On Duties

CICERO

106–43 BC

On Duties

De officiis

Translated from the Latin with AI (Claude) and edited



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On Duties · Cicero (106–43 BC)

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INTRODUCTION

Marcus Tullius Cicero—lawyer, consul, orator and the greatest Latin prose writer—wrote *On Duties* in the autumn of 44 BC, months after the assassination of Julius Caesar and a year before he was himself killed on Mark Antony's orders. It takes the form of a letter to his son Marcus, then a student of philosophy in Athens.

Drawing on the Stoic Panaetius, Cicero asks how a good person should act. Book I treats the honorable: the four virtues of wisdom, justice, courage and propriety, and the duties that flow from each. Book II treats the useful: how to win goodwill, trust and glory, and how to be generous wisely. Book III, which Panaetius never wrote, takes up cases where the honorable and the useful seem to conflict, and argues that they never truly do: nothing wrong can really be to our advantage.

The book is full of Roman examples and hard cases—the grain merchant who knows more ships are coming, the ring that makes its wearer invisible, Regulus returning to torture in Carthage to keep his word. For centuries it was one of the most widely read books in Europe.

Book I

The honorable
Wisdom, justice, courage and propriety: the four sources of duty.

1.1 Marcus, my son, you have now been attending Cratippus' lectures for a year, and in Athens at that. You ought therefore to be well stocked with the precepts and doctrines of philosophy, given the supreme authority of both your teacher and your city: the one can enrich you with knowledge, the other with examples. Even so, I have always combined Latin with Greek to my own advantage, and not only in philosophy but also in the practice of oratory. I think you should do the same, so that you have equal command of both languages. In this respect, it seems, I have given our countrymen considerable help. Not only those unacquainted with Greek literature but even the learned feel they have gained something from me, both in speaking and in judging.[1]

1.2 So you will learn from the foremost philosopher of our time, and you will learn for as long as you wish. And you ought to wish to for as long as you are satisfied with the progress you are making. But when you read my writings, which do not differ much from the Peripatetics, since both they and I wish to be followers of Socrates and Plato, use your own judgment about the substance (I put no obstacle in your way). Your Latin style, however, will certainly become richer from reading them. I would not want this to be thought an arrogant thing to say. I concede

1 Cratippus of Pergamum, the leading Peripatetic philosopher of the day, was teaching at Athens, where Cicero's son was studying.

the knowledge of philosophy to many. But the orator's proper province is to speak appropriately, clearly and elegantly, and since I have spent my life in that pursuit, if I claim this for myself, I think I am claiming it with some right.

1.3 I therefore urge you strongly, my dear Cicero, to read with care not only my speeches but also these books on philosophy, which have by now almost come to rival them. The speeches have greater force of eloquence, but this even and restrained style also deserves cultivation. I see that no Greek so far has managed to work in both genres, pursuing both that forensic style of speaking and this calm style of philosophical discussion. Demetrius of Phalerum might perhaps be counted among them: a subtle debater, a not very forceful orator, yet a charming one, so that you can recognize in him the pupil of Theophrastus. How far I have succeeded in each, others must judge; certainly I have pursued both.[2]

1.4 For my part, I believe that Plato too, had he chosen to take up forensic oratory, could have spoken with great weight and fluency. Demosthenes, too, had he kept up what he had learned from Plato and chosen to express it, could have done so with elegance and brilliance. I judge the same of Aristotle and Isocrates: each, delighted with his own pursuit, looked down on the other's.[3]

But since I had decided to write something to you now, and much more later, I particularly wanted to begin with the subject best suited both to your age and to my authority. Philosophy contains many weighty and useful questions that philosophers have discussed carefully and at length. But the teachings and precepts they have handed down about duties seem to have the widest application. No part of life can be free of duty—neither public affairs nor private, neither business in the forum nor at home, neither what you do on your own nor your dealings with

2 Demetrius of Phalerum (c. 350–280 BC) was an Athenian statesman and Peripatetic writer; Theophrastus succeeded Aristotle as head of his school.

3 Isocrates (436–338 BC) was the most celebrated Athenian teacher of rhetoric, and a rival of the philosophical schools.

another. In the observance of duty lies all that is honorable in life, and in its neglect all that is dishonorable.[4]

1.5 This question is common to all philosophers; for who would dare to call himself a philosopher without offering any precepts of duty? But there are some schools that, by the way they define the supreme good and the supreme evil, pervert all duty. Suppose someone sets up the supreme good so that it has no connection with virtue, and measures it by his own interests rather than by honor. If he is consistent with himself, and is not sometimes overcome by his natural goodness, he could cultivate neither friendship nor justice nor generosity. And certainly no one can be brave who judges pain the supreme evil, or self-controlled who holds pleasure to be the supreme good.[5]

1.6 These points are so obvious that the matter needs no argument; yet I have argued them elsewhere. So if these schools wish to be consistent, they could say nothing about duty. No precepts of duty that are firm, stable and in keeping with nature can be handed down except by those who say that honor is to be sought for its own sake—either alone or above all else. Such teaching therefore belongs properly to the Stoics, the Academics and the Peripatetics, since the view of Aristo, Pyrrho and Erillus was rejected long ago. Even they would have had a right to discuss duty if they had left some basis for choosing between things, so that there might be a way to discover what duty is. At this time, then, and in this inquiry, I shall follow chiefly the Stoics—not as a translator, but, as is my custom, drawing from their springs as much, and in whatever way, my own judgment and discretion see fit.[6]

4 "Duty" renders Cicero's officium, his translation of the Stoic Greek kathēkon, "appropriate action": what it is fitting for a person to do.

5 Cicero has chiefly the Epicureans in mind, who made pleasure the supreme good.

6 Aristo of Chios and Erillus were dissident Stoics, and Pyrrho of Elis the founder of Skepticism; all held that, apart from virtue, nothing is preferable to anything else. Cicero argued the point in On Ends.

DEFINING DUTY

Cicero defines duty, divides the inquiry, and distinguishes complete duty from intermediate duty.

1.7 Since, then, our whole discussion is going to be about duty, I think it right to define first what duty is; and I am surprised that Panaetius left this out. For every systematic treatment of any subject undertaken [in accordance with] reason ought to begin from a definition, so that it is clear what the subject under discussion is ...[7]

Every inquiry into duty has two parts. One kind concerns the supreme good; the other lies in the precepts by which our conduct can be shaped in every area of life. Questions of the first kind are like these: whether all duties are complete; whether one duty is greater than another; and others of the same sort. As for the duties for which precepts are given, although they too relate to the supreme good, this is less apparent, because they seem to look rather to the ordering of everyday life. It is these that I must explain in these books. There is also another division of duty.

1.8 For there is a duty called intermediate and one called complete. Complete duty we may, I think, call right action, since the Greeks call it κατόρθωμα ["right action"], while they call this ordinary duty καθῆκον ["appropriate action"]. They define these as follows: whatever is right, they define as complete duty; intermediate duty, they say, is one for which a plausible reason can be given why it was done.

7 Panaetius of Rhodes (c. 185–109 BC) was the Stoic philosopher whose treatise On Duties is Cicero's main source. Words in [brackets] throughout are those the editor, Walter Miller, judged to be later additions.

FIVE QUESTIONS

Panaetius named three kinds of deliberation; Cicero adds two comparisons to make five.

1.9 Panaetius holds, then, that there are three kinds of deliberation in making decisions. First, people are unsure whether the act under consideration is honorable or dishonorable; and in weighing this, their minds are often pulled toward opposite views. Next, they inquire or consult whether what they are deliberating about contributes or not to the comfort and enjoyment of life, to means and resources, to wealth and power, by which they can help themselves and their families; all this deliberation falls under the heading of advantage. The third kind of doubt arises when what seems useful seems to conflict with the honorable. For when advantage seems to pull us toward itself, and honor, on the other side, to call us back to itself, the mind is torn in deliberating and left with a wavering anxiety in its thinking.

1.10 This division leaves out two things—and leaving something out is the worst fault in a division. For people usually deliberate not only whether something is honorable or dishonorable, but also, when two honorable courses are proposed, which is the more honorable; and likewise, when two useful courses are proposed, which is the more useful. So the scheme that Panaetius thought threefold turns out to need dividing into five parts. First, then, I must discuss the honorable, but under two heads; then, on the same principle, the useful; and after that the comparison between them.

NATURE AND THE FOUR VIRTUES

Human nature gives rise to the love of truth, fellowship, greatness of spirit and order.

1.11 To begin with, nature has given every kind of living creature the instinct to protect itself, its life and its body; to avoid whatever seems likely to harm it; and to seek out and procure

everything necessary for living, such as food, shelter and other things of that kind. Common to all living creatures, likewise, is the impulse to mate for the sake of producing offspring, and a certain care for the offspring produced. But the greatest difference between a human being and a beast is this. The beast, moved only as far as its senses move it, adapts itself solely to what is at hand and present, with very little sense of past or future. A human being, however, shares in reason. Through it he perceives consequences, sees the causes of things, understands their antecedents and, as it were, their forerunners, compares similar cases, and links and joins the future to the present. So he easily sees the course of his whole life and prepares what is necessary for living it.

1.12 Nature, too, by the power of reason, draws one human being to another in a fellowship of speech and of life. She implants above all a special love for one's offspring, and drives people to want gatherings and assemblies to exist and to take part in them themselves. For these reasons she makes them eager to provide what is needed for comfort and sustenance, not for themselves alone but for their spouses, children and others whom they hold dear and ought to protect. This concern also rouses their spirits and makes them stronger for action.

1.13 Above all, the search for and investigation of truth is peculiar to human beings. So when we are free from necessary business and cares, we long to see, hear and learn something, and we consider knowledge of things either hidden or wonderful necessary for a happy life. From this we understand that what is true, simple and pure is best suited to human nature. To this desire to see the truth is joined a certain longing for pre-eminence. A mind well formed by nature is unwilling to obey anyone except one who instructs or teaches it, or who rules justly and lawfully for the sake of what is useful. From this arise greatness of spirit and a disdain for merely human affairs.

1.14 It is no small power of nature and reason, either, that this is the only creature that senses what order is, what is fitting, and what measure there should be in deeds and words. So too,

among the very things perceived by sight, no other creature senses beauty, loveliness and harmony of parts. Nature and reason carry this analogy over from the eyes to the mind, and think that beauty, consistency and order are to be preserved far more still in our decisions and actions. They take care that we do nothing improper or weak, and that in all our thoughts and actions we neither do nor think anything wantonly.[8]

From these elements is forged and formed the honorable that we are seeking: something honorable even if it is not publicly acclaimed, and something we rightly call praiseworthy by nature, even if no one praises it.

1.15 You see, Marcus, my son, the very form and, as it were, the face of the honorable, "which, if it could be seen with the eyes, would arouse," as Plato says, "a marvelous love of wisdom." But everything honorable arises from one of four sources. It consists either in the perception of truth and in insight; or in preserving human fellowship, rendering to each his due, and keeping good faith in contracts; or in the greatness and strength of a lofty and unconquerable spirit; or in order and measure in all that is done and said, which includes moderation and self-control.[9]

These four are bound up and intertwined with one another, yet each gives rise to definite kinds of duty. From the part described first, for instance, in which we place wisdom and prudence, comes the search for and discovery of truth; and this is the proper function of that virtue.

1.16 For the more clearly someone perceives what is truest in each matter, and the more keenly and quickly he can both see and explain the reason for it, the more rightly he is regarded as most prudent and wise. So truth is laid before this virtue as its material, so to speak, to handle and work with.

1.17 The other three virtues have the necessary task of providing and preserving the things on which the business of life depends. Thus human fellowship and association are main-

8 "What is fitting" is the idea Cicero calls decorum, propriety (Greek prepon); he treats it fully from 1.93.
9 Plato, Phaedrus 250d.

tained, and excellence and greatness of spirit shine out both in increasing resources and acquiring advantages for oneself and one's family, and far more in disdaining these very things. Order, consistency, moderation and the like belong to the sphere in which some action is required, not merely activity of the mind. For by applying a certain measure and order to the things we deal with in life, we shall preserve honor and propriety.

WISDOM

The first virtue seeks truth, avoiding rash assent and needless study, but must not crowd out action.

1.18 Of the four headings into which we divided the nature and essence of the honorable, the first, which consists in knowing the truth, touches human nature most closely. For all of us are drawn and led to a desire for knowledge and understanding. We think it a fine thing to excel in it, while we consider it bad and shameful to stumble, go astray, be ignorant or be deceived. In this pursuit, both natural and honorable, two vices must be avoided. The first is to treat the unknown as known and rashly assent to it. Anyone who wishes to escape this vice (and everyone ought to wish it) will devote both time and care to examining things.

1.19 The other vice is that some people devote too much zeal and effort to subjects that are obscure and difficult, and unnecessary as well.

If these vices are avoided, whatever effort and care is spent on subjects that are honorable and worth knowing will be rightly praised. Examples are Gaius Sulpicius in astronomy, as we have heard, and Sextus Pompeius in geometry, whom I knew myself; many in logic; and still more in civil law. All these disciplines are concerned with the investigation of truth; but to be drawn away from active life by that pursuit is contrary to duty. For all the praise of virtue lies in action. Yet there are often breaks from action, and many chances to return to our studies;

and besides, the activity of the mind, which never rests, can keep us engaged in the pursuit of knowledge even without any effort on our part. All thought and all activity of the mind, however, will be occupied either in making decisions about honorable matters that bear on living well and happily, or in the pursuit of science and knowledge.[10]

So much for the first source of duty.

JUSTICE

Justice forbids harming others and respects common and private property; good faith is its foundation.

1.20 Of the remaining three, the widest in scope is the principle by which human fellowship and, so to speak, the community of life are held together. It has two parts. One is justice, in which the splendor of virtue is greatest and from which good men get their name. The other, closely connected with it, is kindness, which may equally be called goodwill or generosity.

The first function of justice is that no one should harm another unless provoked by wrong; the next, that one should use common property as common and private property as one's own.

1.21 Nothing, however, is private by nature. Things become private either through long-standing occupation, as when people once settled on vacant land; or through victory, as when they took possession in war; or by law, agreement, contract or lot. Hence the land of Arpinum is said to belong to the people of Arpinum, and the land of Tusculum to the Tusculans; and the allocation of private property is similar. Since, then, what was by nature common has become each person's own, let each keep whatever has fallen to his share. If anyone tries to take any of it for himself, he will violate the law of human fellowship.[11]

10 Gaius Sulpicius Gallus (consul 166 BC) was famous for predicting an eclipse in 168 BC; Sextus Pompeius, an uncle of Pompey the Great, was noted for his learning in geometry, law and Stoicism.

11 Arpinum was Cicero's birthplace; Tusculum, near Rome, was the site of his favorite country house.

1.22 But, as Plato finely wrote, we are not born for ourselves alone: our country claims a share of our existence, and our friends a share. And, as the Stoics hold, everything produced on earth is created for human use, while human beings were brought into being for the sake of human beings, so that they might benefit one another. In this, then, we ought to follow nature as our guide: to bring our advantages into the common stock by an exchange of services, by giving and receiving, and so, by our skills, our labor and our resources, to bind human beings together in fellowship.[12]

1.23 The foundation of justice is good faith, that is, constancy and truthfulness in what is said and agreed. So, though this may seem rather far-fetched to some, let us dare to imitate the Stoics, who eagerly trace the origins of words, and let us believe that good faith (*fides*) is so called because what has been said is done (*fiat*).[13]

TWO KINDS OF INJUSTICE

Doing wrong and failing to prevent it, with their causes in fear, greed and ambition.

There are two kinds of injustice: one committed by those who inflict wrong, the other by those who fail to ward it off from its victims when they can. Someone who unjustly attacks another, spurred by anger or some other passion, seems, as it were, to lay violent hands on a companion. But someone who does not defend others or resist wrong when he can is as much in the wrong as if he were deserting his parents, his friends or his country.

1.24 Those wrongs that are inflicted deliberately, with intent to harm, often spring from fear: the person who plans to harm another is afraid that unless he does so he will himself suffer some harm. But for the most part people set about doing wrong

12 Plato, Letter 9 (358a), to Archytas of Tarentum.
13 The etymology, a pun that English cannot reproduce, is fanciful.

to obtain what they have come to desire; and in this vice greed is the most widespread.

1.25 Wealth is sought both for life's necessities and for the enjoyment of pleasures. But in people of greater ambition, the desire for money aims at power and the means of doing favors. Marcus Crassus, for example, used to say not long ago that no fortune was large enough for a man who wanted to be the leading figure in the commonwealth unless he could maintain an army on its income. People also delight in splendid establishments and a refined and lavish way of life; and so the desire for money has become boundless. Now, increasing one's family property without harming anyone is not to be condemned; but injustice must always be avoided.[14]

1.26 Most people, however, are led to forget justice when they are seized by the desire for military command, public office and glory. What Ennius says—"No sacred fellowship / Nor good faith is there in kingship"—applies more widely. Wherever there is something in which more than one cannot excel, the rivalry usually becomes so intense that it is very hard to keep the "sacred fellowship." Gaius Caesar's recklessness has just shown this. He overturned all laws, divine and human, for the sake of the supremacy he had pictured for himself in his mistaken imagination. What is troubling in this area is that the desires for honor, command, power and glory usually arise in the greatest spirits and the most brilliant talents. All the more care must be taken not to go wrong in this respect.[15]

1.27 But in every kind of injustice it makes a great difference whether the wrong is done through some passion of the mind, which is usually brief and momentary, or deliberately and with forethought. Acts that occur through some sudden impulse are less serious than those inflicted with premeditation and preparation.

14 Marcus Licinius Crassus, the richest man in Rome and Caesar's ally, was killed fighting the Parthians at Carrhae in 53 BC.

15 Ennius (239–169 BC) was the great early Roman poet; the lines come from a lost tragedy.

Enough has been said about inflicting wrong.

1.28 For neglecting to defend others and deserting one's duty there are usually several reasons. People are unwilling to incur enmity, effort or expense; or they are held back by negligence, laziness or inertia, or by certain pursuits or business of their own, to such an extent that they allow those they ought to protect to be abandoned. So we must ask whether what Plato says of philosophers is enough: that because they are engaged in the investigation of truth, and despise and count as nothing the things most people eagerly seek and usually fight each other over, they are therefore just. They achieve one [kind of justice], in that they harm no one by inflicting wrong; but they fall into the other. Hampered by their zeal for learning, they abandon those they ought to protect. So Plato thinks they will not even enter public life unless compelled.[16] It would be fairer, though, for this to be done voluntarily; for even a right action is just only if it is voluntary.

1.29 There are also those who, either from zeal to protect their own property or from some hatred of humanity, say that they mind their own business, and who seem to do no one any wrong. They are free from one kind of injustice but run into the other. They desert the fellowship of life, since they contribute to it no zeal, no effort, no resources.

Since, then, having set out the two kinds of injustice, we have added the causes of each and have already established what justice consists in, we shall easily be able to judge what duty requires on each occasion—unless we are excessively fond of ourselves;

1.30 for it is hard to care about other people's affairs. True, Terence's famous Chremes "thinks nothing human alien to himself." Yet we perceive and feel more keenly what happens to us ourselves, whether good or bad, than what happens to others, which we see as if across a great distance; and so we judge their affairs differently from our own. Those who forbid us to do anything when we are unsure whether it is fair or unfair therefore

16 Plato, Republic 1.347 and 7.519–520.

give good advice. For fairness shines by its own light; doubt suggests a thought of injustice.[17]

1.31 But occasions often arise when actions that seem most worthy of a just man, of the kind we call a good man, change and become their opposites. Returning a deposit, keeping a promise, and whatever else pertains to truthfulness and good faith—sometimes it becomes just to depart from these and not observe them. For it is proper to refer back to the foundations of justice I laid down at the beginning: first, that no one be harmed; second, that the common advantage be served. When these change with circumstances, duty changes too and is not always the same.

1.32 For a promise or agreement may turn out such that keeping it would be of no advantage either to the person promised or to the one who promised. If Neptune, as the story goes, had not done what he had promised Theseus, Theseus would not have lost his son Hippolytus. Of three wishes, so the tale is told, this was the third, which Theseus in his anger made for Hippolytus' death; and when it was granted, he fell into the deepest grief.[18] Promises, then, are not to be kept if they are of no advantage to those to whom you made them. Nor, if they do you more harm than they do good to the person promised, is it contrary to duty to put the greater good before the lesser. Suppose, for example, you had arranged to appear in court on someone's behalf, and meanwhile your son fell seriously ill. It would not be contrary to duty to fail to do what you said; rather, the person to whom the promise was made would be departing from duty if he complained of being let down. Again, who does not see that promises made under the pressure of fear, or through deception by fraud, need not be kept? Most such promises are annulled by the praetor's law, and some by statute.[19]

17 Chremes is a character in Terence's comedy The Self-Tormentor (line 77).
18 Theseus, falsely believing that his son had assaulted his stepmother Phaedra, cursed him; the story is told in Euripides' Hippolytus.
19 The praetor, Rome's chief judicial magistrate, issued an edict setting out the legal remedies he would grant.

CHICANERY AND THE RULES OF WAR

Clever legal tricks are unjust; wars must be just, the conquered spared, and promises kept.

1.33 Wrongs also often arise from a kind of chicanery—an overly clever but malicious interpretation of the law. This is why "the more law, the more injustice" (*summum ius, summa iniuria*) has now become a well-worn proverb. In this area many wrongs are committed even in public affairs. Take the man who had made a thirty-day truce with the enemy and then ravaged their fields by night, because the truce had been agreed for days, not nights. Not even our own countryman is to be approved, if the story is true. Quintus Fabius Labeo, or someone else (I know it only by hearsay), was appointed by the senate to arbitrate a boundary dispute between Nola and Naples. On arriving at the site, he spoke with each party separately, urging them not to act greedily or grasp at land, and to prefer drawing back to pressing forward. When both had done so, a good strip of land was left in the middle.[20] So he fixed their boundaries where they themselves had said, and awarded what was left in the middle to the Roman people. That is cheating, not judging. Such cleverness, then, must be avoided in every matter.

There are, moreover, certain duties to be observed even toward those who have wronged you. For there is a limit to revenge and punishment. And I am inclined to think it enough that the aggressor should repent of the wrong he has done, so that he himself will do nothing of the kind in future and others will be slower to do wrong.

1.34 In the commonwealth, above all, the rights of war must be observed. For there are two ways of settling a dispute, one by discussion, the other by force; and since the former is proper to human beings and the latter to beasts, we must resort to the latter only if we cannot use the former.

20 The truce-breaker is said to have been King Cleomenes of Sparta, in a war with Argos. Quintus Fabius Labeo was consul in 183 BC.

1.35 Wars, then, should be undertaken for this purpose: that we may live in peace without injustice. Once victory is won, those who were not cruel or savage in war should be spared. Thus our ancestors even admitted the Tusculans, Aequians, Volscians, Sabines and Hernicans to citizenship, but razed Carthage and Numantia to the ground. I wish they had not destroyed Corinth; but I believe they had some purpose in mind—chiefly its advantageous position, so that the place itself might never tempt anyone to make war. In my view, we should always look to a peace that holds no treachery. Had my advice been followed in this, we would still have some sort of Republic, if not the best; as it is, we have none.[21]

Not only must we show consideration for those we have conquered by force; those who lay down their arms and throw themselves on the good faith of our generals must also be received, even if the battering ram has struck their wall. In this matter justice was so scrupulously practiced among our people that those who had received cities or nations conquered in war under their protection became, by ancestral custom, their patrons.[22]

1.36 The fairness of war is laid down in the most sacred terms in the fetial law of the Roman people. From this it can be understood that no war is just unless it is waged after a demand for satisfaction, or has first been announced and declared. [Popilius was a general in command of a province, and Cato's son was serving in his army as a recruit. When Popilius decided to disband one legion, he also discharged Cato's son, who was serving in that legion. But when the young man, out of love of fighting, stayed on in the army, Cato wrote to Popilius that if he allowed him to remain, he should bind him by a second military oath,

21 Carthage and Corinth were destroyed in 146 BC, Numantia in Spain in 133 BC.
22 By old practice, a town that held out until the ram touched its wall lost the right to surrender on terms.

since, the first having lapsed, he had no right to fight the enemy. So scrupulous was their observance in the waging of war.][23]

1.37 There is indeed a letter from the elder Marcus Cato to his son Marcus, in which he writes that he has heard his son has been discharged by the consul while serving as a soldier in Macedonia in the war against Perseus. He therefore warns him to be careful not to enter battle; for, he says, one who is not a soldier has no right to fight the enemy.[24]

I also observe this: that someone who was properly called *perduellis*, "enemy in arms," was called *hostis*, the harshness of the fact being softened by the gentleness of the word. For among our ancestors *hostis* meant what we now call *peregrinus*, "foreigner." The Twelve Tables show this: "or a day fixed for trial with a *hostis*," and again: "against a *hostis* the claim of ownership is everlasting." What could be added to such gentleness as to call the one you are at war with by so mild a name? Yet long usage has since made the word harsher: it has lost the sense of "foreigner" and remains, in its proper sense, for one who bears arms against us.[25]

23 The fetial priests performed Rome's formal rites for demanding redress and declaring war. Cato's son was Marcus Porcius Cato Licinianus, son of Cato the Elder.

