THE ETHICAL WRITINGS

CICERO

The Ethical Writings

CICERO

The Ethical Writings, Cicero
Jazzybee Verlag Jürgen Beck
86450 Altenmünster, Loschberg 9
Deutschland

ISBN: 9783849651589

Translated by Andrew P. Peabody (1811 – 1893)

www.jazzybee-verlag.de
admin@jazzybee-verlag.de

CONTENTS:

DE OFFICIIS (ON MORAL DUTIES)

INTRODUCTION.

There are two systems of ethical philosophy, which in every age divide speculative moralists, and are recognized with a more or less distinct consciousness in the conduct of life by all in whom the moral sense has attained mature development. They are, indeed, in different ages and by different writers stated more or less explicitly, in widely varying terminology, and with modifications from culture, religion, national character, and individual proclivities. They are, also, sometimes blended by an eclecticism which cannot wholly transcend the lower, yet feels the intense attraction of the higher sphere. One system is that which makes virtue a means; the other, that which makes it an end. According to the one, we are to practise virtue for the good that will come of it to ourselves or our fellow-beings; according to the other, we are to practise virtue for its own sake, for its intrinsic fitness and excellence, without reference to ulterior consequences, save when, and so far as, those consequences are essential factors in determining the intrinsic quality of the action.

Of course, this general division admits of obvious subdivisions. The former system includes the selfish and the utilitarian theory of morals, — the selfish making the pursuit of our own happiness our duty, and adaptation to that end the sole standard of right; the utilitarian identifying virtue with benevolence, accounting the greatest good of the greatest number the supreme aim, and beneficent utility the ultimate standard of duty. The alternative system, according to which virtue is to be

practised, not for what it does, but for what it is, includes, also, various definitions of virtue, according as its standard is deemed to be intrinsic fitness, accordance with the aesthetic nature, the verdict of the moral sense, or conformity to the will of God. These latter theories, widely as they differ, agree in representing the right as having a validity independent of circumstances and of human judgment, as unaffected by the time-and-place element, as possessed of characteristics connate, indelible, eternal; while the selfish and utilitarian schools alike represent it as mutable, dependent on circumstances, varying with time and place, and possessed of no attributes distinctively its own.

In Cicero's time the left and the right wing in ethical philosophy were represented by the Epicureans and the Stoics respectively, while the Peripatetics held a middle ground. The Epicureans regarded happiness — or, according to their founder, painlessness — as the sole aim and end of moral conduct, and thus resolved all virtue into prudence, or judicious self-love, — a doctrine which with such a disciple as Pliny the Younger identified virtue with the highest self-culture as alone conducive to the happiness of the entire selfhood, intellectual and spiritual as well as bodily; but with Horace and his like, and with Rousseau, who professed adherence to that school, afforded license and amnesty to the most debasing sensuality.

The Stoics regarded virtue as the sole aim and end of life, and virtue is, in their philosophy, the conformity of the will and conduct to universal nature, — intrinsic fitness thus being the law and the criterion of the right. Complete conformity, or perfect virtue, is, according to this school, attainable only by the truly wise; and its earlier disciples, while by no means certain that this ideal perfectness had ever been realized in human form even by Zeno, the great master, yet admitted no moral distinction between those who fell but little short of perfection and those who had

made no progress toward it. The later Stoics, however, recognized degrees of goodness, and were diligent expositors and teachers of the duties within the scope of those not truly wise, by the practice of which there might be an ever nearer approach to perfection. This philosophy was, from Cicero's time till Christianity gained ascendency, the only antiseptic that preserved Roman society from utter and remediless corruption.

The Peripatetic philosophy makes virtue to consist in moderation, or the avoidance of extremes, and places each of the individual virtues midway between opposite vices, as temperance between excess and asceticism; generosity between prodigality and avarice; meekness between irascibility and pusillanimity. It admits the reality of the intrinsically right as distinguished from the merely expedient or useful; but it maintains that happiness is the supreme object and end of life, and that for this end, virtue, though essential, is not sufficient without external goods, — so that the wisely virtuous man, while he will never violate the right, will pursue by all legitimate means such outward advantages as may be within his reach.

The New Academy, whose philosophy was a blending of Platonism and Pyrrhonism, while it denied the attainableness of objective truth, maintained that on all subjects of speculative philosophy probability is attainable, and that wherever there is scope for action, the moral agent is bound to act in accordance with probability, — of two courses to pursue that for which the more and the better reasons can be given. The disciples of this school accepted provisionally the Peripatetic ethics.

