to set us free"[26].

However, the two sentences that precede the above quotation are even more important. These are: "Law is the bond which secures to us the honourable rank we hold in the commonwealth; it is the basis of our liberties and the fountain-head of justice. The mind, the soul, the brain, the thought of a state is centred in its laws; without law, it can make no more use of its members than our bodies can of their sinews, their blood, their limbs, without mind"[27].

According to some authors, if we strip these statements of their obvious rhetorical pathos and penetrate their essence, they turn out to be a good basis for reconstructing at least some elements of the necessary minimum

[25] See, for example: I.B. Flores, *Law...*, pp. 77–101.
[26] Cicero, *Speech...*, p. 84.
[27] Ibidem.

content of the rule of law[28]. We have already mentioned that in contemporary literature on the subject we can observe a renaissance of interest in Cicero's political and legal thought. This is accompanied by attempts to reinterpret some of his paradigmatic maxims, and here a typical example is the famous formula *Salus rei publicae suprema lex esto*, which in the original version in *De legibus* (III, 3, 8) is slightly different: *Salus populi suprema lex esto*.

According to the most common interpretation, this meant the possibility of suspending and/or disregarding the legal order in situations of extraordinary threat to the state, and thus, the primacy of politics over law as *ultima ratio*. However, Benjamin Strautmann has recently proved, convincingly in my opinion, that such an understanding of this maxim does not fully correspond to the intentions of Cicero himself in the context of his entire political and legal thinking[29]. A state of emergency does not mean an authorization completely to suspend the legal order, but rather indicates a need to make a kind of hierarchy of norms within the system. A dictator entrusted with the mission of saving the Republic may, indeed, disregard some norms, but he is also bound by some of them, that is, the most important ones in terms of the system. This corresponds to the passage from the *oratio pro Cluentio* cited above, because there can be no state without any law at all: "The mind, the soul, the brain, the thought of a state is centred in its laws". At the same time, we are not indifferent to what the law is even in a state of extreme necessity, and, therefore, the absolute primacy of politics over law cannot be *ultima ratio*: "without law, it can make no more use of its members than our bodies can of their sinews, their blood, their limbs, without mind".

What is relevant to Cicero's reinterpretation of the state of emergency applies even more to his vision of a normally functioning republic. Finally, the sentence "it makes servants of us all only to set us free" can, of course, be understood as an imperative to comply with the law that is in force in the name of legal certainty and security, but we can also see the other side of the issue. We agree to be slaves of laws (*legum omnes servi sumus*), but, at the same time, we expect them to be guarantors of our freedom (*ut liberii esse possimus*). From the point of view of the essence of the rule of law, both of these aspects, stabilizing and guaranteeing, ordering and liberating, are equally important.

Finally, in the *oratio pro Cluentio*, Cicero also attempts to tell us something about the separation of powers in the context of the rule of law. Indeed,

[28] I.B. Flores, *Law...*, p. 85.

[29] B. Strautmann, *Crisis...*, pp. 23–237.

he clearly distinguishes between the various roles of the executive and the judiciary, since he writes *legum ministri magistratus* in relation to the former, and *legum interpretes iudices* in relation to the latter. Elsewhere in *De legibus* (III, 1, 2), Cicero writes that *magistratum lex esse loquentem*, *legem autem mutum magistratum* (An official is a speaking law and a law is a mute official), but from today's perspective, he seems to have meant rather the executive rather than the judiciary. On the other hand, Roman public law of the Republican period does not distinguish the matter so precisely: everything was *magistratum*. But this does not mean that Cicero did not see the difference between the functions of an official and a judge. In the literature, there is another formula, *iudex est lex loquens* (The judge is a speaking law), but as far as I know, it does not appear in the original *De legibus*, but it was used much later by, for example, Edward Coke, and probably still later Montesquieu misinterpreted Cicero in his famous phrase *la bouche du loi*[30].

Returning to the starting point of our discussion, we can sum up the situation as follows: the fact that there is no clear definition of the concept of rule of law in Article 2 TEU is neither a convincing nor a sufficient reason to accuse the procedure resulting from Article 7 of being arbitrary. On the basis of an intellectual tradition within Western legal culture, we are able to reconstruct both the essence and the minimum content of this concept. At the beginning, it is worth starting with Cicero; later the issue will only get easier.

Abstract

In the discussion on the procedure for determining the risk of violating the rule of law under Article 7 (1) in connection with Article 2 TEU, it is sometimes alleged that it is difficult clearly to determine the content of the term "rule of law". Thus, according to some, the whole procedure suffers from the flaw of arbitrary assessment, since allegedly there is no precisely defined standard of assessment.

The main purpose of this article is to show that despite everything we are able to reconstruct the hard core of the rule of law, because its concept is deeply rooted in the long history of European legal culture. The author shows it on the example of Cicero's political philosophy, especially on one sentence from his famous *Oratio pro Cluentio*: "The law has its ministers in our magistrates, its interpreters in our jurors; it makes servants of us all only to set us free".