24 Perseus, the last king of Macedon, was defeated by Lucius Aemilius Paullus at Pydna in 168 BC.

25 The Twelve Tables (c. 450 BC) were Rome's earliest law code.

1.38 But when the fight is for supremacy and glory is sought through war, there must still be exactly the same causes that I said a little earlier are the just causes of war. Wars in which the prize is the glory of supremacy, however, should be waged less bitterly. We contend with a fellow citizen one way if he is a personal enemy and another way if he is a rival: with the rival the contest is for office and standing, with the enemy for life and reputation. In the same way, the wars with the Celtiberians and the Cimbri were fought as with personal enemies, the question being which side should survive, not which should rule; whereas with the Latins, Sabines, Samnites, Carthaginians and Pyrrhus the struggle was for supremacy. The Carthaginians broke treaties, Hannibal was cruel; the others were more just. Pyrrhus' words about returning the prisoners are famous: "I ask no gold for myself, nor shall you pay me any price;

Let us not trade in war like hucksters, but wage it as warriors,
And both decide our lives with iron, not with gold.[26]

/ Whether our Lady Fortune wills that you or I should reign, or what Chance brings,
Let courage be the test. And hear this word as well:
Those whose courage the fortune of war has spared,
Their freedom I have resolved to spare as well.
I give them to you—take them; I give them with the blessing of the great gods."

A truly kingly sentiment, worthy of a descendant of the Aeacidae.[27]

1.39 Again, if individuals, driven by circumstances, have made any promise to the enemy, they must keep faith even in this. In the First Punic War, Regulus, captured by the Carthaginians,

26 The lines are from Ennius' epic, the Annals. Pyrrhus, king of Epirus, fought Rome in 280–275 BC; the Cimbri, a northern people, were destroyed in 101 BC.
27 Pyrrhus claimed descent from Achilles, grandson of Aeacus.

was sent to Rome to negotiate an exchange of prisoners, having sworn that he would return. First, on arriving, he advised the senate against returning the prisoners; then, when his relatives and friends tried to hold him back, he chose to return to his punishment rather than break the faith he had pledged to the enemy.[28]

1.40 [In the Second Punic War, after the battle of Cannae, Hannibal sent ten men to Rome, bound by oath to return unless they obtained the ransom of the prisoners. The censors kept all those who broke their oath among the disfranchised for as long as each of them lived—and no less the one who had found a loophole by evading his oath. For after leaving the camp with Hannibal's permission, he returned a little later, saying he had forgotten something; then, on leaving the camp again, he considered himself released from his oath. So he was in word, but not in fact. In matters of good faith, you must always consider what you meant, not what you said.][29]

[But the greatest example of justice toward an enemy was set by our ancestors when a deserter from Pyrrhus promised the senate that he would give the king poison and kill him. The senate and Gaius Fabricius handed the deserter over to Pyrrhus. So they refused to approve, if it involved a crime, the death even of an enemy—and a powerful one, who was waging an unprovoked war.][30]

1.41 Enough has been said about the duties of war.

Let us remember, too, that justice must be maintained even toward the lowest. The lowest condition and fortune is that of slaves; and those who tell us to treat them as we would hired workers give sound advice: require work from them, and give them their due.

Wrong is done in two ways, by force or by fraud. Fraud seems to be the fox's way, force the lion's. Both are utterly alien to a

28 Marcus Atilius Regulus, consul in 256 BC, was captured in Africa in 255 BC. Cicero returns to him at length at 3.99–115.

29 At Cannae in southern Italy Hannibal destroyed a Roman army in 216 BC.

30 Gaius Fabricius Luscinus, consul in 278 BC, was a byword for old-fashioned Roman integrity.

human being, but fraud deserves the greater hatred. And of all injustice, none is more deadly than that of those who, at the very moment they are most deceiving, contrive to seem good men.

Enough about justice.

KINDNESS AND GENEROSITY

Generosity must harm no one, stay within one's means, and match the recipient's worth.

1.42 Next, as I proposed, let me speak of kindness and generosity. Nothing is better suited to human nature, but it calls for many precautions. We must see to it, first, that goodwill does not harm either the very people it seems to benefit or others; second, that our goodwill is not greater than our means; and third, that it is bestowed on each according to his worth. That is the foundation of justice, to which all these things must be referred. Those who do someone a favor that harms the very person they appear to want to help should be judged not kind or generous but dangerous flatterers. And those who harm some in order to be generous to others are guilty of the same injustice as if they were converting other people's property to their own use.

1.43 There are many, moreover—and they are eager for splendor and glory—who take from some to lavish on others. They think they will be seen as kind to their friends if they enrich them by any means whatever. This is so far from duty that nothing could be more contrary to it. We must therefore practice a generosity that helps our friends and harms no one. So when Lucius Sulla and Gaius Caesar transferred money from its rightful owners to others, that ought not to be regarded as generosity; for nothing is generous that is not also just.[31]

1.44 The second point for caution was that goodwill should not exceed our means. Those who wish to be more generous than their resources allow go wrong, first, in that they wrong their

31 Sulla, dictator 82–79 BC, confiscated the property of the opponents he proscribed; Caesar likewise redistributed the estates of defeated opponents.

nearest relatives: the resources that it would be fairer to provide for them and leave to them, they transfer to strangers. Moreover, such generosity usually carries with it a desire to seize and carry off by injustice, so that there may be enough to give away. One can also see that most people are not so much generous by nature as led by a kind of desire for glory to seem kind, and that they do many things that seem to spring from ostentation rather than from goodwill. Such pretense is closer to vanity than to either generosity or honor.

1.45 The third point proposed was that in kindness there should be discrimination according to worth. Here we must look at the character of the person on whom the kindness is bestowed, his attitude toward us, the community and fellowship of life between us, and the services he has previously rendered for our advantage. It is desirable that all these should coincide; if not, the more numerous and the weightier considerations will count for more.

1.46 We live not among perfect and truly wise people, but among those who do very well if they show some semblance of virtue. I think we should therefore also understand this: no one in whom some sign of virtue appears should be entirely neglected, but each person should be cultivated in proportion to how richly he is endowed with the gentler virtues—moderation, self-control, and the very justice about which much has already been said. For a brave and great spirit in someone who is not perfect or wise is usually too hot-headed, whereas those virtues seem rather to belong to the good man.

So much for character.

1.47 As for the goodwill each person has toward us, the first duty is to give most to the one who loves us most. But we should judge goodwill not, as young people do, by a sort of ardent passion, but rather by its stability and constancy. If, however, services have already been rendered, so that it is a matter not of earning a favor but of returning one, greater care is needed; for no duty is more necessary than repaying a kindness.

1.48 If Hesiod tells us to return what we have borrowed in greater measure, if we can, what ought we to do when a kindness challenges us? Should we not imitate fertile fields, which yield far more than they received? For if we do not hesitate to render services to those we hope will benefit us, how should we treat those who already have? There are two kinds of generosity, one in doing a kindness, the other in repaying it. Whether we do a kindness or not is in our own power; but failing to repay one is not permissible for a good man, provided he can repay it without injustice.[32]

1.49 Among kindnesses received, however, we must make distinctions, and there is no doubt that we owe most for the greatest. In this, though, we must weigh above all the spirit, zeal and goodwill with which each person acted. For many people do many things on a sort of reckless impulse, without judgment, driven by a compulsion to be generous to everyone or by a sudden impulse, like a gust of wind. Such kindnesses are not to be considered as great as those conferred with judgment, deliberately and consistently.

But in bestowing a kindness and in repaying one, other things being equal, it is above all a matter of duty to help most the person who most needs help. Most people do the opposite: they devote themselves above all to the person from whom they hope for most, even if he has no need of them.

1.50 Human fellowship and association will be best preserved if the most goodwill is shown to each person in proportion to the closeness of his ties to us.

DEGREES OF FELLOWSHIP

From the whole human race to country, family and friends: to whom we owe most.

But it seems we must go further back to the principles of human community and fellowship laid down by nature. The first is the one seen in the fellowship of the whole human race. Its bond is

32 Hesiod, Works and Days 349–351.

reason and speech, which, by teaching, learning, communicating, debating and judging, bring people into harmony and unite them in a kind of natural fellowship. In nothing are we further removed from the nature of wild animals. We often say that animals such as horses and lions have courage, but we do not say they have justice, fairness or goodness; for they lack reason and speech.

1.51 This, then, is the widest fellowship of all—of human beings with one another, of all with all. In it we must preserve common ownership of everything that nature has produced for the common use of humankind. What has been assigned by statute and civil law should be held as those laws themselves have laid down; everything else should be treated as in the Greek proverb, "friends have all things in common." And what seems common to all people is the kind of thing Ennius set out in one example, which can be applied to very many: "A man who kindly shows the way to one who is lost
Does as if he lit another's lamp from his own:
It shines no less for him when he has lit the other's." By this single example he teaches well enough that whatever can be given without loss should be given even to a stranger;[33]

1.52 hence these common rules: not to keep anyone from running water; to let anyone who wishes take fire from our fire; to give honest advice to someone who is deliberating—things that are useful to those who receive them and no burden to the giver. We should therefore observe these and always contribute something to the common advantage. But since the resources of individuals are small, and the number of those in need is endless, generosity to people at large must be kept within Ennius' limit —"it shines no less for him"—so that we may still have the means to be generous to our own.

33 The proverb was associated with Pythagoras. Ennius' lines come from a lost tragedy.

1.53 There are, moreover, several degrees of human fellowship. To leave that boundless fellowship aside, nearer is that of the same people, nation and language, which binds human beings most closely. Closer still is belonging to the same state; for citizens have much in common: forum, temples, colonnades, streets, laws, rights, courts, votes, as well as customs and friendships, and many business dealings and ties with many others.

A tighter bond still is the fellowship of relatives; for here the vast fellowship of the human race is narrowed into a small and confined circle.

1.54 For since all living creatures have by nature the desire to reproduce, the first fellowship lies in marriage itself, the next in children, and then in a single household with everything held in common. This is the beginning of a city and, as it were, the seedbed of the commonwealth. Then come the bonds between brothers, and after them between first and second cousins, who, when they can no longer be contained in one house, go out into other houses as if into colonies. Then follow marriages and the connections they create, from which come still more relatives; and this spreading of families and their offspring is the origin of commonwealths. The tie of blood binds people together by goodwill and by affection;

1.55 for it means much to have the same ancestral memorials, to practice the same religious rites, to share the same tombs.

But of all fellowships none is more excellent or more stable than when good men of similar character are joined in friendship. For that honorable quality we so often speak of, even when we see it in someone else, [still] moves us and makes us friends of the person in whom it seems to reside.

1.56 And although every virtue attracts us to itself and makes us love those in whom it seems to reside, justice and generosity do so most of all. Nothing is more lovable or more binding than a likeness of good character. When people share the same pursuits and the same wishes, each delights in the other as much as in himself, and the result is what Pythagoras wants in friendship —that many become one.

Another great bond of community is formed by kindnesses given and received back and forth; as long as they are mutual and welcome, those between whom they pass are bound in a firm fellowship.

1.57 But when you have surveyed everything with reason and reflection, of all fellowships none is weightier, none dearer, than the one each of us has with the commonwealth. Parents are dear, children dear, and relatives and friends; but our country alone embraces all our affections for all of these. What good man would hesitate to face death for her, if it would help her? All the more detestable, then, is the savagery of those who have torn their country apart with every kind of crime, and who both are and have been bent on destroying her utterly.[34]

1.58 But if there should be some contest or comparison as to who should receive most of our duty, first place goes to our country and our parents, to whose kindnesses we are most deeply bound. Next come our children and our whole household, who look to us alone and can have no other refuge. Then come relatives with whom we get on well, and whose fortune we usually share as well.

So the necessary means of support in life are owed above all to those I have just named. But a shared life and way of living, advice, conversation, encouragement, consolation, and sometimes even reproof flourish most in friendships; and the most delightful friendship is the one that likeness of character has joined.

1.59 But in rendering all these duties we must consider what each person most needs, and what each could or could not obtain without us. So the degrees of relationship will not be the same as those of circumstance, and there are duties owed to some more than to others. You might help a neighbor gather his harvest sooner than a brother or a friend; but if there is a lawsuit in court, you would defend a relative or friend rather than a neighbor. These and similar considerations must be weighed in every duty [and we must acquire the habit and practice], so that

34 Cicero means Antony and the other partisans of Caesar.

we may become good calculators of duty and, by adding and subtracting, see what the balance is—from which you can understand how much is owed to each.

1.60 But neither doctors nor generals nor orators, however well they have mastered the rules of their art, can achieve anything highly praiseworthy without experience and practice. In the same way, the rules for observing duty are indeed handed down, as I myself am doing, but the importance of the subject demands experience and practice as well.

I have now said almost enough about how the honorable, from which duty derives, is drawn from what belongs to the law of human fellowship.

GREATNESS OF SPIRIT

Courage must serve justice; true greatness lies in despising external things and mastering the passions.

1.61 We must understand, however, that of the four categories proposed as the sources of honor and duty, the most splendid seems to be what is done by a spirit that is great, lofty and disdainful of human affairs. So in reproaches nothing comes more readily than something like this: "For you, young men, have a woman's spirit," / "and that" maiden "a man's," and anything of that sort: "Son of Salmacis, spoils without sweat or blood." When we praise, on the other hand, we somehow praise with fuller voice what has been done with greatness of spirit, bravely and outstandingly. This is why rhetoricians find an open field in Marathon, Salamis, Plataea, Thermopylae and Leuctra; why we have our Cocles, the Decii, Gnaeus and Publius Scipio, Marcus Marcellus and countless others; and why the Roman people itself excels above all in greatness of spirit. Our passion for military glory is shown, too, by the fact that we see even statues mostly in military dress.[35]

35 The verse fragments come from lost Roman tragedies; Salmacis was a spring said to make men who bathed in it soft. Horatius Cocles held the bridge against the Etruscans, and the Decii, father and son, sacrificed their lives to win battles.

1.62 But that loftiness of spirit seen in dangers and hardships, if it lacks justice and fights not for the common safety but for its own interests, is a vice. Not only is it no part of virtue; it is rather a mark of a savagery that rejects all humanity. So the Stoics define courage well when they call it the virtue that champions fairness. No one, then, who has gained a reputation for courage by treachery and malice has won true praise; for nothing that lacks justice can be honorable.

1.63 So Plato's saying is splendid: "Not only," he says, "should knowledge divorced from justice be called cunning rather than wisdom; a spirit ready to face danger, too, if it is driven by its own desire rather than by the common advantage, should bear the name of recklessness rather than courage." So we want brave and great-spirited men to be also good and straightforward, friends of truth and not at all deceitful—qualities that lie at the very heart of the praise of justice.[36]

1.64 But there is this unwelcome fact: in this loftiness and greatness of spirit, obstinacy and an excessive desire for preeminence very easily take root. Plato says that the whole character of the Spartans was on fire with the desire to win. In the same way, the more a person excels in greatness of spirit, the more he wants to be first of all, or rather to be alone. Yet when you have set your heart on standing above everyone, it is hard to maintain fairness, which is the most characteristic mark of justice. So it comes about that such people will not allow themselves to be overcome either by argument or by any public and lawful process. In the commonwealth, men who buy favor with handouts and men of faction generally spring up, seeking to acquire the greatest possible resources and to be superior by force rather than equal by justice. But the harder it is, the more glorious; for there is no occasion that ought to be without justice.

1.65 We should count as brave and great-spirited, then, not those who do wrong but those who ward it off. True and wise greatness of spirit judges that the honorable, which nature most seeks, lies in deeds, not in glory, and it prefers to be first rather

36 Plato, Menexenus 246e, with Laches 197b.

than to seem so. For a man who hangs on the errors of the ignorant crowd is not to be counted among the great. Yet the loftier a person's spirit, the more easily he is driven to injustice by the desire for glory. This is slippery ground indeed, for it is hard to find anyone who, having undertaken labors and faced dangers, does not want glory as a kind of wage for his achievements.

1.66 Altogether, a brave and great spirit is seen above all in two things. One lies in disregard for external things, in the conviction that a person should admire, wish for or seek nothing except what is honorable and proper, and should give way to nothing—no human being, no emotional disturbance, no stroke of fortune. The second is this: when your spirit is disposed in the way I have described, you should undertake deeds that are great, certainly, and highly useful, but [such as to be] extremely arduous and full of toil and danger, both to life itself and to many things that pertain to life.

1.67 All the splendor and grandeur of these two things—and I add their usefulness too—lies in the second; but the cause and the principle that makes men great lies in the first. For the first contains what makes spirits outstanding and disdainful of human concerns. That quality itself is seen in two ways: if you judge only what is honorable to be good, and if you are free from every emotional disturbance. To count as small what most people think extraordinary and splendid, and to despise it on firm and steady principle, must be regarded as the mark of a brave and great spirit. And to bear what seems bitter—the many and varied hardships that occur in human life and fortune—in such a way that you depart in nothing from your natural state, in nothing from the dignity of the wise man, is the mark of a robust spirit and great steadfastness.

1.68 It is not consistent that one who is not broken by fear should be broken by desire, or that one who has proved himself unconquered by toil should be conquered by pleasure. So we must avoid these, and we must flee the desire for money as well. For nothing is so much the mark of a narrow and petty spirit as to love riches, and nothing is more honorable and magnificent

than to despise money if you do not have it, and, if you do, to devote it to kindness and generosity.

We must also beware of the desire for glory, as I said earlier; for it robs us of freedom, and for freedom great-spirited men should strive with all their might. Nor should positions of command be sought; rather, they should sometimes be declined, and sometimes laid down.

1.69 We must be free of every emotional disturbance—desire and fear, and also distress, excessive pleasure and anger—so that we may have tranquility of spirit and freedom from care, which bring both steadfastness and dignity. Now there are and have been many who, seeking the tranquility I speak of, have withdrawn from public business and taken refuge in leisure. Among them were the most distinguished philosophers, by far the foremost, and certain strict and serious men who could not tolerate the behavior either of the people or of its leaders; and some lived in the country, content with their own estates.[37]

1.70 Their aim was the same as that of kings: to lack nothing, to obey no one, to enjoy freedom—and the essence of freedom is to live as you please.

So this aim is common both to those who crave power and to the men of leisure I have mentioned. The one group thinks they can attain it if they have great wealth, the other if they are content with what is their own, however little. On this point neither view is to be wholly despised. But the life of men of leisure is easier, safer, and less burdensome or troublesome to others, while the life of those who have devoted themselves to the commonwealth and to great undertakings is more fruitful for the human race and better suited to renown and greatness.

1.71 Perhaps, then, we should allow some people not to take part in public affairs: those of outstanding ability who have devoted themselves to learning, and those who have withdrawn from public life because they were hindered by poor health or some weightier cause, leaving to others the power and the credit

37 *Otium* (leisure): time free from public business, spent on private life or study; the opposite of *negotium*, public or practical affairs.

of running it. But those who have no such reason, if they say they despise what most people admire—military commands and public offices—should, I think, receive not praise but blame. It is hard not to approve their judgment in so far as they despise glory and count it as nothing. But they seem to fear toil and trouble, and also the disgrace and dishonor, so to speak, of setbacks and electoral defeats. For there are people who are inconsistent in opposite situations: they despise pleasure most sternly but are rather soft in pain; they disregard glory but are crushed by disgrace—and not very consistently at that.

1.72 But those whom nature has equipped for action must put aside all hesitation, seek office and take part in running the commonwealth; for in no other way can a state be governed or greatness of spirit displayed. And those who take up public life must show, no less than philosophers—perhaps even more—that magnificence and disdain for human affairs of which I often speak, together with tranquility of spirit and freedom from care, if they are to be free of anxiety and to live with dignity and steadfastness.

1.73 This is easier for philosophers: there is less in their lives exposed to the blows of fortune, they need fewer things, and if some misfortune occurs, they cannot fall so heavily. So it is not without reason that greater emotions, and greater ambitions for achievement, are stirred up in those who run the commonwealth than in those who live quietly. All the more, then, must they bring to it greatness of spirit and freedom from anxieties.

Anyone who enters upon an undertaking should take care to consider not only how honorable it is, but also whether he has the means to accomplish it. In this very matter he must see that he neither despairs rashly out of cowardice nor is overconfident out of eagerness. And in every undertaking, before you set about it, careful preparation is needed.

ACHIEVEMENTS AT HOME AND IN WAR

Civil achievements can equal or surpass victories in war, as Cicero's own consulship shows.

1.74 Most people think that achievements in war are greater than those at home, but this opinion needs to be cut down to size. Many have often sought wars out of desire for glory. This generally happens with great spirits and great talents, all the more so if they are suited to soldiering and eager to wage wars. Yet if we want to judge truly, there have been many achievements at home greater and more glorious than those of war.

1.75 Themistocles is rightly praised; his name is more illustrious than Solon's, and Salamis is cited as witness to a most glorious victory, one ranked above Solon's plan by which he first established the Areopagus. Even so, the plan should be judged no less glorious than the victory. The one benefited the state once; the other will benefit it forever. By this plan the laws of the Athenians are preserved, and the institutions of their ancestors. Themistocles could not point to anything by which he himself helped the Areopagus, but the Areopagus could truly say that it had helped Themistocles; for the war was waged under the direction of the council that Solon had established.[38]

1.76 The same can be said of Pausanias and Lysander. Although the Spartans' empire is thought to have been won by their achievements, they are not to be compared in the slightest degree with the laws and discipline of Lycurgus; indeed, it was precisely because of these that the Spartans had more obedient and braver armies. For my part, I did not think, when I was a boy, that Marcus Scaurus was inferior to Gaius Marius, nor, when I was active in public life, that Quintus Catulus was inferior to Gnaeus Pompey. For arms abroad are of little value unless there is wise counsel at home. Nor did Africanus, an

38 Solon, the Athenian lawgiver of the early 6th century BC; Themistocles led the Greek fleet to victory over the Persians at Salamis in 480 BC. The Areopagus was Athens' ancient council of former magistrates.

exceptional man and general, do more service to the commonwealth in destroying Numantia than Publius Nasica, a private citizen, did at the same time when he killed Tiberius Gracchus. Admittedly, that deed does not belong purely to domestic affairs —it touches on the military too, since it was accomplished by force and violence—but even so it was carried out by civil counsel, without an army.[39]

1.77 But best of all is the line that, I hear, the wicked and the envious like to attack: "Let arms yield to the toga, the laurel to praise." To say nothing of others, when I was steering the commonwealth, did not arms yield to the toga? Never was there graver danger to the commonwealth, and never greater peace. So, through my counsel and vigilance, the weapons slipped quickly from the hands of the most reckless citizens and fell of their own accord.[40]

1.78 What achievement in war was ever so great? What triumph can compare with it? I may boast of this to you, Marcus, my son, since the inheritance of this glory and the imitation of these deeds belong to you. Certainly Gnaeus Pompey, a man rich in the honors of war, paid me this tribute in the hearing of many: he said that he would have brought home his third triumph in vain, had he not had, thanks to my service to the commonwealth, a place in which to celebrate it.[41]

There are, therefore, forms of courage at home that are no less than those in war; and on them even more effort and devotion should be spent.