Cicero professed to belong to the New Academy, and its ethical position was in close accordance with his nature. Opinion rather than belief was his mental habit, — strong opinion, indeed, yet less than certainty. His instincts as an advocate — often induced by professional exigencies, not only to cast doubt on what he had previously affirmed, but

with the ardor of one who threw himself with his whole soul into the case in hand to feel such doubt before he gave it utterance — made the scepticism of this school congenial to him. At the same time, his love of elegant ease and luxury and his lack of moral enterprise — though not of courage when emergencies were forced upon him — were in closer affinity with the practical ethics of the Peripatetics than with the more rigid system of the Stoics; while his pure moral taste and his genuine reverence for the right brought him into sympathy with the Stoic school. Under no culture short of that Christian regeneration which is less a culture than a power could he have become heroically virtuous; under no conceivable influence could he, such as he was in his early manhood, have become grossly vicious. He believed in virtue, admired it, loved it. His aesthetic nature was pre-eminently true and pure. His private character indicates high-toned principle. In an age when all things were venal, no charge of corruption was ever urged against him, even by an enemy. He neither bought office, nor sold its functions. Associating familiarly with well-known convivialists, who regarded a wine-debauch as always a welcome episode in the pursuits whether of war or of peace, we have no vestige of a proof that he ever transgressed the bounds of temperance, and there is not a word in his writings that indicates any sympathy with excesses of the table. Living at a time when licentiousness in its foulest forms was professed without shame and practised without rebuke, we have reason to believe that he led a chaste life from his youth; and though as an advocate he was sometimes obliged to refer to subjects and transactions offensive to purity, and in his letters there are passages which might seem out of place in the correspondence of a Christian scholar of the nineteenth century, it may be doubted whether in all his extant writings there is a single sentence inconsistent with what a

purist of his own age would have deemed a blameless moral character.

He has been, indeed, charged by some of his biographers with motives of the lowest order in the divorce of the mother of his children after a union of thirty years, and his marriage with a young heiress, his own ward. But by the best standard that he knew, though not by the Christian standard so profligately ignored and outraged in our own section of Christendom, he was more than justified. His wife was no little of a virago, had wasted a great deal of money for him in his absence, and had willed property under her control in such a way as to give him just displeasure; and it appears from his letters that he exercised the then unquestioned right of divorce solely on these grounds, with no specific marriage in view, and that the alliance which he actually made was preceded by overtures both to and from other candidates for that honor. Moreover, the charge of mercenary views in this marriage is negatived by its speedy dissolution on his part, with the sacrifice of the entire and large fortune which it brought to him, on the sole ground that his bride had manifested unseemly satisfaction in the death of his daughter Tullia, whom she regarded as her rival in her husband’s affection.

Yet there were heights of virtue beyond Cicero’s scope. He was wholly destitute of the martyr-spirit. He was much of a Sybarite in his habits. His many villas, furnished with equal taste and splendor, gave him the sumptuous surroundings and the aesthetic leisure without which he could not regard even virtue as sufficient for his happiness, and times of enforced absence from wonted pursuits and enjoyments were filled with unmanly complaint and self-commiseration. He loved applause, suffered keenly from unpopularity, and vacillated in his political allegiance, sometimes with the breeze of public opinion, sometimes with his faith in the fortunes of an eminent leader. He often worshipped with manifest sincerity the ascending star, and

had little sympathy with fallen greatness. He was thoroughly patriotic, would have sacrificed for his country anything and everything except his own fame, and coveted nothing so much as opportunities like that afforded by the Catilinian conspiracy for winning celebrity by signal service to the republic. He had, too, large and profound wisdom as a statesman; but his best judgment generally came too late for action, so that had he derived a surname from classic fable, it would have been Epimetheus, not Prometheus. As an advocate he was supple and many-sided, yet he always impresses his reader with his sincerity, and probably a prime element of his pre-eminent success in the courts was the capacity of making a cause his own, and throwing into it for the time genuine feeling and not its mere eloquent semblance.

His lot was cast in an age when only an iron will could have maintained, along with the conscious integrity which, as I think, characterized Cicero's whole life, the perfect self-consistency which no stress could bend or warp. When we compare him with his most illustrious contemporaries, it is impossible not to assign to him a preeminent place both as to private virtues and as to public services. It is only when we try him by his own standard that we have a vivid sense of his deficiencies and shortcomings.

Cicero's only son, with the heritage of his name, Marcus Tullius, seems to have inherited few of his father's distinguishing characteristics, and not improbably may have borne, in some respects, a close moral kindred to his high-spirited mother. He was impetuous, irascible, headstrong, brave as a soldier, and though indolent except when roused to action, not without ability and learning. At the age of sixteen he served with great credit in Pompey's army. After the defeat of Pharsalia he was sent to Athens to complete his education. He fell there into habits of gross dissipation, being led astray by one of his teachers. He, however, yielded to his father's earnest remonstrances,

expressed great grief and shame for his misconduct, and entered upon a regular and studious course of life, winning high credit with Cratippus his teacher, and receiving warm commendation from his father's friends resident or sojourning in Athens. He subsequently fought with distinction under Marcus Brutus, and after the battle of Philippi joined Sextus Pompeius in Sicily. Returning to Rome when peace was concluded with the Triumvirate, he was an object of special regard with Augustus, and after holding several offices of lower grade, became his colleague in the consulship. He afterward went as proconsul to Asia Minor, where his name drops from history, which but for his father might never have found place for it.