[30] I.B. Flores, *Law...*, p. 86, with a reference to Friedrich A. Hayek: "Moreover, Montesquieu misinterpreted Cicero's adagio *Magistratum legem esse loquentem, legem autem mutum magistratum* and reduced the judges to the *bouche du loi*".

Keywords: rule of law, republicanism, political philosophy, Cicero, Oratio pro Cluentio

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References

Atkins J.W., *Cicero on Politics and the Limits of Reason: The Republic and Laws*, Cambridge 2013.

Atkins J.W., *Roman Political Thought*, Cambridge 2018.

Axer J., *Mowa Cycerona w obronie aktora komediowego Roscjusza. Studium z krytyki tekstu*, Wrocław–Warszawa–Kraków 1976.

Bleicken J., *Die Verfassung der Römischen Republik. Grundlagen und Entwiklung*, Paderborn–München–Bonn 1985.

Cicero, *Speech in Defence of Cluentius,* trans. W. Peterson, MacMillan & Co., London–New York 1895.

Cicero, *Philippics,* trans. W.C.A. Ker, Cambridge–London 1926.

Cicero, *On the Commonwealth and On the Laws*, ed. J.E.G. Zetzel, Cambridge 1999.

Cicero and Modern Law, ed. R.O. Brooks, London–New York 2009.

Ciceros Staatsphilosophie. Ein kooperativer Kommentar zu De re publica und De legibus, ed. O. Höffe, Walter de Gruyter, Berlin–Boston 2017.

Ciszewski W., *Republikańskie odczytanie Konstytucji Rzeczypospolitej Polskiej*, "Przegląd Konstytucyjny" 2017, no. 4.

Costa P., *The Rule of Law: An Outline of Its Historical Foundations*, in: *Handbook of the Rule of Law*, eds. Ch. May, A. Winchester, Cheltenham–Northampton 2018.

Cotterrell R., *The Role of the Jurist: Reflections Around Radbruch*, "Ratio Juris" 2013, vol. 26, no. 4.

Dyck A.R., *A Commentary on Cicero,* De legibus, Ann Arbor 2004.

Dyzenhaus D., *Dreaming the Rule of Law*, in: *Law, Liberty and State: Oakeshott, Hayek and Schmitt on the Rule of Law*, eds. D. Dyzenhaus, T. Poole, Cambridge 2015.

Flores I.B., *Law, Liberty and the Rule of Law (in a Constitutional Democracy)*, in: *Law, Liberty, and the Rule of Law*, eds. I.B. Flores, K.E. Himma, Dordrecht–Heidelberg–New York–London 2013.

Harris R., *The Cicero Trilogy*, London 2021.

Hayek F.A., *The Constitution of Liberty. The Definitive Edition*, ed. R. Hamowy, Chicago 2011.

Holmes S., *Constitution and Constitutionalism*, in: *The Oxford Handbook of Comparative Constitutional Law*, eds. M. Rosenfeld, A. Saj, Oxford 2012.

Kumaniecki K., *Literatura rzymska. Okres cyceroński*, Warszawa 1977.

Lintott A., *The Constitution of the Roman Republic*, Oxford–New York 1999.

Morlino L., *The Two "Rules of Law" Between Transition to and Quality of Democracy*, in: *Rule of Law and Democracy. Inquiries Into Internal and External Issues*, eds. L. Morlino, G. Palombella, Leiden–Boston 2010.

Nichols M., *Cicero's* Pro Cluentio *and the "Mazy" Rhetorical Strategies of* Wieland, "Law and Literature" 2008, vol. 20, no. 3.

Nótári T., *Tatbestandsbehandlung und Forensische Taktik in Ciceros Cluentiana*, "Acta Universitatis Sapientiae: Legal Studies" 2012, vol. 1, no. 1.

Nótári T., *Forensic Strategy in Cicero's Speech in Defence of Aulus Cluentius Habitus*, "Acta Juridica Hungarica" 2012, vol. 53, no. 1.

Nótári T., *Handling of Facts and Forensic Tacticts in Cicero's Defence Speeches*, Passau 2014.

Plato, *Republic*, trans. G.M.A. Grube (rev. C.D.C. Reeve), Indianapolis 1992.

Radford R.T., *Cicero: A Study in the Origins of Republican Philosophy*, Amsterdam–New York 2002.

Richter E., *Cicero und die Aktualität republikanischer Modellbildung*, in*: Res Publica und Demokratie. Die Bedeutung von Cicero für das heutige Staatsverständnis*, eds. E. Richter, R. Voigt, H. König, Baden-Baden 2007.

Schneck P., *Wieland's Testimony: Charles Brockden Brown and the Rhetoric of Evidence*, in: P. Schneck, *Rhetoric and Evidence: Legal Conflict and Literature Representation in U.S. American Culture*, Boston–Berlin 2011.

Straumann B., *Crisis and Constitutionalism. Roman Political Thought From the Fall of the Republic to the Age of Revolution*, New York 2017.

Tamanaha B., *On the Rule of Law: History, Politics, Theory*, Cambridge 2004.

Zajadło J., *Czy Cyceron był prawnikiem?*, "Palestra" 2018, no. 11.