1.79 In general, the honorable that we look for from a lofty and magnificent spirit is achieved by strength of spirit, not of body. Yet the body must be trained and conditioned so that it can obey counsel and reason in carrying out tasks and enduring toil. But the honorable we are investigating lies wholly in the care and

39 In 133 BC Scipio Aemilianus (Africanus) destroyed Numantia in Spain, and Publius Scipio Nasica led the senators who killed the tribune Tiberius Gracchus.

40 A line from Cicero's own poem on his consulship of 63 BC, when he suppressed Catiline's conspiracy; the toga was the dress of civilian life, the laurel the emblem of military triumph.

41 Pompey celebrated his third triumph, for his victories in the East, in 61 BC.

thought of the mind; and in this respect those who govern the commonwealth in the toga render no less service than those who wage war. Thus by their counsel wars have often been either avoided or ended, and sometimes even declared—as the Third Punic War was by Marcus Cato, whose authority prevailed in it even after his death.[42]

1.80 So the reason that decides is more to be desired than the courage that fights; but we must take care not to act this way from an aversion to war rather than from a calculation of advantage. And let war be undertaken in such a way that nothing but peace is seen to be its aim.

It is the mark of a brave and steady spirit not to be thrown into disorder in difficulties, nor to be knocked off one's footing in the turmoil, as the saying goes, but to keep presence of mind and judgment and not depart from reason.

1.81 Yet while this belongs to a great spirit, the following belongs also to a great intellect: to anticipate the future in thought, to determine some time in advance what may happen either way and what must be done when something occurs, and never to be in the position of having to say, "I hadn't thought of that."

These are the works of a great and lofty spirit, one that relies on prudence and counsel. But to rush recklessly about the battle line and fight hand to hand with the enemy is something savage and like the beasts. Still, when the moment and necessity demand it, we must fight hand to hand, and prefer death to slavery and disgrace.

1.82 When it comes to destroying and plundering cities, great care must be taken that nothing be done rashly, nothing cruelly. It is the mark of a great man, when things are in turmoil, to punish the guilty, spare the masses, and in every fortune hold to what is right and honorable. For just as there are some, as I said above, who put military affairs above civil ones, so you will find

42 Cato the Elder (234–149 BC) long urged the destruction of Carthage; he died in the first year of the war (149–146 BC).

many to whom dangerous and hot-headed plans seem more splendid and grander than calm and considered ones.

1.83 We must never, by avoiding danger, let ourselves appear unwarlike and cowardly; but we must also avoid exposing ourselves to dangers without reason, and nothing can be more foolish than that. So in facing dangers we should imitate the practice of doctors, who treat mild illnesses gently but are forced to apply risky and uncertain cures to more serious diseases. Thus it is madness to wish for a storm in calm weather, but wisdom to meet the storm by whatever means one can—all the more if the good you gain when the matter is resolved outweighs the harm you risk while it is in doubt.

Dangerous undertakings are dangerous partly to those who undertake them and partly to the commonwealth. Likewise some people are put at risk of their lives, others of their glory and the goodwill of their fellow citizens. We should therefore be readier to face risks to ourselves than risks to the common interest, and readier to fight for honor and glory than for our other advantages.

1.84 Many, however, have been found who were ready to pour out not only their money but even their lives for their country, yet who would not sacrifice even the slightest part of their glory, even when the commonwealth demanded it. Such was Callicratidas. He had been the Spartans' commander in the Peloponnesian War and had done many outstanding things, but in the end he ruined everything when he refused to follow the advice of those who thought the fleet should be withdrawn from the Arginusae and that no battle should be fought with the Athenians. He answered them that the Spartans could build another fleet if they lost that one, but that he could not flee without disgrace to himself. And this was only a moderate blow to the Spartans. The deadly one came when Cleombrotus, fear-

ing unpopularity, rashly engaged Epaminondas, and the power of Sparta collapsed.[43]

> How much better Quintus Maximus did! Of him Ennius
> writes: "One man by delaying restored our state to us.
> He did not put rumors before our safety.
> So now the man's glory shines ever brighter in later days."[44]

This kind of error must be avoided in civil affairs too. For there are people who do not dare to say what they think, even if it is excellent, for fear of unpopularity.

RULES FOR STATESMEN

Leaders must serve the whole commonwealth, punish without anger, and stay humble in success.

1.85 In general, those who are to govern the commonwealth should hold to two precepts of Plato. First, they should protect the interests of the citizens so that whatever they do serves those interests, forgetting their own advantage. Second, they should care for the whole body of the commonwealth, so that while protecting one part they do not neglect the rest. For the management of the commonwealth, like a guardianship, must be conducted for the benefit of those entrusted to it, not of those to whom it is entrusted. Those who look after one part of the citizens and neglect another bring into the state the most ruinous thing of all: sedition and discord. The result is that some appear to be champions of the people, others partisans of the best men, and few to be for everyone.

1.86 Hence the great discords among the Athenians; hence in our commonwealth not only seditions but also ruinous civil wars. A serious and brave citizen, one worthy of leadership in the commonwealth, will shun and detest these things. He will

43 Callicratidas was defeated and killed at the Arginusae islands in 406 BC; Cleombrotus fell at Leuctra in 371 BC, where the Theban Epaminondas broke Sparta's power.

44 Quintus Fabius Maximus, "the Delayer," wore down Hannibal by avoiding pitched battle after 217 BC; the lines are from Ennius' epic *Annals*.

devote himself wholly to the commonwealth, will not pursue wealth or power, and will protect the whole of it in such a way as to consider the interests of all. Nor will he expose anyone to hatred or unpopularity by false accusations. Altogether he will cling so firmly to justice and honor that, to preserve them, he will risk giving any offense, however grave, and will meet death rather than abandon the principles I have described.

1.87 Most wretched of all is ambition and the struggle for office. On this Plato, again, puts it splendidly: "those who compete with one another over which of them should run the commonwealth are acting as if sailors were to fight over which of them should steer." He also advises that "we should regard as our adversaries those who take up arms against us, not those who wish to protect the commonwealth according to their own judgment." Such was the disagreement, free of bitterness, between Publius Africanus and Quintus Metellus.[45]

1.88 Nor should we listen to those who think one ought to be fiercely angry with one's enemies, and who consider this the mark of a great-spirited and brave man. For nothing is more praiseworthy, nothing more worthy of a great and distinguished man, than readiness to be appeased, and clemency. Among free peoples, and where all are equal before the law, we must also practice affability and what is called largeness of spirit. Otherwise, if we grow angry with those who approach us at inconvenient times or make shameless requests, we may fall into a surliness that is useless and odious. And yet gentleness and clemency are to be approved only so far as to allow severity to be applied for the sake of the commonwealth, for without severity a state cannot be governed. But all punishment and rebuke should be free of insult, and should serve not the interest of the one who punishes or rebukes, but the advantage of the commonwealth.

1.89 We must also take care that the punishment is not greater than the offense, and that some are not punished for the same

45 Scipio Aemilianus and Quintus Caecilius Metellus Macedonicus were political rivals in the later 2nd century BC who kept their quarrel civil.

reasons for which others are not even called to account. Above all, anger must be kept out of punishment. For one who comes to punish in anger will never keep to that mean between too much and too little which the Peripatetics favor—and rightly so, if only they did not praise anger and say it was a useful gift of nature. In fact anger should be rejected in every circumstance, and we should hope that those who govern the commonwealth will be like the laws, which are moved to punish not by anger but by fairness.[46]

1.90 In prosperity too, when things flow as we wish, let us carefully avoid pride, disdain and arrogance. For to bear good fortune without moderation, like bad fortune, is the mark of a shallow character. Admirable is an evenness throughout life—always the same expression, the same countenance—as we are told of Socrates and likewise of Gaius Laelius. As for Philip, king of the Macedonians, I see that though his son surpassed him in achievements and glory, he was his son's superior in affability and humanity. So the one was always great, the other often utterly disgraceful. Those who advise us, then, that the higher we stand, the more humbly we should conduct ourselves seem to be right.[47] Panaetius says that Africanus, his pupil and friend, used to say: "Just as people hand over to trainers horses that have grown fierce and unruly from frequent battles, so that they can be managed more easily, so men who are unbridled by prosperity and overconfident should be led, as it were, into the training ring of reason and learning, so that they may see the frailty of human affairs and the changeability of fortune."

1.91 Even in the greatest prosperity we should make the fullest use of our friends' advice, and give them even more authority than before. At such times too we must take care not to open our ears to flatterers or let ourselves be flattered, for in this it is easy to be deceived: we think we are such as to deserve praise. From this arise countless errors, when men puffed up with conceit

46 The Peripatetics, Aristotle's school, held that virtue is a mean between excess and deficiency.

47 Philip II of Macedon (died 336 BC), father of Alexander the Great.

become shameful laughingstocks and fall into the greatest mistakes.

But enough of this.

1.92 We must judge, then, that the greatest deeds, and those requiring the greatest spirit, are performed by those who govern states, because their administration reaches most widely and affects the greatest number. But there are, and have been, many people of great spirit in the life of leisure too. Some investigated or attempted great things while keeping within the bounds of their own affairs. Others, placed midway between philosophers and those who ran the commonwealth, took pleasure in managing their own property—not heaping it up by every possible means, nor excluding their own people from its use, but rather sharing it with friends and with the commonwealth whenever there was need. Such property should, first, be rightly acquired, by no gain that is dishonorable or odious; then increased by good management, diligence and thrift; and then made useful to as many as possible, provided they are worthy, obeying generosity and kindness rather than lust and luxury.

One who observes these rules may live magnificently, with dignity and spirit, and also simply, faithfully, and as a true friend to humanity.

PROPRIETY

The fourth virtue is what is fitting, which cannot be separated from the honorable.

1.93 It follows that I must speak about the one remaining part of the honorable. In it are seen a sense of shame and what might be called the ornament of life: self-control and moderation, the complete calming of emotional disturbances, and due measure in all things. Under this head is contained what in Latin can be called *decorum* (propriety); in Greek it is πρέπον [the fitting]. Its nature is such that it cannot be separated from the honorable;

1.94 for what is proper is honorable, and what is honorable is proper. What the difference is between the honorable and pro-

priety is easier to grasp than to explain. For whatever is proper becomes apparent only when honor has gone before it. So what is proper is apparent not only in this part of the honorable that I am to discuss here, but also in the three preceding ones. For to use reason and speech prudently, to do what you do with deliberation, and in everything to see and uphold what is true—this is proper; while to be mistaken, to err, to stumble, to be deceived is as improper as to be deranged and out of one's mind. And all just things are proper, while unjust things, just as they are dishonorable, are also improper.

The case of courage is similar. What is done in a manly way and with a great spirit seems worthy of a man and proper; what is done in the opposite way seems as improper as it is dishonorable.

1.95 This propriety I speak of, therefore, pertains to all honor, and pertains in such a way that it is not perceived through some abstruse reasoning but is readily apparent. For there is something that is proper, and it is recognized in every virtue; it can be separated from virtue in thought rather than in fact. Just as the grace and beauty of the body cannot be separated from its health, so this propriety we are discussing is wholly blended with virtue, yet is distinguished from it by the mind and in thought.

1.96 It is of two kinds. We recognize a general propriety, which is present in all honor, and another subordinate to it, which pertains to the individual parts of honor. The first is usually defined roughly as follows: propriety is what accords with the excellence of a human being in that respect in which his nature differs from that of other living creatures. The subordinate part they define so that propriety is what so accords with nature that moderation and self-control appear in it, together with a certain grace befitting a free person.

1.97 That this is how they are to be understood we can judge from the propriety that poets aim at, about which more is usually said elsewhere. We say that poets observe what is proper when what is worthy of each character is both done and said. If

Aeacus or Minos were to say, "Let them hate, so long as they fear," or "The father himself is his children's tomb," it would seem improper, because we are told they were just men; but when Atreus says it, applause breaks out, for the speech is worthy of the character. Poets will judge what befits each person from his character; but on us nature herself has imposed a role, one of great excellence and superiority over all other living creatures.[48]

1.98 So poets, amid a great variety of characters, will see what suits and befits even the vicious ones. But nature has assigned to us the role of steadfastness, moderation, self-control and a sense of shame, and the same nature teaches us not to neglect how we behave toward other people. It follows that we can see both how widely spread is the propriety that pertains to all honor, and also the propriety that is seen in each particular kind of virtue. For just as the beauty of the body, through the harmonious arrangement of the limbs, catches the eye and delights it precisely because all the parts agree with one another with a certain charm, so this propriety, which shines out in one's life, wins the approval of those with whom one lives by the order, consistency and moderation of everything one says and does.

1.99 We must therefore show a certain respect toward people—both toward the best and toward the rest. For to be indifferent to what anyone thinks of oneself is the mark not only of arrogance but of utter dissoluteness. In having regard for others, there is a difference between justice and a sense of shame. It is the part of justice not to wrong people, the part of a sense of shame not to offend them; and in this the force of propriety is most clearly seen.

With this explanation, I think, the nature of what we call proper has been understood.

1.100 The duty that derives from it follows, first, this path: it leads to harmony with nature and to its preservation. If we fol-

48 Aeacus and Minos were legendary just kings who became judges of the dead. Both lines come from Accius' tragedy *Atreus*, in which Atreus serves his brother Thyestes' sons to him at a banquet.

low nature as our guide, we shall never go astray, and we shall pursue what is by nature sharp and perceptive, what is suited to human fellowship, and what is vigorous and strong. But the greatest force of propriety lies in the part we are now discussing. For not only the movements of the body that suit nature deserve approval, but far more the movements of the spirit that likewise accord with nature.

1.101 For the power and nature of the spirit are twofold. One part lies in impulse—in Greek ὁρμή [impulse]—which sweeps a person this way and that; the other in reason, which teaches and makes clear what is to be done and what avoided. So it follows that reason commands and impulse obeys.

Every action ought to be free of rashness and carelessness, and one ought to do nothing for which one cannot give a plausible reason; for this is practically the definition of duty.

1.102 We must ensure that the impulses obey reason, neither running ahead of it nor abandoning it through laziness or cowardice, and that they are calm and free of all emotional disturbance; from this all steadfastness and all moderation will shine forth. For impulses that stray too far and, as if running wild, are not sufficiently held in check by reason, whether in desiring or in shunning, undoubtedly overstep all bounds and measure. They abandon and throw off obedience and do not obey reason, to which they are subject by the law of nature. By them not only minds but also bodies are thrown into disorder. We can see the very faces of those who are angry, or moved by some lust or fear, or exulting in excessive pleasure: in all of them expression, voice, movements and posture change.

1.103 From this we understand—to return to the outline of duty—that all impulses must be curbed and calmed, and that attention and care must be roused, so that we do nothing rashly or at random, thoughtlessly or carelessly. For nature has not so created us that we seem made for play and jest, but rather for seriousness and for weightier and more important pursuits. Play and jest are indeed permitted, but, like sleep and other forms of rest, only when we have done justice to weighty and serious

matters. And the manner of jesting itself should be not excessive or immoderate, but well-bred and witty. Just as we do not give children unlimited license to play, but only such as is not alien to honorable conduct, so in jesting itself let some light of an upright character shine through.

1.104 There are, broadly, two kinds of jesting: one ill-bred, insolent, disgraceful, obscene; the other elegant, refined, clever, witty. Of the second kind our own Plautus and the Old Comedy of Athens are full, and so too are the books of the Socratic philosophers; and there are many witty sayings of many people, such as those collected by the elder Cato, which are called ἀποφθέγματα [apophthegms, pithy sayings]. It is easy, then, to distinguish well-bred jesting from ill-bred. The one, if made at the right time—when the mind is relaxed, for instance—is worthy of the most serious man; the other is unworthy even of a free man, if indecency of language is added to the disgracefulness of the subject.[49]

In play, too, a certain measure must be kept, so that we do not give way to it entirely and, carried away by pleasure, slip into something disgraceful. Our Campus and the pursuit of hunting supply honorable examples of recreation.[50]

1.105 But it is relevant to every inquiry about duty always to keep in mind how far human nature surpasses that of cattle and other beasts. They perceive nothing but pleasure and rush toward it with every impulse; but the human mind is nourished by learning and thinking, is always investigating or doing something, and is led on by the delight of seeing and hearing. Indeed, suppose someone is somewhat inclined to pleasures—provided he is not of the cattle kind (for some are human beings in name, not in reality)—if, I say, he is a little more high-minded, then however much he is captivated by pleasure, he hides and conceals his craving for it out of a sense of shame.

49 Plautus (died c. 184 BC) was Rome's great comic playwright; the Old Comedy of Athens is that of Aristophanes and his contemporaries (5th century BC).
50 The Campus Martius, the open plain outside Rome used for athletic and military exercise.

1.106 From this we understand that bodily pleasure is not worthy enough of human superiority, and that it ought to be despised and rejected; but if there is anyone who sets some value on pleasure, he must carefully keep to a measure in enjoying it. So let our diet and the care of our bodies be directed to health and strength, not to pleasure. And if we are willing to consider the excellence and dignity of our nature, we shall understand how disgraceful it is to melt away in luxury and live a pampered, soft life, and how honorable to live frugally, with self-restraint, strictly and soberly.

THE FOUR ROLES

Each person plays four roles: shared human nature, individual nature, circumstance and chosen career.

1.107 We must also understand that nature has dressed us, so to speak, in two roles. One is common to all, arising from the fact that we all share in reason and in that superiority by which we surpass the beasts. From it all that is honorable and proper is derived, and from it the method of discovering our duty is worked out. The other is the role assigned specifically to each individual. For just as there are great differences in bodies—some, we see, excel in speed for running, others in strength for wrestling; likewise some figures have dignity, others grace—so in minds there are even greater varieties.[51]

1.108 Lucius Crassus and Lucius Philippus had great charm, and Gaius Caesar, son of Lucius, had even more, and more deliberately cultivated; yet at the same time Marcus Scaurus and the young Marcus Drusus showed a singular seriousness. Gaius Laelius had much cheerfulness, while his friend Scipio had greater ambition and a more austere life. Among the Greeks, we are told that Socrates was pleasant and witty, a genial talker, and in all his conversation a dissembler—what the Greeks called

51 Role translates *persona*, the actor's mask and hence a character one plays; Cicero, following Panaetius, builds his account of propriety on four such roles (1.107–117).

εἴρωνα [an ironist, one who feigns ignorance]; Pythagoras and Pericles, by contrast, attained the highest authority without any cheerfulness at all. We are told that Hannibal among the Carthaginians, and Quintus Maximus among our own generals, were cunning, adept at concealing, keeping silent, dissembling, laying traps and forestalling the enemy's plans. In this kind the Greeks rank Themistocles and Jason of Pherae above all others; and especially crafty and cunning was the act of Solon, who, to make his life safer and to serve the commonwealth rather better, pretended to be mad.[52]

1.109 Very different from these are others, straightforward and open, who think nothing should be done in secret or by trickery —lovers of truth, enemies of deceit. There are others again who will put up with anything and be subservient to anyone, so long as they get what they want, as we saw in Sulla and Marcus Crassus. Of this kind, we are told, the Spartan Lysander was the most crafty and patient, while Callicratidas, who commanded the fleet next after Lysander, was the opposite. Likewise there is another type [each of them] who in conversation, however powerful he may be, manages to seem just one of the crowd. This we saw in Catulus, both father and son, and also in Quintus Mucius Mancia. I have heard from my elders that the same was true of Publius Scipio Nasica; whereas his father, the man who punished the ruinous attempts of Tiberius Gracchus, had no affability in conversation [not even Xenocrates, the most austere of philosophers,] and was great and renowned for that very reason.

There are countless other differences of nature and character, which are nevertheless by no means to be censured.

1.110 Each person must hold firmly to his own traits—not vicious ones, but those peculiar to him—so that the propriety we are seeking may more easily be maintained. For we must act in such a way that we attempt nothing contrary to universal nature, but, while preserving that, follow our own particular

52 Solon is said to have feigned madness to get around a law forbidding anyone to propose renewing Athens' war with Megara over Salamis.

nature. Thus, even if other pursuits are weightier and better, we should still measure our own by the standard of our own nature. For there is no point in fighting against nature, or in pursuing anything you cannot attain. From this it becomes even clearer what propriety is, since nothing is proper "against Minerva's will," as the saying goes—that is, when nature opposes and resists.[53]

1.111 If anything at all is proper, surely nothing is more so than consistency, both in one's whole life and in individual actions; and you cannot maintain it if you imitate the nature of others and neglect your own. For just as we ought to use the language that is native to us, so as not to be deservedly laughed at like some people who stuff their speech with Greek words, so we ought to bring no inconsistency into our actions or our whole life.

1.112 This difference of natures has such force that sometimes one person ought to take his own life while another [in the same situation] ought not. Was Marcus Cato in one situation, and the others who surrendered to Caesar in Africa in another? Yet the others might perhaps have been blamed if they had killed themselves, because their lives had been less austere and their characters more easygoing. But nature had given Cato an incredible seriousness, which he himself had strengthened by unfailing consistency, always holding to the purpose and plan he had adopted; so he had to die rather than look upon the face of a tyrant.[54]

1.113 How much Ulysses endured in those long wanderings, when he made himself the servant of women—if Circe and Calypso are to be called women—and wished to be affable [and pleasant] to everyone in all his talk! At home he even bore the insults of slaves, both men and women, so that he might one day reach what he longed for. But Ajax, with the spirit he is said to

53 Minerva was the goddess of skill and intelligence; to do something "against Minerva's will" was to attempt it without natural aptitude.

54 Cato the Younger took his own life at Utica in 46 BC rather than accept Caesar's pardon after the defeat at Thapsus.

have had, would rather have met death a thousand times than endure such things.

Considering these examples, each of us will have to weigh what is his own and regulate it, and not wish to test how well another's traits suit him; for what is most proper to each person is what is most his own.

1.114 Let each person, then, know his own character and show himself a sharp judge of his own merits and faults, so that actors do not appear to have more good sense than we do. For they choose not the best plays but those best suited to them. Those who rely on their voice choose the *Epigoni* and the *Medus*; those who rely on gesture, the *Melanippa* and the *Clytemnestra*; Rupilius, whom I remember, always chose the *Antiopa*; Aesopus did not often choose the *Ajax*. So will an actor see this on the stage, and a wise man not see it in life?[55]

We shall therefore work hardest at the things for which we are best suited. But if necessity ever thrusts us into things that do not suit our talents, we must apply all our care, thought and diligence so that we can do them, if not with propriety, then with as little impropriety as possible. Nor should we strive so much to pursue good qualities that have not been given to us, as to avoid faults.

1.115 To the two roles I spoke of above a third is added, which some chance or circumstance imposes; and a fourth too, which we adopt for ourselves by our own choice. For kingships, military commands, noble birth, public offices, wealth, power, and their opposites depend on chance and are governed by circumstances; but what role we ourselves wish to play proceeds from our own will. So some apply themselves to philosophy, others to civil law, others to eloquence; and among the virtues themselves, different people prefer to excel in different ones.

1.116 Those whose fathers or ancestors were distinguished for some kind of glory generally strive to excel in the same field of merit, as Quintus Mucius, son of Publius, did in civil law, and

55 These are Roman tragedies, mostly by Pacuvius and Accius. Aesopus was the leading tragic actor of Cicero's day, and his friend.

Africanus, son of Paulus, in military affairs. Some, however, add something of their own to the distinctions they inherited from their fathers, as this same Africanus crowned his military glory with eloquence. Timotheus, son of Conon, did the same: though no less distinguished in war than his father, he added to that distinction the glory of learning and intellect. It sometimes happens, too, that some people leave aside imitation of their ancestors and follow some path of their own. Those who, though born of obscure ancestors, set themselves great goals generally work hardest at this.