When it appeared that Brutus and Cassius had effected nothing for the republic, and Antony was becoming all-powerful in the state, in the spring of 44 b. c., Cicero, deeming his life insecure, left Rome, and spent the summer successively at several of his villas in Western Italy. He beguiled his disappointment and sorrow at the issue of public affairs by philosophy and ethics, and this summer seems to have been, at least for posterity, the most fruitful season of his life, being the epoch of the completion of his Tusculan Disputations and his De Natura Deorum, and of the composition of several of his smaller treatises. In June of that year he says, in a letter to Atticus, that he is writing for his son's benefit an elaborate treatise on Morals. "On what subject," he asks, "can a father better write to a son?" In the latter part of the summer he started on a journey to Athens to visit his son, but was recalled by the intelligence of a probable understanding on amicable terms between Antony and the Senate. Deceived in this hope, he repaired to Rome, and pronounced his first Philippic against Antony in the beginning of September. In November he writes again about his ethical work, tells Atticus that he has completed two books and is busy on the third, and

announces and explains the title. The work was completed before the end of the year.

Cicero’s time was a period of eclecticism in philosophy, especially so among the cultivated Romans, with whom philosophy was not indigenous, but a comparatively recent importation. Cicero himself was pre-eminently a lover of philosophical thought, study, and discussion, and probably was more intimately conversant with the history of opinions and the contents of books in that department than any man of his time; yet he seems to have lacked profound convictions on the subjects at issue among the several schools. Thus in the De Officiis, while he repeatedly professes his adherence to the New Academy and the Peripatetic doctrine of morals, he bases his discussion on the Stoic theory, and intimates very clearly that he thought his son safer under the rigid discipline of the Stoic school than under the more lax though wise tuition of his Peripatetic preceptor. It is as if a Mohammedan, while recognizing the divine mission of the Arab prophet, were to write for his son a treatise on the ethics of the New Testament as better adapted than the moral system of the Koran for the training and confirming of a young man in the practice of virtue.

This treatise, then, may be regarded as an exposition of the ethical system of the Stoics of Cicero’s time, yet with a special limitation, purpose, and adaptation. It is not designed for the ideally perfect philosopher, nor for a candidate for that exalted position, but for one on the lower plane of common life. It therefore defines not the moral consciousness of the truly wise man, but the specific duties by the practice of which one may grow into the semblance of true wisdom. Nor does it purport to be a compendium even of these duties. It is simply a directory for a young Roman of high rank and promise, who is going to enter upon public life, and to be a candidate for office and honor in the state. It prescribes the self-training, the social

relations, and the habits of living, by which such a youth may both deserve and attain distinction and eminence, and the respect and confidence of his fellow-citizens. Of course, many of the details in this treatise were of merely local and transient import and value; but its underlying principles are in such close harmony with the absolute and eternal right that they can never become obsolete. At the same time, the division and arrangement of the treatise give it, so far as I know, the precedence over all other ethical treatises ancient or modern. The division is exhaustive. The arrangement is such as to leave an open space for the insertion and full treatment of any topic within the scope of ethical philosophy.

The First Book treats of the Right. The right consists in accordance with nature, with the nature of things, with the nature of man. Hence is derived its imperative obligation upon the human conscience. Its duties are evolved from man's own consciousness. Man by his very nature desires knowledge, and craves materials for the active exercise of his cognitive powers. He is by his birth, by his instinctive cravings, by the necessity of his daily life, a gregarious being, a member of a family, of society, of the state, and as such cannot but recognize justice, including benevolence, as his imperative duty. He postulates distinction, eminence, a position from which he can look down on earthly fortunes as beneath him, and can sacrifice all exterior good for the service of mankind and the attainment of merited fame. He has also an innate sense of order, proportion, harmony, which can satisfy itself only by practical reference to the due time, place, manner, and measure of whatever is done or said. Hence the four virtues of Prudence or Wisdom, Justice, Fortitude or Magnanimity, and Order, Temperance, or Moderation. These virtues in their broadest significance include all human obligations, [Ref. 002] and form a series of divisions, under one or another of which may be classed

every specific duty. Under each of these heads Cicero shows what was demanded by the highest sentiment of his time from a youth of spotless fame and of honorable ambition.

The Second Book has Expediency, or Utility, for its subject. Outside of the province of duty or of things required there is large room for choice among things permitted, — consistent with the Right, yet forming no part of it. The question that underlies this Book is, By what honorable methods, other than the discharge of express duty, can a young man secure for himself the favor, gratitude, assistance, and — in case of need — the suffrages of his fellow-citizens? This Book has its proper place in a treatise on morals, because it is the author's aim throughout to discriminate between the immoral and the legitimate modes of obtaining reputation and popularity.