1.117 All these things, then, we must embrace in mind and thought when we ask what is proper. But first of all we must decide who and what kind of people we wish to be, and in what way of life—the most difficult of all decisions. For at the onset of youth, when judgment is at its weakest, each person chooses for himself the way of spending his life that he has come to love most. So he becomes entangled in some fixed kind and course of life before he has been able to judge what would be best.

1.118 Prodicus says, as we read in Xenophon, that when Hercules was first coming to manhood—the time nature gives for choosing which path of life each person is to take—he went out into a solitary place. Sitting there a long time, he debated at length with himself, for he saw two roads, one of Pleasure, the other of Virtue, and wondered which was the better to take. This may perhaps have been possible for Hercules, "born of the seed of Jove," but not for us. We imitate whomever each of us has taken a fancy to, and are driven toward their pursuits and ways of life. Mostly we are steeped in our parents' teachings and drawn into their habits and customs. Others are carried along by the judgment of the crowd and desire most what seems finest to the majority. Some, however, by a kind of good fortune or goodness of nature, have followed the right path of life without their parents' guidance.[56]

1.119 But the rarest class of all consists of those who, endowed with outstanding greatness of intellect, or with distinguished

learning and education, or with both, have also had time to deliberate about what course of life they most wished to follow. In this deliberation every decision must be referred back to each person's own nature. For in everything we do, as was said above, we seek what is proper on the basis of the way each person was born; so in shaping our whole life far greater care must be taken over this, so that we can remain consistent with ourselves throughout our lives and not falter in any duty.

1.120 In this matter nature has the greatest influence, and fortune the next greatest. We must therefore take both into account in choosing a way of life, but nature more; for it is far firmer and steadier—so much so that fortune sometimes seems, as though it were itself mortal, to be fighting against immortal nature. Whoever, then, has shaped his whole plan of life to suit the character of his own nature, provided it is not vicious, should hold to it steadfastly (for that is most proper)—unless perhaps he realizes that he made a mistake in choosing his way of life. If that happens (and it can happen), he must change his habits and pursuits. If circumstances assist the change, we shall make it more easily and conveniently; if not, it must be made gradually and step by step, just as the wise think it more proper to let friendships that give less pleasure and win less approval fade away gradually than to cut them off suddenly.

1.121 Once we have changed our way of life, we must take every care to be seen to have done so for good reasons.

But since I said a little earlier that we should imitate our ancestors, let this first be excepted: vices are not to be imitated. Next, nature may not allow someone to imitate certain things. The son of the elder Africanus, for example, who adopted this Africanus, the son of Paulus, could not, because of poor health, be as like his father as his father had been like his own. If, then, a man cannot plead cases, or hold the people with public speeches, or wage wars, he should still display those qualities that lie in his own power—justice, good faith, generosity, moder-

56 The fable of the Choice of Hercules, by the 5th-century BC sophist Prodicus, is retold in Xenophon's *Memorabilia* 2.1.

ation, self-control—so that what he lacks is less missed in him. The best inheritance handed down from fathers to children, more excellent than any patrimony, is the glory of virtue and of great deeds; and to bring disgrace upon it must be judged a sin against heaven [and a vice].

AGE AND STATION

The duties of the young and the old, of magistrates, private citizens and foreigners.

1.122 And since the same duties are not assigned to different ages —some belong to the young, others to the old—something must also be said about this distinction.

It is the part of a young man, then, to respect his elders and to choose from among them the best and most highly esteemed, on whose counsel and authority he may rely; for the inexperience of early years must be steadied and guided by the prudence of the old. Above all, this age must be kept from lusts and trained in toil and endurance of both mind and body, so that its energy may flourish in duties both military and civil. And even when young men want to relax their minds and give themselves to enjoyment, let them beware of intemperance and remember a sense of shame. This will be easier if they are willing to have their elders present even on such occasions.

1.123 For the old, it seems, physical labors should be reduced and mental exercises actually increased. They should take pains to help their friends, the young, and above all the commonwealth, as much as possible with their counsel and prudence. Nothing must old age guard against more than giving itself up to listlessness and idleness. Luxury, disgraceful at every age, is most hideous in old age; and if unbridled lust is added to it, the evil is double, because old age itself incurs disgrace and makes the intemperance of the young more shameless.

1.124 Nor is it out of place to speak of the duties of magistrates, of private individuals, [of citizens,] and of foreigners.

It is the particular function of a magistrate, then, to understand that he bears the role of the state and must uphold its dignity and honor, preserve the laws, define rights, and remember that these things have been entrusted to his good faith.

A private individual ought to live on fair and equal terms with his fellow citizens, neither submissive and abject nor exalting himself, and in public affairs to want what makes for peace and honor; for such a man we are accustomed both to regard and to call a good citizen.

1.125 The duty of a foreigner or a resident alien is to attend to nothing but his own business, to inquire into nothing concerning others, and least of all to meddle in a commonwealth not his own.

In this way duties will generally be discovered when we ask what is proper and what is fitting for persons, circumstances and ages. And nothing is so proper as to maintain consistency in every action we take and every decision we make.

BODY, SPEECH AND HOUSE

Propriety in dress, movement, conversation, rebuke and the kind of house one keeps.

1.126 Propriety is seen in all our deeds and words, and indeed in the movement and posture of the body. It consists in three things—beauty, order, and an adornment suited to what one is doing. These are hard to put into words, but it will be enough if they are understood. These three also include the concern to win the approval of those with whom and among whom we live. So let a few words be said on these matters too.

To begin with, nature herself seems to have taken great account of the design of our body. Our face and the rest of our figure, which has an honorable appearance, she placed in plain view; but the parts of the body given for nature's needs, which would have an unsightly and ugly appearance, she covered and hid away.

1.127 This careful workmanship of nature has been imitated by the human sense of shame. For what nature has concealed, all people of sound mind likewise keep out of sight, and they take care to attend to nature's needs as privately as possible. The parts of the body whose functions are necessary—neither the parts nor their functions do they call by their proper names. And what is not disgraceful to do, provided it is done in private, is obscene to speak of. So neither the open performance of such acts nor obscenity of speech is free from impudence.

1.128 Nor should we listen to the Cynics, or to any Stoics who were almost Cynics. They criticize and mock us for treating things that are not dishonorable as disgraceful to mention, while we call things that are dishonorable by their own names. Robbery, fraud and adultery are dishonorable in fact, but they are named without indecency. Begetting children is honorable in fact but indecent in name. The same people argue at length along these lines against our sense of shame. But let us follow nature and shun everything that offends the eye or the ear. In standing and walking, in sitting and reclining, in our expression, our eyes and the movements of our hands, let us keep to propriety.[57]

1.129 In these matters two things above all are to be avoided: anything spineless or soft, and anything harsh or boorish. Nor should we grant that these rules bind actors and orators but leave us free. Actors, in fact, have such a sense of shame, from long-established discipline, that none of them goes on stage without a loincloth. They fear that if certain parts of the body were exposed by some accident, they would be seen in an improper way. By our own custom, grown sons do not bathe with their fathers, nor sons-in-law with their fathers-in-law. This kind of restraint, then, must be kept, especially since nature herself is our teacher and guide.

1.130 There are two kinds of beauty: in one lies charm, in the other dignity. We ought to regard charm as feminine and dignity

as masculine. So let every adornment unworthy of a man be removed from our appearance, and let us guard against a similar fault in gesture and movement. The movements taught in the wrestling school are often rather offensive, and some of the gestures of actors are not free from affectation. In both, what is upright and simple wins praise. Dignity of appearance is maintained by a good complexion, and a good complexion by bodily exercise. We should add a cleanliness that is not offensive or overly fastidious, but just enough to avoid boorish and uncivilized neglect. The same principle applies to dress, in which, as in most things, the mean is best.

1.131 We must take care, too, not to fall into a slowness of gait so languid that we look like the platforms carried in a procession. Nor, when we hurry, should we break into excessive speed. When that happens, we get out of breath, our expression changes and our faces are distorted, all clear signs that steadiness is lacking. But we must work much harder still to keep the movements of the mind from departing from nature. We shall achieve this if we take care not to fall into violent emotions or panic, and if we keep our minds intent on preserving propriety.

1.132 The movements of the mind are of two kinds: those of thought and those of impulse. Thought is chiefly occupied in seeking the truth; impulse drives us to action. We must take care, then, to use thought on the best possible subjects and to keep impulse obedient to reason.

Speech, too, has great power, and it is of two kinds: formal debate and conversation. Debate should be kept for disputes in the lawcourts, in public assemblies and in the senate. Conversation belongs in social gatherings, in discussions and in meetings among friends, and it may accompany dinner parties too. The rhetoricians give rules for debate, but there are none for conversation, though I am not sure that there could not be rules for it as well. But teachers appear wherever there are eager students,

57 The Cynics, followers of Diogenes of Sinope (4th century BC), scorned convention and the natural sense of shame. Some early Stoics, such as Zeno, held similar views.

and no one studies conversation, while everywhere is crowded with rhetoricians. Still, the rules for words and ideas will apply to conversation as well.

1.133 The voice is the vehicle of speech, and in the voice we look for two things: that it be clear and that it be pleasant. Both must come from nature. But practice will improve the first, and imitating those who speak crisply and smoothly will improve the second.

There was nothing about the Catuli to make you think they had a fastidious taste in pronunciation, though they were cultivated men. But so were others, and the Catuli were thought to speak Latin better than anyone. Their tone was pleasant, and they neither overarticulated nor swallowed their letters, so that their speech was neither indistinct nor affected. Their voices were effortless, neither faint nor singsong. Lucius Crassus spoke more fluently and no less wittily, but the Catuli had no smaller reputation for speaking well. In wit and humor, however, Caesar, the brother of the elder Catulus, surpassed everyone. Even in the forensic style itself, his conversational manner defeated other men's formal pleading.[58]

In all these matters, then, we must take pains, if in everything we are seeking what is proper.

1.134 Let conversation, then, in which the followers of Socrates particularly excel, be easy and not in the least obstinate, and let it have charm. The speaker should not shut others out as if he had entered on his own property. In general conversation, as in everything else, he should think it only fair for each to have a turn. He should consider, above all, what he is talking about: if the subject is serious, he should bring seriousness to it; if light, wit. And above all he should see to it that his talk does not reveal some vice in his character. That happens most often when people deliberately speak of those who are absent in order to

58 Quintus Lutatius Catulus (consul 102 BC) and his son (consul 78 BC); Lucius Licinius Crassus (140–91 BC) was the leading orator of Cicero's youth. Gaius Julius Caesar Strabo, famous for his wit, was the elder Catulus' half-brother.

disparage them, maliciously and insultingly, whether by ridicule or in earnest.

1.135 Conversation is mostly about private business, public affairs, or the arts and learning. So we should make an effort, even if it begins to stray to other things, to bring it back to these, but in whatever way suits those present. For we do not all enjoy the same subjects, nor at every time, nor in the same way. We must also notice how long the conversation remains enjoyable. Just as there was a reason for beginning, so there should be a measure in ending.

1.136 In all of life we are rightly taught to avoid violent emotions, that is, excessive movements of the mind that do not obey reason. In the same way, conversation should be free of such movements. No anger should arise in it, and no craving, sluggishness, faint-heartedness or anything of the kind should appear. Above all we must take care to show both respect and affection for those we talk with.

Sometimes, too, reprimands become necessary. In these we may perhaps need to raise our voice and use harsher, weightier words, and we should even act so as to seem angry. But just as with cautery and surgery, we shall come to this kind of rebuke rarely and reluctantly, and never unless it is necessary, when no other remedy can be found. Even so, let anger be kept far away, for nothing can be done rightly or thoughtfully in anger.

1.137 For the most part, though, we may use a mild reproof, yet one combined with seriousness, so that sternness is shown and insult avoided. And we should make it clear that even whatever harshness the reproof contains has been adopted for the sake of the person being reproved.

It is right, too, even in disputes with our bitterest enemies, to keep our dignity and banish anger, even if we hear things said to us that we do not deserve. For what is done in any emotional disturbance can neither be done steadily nor win the approval of those present.

It is unbecoming, too, to boast about oneself, especially falsely, and to play the braggart soldier to the ridicule of one's listeners.[59]

1.138 And since I am going through everything, or at least want to, I must also say what kind of house seems right for a man of rank and a leading citizen. Its purpose is use, and the plan of the building must be fitted to that. Yet care should also be given to comfort and dignity.

We are told that Gnaeus Octavius, the first of his family to become consul, gained honor by building a splendid and dignified house on the Palatine. Since crowds came to see it, it was thought to have won votes for its owner, a new man, in his bid for the consulship. Scaurus demolished it and added its site to his own house. So the one was the first to bring a consulship into his house, while the other, son of a very great and illustrious man, brought into his enlarged house not only defeat at the polls but disgrace and ruin as well.[60]

1.139 A man's standing should be enhanced by his house, not sought entirely from it; the owner should bring honor to the house, not the house to the owner. In other matters we must take account not only of ourselves but of others. In the same way, the house of a distinguished man must receive many guests and admit a crowd of people of every kind, so care must be taken to make it spacious. Otherwise a large house often becomes a disgrace to its owner if it is empty, especially if it used to be thronged under another owner. For it is humiliating when passers-by say: "O ancient house, alas, how unequal / the master who masters you now!" And in these times that can be said of many houses.[61]

1.140 We must take care, especially if you are building for yourself, not to go beyond measure in expense and magnificence. In

59 The *miles gloriosus*, the boastful soldier, was a stock character of Roman comedy and the title of a play by Plautus.

60 Octavius was consul in 165 BC. Marcus Aemilius Scaurus, son of the famous leader of the senate, failed to win the consulship and was condemned for bribery in 52 BC.

this area there is much harm even in the example set. For most people eagerly imitate what leading men do, especially in this respect. Who imitates the virtue of Lucius Lucullus, a very great man? But how many have imitated the magnificence of his country houses! Some limit should certainly be set to such houses, and they should be brought back to a middle course. And the same middle course should be carried over to every aspect of our way of life and our style of living.[62]

But enough of this.

1.141 In undertaking any action, three things must be kept in view. First, that impulse obey reason; nothing is better suited to the fulfillment of our duties. Second, that we consider how important the thing we want to accomplish is, so that we devote neither more nor less care and effort to it than the matter demands. Third, that we take care that whatever concerns a gentlemanly appearance and dignity be kept within measure. And the best measure is to hold to propriety itself, which I spoke of earlier, and not to go beyond it. Of these three, however, the most important is that impulse obey reason.

ORDER AND TIMING

Everything should be done in its proper place and time, as in a harmony.

1.142 Next I must speak of the order of things and of the right time for them. These belong to the science the Greeks call εὐταξίαν [good order]. This is not the kind we translate as moderation (*modestia*), a word that contains *modus*, "measure"; the εὐταξία meant here is the kind understood as the keeping of order. So, although we also call it moderation, the Stoics define it thus: moderation is the knowledge of putting everything that is done or said in its proper place. The meaning of order and of arrange-

61 A line from an unknown Roman tragedy. Cicero is thinking of great houses taken over by Caesar's partisans, such as Pompey's, bought by Antony.
62 Lucius Licinius Lucullus (c. 118–56 BC), conqueror of Mithridates, was famous for his lavish villas and luxury.

ment, then, seems to be the same. For they also define order in this way: the arrangement of things in suitable and fitting places. And by the "place" of an action they mean the right time for it. The right time for an action is called εὐκαιρία [good timing] in Greek, and in Latin *occasio*, "occasion." So it follows that moderation, understood as I have described, is the knowledge of the right occasions for action.

1.143 But the same definition could apply to prudence, which I discussed at the outset. Here, however, we are examining moderation, self-control and virtues like them. So what belonged to prudence was discussed in its place. What belongs to these virtues, which I have been discussing for some time, and which concern restraint and the approval of those we live with, must be discussed now.

1.144 Such, then, is the order of actions we must maintain: as in a well-constructed speech, so in life, everything should be fitting and consistent. For it is shameful and quite wrong, in a serious matter, to bring in talk suited to a dinner party or some frivolous remark. Pericles put it well. He had the poet Sophocles as his colleague in command, and they had met to discuss their joint duties when a handsome boy happened to pass by. Sophocles said, "What a beautiful boy, Pericles!" "But a general, Sophocles," Pericles replied, "should keep not only his hands but also his eyes to himself." Yet if Sophocles had said the same thing at an inspection of athletes, he would have been free of just criticism. So great is the importance of place and time.[63] Similarly, if someone who is about to plead a case rehearses it to himself on the road or on a walk, or thinks intently about something else, he is not blamed. But if he does the same at a dinner party, he seems ill-mannered for not recognizing the occasion.

1.145 Things that are grossly at odds with civilized behavior, such as singing in the Forum or any other great perversity, are easily seen and need little warning or instruction. But what seem minor faults, which not many people can detect, we must

63 Pericles and Sophocles served together as generals (*stratēgoi*, which Cicero renders "praetors") in the war against Samos, 441–440 BC.

avoid more carefully. With a lyre or pipes, an expert usually notices however slightly they are out of tune. In the same way we must see that nothing in our life is out of tune, and much more so, since the harmony of actions is greater and better than the harmony of sounds.

1.146 So, just as a musician's ear detects even the slightest flaws in a lyre, we too, if we wish to be sharp and careful [and to be] observers of faults, will often discover great things from small ones. From the glance of the eyes, from brows relaxed or knitted, from sadness, cheerfulness, laughter, speech, silence, a raised or lowered voice and other such signs, we shall easily judge which of them is fitting and which is at odds with duty and nature. In this area it is not a bad idea to judge the character of each from others, so that we ourselves may avoid anything unbecoming in them. For somehow we see faults more readily in others than in ourselves. That is why pupils are corrected most easily when their teachers imitate their faults in order to correct them.

1.147 Nor is it out of place, in making choices that raise doubts, to consult learned men or men of practical experience, and to find out their view on each kind of duty. For most people are generally drawn where nature herself leads them. In such cases we must consider not only what each person says, but also what each thinks, and why. Painters, sculptors and poets too each want their work examined by the public, so that anything widely criticized may be corrected, and they ask themselves and others what is wrong with it. Just so, there are a great many things we must do or not do, change or correct, in the light of others' judgment.

1.148 As for what is done according to custom and civic convention, no rules are needed; these are themselves rules. Nor should anyone be led into the error of thinking that if Socrates or Aristippus did or said anything contrary to the customs and conventions of their city, he may do the same. They earned that license by great and godlike gifts. But the whole Cynic system

must be rejected. It is hostile to the sense of shame, without which nothing can be right, nothing honorable.[64]

1.149 Some men's lives are well known for honorable and great deeds; they are well disposed to the commonwealth and have served it or are serving it well. We should respect and honor them as if they held some office or command. We should also show great deference to old age, give way to those in office, and distinguish between citizen and foreigner, and, in the case of a foreigner, whether he has come in a private or a public capacity. In short, not to go through each point, we should cherish, defend and preserve the common bond and fellowship of the whole human race.

TRADES AND PROFESSIONS

Which ways of earning a living are fit for a free man and which are sordid.

1.150 Now, as to which trades and ways of earning a living are to be considered liberal and which sordid, this is roughly what we have been taught. First, those occupations are condemned that incur people's hatred, such as those of customs collectors and moneylenders. Illiberal and sordid, too, are the earnings of all hired workers whose labor is bought, not their skill; for in their case the wage itself is the price of their servitude. We must also consider sordid those who buy from wholesale merchants to sell again at once; for they would make no profit without a great deal of lying, and nothing is more shameful than deceit. All craftsmen, too, practice a sordid trade, for a workshop can have nothing about it befitting a free man. Least respectable of all are the trades that serve pleasure: "fishmongers, butchers, cooks, sausage-makers, fishermen," as Terence says. Add to these, if you like, perfumers, dancers and the whole variety stage.[65]

64 Aristippus of Cyrene (c. 435–356 BC), a follower of Socrates, founded the Cyrenaic school, which made pleasure the goal of life.

65 Terence, *The Eunuch* 257. The *ludus talarius* was a low stage entertainment of song and dance, named after its performers' ankle-length (*talaris*) costumes.

1.151 But the professions that involve greater prudence or bring no ordinary advantage, such as medicine, architecture and the teaching of honorable subjects, are honorable for those whose social rank they suit. Trade, if it is on a small scale, must be considered sordid. But if it is large and extensive, importing many goods from everywhere and distributing them to many without deceit, it is not greatly to be criticized. Indeed, if the merchant, sated with profit, or rather content with it, moves from the port to a country estate, as he has often moved from the high seas to port, he seems to deserve praise with every right. But of all the ways of acquiring anything, none is better than farming, none more fruitful, none more pleasant, none more worthy of a free man. Since I have said quite enough about it in my *Cato the Elder*, you will find there what bears on this topic.[66]

RANKING HONORABLE DUTIES

When honorable duties conflict, those of human fellowship come before those of knowledge.

1.152 I think I have sufficiently explained how duties are derived from the parts of honor. But among things that are themselves honorable, conflict and comparison can often arise: of two honorable things, which is more honorable? Panaetius passed over this topic. For all honor flows from four sources: the first is knowledge, the second community, the third greatness of spirit, the fourth moderation. These must often be weighed against one another in choosing a duty.

1.153 It is my view, then, that the duties derived from community are better suited to nature than those derived from knowledge. This can be confirmed by the following argument. Suppose the wise man were granted a life in which, with an abundance of every good thing, he could ponder and contemplate by himself, in perfect leisure, everything worth knowing [as much as he liked]. Yet if his solitude were so complete that he could never see another human being, he would depart from

66 *Cato the Elder, On Old Age* (44 BC), in which Cato praises farming at length.

life. The foremost of all the virtues is the wisdom the Greeks call σοφίαν [wisdom]. For by prudence, which the Greeks call φρόνησιν [practical wisdom], we understand something different: the knowledge of what to seek and what to avoid. But the wisdom I have called foremost is the knowledge of things divine and human, which includes the community of gods and men and their fellowship with one another. If this wisdom is the greatest virtue, as it certainly is, then the duty derived from community must be the greatest. For the knowledge and contemplation of nature would be in a way maimed and incomplete if no action followed from it. And such action is seen above all in protecting human interests. It therefore concerns the fellowship of the human race, and so it should be ranked above knowledge.

1.154 And all the best men show and judge this in practice. For who is so eager to investigate and understand the nature of the universe that he would not drop and abandon it all if, while he was studying and contemplating the things most worth knowing, he were suddenly told of a crisis threatening his country, which he could help and relieve? He would do so even if he thought he could count the stars or measure the size of the universe. And he would do the same if a parent's or a friend's interests or life were at stake.

1.155 From this we see that the duties of justice, which concern human advantage, should take precedence over the pursuits and duties of knowledge; for nothing should matter more to a human being than that.

And even those whose pursuits and whole lives have been devoted to acquiring knowledge have not withdrawn from promoting human advantage and welfare. They have educated many people to be better citizens and more useful to their states. Lysis the Pythagorean taught Epaminondas of Thebes, Plato taught Dion of Syracuse, and many have taught many. And whatever I myself have contributed to the commonwealth, if I

have indeed contributed anything, I came to public life trained and equipped by my teachers and their teaching.[67]

1.156 Nor do they instruct and teach those eager to learn only while they are alive and present; they do the same after death through the written works they leave behind. For they have passed over no topic that concerns laws, customs or the conduct of the commonwealth, so that they seem to have devoted their leisure to our business. Thus even those devoted to learning and wisdom apply their prudence and understanding chiefly to human advantage. For this reason, too, speaking with fullness, provided it is done prudently, is better than even the keenest thinking without eloquence. Thought turns in on itself, while eloquence embraces those with whom we are joined in community.

1.157 Swarms of bees do not gather in order to make honeycombs; they make honeycombs because they are gregarious by nature. In the same way, and much more so, human beings, gathered together by nature, apply their skill in action and in thought. So unless the virtue that consists in protecting people, that is, in the fellowship of the human race, has a share in knowledge, knowledge would seem solitary and barren. Likewise, greatness of spirit cut off from community and human bonds would be a kind of savagery and brutality. Thus the bond and community of human beings outweigh the pursuit of knowledge.

1.158 Nor is it true, as some say, that human community and fellowship arose from the necessities of life, because without others we could not obtain or produce what nature requires. On this view, if everything needed for food and comfort were supplied to us as if by a magic wand, as the saying goes, then every man of the best talent would drop all business and devote himself entirely to learning and knowledge. It is not so. He would flee solitude and look for a companion in his studies; he would want now to teach and now to learn, now to listen and now to

67 Dion (d. 354 BC), Plato's friend and pupil, overthrew his nephew Dionysius II, tyrant of Syracuse.

speak. Therefore every duty that serves to maintain the bonds and fellowship of human beings should take precedence over the duty that consists in learning and knowledge.

1.159 It may perhaps be asked whether this community, which is most in accordance with nature, should also always take precedence over self-restraint and moderation. I think not. For some acts are so repulsive, and others so outrageous, that the wise man would not commit them even to save his country. Posidonius collected a great many of them, but some are so foul and so obscene that they seem shameful even to mention. The wise man, then, will not undertake such things for the sake of the commonwealth, nor will the commonwealth want them undertaken on its behalf. But the matter is made easier by the fact that no occasion can arise when it would be in the commonwealth's interest for the wise man to do any of them.[68]

1.160 Let this, then, be established: in choosing among duties, the kind of duty that rests on human fellowship comes first. [For considered action will follow on knowledge and prudence; so it turns out that acting with consideration is worth more than thinking prudently.]

But enough of this. The topic itself has been laid open, so that in examining our duty it is not difficult to see which duty should take precedence over which. Within community itself, however, there are degrees of duty, from which we can understand what is owed to each: first to the immortal gods, second to our country, third to our parents, and then by degrees to everyone else.

1.161 From this brief discussion it can be seen that people are often in doubt not only whether something is honorable or dishonorable, but also, when two honorable courses are proposed, which is the more honorable. This topic, as I said above, was passed over by Panaetius. But now let us move on to what remains.

68 Posidonius of Apamea (c. 135–51 BC), Stoic philosopher and pupil of Panaetius, whose lectures Cicero attended at Rhodes.

Book II

The useful
Winning goodwill, glory and trust; generosity, and how to use wealth.

2.1 How duties are derived from honor and from every kind of virtue, Marcus, my son, I think I explained sufficiently in the previous book. Next I must deal with the kinds of duty that concern the maintenance of life and the means of obtaining the things people use, that is, resources and wealth [; on this I said the questions were what is useful and what is not, and, among useful things, what is more useful or most useful]. I shall begin to discuss these after saying a little first about my purpose and my judgment.

2.2 My books have stirred many people to take up not only reading but writing too. Yet I sometimes fear that some good men find the very name of philosophy distasteful, and wonder that I devote so much effort and time to it.

For my part, as long as the commonwealth was run by the men to whom it had entrusted itself, I devoted all my care and thought to it. But then everything came under the domination of one man, and there was no room anywhere for counsel or authority; and at last I had lost my partners in defending the commonwealth, those great men. Even so, I did not surrender to the anguish that would have destroyed me had I not resisted it, nor, on the other hand, to pleasures unworthy of an educated man.[1]

1 Caesar's dictatorship (49–44 BC). The great men include Pompey and Cato, who died in the civil war.

2.3 If only the commonwealth had remained in the state in which it began, and had not fallen into the hands of men eager not so much to change things as to overturn them! First, as I used to do while the Republic stood, I would be devoting more effort to action than to writing. Second, in my writings I would be recording not what I write now, but my own public acts, as I often did. But when the commonwealth, to which all my care, thought and effort used to be devoted, had ceased to exist altogether, then of course my speeches for the Forum and the senate fell silent.

2.4 Since my mind could not be idle, and I had been engaged in these studies from early youth, I thought that I could most honorably lay my troubles aside by returning to philosophy. As a young man I had devoted a great deal of time to it for the sake of learning. But once I began to seek public office and gave myself wholly to the commonwealth, there was only as much room for philosophy as was left over from the needs of my friends and of the commonwealth. All of that was taken up with reading; there was no leisure for writing.

2.5 Amid the greatest evils, then, I seem at least to have gained this much good: I have put in writing things that were not well enough known to our countrymen and were most worth knowing. For what, by the gods, is more desirable than wisdom? What is more excellent, what better for a human being, what more worthy of one? Those who seek it are called philosophers, and philosophy, if you translate the word, is nothing other than the pursuit of wisdom. And wisdom, as the ancient philosophers defined it, is the knowledge of things divine and human and of the causes that hold them together. If anyone disparages the pursuit of it, I really do not understand what he thinks worthy of praise.

2.6 Suppose we are seeking pleasure for the mind and relief from cares: what can compare with the pursuits of those who are always searching for something that bears on living well and happily and helps us to it? Or suppose we are concerned with a method for achieving steadiness and virtue: either this is the art

by which we can attain them, or there is none at all. To say that there is no art for the greatest things, when none even of the smallest is without its art, is the mark of people who speak thoughtlessly and err in the greatest matters. But if there is some teaching of virtue, where will it be sought if you abandon this kind of learning?

But these matters are usually discussed more thoroughly when we are urging people to take up philosophy, as I have done in another book. For now, I needed only to explain why, deprived of my public duties, I have devoted myself to this pursuit above all others.[2]

2.7 I am challenged, however, and indeed by learned and cultivated men, who ask whether I am being consistent. I say that nothing can be grasped with certainty, and yet I regularly discuss other subjects and am now setting out rules of duty. I wish they understood my position properly. I am not one of those whose mind wanders in uncertainty and never has anything to follow. What sort of mind, or rather what sort of life, would that be, with every principle not only of argument but of living taken away? Others say that some things are certain and others uncertain; I disagree with them and say that some things are probable and others improbable.[3]

2.8 What, then, is to prevent me from following what seems probable to me and rejecting what does not, and, avoiding the arrogance of dogmatic assertion, steering clear of rashness, which is utterly at odds with wisdom? Our school argues against everything because this very probability could not become clear unless the case had been argued on both sides.

But I have explained all this carefully enough, I think, in my *Academics*. As for you, my dear Cicero, you are studying the oldest and noblest school of philosophy under Cratippus, who is very like the men who produced those splendid doctrines. Even

2 The *Hortensius* (45 BC), Cicero's exhortation to philosophy, now lost except for fragments.

3 Cicero followed the skeptical New Academy, which held that certain knowledge is impossible but that one may act on what is probable.

so, I did not want you to be ignorant of these views of mine, which lie so close to your own.[4]

But let us now proceed with what we set out to do.

THE USEFUL

Nothing is truly useful unless honorable; people are the greatest help and harm to one another.

2.9 I set out five lines of inquiry for pursuing duty. Two concerned propriety and honor; two, the conveniences of life, that is, resources, wealth and means; the fifth, how to judge and choose whenever the things I mentioned seemed to conflict. The part on honor is finished, and I want you to know it thoroughly.

What we are dealing with now is the very thing called "useful." In the use of this word, custom has slipped and strayed from the path. It has gradually been led to separate honor from advantage and to establish that something can be honorable that is not useful, and useful that is not honorable. No greater bane could have been brought upon human life.

2.10 Philosophers of the highest authority do indeed distinguish, strictly and honorably, these three categories in thought, though they are in fact bound up together. [For they hold that whatever is just is also useful, and likewise that whatever is honorable is just; from which it follows that whatever is honorable is also useful.] Those who fail to see this often admire cunning and crafty men and mistake malice for wisdom. Their error must be rooted out, and their whole outlook must be turned toward the hope of understanding that they can achieve what they want by honorable plans and just actions, not by fraud and malice.

2.11 The things that serve to sustain human life are partly inanimate, such as gold, silver, the produce of the earth and other things of the same kind, and partly animate, having their own drives and impulses toward things. Of the animate, some lack reason and some use reason. Those without reason are horses,

4 *Academics* (45 BC), Cicero's dialogue on the theory of knowledge.

oxen, other livestock, [bees,] whose work produces something for human use and life. Of those that use reason, two kinds are recognized: gods and men. Piety and holiness will keep the gods well disposed. Next to the gods and after them, men can be most useful to men.

2.12 The same division applies to the things that harm and hinder. But since the gods are thought not to do harm, it is held that, apart from them, men do most harm to men.

For the very things we called inanimate are mostly produced by human labor. We would not have them without the addition of hand and skill, nor could we use them without human management. Neither care of health, nor navigation, nor farming, nor the gathering and storing of crops and other produce could have existed without human labor.

2.13 Again, there would certainly be no export of what we have in abundance, nor import of what we lack, unless men performed these services. By the same reasoning, the stones we need could not be quarried from the earth, nor could "iron, copper, gold, silver," "hidden deep below," be dug up without human labor and hands.

And houses keep out the force of the cold and relieve the discomfort of heat. How could they have been given to the human race in the first place, or repaired later if they collapsed from storms, earthquakes or age, unless communal life had taught people to seek help in such matters from one another?

2.14 Add aqueducts, river channels, irrigation of fields, breakwaters against the waves, man-made harbors: how could we have these without human labor? From these and many other examples it is clear that the benefits and advantages derived from inanimate things could in no way have been obtained without human hands and labor.

Finally, what benefit or convenience could be derived from animals without human help? It was surely men who first discovered what use we could make of each animal. Even now, without human labor, we could neither feed nor tame nor protect them, nor gather their produce at the right season. And it is

men who kill the harmful ones and capture those that can be of use.

2.15 Why should I list the multitude of arts without which life could not exist at all? How would the sick be helped, what pleasure would the healthy have, what food or comfort, if so many arts did not serve us? Refined by these, human life is far removed from the way beasts live and feed. Cities, too, could neither have been built nor populated without human association. From this, laws and customs were established, then a fair apportionment of rights and a settled rule of life. These were followed by gentleness of spirit and a sense of shame. The result was that life became more secure, and that by giving and receiving, and by exchanging and lending resources, we lacked nothing.

2.16 I am dwelling on this longer than necessary. For who does not see what Panaetius recounts at length: that no leader in war and no leading statesman at home could have accomplished great and beneficial things without the zealous support of others? He mentions Themistocles, Pericles, Cyrus, Agesilaus and Alexander, and says that they could not have achieved such great things without the help of others. In a matter beyond doubt he calls witnesses who are not needed.

And just as we gain great advantages from human concord and agreement, so there is no plague so terrible that it does not come to man from man. There is a book on the destruction of human life by Dicaearchus, a great and prolific Peripatetic. He collects the other causes: floods, epidemics, devastation, and even sudden swarms of wild beasts, whose onslaught, he shows, has wiped out some peoples. Then he calculates how many more people have been destroyed by the violence of other people, that is, by wars or civil strife, than by all other calamities.[5]

2.17 There is no doubt, then, on this point: human beings are both the greatest help and the greatest harm to one another. So I

5 Dicaearchus of Messana (fl. c. 320 BC) was a pupil of Aristotle; his book *On the Destruction of Human Life* is lost.

set it down as the special function of virtue to win people's hearts and attach them to one's own service. Accordingly, whatever useful service to human life is performed with inanimate things and in the use and handling of animals is credited to the practical arts. But people's support, ready and prepared to advance our interests, is roused by the wisdom and virtue [of outstanding men].

2.18 For virtue as a whole turns on roughly three things. The first consists in discerning what is true and genuine in each matter, what is consistent with what, what follows from what, what gives rise to each thing, and what is the cause of each. The second is to restrain the turbulent movements of the mind, which the Greeks call πάθη [passions], and to make the impulses, which they call ὁρμάς [impulses], obedient to reason. The third is to treat those we associate with moderately and wisely. Through their support we may have what nature requires in full and overflowing measure; through them, too, we may ward off any harm that comes upon us, and take revenge on those who have tried to harm us, punishing them as much as fairness and humanity allow.

2.19 By what means we can acquire this ability to win people's support and keep it I shall explain, and before long; but a few things must be said first.

Who does not know that fortune has great power in both directions, toward prosperity or adversity? When we enjoy her favorable wind, we are carried to the outcome we hoped for, and when she blows against us, we are dashed. Fortune herself, then, brings other, rarer mishaps: first, from inanimate things—hurricanes, storms, shipwrecks, collapsing buildings, fires; then, from animals—kicks, bites, attacks. These, as I said, are rarer.

2.20 But consider the destruction of armies (three recently, and often many), the downfall of generals (as recently of a very great and exceptional man), the hatred of the masses and, because of it, the frequent banishment, ruin and flight of citizens who deserved well of their country; and, on the other hand, suc-

cesses, offices, commands and victories. Though these depend on chance, none of them, good or bad, can come about without the resources and support of human beings.[6]

Knowing this, then, I must explain how we can attract and rouse people's support to serve our interests. If this discussion runs rather long, let it be measured against the size of the advantage; that way it may even seem short.

LOVE, NOT FEAR

Why people support another, and why ruling by fear destroys power, as Caesar's end shows.

2.21 Whatever people bestow on a man to raise him in position or honor, they do for one of several reasons. They may act out of goodwill, when for some reason they are fond of someone; or out of esteem, if they look up to someone's virtue and think him worthy of the highest fortune; or because they trust him and think he will look after their interests well; or because they fear his power; or, on the other hand, because they expect something from him, as when kings or popular politicians offer handouts; or, finally, because they are induced by payment and bribes. This last is indeed the most sordid and corrupt method, both for those who are caught by it and for those who try to resort to it;

2.22 for things are in a bad way when money is used to achieve what should be achieved by virtue. But since this resource is sometimes necessary, I shall explain how it should be used, after first discussing the things that are closer to virtue.

People also submit to the command and power of another for several reasons. They are led by goodwill, or by the magnitude of benefits received, or by someone's outstanding standing, or by the hope that it will be to their own advantage, or by fear of being forced to obey. Or they are won over by the hope of handouts and by promises; or finally, as we often see in our own commonwealth, they are hired for pay.

6 The three armies are probably those destroyed at Pharsalus (48 BC), Thapsus (46 BC) and Munda (45 BC); the great man is Pompey, murdered in Egypt in 48 BC.

2.23 Of all things, nothing is better suited to protecting and keeping power than to be loved, and nothing worse than to be feared. Ennius puts it admirably: "Whom they fear, they hate; and whom one hates, one wishes dead." That no power can withstand the hatred of many, if it was not known before, has recently been learned. The death of this tyrant, whom the state endured under the oppression of his arms and whom it obeys now more than ever though he is dead, shows how powerful human hatred is for destruction. But so do the similar ends of other tyrants, hardly any of whom escaped such a death. For fear is a poor guardian of lasting power, while goodwill is a faithful one, even forever.[7]

2.24 Those who keep down by force people they have subjugated may indeed have to use severity, as masters do toward their slaves if they cannot be controlled otherwise. But for those who, in a free state, set themselves up to be feared, nothing can be more insane. For however much the laws may be submerged by one man's power, however much freedom may be intimidated, they emerge again sooner or later, either in silent verdicts or in secret ballots for office. And freedom bites more fiercely when it has been suspended than when it has been kept. Let us, then, embrace the principle that has the widest reach and is most effective not only for security but also for wealth and power: let fear be absent and affection retained. In this way we shall most easily achieve what we want, in private life and in public.

For those who want to be feared must themselves fear the very people who fear them.

2.25 What torment of fear, do we suppose, used to torture the elder Dionysius, who was so afraid of the barber's razor that he singed off his own hair with a glowing coal? And in what state of mind do we think Alexander of Pherae lived? We read that he loved his wife Thebe dearly. Yet when he came to her bedroom from a banquet, he would order a foreigner—tattooed, so it is written, with Thracian marks—to go ahead of him with a drawn

7 Caesar, assassinated on 15 March 44 BC; his acts remained in force after his death, and Antony exploited them.

sword. He would also send some of his bodyguards ahead to search the women's chests and make sure no weapon was hidden among her clothes. Wretched man, to think a branded foreigner more trustworthy than his wife! Nor was he wrong: he was killed by her, because she suspected him of keeping a mistress.[8]

No power, however great, can last long under the pressure of fear.

2.26 Witness Phalaris, whose cruelty is notorious above all others. He did not die by conspiracy, like the Alexander I have just mentioned, nor at the hands of a few, like our own tyrant; the entire population of Agrigentum rose against him.[9]

Again: did the Macedonians not abandon Demetrius and all go over to Pyrrhus? Again: when the Spartans ruled unjustly, did not almost all their allies suddenly desert them and stand by as idle spectators of the disaster at Leuctra?[10]

On such a subject I prefer to recall foreign examples rather than our own. Yet as long as the empire of the Roman people was maintained by acts of kindness, not by injustice, wars were waged either on behalf of our allies or for our empire; they ended either mildly or only as harshly as was necessary; the senate was a harbor and refuge for kings, peoples and nations,

2.27 and our magistrates and generals sought to win the highest praise from this one thing: defending the provinces and the allies with fairness and good faith. So our rule could more truly have been called a protectorate of the world than an empire.

We had been gradually weakening this custom and discipline even before, but after Sulla's victory we lost it entirely. For nothing done to the allies seemed unjust any longer, once such cruelty had been shown to citizens. In his case, then, an honorable cause was followed by a dishonorable victory. When he had planted the spear and was selling off in the Forum the property

8 Dionysius I was tyrant of Syracuse (405–367 BC). Alexander, tyrant of Pherae in Thessaly (369–358 BC), was murdered by his wife's brothers at her instigation.
9 Phalaris, tyrant of Acragas (Agrigentum) in Sicily (c. 570–554 BC), was said to have roasted his victims in a bronze bull.
10 Demetrius Poliorcetes lost Macedonia to Pyrrhus of Epirus in 288 BC.

of good men, rich men, and in any case citizens, he dared to say that he was "selling his own booty." He was followed by a man who, in an unholy cause and with an even fouler victory, did not merely confiscate the property of individual citizens but engulfed whole provinces and regions under a single law of ruin.[11]

2.28 And so, after foreign nations had been harassed and ruined, we saw Massilia carried in a triumph as a token that our empire was lost. We saw a triumph celebrated over the city without which our generals never won a triumph in their wars beyond the Alps. I could list many other crimes against our allies, if the sun had ever seen anything more shameful than this one. Rightly, then, are we punished. For if we had not tolerated the unpunished crimes of many, such license would never have come into the hands of one man. From him the inheritance of his estate passed to a few, but the inheritance of his ambitions to many wicked men.[12]

2.29 Nor will there ever be a lack of seed and cause for civil wars as long as desperate men remember that bloody spear and hope for it again. Publius Sulla brandished it when his kinsman was dictator, and thirty-six years later he did not shrink from a still more criminal spear. And another man, who had been a clerk under that dictatorship, was city quaestor under this one. From this we must understand that, as long as such rewards are on offer, there will never be an end to civil wars.[13]

And so only the city's walls still stand, and even they now fear the worst of crimes; the commonwealth we have lost entirely. And we have fallen into these disasters (for I must return to my theme) because we prefer to be feared rather than held dear and loved. If this could happen to the Roman people when they

11 A spear was planted at public auctions of confiscated property; Sulla sold off the estates of those he proscribed in 82–81 BC. The man who followed is Caesar.
12 Massilia (Marseille), Rome's old ally, was besieged and taken by Caesar in 49 BC and paraded in his triumph of 46 BC.
13 Publius Cornelius Sulla, a relative of the dictator, bought confiscated property both in 82 BC and under Caesar. The clerk was one Cornelius, urban quaestor in 44 BC.

ruled unjustly, what should individuals expect? Since it is clear, then, that the power of goodwill is great and that of fear weak, it remains for us to discuss by what means we can most easily win the affection we want, together with honor and trust.

2.30 But we do not all need this affection to the same degree. It must be suited to the way of life each person has chosen: does he need to be loved by many, or is it enough to be loved by a few? Let this much be settled, then, as the first and most necessary thing: to have close and faithful friends who love us and admire what is ours. This is the one thing that must be acquired almost equally by the greatest men and by ordinary ones, so that on this point there is little difference between them.

2.31 Honor, glory and the goodwill of our fellow citizens are perhaps not needed equally by everyone. Still, a person who has them finds them a considerable help in other matters, and above all in making friends.

But friendship has been discussed in another book, the one entitled *Laelius*. Now let us speak of glory. I have also written two books on that subject, but let us touch on it here, since it is of the greatest help in handling the larger affairs.[14]

GLORY

Glory rests on goodwill, trust and admiration, and justice wins all three.

Glory at its highest and most complete consists of these three things: that the multitude loves us, that it trusts us, and that it thinks us worthy of honor, with a certain admiration. To put it simply and briefly, these are won from the multitude by much the same means as from individuals. But there is also another way of approaching the multitude, by which we can, as it were, flow into the minds of all at once.

2.32 First, then, of the three things I mentioned, let us look at the rules for goodwill. Goodwill is won above all by kindnesses.

14 *Laelius*, or *On Friendship*, was written earlier in 44 BC. Cicero's two books *On Glory* are lost.

In second place, it is stirred by a kindly disposition, even when the means happen to be lacking. And the affection of the multitude is powerfully stirred by the mere reputation and belief that a man has generosity, kindness, justice, good faith, and all the virtues that belong to gentleness and ease of manner. For the very thing we call the honorable and proper pleases us for its own sake and moves the minds of all by its nature and its beauty. It shines through most of all in the virtues I have mentioned, and for that reason we are compelled by nature itself to love those in whom we believe these virtues reside. These are the weightiest reasons for loving someone; there may be some lighter ones besides.

2.33 Trust can be secured by two things: by our being thought to have acquired prudence joined with justice. We trust those who we think understand more than we do, who we believe foresee the future, and who, when the matter is in hand and a crisis has come, can resolve it and form a plan on the spot. People consider this the useful and true prudence. Just and trustworthy men, that is, good men, are trusted in such a way that there is no suspicion of fraud or wrongdoing about them. So we think it entirely right to entrust our safety, our fortunes and our children to them.

2.34 Of these two, then, justice has the greater power to create trust. Even without prudence it has enough authority, whereas prudence without justice counts for nothing in creating trust. For the more cunning and clever a man is, the more hated and suspected he becomes once his reputation for integrity is gone. Justice joined with intelligence, therefore, will have all the power it wants to create trust. Justice without prudence will be able to do much; prudence without justice will achieve nothing.

2.35 All philosophers agree, and I myself have often argued, that whoever has one virtue has them all. So let no one wonder why I now separate them, as if anyone could be just without also being prudent. Precision is one thing when truth itself is being refined in philosophical debate, and another when all one's language is adapted to common opinion. Here, then, I speak as

ordinary people do, calling some men brave, others good, others prudent. When we are speaking of popular opinion, we must use popular and familiar words, and Panaetius did the same. But let us return to our subject.

2.36 The third of the three things that bear on glory, then, was that people should judge us worthy of honor, with admiration. People in general admire everything they notice that is great and beyond their expectation; in individuals in particular, they admire any good qualities they find unexpectedly. So they look up to those men in whom they think they see outstanding and singular virtues, and extol them with the highest praise. But they look down on and despise those in whom they think there is no virtue, no spirit, no vigor. For they do not despise everyone of whom they think ill. Those they consider wicked, slanderous, deceitful and equipped to do harm, they certainly do not despise; but they think ill of them. So, as I said before, those are despised who are "no good to themselves or to anyone else," as the saying goes, and in whom there is no effort, no diligence, no care.

2.37 Admiration, on the other hand, goes to those who are thought to surpass others in virtue and to be free not only of every disgrace but also of the vices that others cannot easily resist. For pleasures, those most seductive of mistresses, turn most people's minds away from virtue, and when the torches of pain are brought near, most are terrified beyond measure. Life and death, wealth and poverty, affect all people most violently. When men look down on these things, in either direction, with a lofty and great spirit, and when some grand and honorable object set before them turns them wholly toward itself and carries them away, who would not then admire the splendor and beauty of virtue?