The Third Book deals with the alleged or seeming discrepancy between the Expedient and the Right. Cicero denies the possibility of such mutual repugnance, and maintains that whatever is expedient must of necessity be right, and that what is right cannot be otherwise than expedient.

In this translation I have attempted to give, not a word-for-word version of the Latin text, but a literal transcript in English of what I suppose that Cicero meant to write in his own tongue. I have not used his moods and tenses in the instances in which our English idiom would employ a different form of the verb. I have not infrequently omitted the connective and illative words that bind sentence to sentence, in cases in which we should use no such words. Ref. 003 In the few obscure passages I have sought the aid of the best commentators, but have generally found them hazy or ambiguous in their interpretation where there was any room for doubt. I may have made mistakes in translating; but if so, it has not been for lack of close and

careful study, with the help of the best editions which I could procure for myself or find in the Harvard College Library.

I have used Beier's text as the basis for my translation, and have preferred not to deviate from it even where a different reading seemed to me intrinsically probable; for in every such instance Beier gives satisfactory reasons for his preferred reading, and destitute as I am of the needed apparatus for textual criticism, I cannot but regard his judgment in such a case as much better than my own.

DE OFFICIIS. (ON MORAL DUTIES)

BOOK I.

1. Although you, my son Marcus, having listened for a year to Cratippus, and that at Athens, ought to be well versed in the maxims and principles of philosophy, on account of the paramount authority both of the teacher and of the city, — the former being able to enrich you with knowledge; the latter, with examples, — yet, as for my own benefit I have always connected Latin with Greek, and have done so, not only in philosophy, but also in my self-training as a public speaker, I think that you, too, ought to do the same, in order that you may be equally capable of either style of discourse. Ref. 004 To this end I have, as it seems to me, been of no small service to my fellow-citizens, so that not only those ignorant of Greek literature, but highly educated men also, think that they have gained somewhat from me, both as to public speaking and as to philosophical discussion. Therefore, while you will be the pupil of the first philosopher of our time, and will continue so as long as you please, — and that ought to be as long as you can profit by his instruction, — yet by reading my writings, which dissent very little from the Peripatetics (for both they and I regard ourselves as disciples both of Socrates and of Plato), though on the subjects of discussion I would have you freely exercise your own judgment, you will certainly acquire a fuller command of the Latin tongue. Nor in speaking thus ought I to be regarded as presumptuous. For while in the science of philosophy I may have many superiors, if I claim for myself what belongs properly to the orator, aptness, perspicuity, and elegance of diction, since I

have passed my life in this pursuit, it is not without a good measure of right that I proffer the claim. Wherefore I earnestly exhort you, my Cicero, to read carefully not only my orations, but these books of mine on philosophy, which already in bulk are nearly equal to the orations. For while in oratory there is a greater force of expression, the more even and moderate style of writing that belongs to philosophy ought also to be cultivated. And indeed I do not see that it has fallen to any Greek author to exercise himself in both styles, and to pursue at once forensic eloquence and unimpassioned philosophical discussion; unless, perchance, this may be said of Demetrius Phalereus, [Ref. 005] — a keen disputant, and at the same time an orator, though of no great power, yet with a winning grace by which one might recognize him as a disciple of Theophrastus. But what proficiency I have made in either style let others judge; I certainly have pursued both. Indeed, I think that Plato, too, if he had been disposed to attempt forensic eloquence, would have spoken with equal fluency and power; and that Demosthenes, if he had retained and had wished to put into writing what he had learned from Plato, would have done so in a style both graceful and magnificent. I have the same opinion of Aristotle and Isocrates, each of whom, charmed with his own department, held the other in low esteem.

2. But, having determined to write expressly for your benefit something at the present time, much hereafter, I have thought it best to begin with what is most suitable both to your age and to my parental authority. Now, among the many important and useful subjects in philosophy that have been discussed by philosophers with precision and fulness of statement, their traditions and precepts concerning the duties of life seem to have the widest scope. Indeed, no part of life, whether in public or in private affairs, abroad or at home, in your personal conduct or your