2.38 So this contempt for such things wins great admiration. Above all, justice, the one virtue from which men are called good, seems to the multitude something marvelous, and rightly so. No one can be just who fears death, pain, exile or poverty, or who puts their opposites before fairness. People admire most of

all the man who is not moved by money. A man in whom this has been clearly seen they regard as tested by fire.

So justice accomplishes all three of the things we proposed as leading to glory. It wins goodwill, because it wishes to benefit as many as possible. For the same reason it wins trust. And it wins admiration, because it spurns and disregards the things that most people, inflamed with greed, are swept toward.

2.39 In my view, every plan and pattern of life requires the help of other people, and above all it requires companions with whom one can talk as friends. That is difficult unless you present the appearance of a good man. So even for a man who lives alone in the country, a reputation for justice is necessary, and all the more so because men without it [will be thought unjust and], having no defenses around them, will suffer many wrongs.

2.40 For those who buy and sell, hire and let, and are engaged in making contracts, justice is necessary to do business at all. Its power is so great that not even those who live on crime and wickedness can survive without some particle of it. A man who steals or seizes something from one of his fellow robbers leaves himself no place even in a band of robbers. And the so-called pirate chief, unless he divides the plunder fairly, will be either killed or deserted by his comrades. Indeed, robbers are even said to have laws that they obey and observe. It was by fair division of the plunder that Bardylis, the Illyrian bandit who appears in Theopompus, acquired great power, and Viriathus of Lusitania far greater. Even our armies and generals gave way before Viriathus. But Gaius[15] Laelius, the one known as "the Wise," as praetor broke and crushed him, and checked his ferocity so thoroughly that he could easily hand the war on to his successors.

Since, then, the power of justice is so great that it strengthens and increases even the power of robbers, how great do we think

15 Bardylis was an Illyrian chieftain of the 4th century BC; Theopompus of Chios was a Greek historian of the same century. Viriathus led the Lusitanians (in modern Portugal) against Rome from 147 to 139 BC.

its power will be among laws and courts, in a well-established commonwealth?

2.41 It seems to me that it was so that people might enjoy justice that kings of good character were established in ancient times, not only among the Medes, as Herodotus says, but among our own ancestors too. When the helpless multitude was oppressed by those with greater wealth, they took refuge with some one man of outstanding virtue. He protected the weaker from wrong and, by establishing fairness, held the highest and the lowest together under equal rights. And the reason for making laws was the same as for making kings.[16]

2.42 For what people have always sought is a right that is equal for all; otherwise it would not be right at all. If they obtained it from one just and good man, they were content with him. When that did not happen, laws were invented, to speak to everyone always with one and the same voice.

This much, then, is clear: the men usually chosen to rule were those whose justice the multitude held in high regard. And if they were also thought prudent, there was nothing people believed they could not achieve under their leadership. Justice, then, must be cultivated and maintained by every means, both for its own sake (for otherwise it would not be justice) and for the enhancement of honor and glory.

But just as there is a method not only for acquiring money but also for investing it, so that it may supply continuing expenses, not only necessary ones but generous ones as well, so glory too must be both acquired and invested with method.

2.43 And yet Socrates put it admirably when he said that the nearest road to glory, a kind of shortcut, is to act so as to be what you want to be thought. If people suppose they can gain lasting glory by pretense and empty show, by feigning not only their words but even their expression, they are badly mistaken. True glory puts down roots and even spreads; everything false quickly drops away like little flowers, and nothing pretended

16 Herodotus (1.96–100) tells how Deioces won the kingship of the Medes by his reputation for justice.

can last long. There are many witnesses on both sides, but for brevity's sake we shall be content with a single family. Tiberius Gracchus, son of Publius, will be praised as long as the memory of Roman history endures. But his sons were not approved by good men while they lived, and in death they are counted among those who were justly killed.[17]

Whoever wishes to gain true glory, then, should perform the duties of justice. What these are was explained in the previous book.

HOW A YOUNG MAN WINS A NAME

A young man gains reputation through service in war, good company and eloquence in the courts.

2.44 Still, although the greatest force lies in this very thing, that we be the people we wish to be thought, some rules must be given so that we may most easily seem to be what we are. If someone from early youth has a claim to fame and a name, whether inherited from his father, as I think has happened to you, my dear Cicero, or through some chance and fortune, the eyes of all are turned on him. People ask what he is doing and how he lives; and as if he moved in the brightest light, no word or deed of his can remain hidden.

2.45 But those whose early years are passed unknown to the world because of humble and obscure origins should, as soon as they become young men, aim at great things and strive toward them by right pursuits. They will do this with all the firmer resolve because that age is not only not envied but even favored.

The first recommendation of a young man to glory, then, is whatever can be won in war. Many among our ancestors distinguished themselves in this way, for wars were being fought almost constantly. Your youth, however, fell in that war in which one side had too much wickedness and the other too little good fortune. Yet in that war, when Pompey put you in command of [a

17 The elder Tiberius Sempronius Gracchus (consul 177 and 163 BC) was the father of the reforming tribunes Tiberius and Gaius Gracchus, killed in 133 and 121 BC.

second] cavalry squadron, you won great praise from that great man and from the army for your riding, your javelin-throwing, and your endurance of every military hardship. But that credit of yours fell together with the Republic.[18]

But this discussion I have undertaken is not about you; it is about the whole class of young men. So let us go on to what remains.

2.46 Just as in everything else the works of the mind are far greater than those of the body, so the things we pursue by intellect and reason win more gratitude than those we pursue by strength. The first recommendation, then, comes from moderation, together with dutiful affection toward one's parents and goodwill toward one's family. Young men also become known most easily and most favorably when they have attached themselves to famous and wise men who give the commonwealth good counsel. If they are often in their company, they give the people the impression that they will be like the men they themselves have chosen to imitate.

2.47 The house of Publius Mucius recommended the young Publius Rutilius to a reputation for integrity and legal knowledge. Lucius Crassus, by contrast, borrowed from no one: while still very young, he won the greatest praise for himself by that famous and glorious prosecution. At the age when those in training are usually praised simply for practicing, as we hear of Demosthenes, Lucius Crassus showed that he was already doing superbly in the Forum what he could even then have practiced at home to his credit.[19]

2.48 Speech is of two kinds: one is conversation, the other formal oratory. There is no doubt that formal oratory [of speech] has greater power to win glory, for that is what we call eloquence. Yet it is hard to say how much courtesy and affability in conversation win people's hearts. We have letters from Philip to

18 Marcus, aged about seventeen, served under Pompey in the civil war against Caesar in 49–48 BC.

19 Publius Rutilius Rufus (consul 105 BC) studied under the jurist Publius Mucius Scaevola. The orator Lucius Licinius Crassus won fame at twenty-one by prosecuting Gaius Papirius Carbo in 119 BC.

Alexander, from Antipater to Cassander, and from Antigonus to his son Philip, three very prudent men (so we are told). In them they advise their sons to win the multitude to goodwill by kindly words, and to soothe the soldiers by addressing them in a friendly way [in conversation]. A speech delivered in formal oratory before a crowd, on the other hand, often stirs the whole crowd [to glory]. Great is the admiration for someone who speaks fluently and wisely; those who hear him think he understands and knows more than others.[20] And if a speech combines dignity with moderation, nothing can be more admirable, all the more so if these qualities are found in a young man.

2.49 There are several kinds of occasion that call for eloquence, and many young men in our commonwealth have won praise by speaking before juries, before the people and before the senate. But the greatest admiration is won in the courts.

Cases in court are of two kinds, consisting of prosecution and defense. Defense is the more praiseworthy, but prosecution too has very often won approval. I spoke a little earlier of Crassus; Marcus Antonius did the same as a young man. A prosecution also brought the eloquence of Publius Sulpicius to light, when he took Gaius Norbanus, a seditious and worthless citizen, to court.[21]

2.50 But this should not be done often, and never except for the sake of the commonwealth, like the men I just mentioned; or for revenge, like the two Luculli; or to protect clients, as I did for the Sicilians, and Julius did for the Sardinians against Albucius. Lucius Fufius' diligence also became known when he prosecuted Manius Aquilius. Once, then, or at any rate not often. If someone must prosecute more often, let him render this service to the commonwealth, for it is not blameworthy to punish its enemies often; even so, let there be a limit. For it seems the mark of a hard man, or rather of one hardly a man, to put many

20 Antipater, Alexander's regent in Macedonia, and Antigonus the One-Eyed, one of his generals, both became kings after his death; Cassander and Philip were their sons.

21 Marcus Antonius (143–87 BC), the grandfather of Mark Antony, was one of the great orators of his day. Sulpicius prosecuted Norbanus in 95 BC.

in danger of their lives. It is both dangerous to oneself and damaging to one's reputation to let oneself be called a prosecutor. That is what happened to Marcus Brutus, a man of the noblest birth, the son of the Brutus who was one of the foremost experts in civil law.[22]

2.51 This rule of duty must also be carefully kept: never bring an innocent person to trial on a capital charge, for that can in no way be done without wickedness. What is so inhuman as to turn eloquence, which nature gave for people's safety and preservation, to the ruin and destruction of good men? Yet while this must be avoided, we need not scruple to defend a guilty person now and then, provided he is not wicked and impious. The multitude wants it, custom allows it, humane feeling too accepts it. It is always the judge's part in a trial to follow the truth; it is sometimes the advocate's part to defend what is plausible, even if it is not quite true. I would not dare to write this, especially in a work on philosophy, if Panaetius, the most serious of the Stoics, did not hold the same view. Glory and gratitude are won above all by defending, and all the more when one comes to the aid of someone who seems to be beset and oppressed by the power of some mighty man. I did this often on other occasions, and in particular as a young man, when I spoke for Sextus Roscius of Ameria against the power of Lucius Sulla, then master of Rome. The speech, as you know, survives.[23]

TWO KINDS OF GENEROSITY

Giving service is better than giving money; the limits and proper uses of largesse.

2.52 Now that I have set out the duties of young men that help to win glory, I must next speak of kindness and generosity. These take two forms: kindness is shown to the needy either by service

22 Cicero prosecuted Verres, governor of Sicily, in 70 BC. The younger Marcus Junius Brutus earned the nickname "the Prosecutor"; his father was one of the founders of Roman civil law.

23 Cicero's speech *For Sextus Roscius of Ameria* (80 BC) exposed a favorite of the dictator Sulla.

or by money. The latter is easier, especially for a rich man; but the former is nobler and more splendid, and more worthy of a brave and distinguished man. Both contain a generous wish to oblige, but the one is drawn from the strongbox, the other from virtue. And giving that comes out of one's private property drains the very spring of generosity. So generosity is destroyed by generosity: the more people you have used it on, the fewer you can use it on in future.

2.53 But those who are kind and generous with their service, that is, with their virtue and industry, will gain in two ways. First, the more people they have helped, the more helpers they will have in doing good. Second, through the habit of kindness they will be readier and, as it were, better trained to deserve well of many.

Philip, in one of his letters, admirably rebukes his son Alexander for trying to win the goodwill of the Macedonians with largesse: "What reasoning, confound it," he says, "led you to hope that people you had corrupted with money would be loyal to you? Or are you trying to make the Macedonians expect you to be not their king but their steward and purveyor?"

"Steward and purveyor" is well said, because that is a degrading role for a king. Better still, he called largesse "corruption," for the one who receives it is made worse and readier always to expect the same.

2.54 He said this to his son, but let us consider it a rule for everyone.

There is no doubt, then, that the kind of generosity that consists of service and industry is more honorable, reaches further, and can benefit more people. Sometimes, however, one must give money. This kind of generosity is not to be rejected altogether: one should often share one's property with deserving people in need, but carefully and in moderation. For many have squandered their inheritances by giving thoughtlessly. What is more foolish than to arrange things so that you can no longer do what you enjoy doing? Plunder, too, follows largesse. When people have begun to be in want through giving, they are forced

to lay hands on the goods of others. So, although they wish to be kind in order to win goodwill, they gain less devotion from those they have given to than hatred from those they have robbed.

2.55 So one's property should not be locked up so tightly that generosity cannot open it, nor unbarred so that it lies open to everyone. Let there be a limit, and let it be proportioned to one's means. We should always remember the saying our people have used so often that it has become a proverb: "largesse has no bottom." For what limit can there be, when those who are used to it want the same again, and others want it too?

There are, in short, two kinds of lavish givers: the prodigal and the generous. The prodigal are those who pour out money on banquets, public distributions of meat, gladiatorial shows, and the staging of games and wild-beast hunts, things of which they will leave only a brief memory, or none at all;

2.56 the generous are those who use their means to ransom captives from pirates, or take on their friends' debts, or help them provide for their daughters' marriages, or assist them in acquiring or increasing property. So I wonder what came into Theophrastus' head in the book he wrote on wealth. He says much in it admirably, but this absurdly: he dwells at length on praising magnificence and the staging of public shows, and he thinks the means for such expenditure is the true fruit of wealth. To me the fruit of generosity, of which I have given a few examples, seems both far greater and far more certain.

How much more seriously and truly Aristotle rebukes us for not being astonished at these outpourings of money made to win over the multitude! He says: "If people under siege were forced to pay a mina for a pint of water, this would at first seem incredible to us, and everyone would be amazed; but on reflection they would make allowance for necessity. Yet we are not much amazed at these enormous outlays and boundless expenditures, although they relieve no necessity and add nothing to anyone's standing, and the multitude's delight itself lasts only a brief moment and is felt only by the most frivolous, in

whom the memory of the pleasure dies along with their satiety."[24]

2.57 He concludes well, too: "These things are welcome to children, to silly women, to slaves, and to free men very like slaves; but a serious man, who weighs events with sound judgment, can in no way approve of them."

Still, I know that in our state, even in the good old days, it had long been the custom to expect splendid aedileships from the best men. So Publius Crassus, rich in surname as well as in fact, discharged the aedile's duty with the grandest of shows. A little later Lucius Crassus, together with Quintus Mucius, the most moderate of men, held a most magnificent aedileship; then came Gaius Claudius, son of Appius, and many after him, the Luculli, Hortensius and Silanus. But Publius Lentulus, in my consulship, surpassed all his predecessors, and Scaurus imitated him. Most magnificent of all were the shows of our friend Pompey in his second consulship. In all these cases you see what I think.[25]

2.58 Yet any suspicion of avarice must be avoided. Mamercus, a very rich man, was defeated for the consulship because he had skipped the aedileship. So if the people demand shows, they must be given, with the approval of good men if not at their wish, but in proportion to one's means, as I myself did. They should be given, too, if some greater and more useful object is gained by public largesse. Recently, for instance, the dinners Orestes gave in the streets, in the name of a tithe, brought him great honor. Nor was it held against Marcus Seius that in a time of scarcity he gave the people grain at an as a peck: at an outlay that was neither dishonorable, since he was aedile, nor very large, he freed himself from great and long-standing unpopularity. But the highest honor went recently to our friend Milo, who bought gladiators for the sake of the commonwealth, whose

24 A mina was a large sum, a hundred silver drachmas. The passage does not survive among Aristotle's extant works.

25 Aediles staged the public games, often at great personal expense, to win votes for higher office. Publius Crassus bore the surname Dives, "the Rich." Pompey's shows of 55 BC opened his theater.

safety depended on mine, and crushed all the schemes and frenzies of Publius Clodius.[26]

Largesse is justified, then, if it is either necessary or useful.

2.59 And even in these cases the rule of the mean is best. Lucius Philippus, son of Quintus, a man of great ability and especially distinguished, used to boast that he had obtained every office regarded as highest without giving any show. Cotta and Curio said the same. I too may boast of this in some measure. Considering how high were the offices I won, by the votes of all the centuries and in my first year of eligibility, which happened to none of the men I have just named, my aedileship cost very little.

2.60 Better, too, are expenditures on walls, docks, harbors, aqueducts and everything that serves the commonwealth. What is handed over on the spot, as it were, is more pleasing; but these things win more gratitude in the future. Theaters, colonnades and new temples I criticize with some restraint, because of Pompey. But the most learned do not approve of them: this same Panaetius, for instance, whom I have followed closely in these books, though without translating him; and Demetrius of Phalerum, who blames Pericles, the leading man of Greece, for pouring so much money into those splendid Propylaea. But this whole subject has been discussed carefully in my books *On the Republic*.[27]

The whole practice of such largesse, then, is faulty in its nature, though necessary at times; and even then it must be adapted to one's means and kept within moderation.

2.61 In the other kind of giving, which springs from generosity, we should not be disposed in the same way toward unlike cases. The case of a man weighed down by misfortune is different from

26 A tenth of one's property might be vowed to Hercules and spent on a public feast; the as was Rome's smallest coin. Milo, tribune in 57 BC, used gladiators against the gangs of Clodius, who had driven Cicero into exile, and helped secure his recall.

27 The Propylaea was the monumental gateway to the Athenian Acropolis, built 437–432 BC. Pompey's theater included a temple and colonnades.

that of a man who wants to better his position without having suffered any adversity.

2.62 Our generosity should lean more toward the unfortunate, unless perhaps they deserve their misfortune. Toward those who want help not to escape ruin but to climb to a higher rank, we should by no means be tight-fisted; but we should use judgment and care in choosing those who deserve it. For Ennius puts it well: "Good deeds ill placed I count as evil deeds."

2.63 What is given to a good and grateful man brings a return both from him and from others. For generosity free of rashness is most welcome, and most people praise it all the more eagerly because the kindness of every eminent man is a common refuge for all. We must take pains, then, to confer on as many people as possible benefits whose memory will be handed down to their children and descendants, so that these too are not free to be ungrateful. For everyone hates a man who forgets a kindness. They think that by discouraging generosity he wrongs them too, and that whoever does it is the common enemy of the poor.

This kind of generosity is useful to the commonwealth as well: captives are ransomed from slavery and the poor are made better off. That our order used commonly to do this we see written at length in a speech of Crassus. This habit of generosity I much prefer to lavish shows. The one belongs to serious and great men; the other to those who flatter the people, so to speak, and tickle the fickle multitude with pleasure.

2.64 It will be fitting to be not only open-handed in giving but also not harsh in exacting payment. In every transaction, in selling and buying, hiring and letting, and dealings over neighboring properties and boundaries, one should be fair and accommodating, giving up much of one's own right to many people, and shunning lawsuits as far as one may, and perhaps even a little further. For to give up a little of one's right now and then is not only generous but sometimes even profitable. One must look after one's property, since it is disgraceful to let it slip away; but in such a way as to avoid any suspicion of meanness or avarice. For to be able to practice generosity without strip-

ping oneself of one's inheritance is surely the greatest fruit of money.

Theophrastus was right to praise hospitality as well. It seems to me, at least, highly proper that the houses of distinguished men should be open to distinguished guests; and it is also an ornament to the commonwealth that foreigners do not lack this kind of generosity in our city. It is also extremely useful for those who wish to be powerful honorably to have influence and favor among foreign peoples through their guest-friends. Theophrastus writes that Cimon at Athens was hospitable even to the men of his own district, the Laciadae. He had arranged matters, and instructed his stewards, so that everything should be provided for any Laciad who stopped at his country house.[28]

2.65 Kindnesses given through service rather than largesse are conferred both on the whole commonwealth and on individual citizens. Giving legal advice[, helping with counsel,] and benefiting as many people as possible with this kind of knowledge do a great deal both to increase one's influence and to win gratitude.

Among the many admirable practices of our ancestors was that the knowledge and interpretation of our excellently established civil law were always held in the highest honor. Before the present confusion of the times, the leading men kept this knowledge in their own hands. Now, like the offices of state and every grade of rank, the splendor of this knowledge has been blotted out. That is all the more outrageous because it has happened at a time when there was a man who, equal in rank to all his predecessors, easily surpassed them in knowledge. This service, then, is welcome to many and well suited to binding people by benefits.[29]

2.66 Bordering on this skill is the power of speaking, [weightier,] more welcome and more ornate. For what is more excellent than eloquence, whether we look at the admiration of those who

28 Cimon was an Athenian general and statesman of the 5th century BC. The Laciadae were the members of his deme, a local district of Attica.

29 Cicero means his friend Servius Sulpicius Rufus (consul 51 BC), the greatest jurist of the age.

hear it, the hopes of those in need, or the gratitude of those who have been defended? To eloquence [too], therefore, our ancestors gave first place in civilian life. So the kindnesses and patronage of an eloquent man who works readily, and who, as is our ancestral custom, defends many people's cases willingly and without payment, reach far and wide.

2.67 The subject prompts me here, too, to lament the suspension, not to say the death, of eloquence, if I were not afraid of seeming to complain about myself. Still, we see how few, now that so many orators are dead, show any promise, how still fewer have ability, and how many have audacity. But since not all, nor even many, can be learned in the law or eloquent, one can still benefit many people by service: seeking favors for them, recommending them to judges and magistrates, watching over another's interests, and asking favors of the very men who are consulted or who plead. Those who do this win the greatest gratitude, and their diligence spreads very widely.

2.68 They need no reminder of the next point, since it is obvious: when they wish to help others, they must take care not to offend anyone. For they often hurt those they ought not to hurt, or those it is not expedient to hurt. If they do it unwittingly, it is carelessness; if wittingly, recklessness. When you offend someone against your will, you must offer an excuse, by whatever means you can, explaining why what you did was necessary and you could not have acted otherwise. And whatever seems to have been damaged must be made good by other services and good offices.

2.69 When we help people, we usually look either at their character or at their fortune. It is easy to say, and people commonly do say, that in placing their kindnesses they look to a man's character, not his fortune. It is an honorable thing to say; but who, pray, when giving his services, does not put the favor of a rich and powerful man ahead of the cause of a poor and excellent one? For our inclination generally leans toward the man from whom repayment seems likely to be readier and quicker. But we must look more carefully at the nature of things. That

poor man, if he is a good man, even if he cannot repay gratitude, can certainly have it. Whoever it was put it neatly: "A man who has money has not repaid it, and a man who has repaid it no longer has it; but as for gratitude, the man who has repaid it still has it, and the man who has it has repaid it."[30]

But those who think themselves rich, honored and fortunate do not even wish to be put under obligation by a kindness. Indeed, they think they have conferred a kindness when they themselves have received one, however great. They suspect, too, that something is being asked or expected of them; and to have made use of a patron, or to be called someone's clients, they regard as no better than death.

2.70 The poor man, on the other hand, thinks that whatever was done was done with an eye to himself, not to his fortune. So he strives to show himself grateful not only to the man who has deserved it but also to those from whom he expects help, for he needs many people. And if he happens to render some service himself, he does not exaggerate it in words; he even plays it down. Note this, too: if you have defended a rich and fortunate man, the gratitude stays with him alone, or perhaps with his children. But if you have defended a poor man who is upright and unassuming, all the humble who are not wicked, and they form a great multitude among the people, see a protection prepared for themselves.

2.71 So I think a kindness is better placed with the good than with the fortunate.

We must by all means try to satisfy every class of people. But if it comes to a choice, Themistocles, surely, must be called in as our authority. When he was asked whether he should marry his daughter to a good man who was poor or a rich man less well thought of, he said: "For my part, I prefer a man without money to money without a man." But our morals have been corrupted and depraved by admiration of wealth. Yet what does the size of another's fortune matter to any one of us? Perhaps it helps the

30 The play is on *gratiam referre*, "to repay a favor," and *gratiam habere*, "to feel gratitude."

man who has it. Not even always; but suppose it does. He may indeed have more to spend, but how is he more honorable? And if he is also a good man, let his wealth not stand in the way of his being helped, so long as it does not tip the scale; and let our whole judgment be not how rich each man is, but what sort of man he is.

The final rule in conferring kindnesses and service: do not strive for anything against fairness, or for anything in the cause of wrong. For the foundation of lasting reputation and fame is justice, and without it nothing can be praiseworthy.

SERVING THE COMMONWEALTH

Statesmen must protect property, oppose debt cancellation, and keep their hands clean.