social relations, can be free from the claims of duty; and it is in the observance of duty that lies all the honor of life, in its neglect, all the shame. This, too, is a theme common to all philosophers. For who would dare to call himself a philosopher, if he took no cognizance of duty? Yet there are some schools of philosophy that utterly pervert duty by the view which they propose as to the supreme good, and as to the opposite extreme of evil. For he who so interprets the supreme good as to disjoin it from virtue, and measures it by his own convenience, and not by the standard of right, — he, I say, if he be consistent with himself, and be not sometimes overcome by natural goodness, can cultivate neither friendship, nor justice, nor generosity; nor can he possibly be brave while he esteems pain as the greatest of evils, or temperate while he regards pleasure as the supreme good. These things, though too obvious to need discussion, I yet have discussed elsewhere. [Ref. 006] Those schools, therefore, can, if self-consistent, say nothing about duty; nor can any precepts of duty, decisive, immutable, in accordance with nature, be promulgated, except by those who maintain that the right is to be sought solely, [Ref. 007] or chiefly, [Ref. 008] for its own sake. This prerogative belongs to the Stoics, the Academics, and the Peripatetics; for the opinions of Ariston, Pyrrho, and Herillus [Ref. 009] were long since exploded, though they might fittingly have discussed subjects pertaining to duty, if they had left any ground for the preference of one thing over another, so that there might be a way open for the ascertainment of duty. In this treatise I shall follow the Stoics, not as a translator, but drawing from their fountains at my own discretion and judgment, as much, and in such way, as may seem good.

I think it fit, however, since duty is to be my sole subject, to define duty at the outset. [Ref. 010] I am surprised that Panaetius should not have done this; for the rational treatment of any subject ought to take its start from

definition, that readers may understand what the author is writing about.

3. The discussion of duty is twofold. One division relates to the supreme good in itself considered; the other, to the rules by which the conduct of life may in all its parts be brought into conformity with the supreme good. Under the first head belong such questions as these: Whether all duties are of perfect obligation; whether any one duty is greater than another; and, in general, inquiries of a similar kind. But the duties for which rules are laid down belong, indeed, to the supreme good, as means to an end; yet this is the less obvious, because they seem rather to have reference to the ordering of common life. It is of these that I am going to treat in the present work. There is also another division of duty. Duty may be said to be either contingent or perfect. We may, I think, give the name of perfect duty to the absolute right, which the Greeks term κατόρθωμα; [Ref. 011] while contingent duty is what they call καθῆκον. [Ref. 012] According to their definitions, what is right in itself is perfect duty; that for the doing of which a satisfactory reason can be given is a contingent duty.

According to Panaetius, in determining what we ought to do there are three questions to be considered. It is first to be determined whether the contemplated act is right or wrong, — a matter as to which there often are opposite opinions. Then there is room for inquiry or consultation whether the act under discussion is conducive to convenience and pleasure, to affluence and free command of outward goods, to wealth, to power, in fine, to the means by which one can benefit himself and those dependent on him; and here the question turns on expediency. The third class of cases is when what appears to be expedient seems repugnant to the right. For when expediency lays, as it were, violent hands upon us, and the right seems to recall us to itself, the mind is distracted, and laden with two-fold

anxiety as to the course of action. In this distribution of the subject, while a division ought by all means to be exhaustive, there are two omissions. Not only is the question of right or wrong as to an act wont to be considered, but also the question, of two right things which is the more right; equally, of two expedient things which is the more expedient. Thus we see that the division which Panaetius thought should be threefold ought to be distributed under five heads. First, then, I am to treat of the right, but under two heads; then, in the same way, of the expedient; lastly, of their seeming conflict.

4. In the beginning, animals of every species were endowed with the instinct that prompts them to take care of themselves as to life and bodily well-being, to shun whatever threatens to do them harm, and to seek and provide whatever is necessary for subsistence, as food, shelter, and other things of this sort. The appetite for sexual union for the production of offspring is, also, common to all animals, together with a certain degree of care for their offspring.

But between man and beast there is this essential difference, that the latter, moved by sense alone, adapts himself only to that which is present in place and time, having very little cognizance of the past or the future. Man, on the other hand — because he is possessed of reason, by which he discerns consequences, sees the causes of things, understands the rise and progress of events, compares similar objects, and connects and associates the future with the present — easily takes into view the whole course of life, and provides things necessary for it. Nature too, by virtue of reason, brings man into relations of mutual intercourse and society with his fellow-men; generates in him a special love for his children; prompts him to promote and attend social gatherings and public assemblies; and awakens in him the desire to provide what may suffice for the support and nourishment, not of himself alone, but of

his wife, his children, and others whom he holds dear and is bound to protect. This care rouses men’s minds, and makes them more efficient in action. The research and investigation of truth, also, are a special property of man. Thus, when we are free from necessary occupations, we want to see, or hear, or learn something, and regard the knowledge of things either secret or wonderful as essential to our living happily and well. Ref. 013 To this desire for seeing the truth is annexed a certain craving for precedence, insomuch that the man well endowed by nature is willing to render obedience to no one, unless to a preceptor, or a teacher, or one who holds a just and legitimate sway for the general good. Hence are derived greatness of mind and contempt for the vicissitudes of human fortune. Nor does it indicate any feeble force of nature and of reason, that of all animals man alone has a sense of order, and decency, and moderation in action and in speech. Thus no other animal feels the beauty, elegance, symmetry, of the things that he sees; while by nature and reason, man, transferring these qualities from the eyes to the mind, considers that much more, even, are beauty, consistency, and order to be preserved in purposes and acts, and takes heed that he do nothing indecorous or effeminate, and still more, that in all his thoughts and deeds he neither do nor think anything lascivious. From these elements the right, which is the object of our inquiry, is composed and created; and this, even if it be not ennobled in title, yet is honorable, and even if no one praise it, we truly pronounce it in its very nature worthy of all praise.

5. You behold, indeed, my son Marcus, the very form and, as it were, the countenance of the right, which, were it seen by the eyes, as Plato says, would awaken the intensest love of wisdom. But whatever is right springs from one of four sources. It consists either in the perception and skilful

treatment of the truth; or in maintaining good-fellowship with men, giving to every one his due, and keeping faith in contracts and promises; or in the greatness and strength of a lofty and unconquered mind; or in the order and measure that constitute moderation and temperance. Ref. 014 Although these four are connected and intertwined with one another, yet duties of certain kinds proceed from each of them; as from the division first named, including wisdom and prudence, proceed the investigation and discovery of truth, as the peculiar office of that virtue. For in proportion as one sees clearly what is the inmost and essential truth with regard to any subject, and can demonstrate it with equal acuteness and promptness, he is wont to be regarded, and justly, as of transcendent discretion and wisdom. Therefore truth is submitted to this virtue as the material of which it treats, and with which it is conversant. The other three virtues have for their sphere the providing and preserving of those things on which the conduct of life depends, so that the fellowship and union of society may be maintained, and that superiority and greatness of mind may shine forth, not only in the increase of resources and the acquisition of objects of desire for one’s self, and for those dependent on him, but much more in a position from which one can look down on these very things. But order, and consistency, and moderation, and similar qualities have their scope in affairs that demand not merely the movement of the mind, but some outward action; for it is by bringing to the concerns of daily life a certain method and order that we shall maintain honor and propriety.

6. Of the four heads into which I have divided the nature and force of the right, the first, which consists in the cognizance of truth, bears the closest relation to human nature. For we are all attracted and drawn to the desire of knowledge and wisdom, in which we deem it admirable to excel, but both an evil and a shame to fail, to be mistaken,

to be ignorant, to be deceived. In this quest of knowledge, both natural and right, there are two faults to be shunned, — one, the taking of unknown things for known, and giving our assent to them too hastily, which fault he who wishes to escape (and all ought so to wish) will give time and diligence to reflect on the subjects proposed for his consideration. The other fault is that some bestow too great zeal and too much labor on things obscure and difficult, and at the same time useless. These faults being shunned, whatever labor and care may be bestowed on subjects becoming a virtuous mind and worth knowing, will be justly commended. Thus we learn that Caius Sulpicius was versed in astronomy, [Ref. 015] as I myself knew Sextius Pompeius to be in geometry, [Ref. 016] as many are in logic, many in civil law, — all which sciences are concerned in the investigation of truth, but by whose pursuit duty will not suffer one to be drawn away from the active management of affairs. For the reputation of virtue consists wholly in active life, from which, however, there is often a respite, and frequent opportunities are afforded for returning to the pursuit of knowledge. At the same time mental activity, which never ceases, may retain us, without conscious effort, in meditation on the subjects of our study. But all thought and mental action ought to be occupied either in taking counsel as to the things that are right and that appertain to a good and happy life, or in the pursuit of wisdom and knowledge. I have thus spoken of the first source of duty.

7. Of the remaining three heads, the principle which constitutes the bond of human society and of a virtual community of life has the widest scope. Of this there are two divisions, — justice, in which consists the greatest lustre of virtue, and which those who possess are termed good; and in close alliance with justice, beneficence, which may also be called benignity or liberality. The first demand of justice is, that no one do harm to another, unless

provoked by injury; [Ref. 017] the next, that one use common possessions as common, private, as belonging to their owners. Private possessions, indeed, are not so by nature, but by ancient occupancy, as in the case of settlers in a previously uninhabited region; or by conquest, as in the territory acquired in war; or by law, treaty, agreement, or lot. [Ref. 018] Thus it comes to pass that the territory of Arpinas is said to belong to the Arpinates, that of Tusculum to the Tuscans, and a similar account is to be given of the possessions of individual owners. Because each person thus has for his own a portion of those things which were common by nature, let each hold undisturbed what has fallen to his possession. If any one endeavors to obtain more for himself, he will violate the law of human society. But since, as it has been well said by Plato, we are not born for ourselves alone; since our country claims a part in us, our parents a part, our friends a part; and since, according to the Stoics, whatever the earth bears is created for the use of men, while men were brought into being for the sake of men, that they might do good to one another, — in this matter we ought to follow nature as a guide, to contribute our part to the common good, and by the interchange of kind offices, both in giving and receiving, alike by skill, by labor, and by the resources at our command, to strengthen the social union of men among men. But the foundation of justice is good faith, that is, steadfastness and truth in promises and agreements. Hence, though it may seem to some too far-fetched, I may venture to imitate the Stoics in their painstaking inquiry into the origin of words, and to derive faith [Ref. 019] from the fact corresponding to the promise.