2.72 Now that I have spoken of the kind of kindnesses that concern individuals, I must next discuss those that concern everyone and the commonwealth. Of these, some are of a sort that concerns the citizens as a whole, while others affect them individually; these latter are even more welcome. We must by all means attend, if we can, to both, and no less to caring for individuals as well; but in such a way that the measure either benefits the commonwealth or at least does not harm it. Gaius Gracchus' grain distribution was on a vast scale, and so it was draining the treasury. That of Marcus Octavius was moderate, bearable for the commonwealth and necessary for the common people; so it was beneficial both to the citizens and to the commonwealth.[31]

2.73 Above all, the man who governs the commonwealth must see to it that each person keeps what is his own and that the state does not diminish private property. Philippus acted ruinously when, as tribune, he proposed an agrarian law. He readily let it be rejected, it is true, and showed great moderation in that. But while he said many things in a demagogic way in promoting

31 Gaius Gracchus' law of 123 BC provided grain to citizens at a subsidized price; Octavius' later law reduced the scheme.

it, this was especially wicked: that "there were not two thousand men in the state who owned property." That was a deadly speech, aiming at the equal division of property, and what plague could be greater? For it was above all so that people might keep what is theirs that commonwealths and states were founded. Although nature led people to gather together, it was in the hope of safeguarding their possessions that they sought the protection of cities.[32]

2.74 Care must also be taken that the citizens do not have to pay a property tax, as often happened among our ancestors because of the poverty of the treasury and constant wars; and provision must be made long in advance to prevent it. But if the necessity for this burden befalls some commonwealth (I would rather foretell it of another than of ours; though I am discussing not ours in particular but every commonwealth), care must be taken that everyone understands that if they wish to be safe, they must yield to necessity. All who govern the commonwealth must also see to it that there is a plentiful supply of necessities. How these are usually procured, and ought to be, there is no need to discuss, for it is obvious; the topic only needed to be touched on.

2.75 The chief thing in all management of business and public office is to banish even the slightest suspicion of avarice. "I wish," said Gaius Pontius the Samnite, "that fortune had saved me for those times, and that I had been born when the Romans had begun to take bribes! I would not have let them rule any longer." He would have had to wait many generations, for this evil has only recently invaded our commonwealth. So I am quite content that Pontius lived when he did, since there was so much strength in him. It is not yet a hundred and ten years since Lucius Piso carried the law on extortion; before that there had been none. But since then, so many laws, each harsher than the last, so many defendants, so many convictions, so great an [Italian] war stirred up by fear of the courts, such plundering and pillage of the allies once the laws and courts were swept

32 Lucius Marcius Philippus was tribune in 104 BC and consul in 91 BC.

away, that we are strong through the weakness of others, not through our own virtue.[33]

2.76 Panaetius praises Africanus for keeping his hands clean. Why should he not? But there were other, greater things in him; the praise for clean hands belongs not to the man alone but to those times. Paullus took possession of the entire treasure of the Macedonians, which was immense, and brought so much money into the treasury that the plunder of a single general put an end to property taxes. But he brought nothing into his own house except the everlasting memory of his name. Africanus followed his father's example and was no richer for having overthrown Carthage. And what of Lucius Mummius, his colleague in the censorship? Was he any wealthier for razing to the ground the wealthiest of cities? He preferred to adorn Italy rather than his own house; though with Italy adorned, his house itself seems to me the more adorned.[34]

2.77 No vice, then, to bring my discussion back to where it started, is fouler than avarice, especially in leading men and those who govern the commonwealth. For to use the commonwealth for gain is not only dishonorable but criminal and impious as well. So when Pythian Apollo gave the oracle that Sparta would perish by nothing other than avarice, he seems to have prophesied it not only to the Spartans but to all wealthy peoples. And by nothing can those who lead the commonwealth more easily win the goodwill of the multitude than by keeping their hands clean and exercising self-restraint.

2.78 But those who want to be popular, and for that reason either take up agrarian measures, so that occupants are driven from their homes, or think that money lent should be forgiven to debtors, are undermining the foundations of the commonwealth. First they undermine concord, which cannot exist when

33 Pontius trapped a Roman army at the Caudine Forks in 321 BC. Piso's extortion law dates from 149 BC. The Social War between Rome and her Italian allies was fought 91–88 BC.

34 After Paullus' victory over Perseus, no property tax was levied on citizens. His son Scipio Aemilianus (Africanus) destroyed Carthage in 146 BC, the year Mummius destroyed Corinth.

money is taken from some and forgiven to others; then fairness, which is wholly destroyed if people may not keep what is their own. For, as I said above, it is the special function of a state and a city that each person's guardianship of his own property be free and untroubled.

2.79 And in this ruin of the commonwealth they do not even win the popularity they expect. The man whose property has been seized is their enemy. The man who has been given it even pretends he did not want it, and especially in the case of debts he hides his joy, so as not to seem to have been insolvent. But the man who has been wronged both remembers his grievance and displays it. Nor, if those to whom property was wrongly given outnumber those from whom it was unjustly taken, do they have more power on that account; for these matters are judged not by number but by weight. And what fairness is there in a man who had no land taking possession of land held for many years, or even generations, while the man who had it loses it?

2.80 It was because of this kind of injustice that the Spartans banished the ephor Lysander and put King Agis to death, something that had never happened among them before. From that time on such discord followed that tyrants arose, the aristocrats were driven out, and a most admirably constituted commonwealth fell apart. Nor did it fall alone: it also brought down the rest of Greece through the contagion of evils that started with the Spartans and spread more widely. And what of our own Gracchi, sons of the great Tiberius Gracchus and grandsons of Africanus? Were they not destroyed by conflicts over land?[35]

2.81 Aratus of Sicyon, on the other hand, is rightly praised. His city had been held by tyrants for fifty years. Setting out from Argos, he entered Sicyon secretly and took possession of it; and having surprised and overthrown the tyrant Nicocles, he brought back six hundred exiles who had been the wealthiest men of the city, and by his coming set the commonwealth free.

35 King Agis IV of Sparta, who proposed canceling debts and redistributing land with the support of the ephor Lysander, was executed in 241 BC.

But he saw a great difficulty over property and possessions. He thought it most unjust that the men he had brought back, whose property others had occupied, should be in want. Yet he thought it hardly fair to disturb possessions of fifty years' standing, since in so long a time much had come to be held, without wrong, through inheritance, purchase or dowry. He judged, therefore, that the property should neither be taken from its present holders nor should its former owners be left without satisfaction.[36]

2.82 Having decided that money was needed to settle the matter, he said he wished to go to Alexandria and ordered that everything be left as it was until his return. He went quickly to Ptolemy, his guest-friend, who was then reigning, the second king since the founding of Alexandria. He explained to him that he wished to free his country and told him the situation; and the great man easily obtained from the wealthy king help in the form of a large sum of money. When he had brought it to Sicyon, he took fifteen leading men as his council, and with them he examined the claims both of those who held others' property and of those who had lost their own. By valuing the properties, he managed to persuade some to prefer taking money and giving up the properties, and others to think it more to their advantage to be paid the value than to recover their own. So it was brought about that concord was established and everyone went away without complaint.

2.83 What a great man, worthy to have been born in our commonwealth! This is the right way to deal with fellow citizens: not, as we have now seen twice, to plant the spear in the Forum and put citizens' property under the auctioneer's hammer. That Greek, as became a wise and outstanding man, thought he must consider everyone. And this is the highest reason and wisdom of a good citizen: not to set the interests of citizens at odds, but to hold them all together by the same fairness. "Let them live rent-free in someone else's house." Why so? So that when I have bought, built, maintained and spent, you may enjoy what is

36 Aratus freed Sicyon, near Corinth, in 251 BC and later led the Achaean League.

mine against my will? What else is this but to snatch from some what is theirs and give to others what is not theirs?[37]

2.84 And what does a cancellation of debts amount to, except that you buy a farm with my money, you keep the farm, and I do not have my money?

So care must be taken that there is no debt harmful to the commonwealth, and this can be guarded against in many ways; not, if such debt does arise, that the rich should lose what is theirs and debtors gain what belongs to others. Nothing holds a commonwealth together more strongly than good faith, and there can be no good faith unless the payment of debts is compulsory. Never was there a more violent effort to prevent payment than in my consulship. The attempt was made with arms and armed camps by men of every kind and rank. I resisted them in such a way that this whole evil was removed from the commonwealth. Never was debt greater, and never was it paid off better or more easily; for once the hope of defrauding was taken away, the necessity of paying followed. But this man, now the victor, though defeated then, carried out what he had planned when it no longer made any difference to him.[38] Such was his lust for wrongdoing that wrongdoing itself delighted him, even when there was no reason for it.

2.85 Those who protect the commonwealth, then, will keep away from this kind of largesse, which gives to some and takes from others. Above all they will take care that, through the fairness of the law and the courts, each person keeps what is his own; that the poorer are not cheated because of their humble station; and that envy does not stand in the way of the rich in keeping or recovering what is theirs. Further, they will increase the commonwealth, by whatever means they can in war or at home, in dominion, in lands and in revenues.

37 A spear planted in the forum marked a public auction, here of property confiscated under Sulla and under Caesar. Caesar also remitted a year's rent to poorer tenants.

38 Catiline's conspiracy had promised the cancellation of debts. The victor is Caesar, suspected of complicity then, who later passed debt-relief measures once his own debts no longer mattered.

These are the tasks of great men; these were the constant practice of our ancestors. Those who pursue these kinds of duty will win great gratitude and glory for themselves, and bring the greatest advantage to the commonwealth.

HEALTH, MONEY AND COMPARING ADVANTAGES

Cicero adds care of health and wealth, and how one advantage is weighed against another.

2.86 In these rules about the useful, Antipater of Tyre, a Stoic who died recently in Athens, thinks that Panaetius passed over two things: care of health and care of money. I think that great philosopher passed over them because they were easy; they are certainly useful. Health is maintained by knowing one's own body and observing what usually helps or harms it; by self-control in all one's diet and way of life for the sake of preserving the body [, forgoing pleasures]; and finally by the skill of those whose expertise covers these matters.[39]

2.87 Family property should be acquired by means that involve no wrongdoing. It should be preserved by care and thrift, and increased by the same means. These matters were treated most helpfully by Xenophon, the follower of Socrates, in his book entitled *Oeconomicus*, which I translated from Greek into Latin when I was about the age you are now. But this whole subject of making money and investing it (I wish I could add: of using it) is discussed more helpfully by certain excellent gentlemen who sit at the middle Janus than by any philosophers in any school. Still, these things must be learned, for they bear on advantage, which is the subject of this book.[40]

2.88 But the comparison of advantages is often necessary. This was the fourth topic, and Panaetius passed it over. Bodily advantages are commonly compared with external ones [and

39 Antipater of Tyre, a Stoic philosopher and friend of Cato the Younger, died around 45 BC.

40 The *Oeconomicus* ("On Household Management") is a dialogue by Xenophon (c. 430–354 BC). The "middle Janus" was an arch or passage in the Roman Forum where bankers and moneylenders did business.

external with bodily ones], bodily advantages with one another, and external advantages with external ones. Bodily advantages are compared with external ones in this way: you would rather be healthy than rich. [External advantages are compared with bodily ones in this way: you would rather be rich than have the greatest bodily strength.] Bodily advantages are compared with one another like this: good health is ranked above pleasure, strength above speed. Among external advantages, glory is ranked above wealth, and rents from city property above rents from farms.

2.89 To this kind of comparison belongs a remark of Cato the Elder. When he was asked what was most profitable in managing an estate, he replied, "Raising livestock well." What next? "Raising livestock fairly well." What third? "Raising livestock badly." What fourth? "Plowing." And when the questioner said, "What about lending money at interest?" Cato replied, "What about killing a man?"

From this and many other examples we should understand that comparisons of advantages are commonly made, and that this fourth category of inquiry into duties was rightly added.

The remaining topics I shall take up in order.

Book III

When the honorable and the useful seem to clash
Regulus, the ring of Gyges, and why nothing wrong is ever truly useful.

3.1 Marcus, my son, Cato, who was nearly his contemporary, wrote that Publius Scipio, the first man to be called Africanus, used to say that he was never less at leisure than when at leisure, and never less alone than when alone. A splendid saying, and worthy of a great and wise man. It shows that even in his leisure he used to think about public business, and in solitude to converse with himself. So he was never idle, and at times needed no one else to talk to. Thus two things that make other people listless, leisure and solitude, sharpened him. I wish I could truly say the same of myself. But if I cannot attain such outstanding genius by imitation, in intention at least I come very close. For I have been barred from public life and the business of the courts by impious arms and violence, and so I am pursuing leisure. For that reason I have left the city, and as I travel about the countryside I am often alone.[1]

3.2 But neither my leisure nor my solitude bears comparison with Africanus'. When he rested from his splendid public services, he would take some leisure for himself now and then. At times he would withdraw from the crowds and throngs of people into solitude, as into a harbor. My leisure, by contrast, is the result of having no business, not of wanting rest. For now that the senate has been extinguished and the courts destroyed,

1 Publius Cornelius Scipio Africanus (236–183 BC) defeated Hannibal at Zama in 202 BC.

what is there that I can do, worthy of myself, either in the senate house or in the Forum?

3.3 So I, who once lived amid the greatest crowds and before the eyes of my fellow citizens, now shun the sight of the criminals who swarm everywhere. I hide myself away as far as I can, and I am often alone. But I have learned from learned men that we should not only choose the least of evils but also extract from those very evils whatever good there may be in them. So I am making use of my leisure, though not the kind that befits a man who once won peace and leisure for the state. And I do not let this solitude, which necessity and not choice has brought on me, turn idle.[2]

3.4 Yet in my judgment Africanus earned the greater praise. No monuments of his genius were committed to writing; no work of his leisure, no product of his solitude survives. From this we must conclude that the activity of his mind and his investigation of the things he pursued in thought kept him from ever being idle or alone. I, however, do not have enough strength to be drawn out of my solitude by silent thought, and so I have turned all my energy and care to this work of writing. As a result, I have written more in the short time since the Republic was overthrown than in many years while it still stood.

3.5 The whole of philosophy, my dear Cicero, is fruitful and productive, and no part of it lies untilled and neglected. Yet no area in it is more fertile or richer than the one concerned with duties, from which the rules for living consistently and honorably are derived. I trust that you are constantly hearing and absorbing these things from our friend Cratippus, the leading philosopher of our time. Even so, I think it good that your ears should ring with such words on every side and, if possible, hear nothing else.

3.6 Everyone who intends to enter on an honorable life should do this, but I rather think no one more than you. You carry no small expectation that you will match my industry, a great expectation that you will match my public offices, and perhaps

2 Cicero means his consulship of 63 BC.

some expectation that you will match my renown. You have also taken on the heavy responsibility of Athens and of Cratippus. You went to them as if to a market for the liberal arts, and it would be most disgraceful to come back empty-handed, dishonoring the authority both of the city and of your teacher. So strive with all the effort your mind can summon and all the labor you can put in (if learning is labor rather than pleasure), and see that you succeed. I have supplied you with everything; do not let it seem that you have failed yourself.

But enough of this. I have often written to you at length to encourage you. Now let us return to the remaining part of the division I set out.

PANAETIUS' UNFINISHED THIRD PART

Why conflicts between the honorable and the useful need treatment, and what the Stoics hold.

3.7 Panaetius, then, is beyond dispute the most thorough writer on duties, and I have followed him above all, though with some corrections. He set out three kinds of question on which people commonly deliberate and take counsel about duty. The first arises when they are unsure whether the matter in question is honorable or dishonorable. The second arises when they are unsure whether it is useful or useless. The third arises when what has the appearance of honor conflicts with what seems useful, and they must decide how to distinguish between them. He dealt with the first two kinds in three books. On the third he wrote that he would speak next, but he never fulfilled his promise.

3.8 This surprises me all the more because his pupil Posidonius writes that Panaetius lived for thirty years after publishing those books. I am also surprised that Posidonius touched on this topic only briefly in certain notes, especially since he writes that there is no topic in all of philosophy so necessary.

3.9 I do not at all agree with those who say that Panaetius did not overlook this topic but deliberately left it aside, and that it

should never have been written about at all, because advantage could never conflict with honor. There are two questions here. One admits of doubt: whether this category, which is the third in Panaetius' division, should have been included or omitted altogether. The other admits of no doubt: Panaetius undertook it but left it unfinished. For anyone who has completed two parts of a threefold division necessarily has the third still before him. Moreover, at the end of his third book he promises to speak on this part next.

3.10 Posidonius, a reliable witness, supports the same point. He writes in one of his letters that Publius Rutilius Rufus, who had studied with Panaetius, used to say this: no painter had ever been found to complete the part of the Venus of Cos that Apelles had left unfinished, for the beauty of the face took away all hope of making the rest of the body match it. In the same way, no one had followed up what Panaetius had passed over [and not completed], because of the excellence of what he had completed.[3]

3.11 So there can be no doubt about Panaetius' intention. Whether he was right or wrong to add this third part to the inquiry into duty is perhaps open to debate. The Stoics hold that the honorable is the only good. Your Peripatetics think that the honorable is the highest good, so much so that everything placed on the other side of the scale barely carries the smallest weight. On either view there is no doubt that advantage can never contend with honor. So we are told that Socrates used to curse those who first separated in thought these things, which nature has joined together. The Stoics agreed with him so fully that they held that whatever is honorable is useful, and nothing is useful that is not honorable.

3.12 Suppose Panaetius were the kind of man to say that virtue should be cultivated because it produces advantage, like those who measure what is desirable by pleasure or by freedom from pain. Then he would be entitled to say that advantage sometimes conflicts with honor. But he judges that the only good is

3 Apelles (4th century BC), the most celebrated Greek painter, left his Venus of Cos unfinished at his death.

the honorable. He also holds that things which conflict with it under some appearance of advantage neither make life better when they are added nor worse when they are taken away. So it seems he ought not to have introduced a deliberation of this kind, in which what seems useful is weighed against what is honorable.[4]

3.13 What the Stoics call the highest good is to live in agreement with nature. This means, I think, always to be in harmony with virtue, and to choose the other things that are in accordance with nature only if they do not conflict with virtue. For this reason some people think that this comparison was wrongly introduced, and that no rules at all should have been given on this subject.

The honorable, in the proper and true sense of the word, is found in wise men alone and can never be separated from virtue. In those whose wisdom is not perfect, that perfect honor cannot exist at all, though semblances of it can.

3.14 The duties I discuss in these books the Stoics call "intermediate." They are shared by all and extend widely, and many people attain them through natural goodness and through progress in learning. But the duty they also call "right" is perfect and absolute. As they put it, it "has all the numbers," and it can belong to no one except the wise man.[5]

3.15 When something is done in which intermediate duties appear, it seems to have been completed in full. Ordinary people generally do not understand how far it falls short of perfection, and so far as they do understand it, they think nothing is missing. The same thing happens with poems, with paintings and with many other things. The unskilled are delighted and praise what does not deserve praise. The reason, I suppose, is that these works contain something good that captivates the ignorant, who cannot judge the faults in each particular. And so when experts instruct them, they readily abandon their opinion.

4 Pleasure was the Epicurean standard; freedom from pain was that of the Peripatetic Hieronymus of Rhodes.

5 "Has all the numbers" is the Stoic image of an act complete in every respect.

The Stoics say, then, that the duties I discuss in these books are a kind of second-rank honorable conduct. They do not belong to the wise alone; they are shared with the whole human race.

3.16 So everyone with a natural disposition to virtue is moved by them. When we recall the two Decii or the two Scipios as brave men, or call Fabricius [or Aristides] just, we are not seeking an example of courage from the former, or of justice from the latter, as we would from a wise man. None of these men was wise in the sense we intend by "wise man." Nor were those who were considered and called wise, Marcus Cato and Gaius Laelius, truly wise men; not even the famous Seven were. But because they so often performed intermediate duties, they bore a certain likeness and appearance of wise men.[6]

3.17 Therefore it is not right to weigh what is truly honorable against a conflicting advantage. Nor should what we commonly call honorable, which is cultivated by those who want to be considered good men, ever be weighed against gains. We must guard and preserve the honorable that lies within our understanding just as carefully as the wise must preserve what is properly called honorable and truly is so. Otherwise, whatever progress we have made toward virtue cannot be kept.

So much for those who are thought good because they observe their duties.

3.18 But some people measure everything by gains and advantages and will not let these be outweighed by honor. When they deliberate, they commonly weigh the honorable against what they think useful; good men do not. So when Panaetius said that people commonly hesitate in making this comparison, I think he meant exactly what he said: that they "commonly" do so, not that they "ought" to. For it is utterly shameful not only to value what seems useful above what is honorable, but even to compare the two and to hesitate between them.

6 Cato the Elder and Gaius Laelius, the friend of Scipio the Younger, were both nicknamed "the Wise." The Seven were the traditional Seven Sages of early Greece, such as Solon and Thales.

What is it, then, that sometimes raises doubt and seems to call for consideration? I believe that, whenever doubt arises, it concerns the nature of the act under consideration.

3.19 For circumstances often mean that what is generally regarded as dishonorable turns out not to be dishonorable. Let me take an example of wide application. What crime can be greater than to kill not just a human being, but a close friend? Has someone who kills a tyrant, then, bound himself to a crime, even if the tyrant was his friend? The Roman people do not think so; of all glorious deeds they consider that the finest. Has advantage, then, defeated honor? No: rather, honor has followed advantage.[7]

THE RULE

To take from another for one's own advantage is more contrary to nature than death or pain.

So that we may judge without error whenever what we call useful seems to conflict with what we understand to be honorable, a rule must be established. If we follow it in comparing the two, we shall never depart from duty.

3.20 This rule will be fully consistent with the reasoning and teaching of the Stoics. I am following them in these books for this reason. Both the Old Academics and your Peripatetics, who were once the same school as the Academics, rank what is honorable above what seems useful. Yet the subject is treated more splendidly by those who hold that whatever is honorable is also useful and nothing is useful that is not honorable, than by those who hold that something can be honorable without being useful, and useful without being honorable. My own Academy, moreover, gives me great freedom: I may by my own right defend whatever strikes me as most probable. But I return to my rule.

3.21 To take something from another, then, and for one person to increase his own advantage at another's expense, is more con-

trary to nature than death, poverty, pain or anything else that can befall our bodies or our external possessions. In the first place, it destroys human social life and fellowship. If we are so disposed that each of us will rob or harm another for his own gain, then the fellowship of the human race, which is most in accordance with nature, must inevitably be torn apart.

3.22 Suppose each limb of the body had the idea that it could be healthy by drawing to itself the health of the limb next to it: the whole body would inevitably be weakened and die. In the same way, if each of us seizes the advantages of others and takes from each whatever he can for his own gain, the fellowship and community of humankind must be overthrown. Nature does not object if each of us prefers to acquire for himself rather than for another what he needs for life; that is permitted. What nature does not allow is that we increase our means, resources and wealth with the spoils of others.

3.23 This principle, that it is not permitted to harm another for one's own advantage, is laid down not only by nature, that is, by the law of nations, but in the same way by the laws of peoples, which hold the commonwealth together in individual states. This is what laws aim at and intend: that the union of citizens should be kept safe. Those who break that union apart they punish with death, exile, imprisonment or fines.

And nature's own reason, which is law both divine and human, achieves this far more effectively. Whoever is willing to obey it (and all will obey it who wish to live in accordance with nature) will never allow himself to covet what belongs to another, or to take for himself what he has taken from someone else.

3.24 For loftiness and greatness of spirit, and likewise courtesy, justice and generosity, are far more in accordance with nature than pleasure, life or riches. Indeed, to despise these things and count them as nothing when weighing them against the common advantage is the mark of a great and lofty spirit. [But to

7 An unmistakable allusion to the killing of Julius Caesar by Brutus and others in March 44 BC.

take something from another for one's own advantage is more contrary to nature than death, pain or other things of the same kind.]

3.25 Likewise it is more in accordance with nature to undertake the greatest labors and hardships to preserve or help all nations, if that were possible, in imitation of the famous Hercules, whom human tradition, mindful of his benefactions, has placed in the council of the gods. That is more natural than to live in solitude, not only free of all troubles but amid the greatest pleasures and an abundance of every resource, even if you also excel in beauty and strength.

Accordingly, everyone of the best and most brilliant character far prefers the first life to the second. From this it follows that a human being who obeys nature cannot harm another human being.