Of injustice there are two kinds, — one, that of those who inflict injury; the other, that of those who do not, if they can, repel injury from those on whom it is inflicted. Moreover, he who, moved by anger or by some disturbance

of mind, makes an unjust assault on any person, is as one who lays violent hands on a casual companion; while he who does not, if he can, ward off or resist the injury offered to another, is as much in fault as if he were to desert his parents, or his friends, or his country. Indeed, those injuries which are purposely inflicted for the sake of doing harm, often proceed from fear, he who meditates harm to another apprehending that, if he refrains, he himself may suffer harm. But for the most part men are induced to injure others in order to obtain what they covet; and here avarice is the most frequent motive.

8. Wealth is sought sometimes for the necessary uses of life, sometimes for indulgence in luxury. In those possessed of a higher order of mind the desire for money is entertained with a view to the increase of the means of influence and the power of generous giving. Thus, not long ago, Marcus Crassus [Ref. 020] pronounced no property sufficient for one who meant to hold a foremost place in the republic, unless its income would enable him to support an army. Others, again, delight in magnificent furniture, and in an elegant and profuse style of living. In all these ways there has come to be an unbounded desire for money. Nor, indeed, is the increase of property, without harm to any one, to be blamed; but wrong-doing for the sake of gain is never to be tolerated. Most of all, however, large numbers of persons are led to lose sight of justice by the craving for military commands, civic honors, and fame. The saying of Ennius,

"Where kingship is concerned,
No social bond or covenant is sacred,"

has a much broader application; for, as to whatever is of such a nature that but few can be foremost in it, there is generally so keen a rivalry that it is exceedingly difficult to keep social duty inviolate. This was recently illustrated by the audacity of Caius Caesar, who overturned all laws,

human and divine, to obtain the sovereignty which he had shaped for himself in the vagaries of his fancy. In this respect it is indeed unfortunate that it is, for the most part, in the greatest minds and in men of transcendent genius that the desire for offices civil and military, for power and for fame, is rife. The more heed, therefore, is to be taken against criminal conduct in this matter.

But in every form of injustice it makes a very essential difference whether the wrong be committed in some disturbance of mind, which is generally brief and temporary, or whether it be done advisedly, and with premeditation. For those things which are done from some sudden impulse are more venial than what is done with plan and forethought. Enough has now been said with regard to the infliction of injury.

9. For omitting to defend the injured, and thus abandoning duty, there are many reasons in current force. Men are sometimes unwilling to incur the enmity, or the labor, or the cost involved in such defence; or by mere carelessness, indolence, sloth, or engrossment in pursuits or employments of their own, they are so retarded in their movements as to leave undefended those whom they ought to protect. It will thus be seen that Plato is not entirely in the right when he says of philosophers, that because they are engaged in the investigation of truth, and because they despise and count as naught what most persons eagerly seek and are always ready to fight with each other for, they are therefore just men. Ref. 021 They indeed attain one part of justice, in injuring no one: they fail as to the other part; for, kept inactive by their zeal for learning, they forsake those whom they ought to defend. Plato thinks, too, that they will take no part in public affairs, unless by compulsion. But it were more fitting that they should do this of their own accord; for the very thing which it is right to do, can be termed virtuous only if it be voluntary. There

are, also, those who, either from the over-anxious care of their property or from misanthropic feeling, profess to confine their attention to their own affairs, so as to avoid even the appearance of doing injury to any one. They are free from one kind of injustice: they fall into the other; for they forsake social duty, inasmuch as they bestow upon it neither care, nor labor, nor cost. Since, then, we have assigned to each of the two kinds of injustice its inducing causes, having previously determined the constituent elements of justice, we shall easily ascertain the specific duty of any particular occasion, unless we be blinded by inordinate self-love. However, the care of other men's concerns is difficult. Although Chremes, in Terence's play, thinks nothing human indifferent to him, yet because we perceive and feel the things, prosperous or adverse, which happen to ourselves more keenly than those that happen to others, which we see, as it were, at a great distance, we decide concerning them otherwise than we should concerning ourselves in like case. Therefore those give good counsel who forbid our doing that as to the equity of which we have any doubt. For equity is self-evident; doubt implies a suspicion of wrong.

10. But there are frequent occasions when those things which are generally regarded as worthy of a just man, and one of good report, such as the restoring of a trust or the fulfilment of a promise, are reversed, and become the opposite of right, and what belongs to truth and good faith seems to change its bearing, so that justice demands its violation. Here reference is fittingly made to what I have laid down as the fundamental principles of justice, first, that injury should be done to no one, and in the next place, that service should be rendered to the common good. When these principles are modified by circumstances, duty is also modified, and is not always the same. There may perchance be some promise or agreement, the fulfilment of which is harmful to him to whom the promise was made or to him

who made it. Thus, to take an instance from the popular mythology, if Neptune had not kept his promise to Theseus, [Ref. 022] Theseus would not have been bereft of his son, Hippolytus; for, of the three wishes which Neptune had promised to grant him, the third, as the story runs, was his demand in anger for the death of Hippolytus, the granting of which plunged him into the deepest sorrow. Promises, then, are not to be kept, when by keeping them you do harm to those to whom they are made; nor yet if they injure you more than they benefit him to whom you made them, is it contrary to duty that the greater good should be preferred to the less. [Ref. 023] For instance, if you engaged to appear as an advocate in an impending lawsuit, and meanwhile your child became severely ill, you would not fail in your duty to your client by breaking your promise; on the other hand, he to whom you made the promise would be false to his duty, if he complained of your deserting him. Again, who does not perceive that promises extorted by fear, [Ref. 024] or obtained by fraud, are not to be kept? Indeed, such promises are made void, in most cases by praetorian edict, [Ref. 025] in some by express statutes.

There are, also, wrongs committed by a sort of chicanery, which consists in a too subtle, and thus fraudulent, interpretation of the right. Hence comes the saying: The extreme of right is the extreme of wrong. Under this head, there have been many violations of the right in the administration of public affairs, as in the case of him who, during a thirty days' truce with an enemy, ravaged the enemy's territory by night, on the pretext that the truce had been agreed upon for so many days, not nights. [Ref. 026] Nor can we approve of our fellow-citizen, if the story is true, that Quintus Fabius Labeo, or some one else, — I know of the matter only by hearsay, — being appointed by the Senate as an umpire between the people of Nola and those of Neapolis about their boundaries, when he came to

the spot, argued with each party separately that they should not be greedy or covetous, but should rather recede than advance in their demands of each other. When they had both complied with his advice, there remained some territory between these previously contiguous states; and so he fixed their bounds in accordance with their respective claims, and adjudged the intermediate territory to the Roman people. Ref. 027 This, indeed, is swindling, not arbitration. Shrewdness like this is to be shunned in transactions of every kind.

11. There are also certain duties to be observed toward those who may have injured you. For there is a limit to revenge and punishment, — nay, I know not whether it may not be enough for him who gave the provocation to repent of his wrong-doing, so that he may not do the like again, and that others may be the less disposed to do as he has done. In the public administration, also, the rights of war are to be held sacred. While there are two ways of contending, one by discussion, the other by force, the former belonging properly to man, the latter to beasts, recourse must be had to the latter if there be no opportunity for employing the former. Wars, then, are to be waged in order to render it possible to live in peace without injury; but, victory once gained, those are to be spared who have not been cruel and inhuman in war, as our ancestors even admitted to citizenship the Tuscans, the Aequi, the Volsci, the Sabines, the Hernici; while they utterly destroyed Carthage and Numantia. I could wish that they had not destroyed Corinth; but I believe that they had some motive, especially the convenience of the place for hostile movements, — the fear that the very situation might be an inducement to rebellion. Ref. 028 In my opinion, peace is always to be sought when it can be made on perfectly fair and honest conditions. In this matter had my opinion been followed, we should now have, not indeed the best republic

possible, but a republic of some sort, which is no longer ours. Still further, while those whom you conquer are to be kindly treated, those who, laying down their arms, take refuge in the good faith of the commander of the assailing army, ought to be received to quarter, even though the battering-ram have already shaken their walls. Ref. 029 In this respect justice used to be so carefully observed by our people, that by the custom of our ancestors those who received into allegiance states or nations subdued in war were their patrons. Indeed, the rights of war are prescribed with the most sacred care by the fecial law Ref. 030 of the Roman people, from which it may be understood that no war is just unless after a formal demand of satisfaction for injury, or after an express declaration and proclamation of hostilities. Popilius, as commander, held control of a province. A son of Cato served his first campaign in his army. When Popilius saw fit to discharge one of the legions, he discharged also Cato's son, who served in that same legion. But when the youth remained in the army for love of military service, Cato wrote to Popilius that if he permitted his son to stay, he must make him take a second oath of military duty, else, the term of the first oath having expired, he could not lawfully fight with the enemy. Thus there used to be the most scrupulous observance of the right in the conduct of war. There is, indeed, extant a letter of Marcus Cato the elder to his son Marcus, in which he writes that he has heard of his son's discharge by the consul, after service in Macedonia in the war with Perseus, and warns him not to go into battle, inasmuch as it is not right for one who is no longer a soldier to fight with the enemy. Ref. 031

12. In this connection it occurs to my mind that in the early time the name denoting an enemy engaged in actual war was the word employed to denote a foreigner, the unpleasantness of the fact being thus relieved by the mildness of the term; for he whom we call a foreigner bore