3.26 Next, whoever harms another to gain some advantage for himself either thinks he is doing nothing contrary to nature, or judges that death, poverty, pain, and even the loss of children, relatives and friends, are more to be avoided than doing wrong to anyone. If he thinks that harming people is not contrary to nature, what argument can you have with a man who strips the human being entirely out of the human being? But if he thinks that harming people should indeed be avoided, but that those other things, death, poverty and pain, are much worse, he is mistaken. He thinks that some ill of body or fortune is worse than the vices of the soul.

So everyone must have one aim: that the advantage of each individual should be the same as the advantage of all. If each person snatches it for himself, all human partnership will fall apart.

3.27 Moreover, if nature prescribes that a human being should want to look after another human being, whoever he may be, for the very reason that he is a human being, then it follows, by the same nature, that the advantage of all is shared. If this is so, we are all held together by one and the same law of nature; and if

that is so, the law of nature certainly forbids us to harm another. But the first premise is true; therefore the conclusion is true.

3.28 Some people say that they will take nothing from a parent or a brother for their own advantage, but that a different principle applies to the rest of their fellow citizens. That is absurd. Such people hold that they have no bond of right and no fellowship with their fellow citizens for the sake of the common advantage. This view tears apart the whole fellowship of the state.

Those who say that we must take account of fellow citizens but not of foreigners destroy the common fellowship of the human race. When that is removed, kindness, generosity, goodness and justice are utterly destroyed, and those who destroy them must be judged impious even toward the immortal gods. For they overthrow the fellowship among human beings that the gods established. The tightest bond of that fellowship is the conviction that it is more contrary to nature for one human being to take from another for his own advantage than to endure every disadvantage, whether external or bodily ... or even of the mind itself, so long as justice is not involved. For this one virtue is the mistress and queen of all the virtues.

3.29 Perhaps someone will say: "Well then, if a wise man were himself wasting away from hunger, would he not take food from another person who was of no use to anyone?" [Not at all; for my life is not more useful to me than a disposition of mind that will not let me harm anyone for my own advantage.] Again: if a good man could strip Phalaris, a cruel and monstrous tyrant, of his clothes to keep himself from dying of cold, would he not do it?

3.30 These questions are very easy to decide. If, for your own advantage, you take something from a person who is of no use at all, you will have acted inhumanely and against the law of nature. But suppose you are the sort of person who could bring great advantage to the commonwealth and to human fellowship if you stayed alive: then, if you take something from another for that reason, you would not deserve blame. If the case is not of that kind, however, each must bear his own disadvantage rather

than take away another's advantages. So sickness, poverty or anything of that kind is not more contrary to nature than taking or coveting what belongs to another. It is abandoning the common advantage that is contrary to nature, for it is unjust.

3.31 And so the very law of nature, which preserves and maintains the advantage of humankind, will surely decree that the necessities of life should pass from an idle and useless person to a wise, good and brave man, whose death would greatly diminish the common advantage. But he must do this without using it as an excuse for wrongdoing, out of a high opinion of himself and love of self. In this way he will always do his duty, taking thought for the advantage of humankind and for the human fellowship I so often mention.

3.32 As for Phalaris, the judgment is very easy. We have no fellowship with tyrants; on the contrary, the separation between us is complete. It is not contrary to nature to rob, if you can, a man whom it is honorable to kill. This whole pestilent and impious breed must be banished from the community of humankind. Certain limbs are amputated if they have begun to lose their blood and, so to speak, their breath of life, and are harming the other parts of the body. In the same way, this savagery and monstrousness of a beast in human form must be cut off from what we may call the common body of humanity.

All questions of this kind are ones in which duty is determined by the circumstances.

3.33 Matters of this sort, I believe, Panaetius would have pursued, had not some accident or pressure of business cut short his plan. For these very deliberations the earlier books give plenty of rules. From them one can see what must be avoided because it is dishonorable, and what need not be avoided because it is not dishonorable at all.

But I am now putting the roof, as it were, on a work that was begun long ago and is nearly complete. Geometers usually do not prove everything; they ask that certain things be granted them, so that they can more easily explain what they want. In the same way, my dear Cicero, I ask you to grant me, if you can,

that nothing is to be sought for its own sake except what is honorable. If Cratippus does not allow this, you will surely grant at least that what is honorable is most to be sought for its own sake. Either is enough for me. Sometimes one seems more probable to me, sometimes the other, and nothing else seems probable at all.

THE CONFLICT IS ONLY APPARENT

What is dishonorable can never be useful, even if no one would ever know.

3.34 First, Panaetius must be defended on this point. He did not say that useful things could sometimes conflict with honorable ones (that would not have been right for him); he said that things which *seemed* useful could. He often testifies that nothing is useful that is not also honorable, and nothing honorable that is not also useful. He says that no greater plague has ever invaded human life than the opinion of those who have separated the two. So he introduced this conflict, one that only seems to exist and does not exist, not so that we might sometimes put the useful above the honorable, but so that we might judge between them without error if they ever clashed. This part, then, which he left unfinished, I shall complete without any props, fighting, as the saying goes, with my own weapons. For of the works that have come into my hands, nothing written on this part since Panaetius has won my approval.

3.35 When some appearance of advantage presents itself, then, we cannot help being moved. But if, on closer attention, you see that wrongdoing is attached to the thing that offered the appearance of advantage, the conclusion is not that you must give up the advantage. It is that where there is wrongdoing, there can be no advantage. Nothing is so contrary to nature as wrongdoing (for nature desires what is right, consistent and constant, and rejects the opposite), and nothing is so in accordance with nature as advantage. If this is so, advantage and wrongdoing certainly cannot exist in the same thing.

Again, suppose we are born for honor, and it is either the only thing worth seeking, as Zeno held, or at least outweighs everything else by any measure, as Aristotle thinks. Then what is honorable must be either the only good or the highest good. What is good is certainly useful; so whatever is honorable is useful.[8]

3.36 It is therefore the error of men who are not upright that, when they seize on something that seems useful, they immediately separate it from the honorable. Hence come daggers, hence poisons, hence forged wills. Hence come thefts, embezzlement, and the plundering and pillaging of allies and citizens. Hence arise desires for excessive wealth, for intolerable power, and finally even for kingship in free states, and nothing more hideous or foul can be imagined. With their false judgments they see the gains, but they do not see the penalty. I do not mean the penalty of the laws, which they often break through, but the penalty of wrongdoing itself, which is the bitterest of all.

3.37 Let this kind of deliberator be driven out of our midst, then, for the whole breed is criminal and impious: those who deliberate whether to follow what they see to be honorable, or knowingly to stain themselves with crime. The very hesitation contains a crime, even if they do not go through with it. So there must be no deliberation at all about matters in which deliberating is itself dishonorable.

Moreover, every deliberation must be free of any hope or expectation of concealment. If we have made any progress in philosophy, we ought to be fully convinced that, even if we could hide our act from all gods and all men, we must still do nothing greedily, nothing unjustly, nothing lustfully, nothing without self-control.

3.38 That is why Plato brings in the famous Gyges. After heavy rains the earth had split open, and Gyges went down into the chasm. There, as the stories tell, he noticed a bronze horse with doors in its sides. When he opened them, he saw the body of a dead man of unheard-of size, with a gold ring on his finger. He

8 Zeno of Citium (c. 335–263 BC) founded the Stoic school at Athens.

took it off and put it on himself (he was a shepherd of the king's), and then went back to the gathering of shepherds. Whenever he turned the bezel of the ring toward his palm, no one could see him, while he could see everything; and when he turned the ring back into place, he became visible again. Taking advantage of the ring, he seduced the queen, and with her help he killed his master the king and did away with those he thought stood in his way. No one could see him committing these crimes. So, thanks to the ring, he suddenly rose to be king of Lydia.[9]

Now if a wise man had this very ring, he would think himself no more free to do wrong than if he did not have it. For good men seek what is honorable, not what is hidden.

3.39 At this point certain philosophers, not at all bad men but not sharp enough, say that Plato has put forward a fictitious, made-up story, as if he claimed that it had happened or could have happened! The point of this ring and this example is this. Suppose no one would know, or even suspect, that you had done something for the sake of wealth, power, domination or lust, and it would remain forever unknown to gods and men: would you do it? They say that this cannot happen. Of course it cannot. But my question is: if what they say is impossible were possible, what would they do? They press their point quite boorishly. They say it is impossible and they stick to that; they do not see what the word means. When we ask what they would do if they could conceal it, we are not asking whether they can conceal it. We are applying a kind of torture: if they answer that, given impunity, they would do what is to their advantage, they confess that they are criminals; if they say no, they concede that everything dishonorable must be avoided for its own sake.

But let us now return to our subject.

9 The story is told in Plato's *Republic*, Book 2. Gyges was king of Lydia in Asia Minor in the 7th century BC.

SEEMING ADVANTAGES

Brutus, Romulus, friendship and public policy test whether the useful can be done honorably.

3.40 Many cases often arise that unsettle the mind with an appearance of advantage. The question is not whether honor should be abandoned because the advantage is great (that would be wicked), but whether what seems useful can be done without dishonor. When Brutus was stripping his colleague Collatinus of his command, he might have seemed to be acting unjustly, for Collatinus had been his partner and helper in the plan to expel the kings. But the leading men had decided that the kinsmen of Tarquin the Proud, the very name of the Tarquins and the memory of the monarchy must be wiped out. So what was useful, looking after the country, was so honorable that it ought to have pleased even Collatinus himself. Advantage prevailed, then, because of honor; without honor there could not even have been any advantage.[10]

But it was otherwise with the king who founded the city; an appearance of advantage drove his mind.

3.41 since it seemed to him more advantageous to reign alone than with another, he killed his brother. He cast aside both family devotion and humanity to obtain what seemed useful and was not. Even so, he put forward the excuse of the wall, a show of honor that was neither plausible nor at all adequate. He did wrong, then, if I may say so with the leave of Quirinus, or of Romulus.[11]

3.42 Yet we need not give up our own advantages and hand them over to others when we need them ourselves. Each of us should serve his own advantage, so far as he can without injustice to another. Chrysippus put it cleverly, as he did many

10 Lucius Junius Brutus and Lucius Tarquinius Collatinus were the first consuls, in 509 BC; Collatinus, a kinsman of the expelled king, was forced to resign.

11 Romulus killed his brother Remus for leaping over the newly built wall of Rome; after his death Romulus was worshipped as the god Quirinus.

things: "A man running a race ought to strive and struggle as hard as he can to win, but he must by no means trip his rival or push him aside with his hand. So in life it is not unfair for each to seek for himself what he needs, but he has no right to snatch it from another."

3.43 Duties are most confused in friendships. Failing to give a friend what you rightly can, and giving him what is not fair, are both contrary to duty. But for this whole category there is a short and easy rule. The things that seem useful, public offices, wealth, pleasures and the rest, must never be put before friendship. Yet a good man will not act against the commonwealth, or against his oath and good faith, for a friend's sake, not even if he is a judge in a case involving that friend. For he lays aside the role of friend when he takes on the role of judge. He will concede this much to friendship: he will prefer that his friend's case be the just one, and he will give him as much time to plead it as the laws permit.

3.44 But when he has to give his verdict under oath, let him remember that he is calling god to witness, that is, as I believe, his own mind, the most divine thing that god himself has given to human beings. So we have inherited from our ancestors a fine custom, if only we kept it, of asking a judge "to do what he can without breach of good faith." This request applies to what I said a moment ago a judge could honorably grant a friend. For if we had to do everything our friends wanted, such relationships would have to be considered not friendships but conspiracies.

3.45 I am speaking, however, of ordinary friendships. Among wise and perfect men nothing of this kind can arise.

They say that the Pythagoreans Damon and Phintias were so devoted to each other that when the tyrant Dionysius had fixed the day of execution for one of them, and the condemned man had asked for a few days to put his family in others' care, the other became surety for his return, on the understanding that if his friend did not come back, he himself would have to die. When the friend returned on the appointed day, the tyrant,

amazed at their good faith, asked them to enroll him as a third in their friendship.[12]

3.46 So when what seems useful in friendship is weighed against what is honorable, let the appearance of advantage be set aside and honor prevail. And when in friendship things are demanded that are not honorable, let conscience and good faith be put before friendship. In this way we shall make the choice of duty that we are seeking.

But it is in public affairs that people most often do wrong under the appearance of advantage, as our own countrymen did in destroying Corinth. The Athenians acted even more harshly when they decreed that the thumbs of the Aeginetans, who were strong at sea, should be cut off. This seemed useful, since Aegina was so close that it threatened the Piraeus too much. But nothing cruel is useful, for cruelty is the greatest enemy of human nature, which we ought to follow.[13]

3.47 They also do wrong who bar foreigners from living in their cities and expel them, as Pennus did in our fathers' time and Papius recently. It is right that someone who is not a citizen should not be allowed to act as a citizen; this was the law proposed by those very wise consuls Crassus and Scaevola. But to bar foreigners from living in the city is truly inhumane.[14]

Glorious are the cases in which the appearance of public advantage is scorned in favor of honor. Our commonwealth is full of examples, at many times but above all in the Second Punic War. After suffering the disaster at Cannae, it showed greater spirit than it ever had in success: there was no sign of fear, no mention of peace. So great is the power of the honorable that it eclipses the appearance of advantage.

3.48 The Athenians could in no way withstand the onslaught of the Persians. They decided to abandon the city, leave their wives

12 Damon and Phintias were followers of Pythagoras; the tyrant may be Dionysius I or his son Dionysius II.

13 Aegina is an island facing the Piraeus, the port of Athens.

14 The tribunes Marcus Junius Pennus (126 BC) and Gaius Papius (65 BC) had non-citizens expelled from Rome. Lucius Licinius Crassus and Quintus Mucius Scaevola, consuls in 95 BC, passed a law against false claims to citizenship.

and children at Troezen, board their ships and defend the freedom of Greece with their fleet. A certain Cyrsilus urged them to stay in the city and let Xerxes in, and they stoned him to death. Yet he seemed to be pursuing advantage; but there was no advantage, since honor opposed it.[15]

3.49 After the victory in the war with the Persians, Themistocles said in the assembly that he had a plan that would save the state, but that it must not be made public. He asked the people to appoint someone with whom he could share it, and Aristides was appointed. Themistocles told him that the Spartan fleet, which had been hauled ashore at Gytheum, could be secretly set on fire, and that this would inevitably break Sparta's power. When Aristides had heard this, he came into the assembly amid great expectation and said that Themistocles' plan was highly useful but not at all honorable. So the Athenians thought that what was not honorable was not even useful, and on Aristides' advice they rejected the whole proposal without even hearing it. They did better than we do, who exempt pirates from tribute and make our allies pay it.[16]

Let it stand, then, that what is dishonorable is never useful, not even when you obtain what you think is useful. For this very thing, thinking that what is dishonorable is useful, is disastrous.

SELLERS AND SILENCE

Must a seller disclose what he knows? Diogenes and Antipater debate, and Cicero judges.

3.50 But, as I said above, cases often arise in which advantage seems to conflict with honor, and we must consider whether it conflicts outright or can be reconciled with honor. Here are questions of this kind. Suppose, for example, that a good man has brought a large cargo of grain from Alexandria to Rhodes at a time of scarcity and famine there, when grain is extremely dear. Suppose he also knows that several merchants have set sail

15 This was in 480 BC; Troezen lies across the Saronic Gulf from Athens.
16 Gytheum was the port of Sparta.

from Alexandria, and has seen their ships on the way to Rhodes, laden with grain. Should he tell the Rhodians this, or keep silent and sell his own stock at the highest possible price? We are imagining a wise and good man. We are asking about the deliberation of a man who would not conceal the facts from the Rhodians if he judged that dishonorable, but who is unsure whether it is dishonorable or not.

3.51 In cases of this kind Diogenes of Babylon, a great and weighty Stoic, usually holds one view, and his pupil Antipater, a very acute man, another. Antipater thinks everything should be disclosed, so that the buyer is ignorant of nothing whatever that the seller knows. Diogenes thinks the seller should declare defects to the extent the civil law requires, and otherwise act without trickery; and since he is selling, he may want to sell at the best price he can.[17]

"I have brought my grain here, I have put it on sale, and I am selling it for no more than the others, perhaps even for less, since supply is greater. Whom am I wronging?"

3.52 Antipater's argument rises up on the other side: "What are you saying? You ought to look after your fellow human beings and serve human fellowship. You were born under this law, and you have these principles of nature, which you ought to obey and follow: that your advantage should be the common advantage, and the common advantage in turn your own. Will you hide from people the relief and plenty that are at hand for them?"

Diogenes will perhaps reply like this: "Concealing is one thing, keeping silent another. I am not concealing anything from you now if I do not tell you what the nature of the gods is, or what the supreme good is, though knowing these things would do you more good than cheap wheat. But I am not obliged to tell you everything that it would be useful for you to hear."

3.53 "On the contrary," the other will say, "you are obliged, if you remember that there is a fellowship among human beings established by nature."

17 Diogenes of Babylon (c. 230–c. 140 BC) headed the Stoic school at Athens; his successor was Antipater of Tarsus.

"I do remember," he will say, "but is that fellowship such that nobody owns anything? If so, nothing should even be sold; everything should be given away."

You see that in this whole debate no one says, "Although this is dishonorable, I shall do it anyway, because it is expedient." One side says that it is expedient without being dishonorable; the other says that it should not be done precisely because it is dishonorable.

3.54 Suppose a good man is selling a house because of certain defects that he knows of and others do not. It is unhealthy but is thought to be healthy; no one knows that snakes appear in every bedroom; it is badly built and on the point of collapse; but no one except the owner knows this. My question is this: if the seller does not tell the buyers these things and sells the house for much more than he expected, has he acted unjustly or unscrupulously?

3.55 "He certainly has," says Antipater. "Failing to show the way to someone who is lost is forbidden at Athens under public curses. What else is this but that, letting a buyer rush ahead and fall through his mistake into very serious loss? It is even worse than failing to show the way, for it is knowingly leading someone else into error."[18]

Diogenes answers: "Did he force you to buy, when he did not even urge you? He advertised for sale something he did not like; you bought something you did like. People who advertise a villa as fine and well built are not considered to have deceived anyone, even if it is neither fine nor sensibly built. Much less, then, those who did not praise their house at all. Where the buyer uses his own judgment, what fraud can there be on the seller's part? And if a seller need not make good everything he says, do you think he must make good what he has not said? What could be more foolish than for a seller to recount the defects of what he is selling? What could be so absurd as an auctioneer announcing, on the owner's orders, 'Unhealthy house for sale'?"

18 At Athens a ritual public curse fell on anyone who refused to direct a lost traveler.

3.56 So in certain doubtful cases honor is defended on one side, while on the other side advantage is argued for in such a way that it is not only honorable to do what seems useful but even dishonorable not to do it. This is the disagreement that often seems to arise between the useful and the honorable. Such cases must be decided, for I have set them out not to raise questions but to settle them.

3.57 It seems, then, that neither the grain merchant ought to have concealed the facts from the Rhodians, nor the seller of the house from his buyers. Keeping quiet about something is not in itself concealment. Concealment is when you want people who have an interest in knowing something you know to remain ignorant of it, for your own gain. Who does not see what kind of concealment this is, and what kind of man practices it? Certainly not an open, straightforward, candid, just and good man, but rather a shifty, secretive, crafty, deceitful, malicious, cunning, practiced and sly one. Is it not unprofitable to incur all these names of vices, and many more besides?

3.58 If those who have kept silent deserve censure, what are we to think of those who have used lying words? Gaius Canius, a Roman knight, a man of some wit and fairly well read, had gone to Syracuse, as he used to say, for leisure, not for business. He kept saying that he wanted to buy a little estate with gardens, where he could invite his friends and enjoy himself without interruption. When word of this got around, a certain Pythius, who ran a banking business in Syracuse, told him that he had no estate for sale, but that Canius was welcome to use his own as if it were his. At the same time he invited him to dinner at the estate the next day. When Canius accepted, Pythius, who as a banker was popular with all classes, summoned some fishermen. He asked them to fish in front of his gardens the next day and told them what he wanted them to do. Canius arrived for dinner on time. Pythius had laid on a lavish banquet, and there was a crowd of boats before their eyes. Each fisherman in turn brought what he had caught, and the fish were thrown down at Pythius' feet.

3.59 Then Canius said, "Please tell me, Pythius, what is this? So many fish? So many boats?"

"What is surprising about that?" Pythius replied. "All the fish in Syracuse are in this spot. This is where the fresh water is; these men cannot do without this estate."

Canius, burning with desire, pressed Pythius to sell. Pythius was reluctant at first; but why say more? Canius got his way. Eager and rich as he was, he paid as much as Pythius asked, and bought the place furnished. The debt was entered in the books and the deal concluded. The next day Canius invited his friends and came early himself. He saw not so much as an oarlock. He asked his nearest neighbor whether it was some fishermen's holiday, since he could see none of them.

"Not that I know of," the neighbor said, "but nobody usually fishes here. That is why I was wondering yesterday what had happened."

3.60 Canius was furious; but what could he do? My colleague and friend Gaius Aquilius had not yet introduced his formulas on fraud. When he was asked what fraud was, in the context of those very formulas, he used to answer: when one thing is pretended and another is done. A brilliant definition, as one would expect from an expert at defining. So Pythius, and all who pretend one thing and do another, are faithless, wicked and malicious. None of their acts, then, can be useful, since each is stained with so many vices.[19]

3.61 If Aquilius' definition is true, pretense and concealment must be removed from the whole of life. So a good man will neither pretend nor conceal anything in order to buy or sell on better terms. Moreover, this kind of fraud was punished by statute, as in guardianship by the Twelve Tables and in the cheating of minors by the Plaetorian law. It was also punished without statute, in trials in which the words "in good faith" are added. In other kinds of trial, these phrases are particularly notable: in an arbitration over a wife's dowry, "what is better and fairer"; in a

19 Gaius Aquilius Gallus, a leading jurist, was Cicero's colleague as praetor in 66 BC; his formulas allowed legal action for fraud (*dolus malus*).

trust, "as good men should deal well among good men." Well then: can there be any element of fraud in "what is better and fairer"? Or, when the words are "to deal well among good men," can anything be done fraudulently or maliciously? But fraud, as Aquilius says, consists in pretense.[20] All falsehood, then, must be removed from contracts. The seller will not put up a sham bidder, nor will the buyer put up someone to bid against himself. When either comes to name a price, he will name it only once.

3.62 Quintus Scaevola, son of Publius, was buying a farm and asked the seller to name his price once and for all. When the seller had done so, Scaevola said that he valued the farm more highly, and added a hundred thousand. No one denies that this was the act of a good man, but people deny that it was the act of a wise one, just as they would if he had sold something for less than he could have gotten. Here, then, is that ruinous idea: that some people are considered good and others wise. Hence Ennius says that "the wise man is wise in vain who cannot profit himself." That is true enough, if Ennius and I agreed on what "profit" means.[21]

3.63 I see that Hecaton of Rhodes, a pupil of Panaetius, says in the books on duty that he wrote for Quintus Tubero that "it is the part of a wise man to look after his household property, while doing nothing contrary to custom, law and established practice. For we want to be rich not for ourselves alone, but for our children, our relatives, our friends, and above all for the commonwealth. The resources and wealth of individuals are the riches of the state." Such a man can in no way approve of the act of Scaevola that I spoke of a little earlier. Indeed, he says outright that the only thing he will not do for his own profit is what is not lawful. He deserves neither great praise nor gratitude.[22]

3.64 But if both pretense and concealment are fraud, there are very few transactions in which that fraud does not play a part.

20 The Plaetorian law (c. 200 BC) protected those under twenty-five from being cheated.

21 This is the jurist Scaevola; the sum is presumably 100,000 sesterces.

And if a good man is one who helps whomever he can and harms no one, we certainly do not find that good man easily.

It is never useful, then, to do wrong, because it is always dishonorable. And because it is always honorable to be a good man, it is always useful.

3.65 As regards real estate, our civil law has laid down that when property is sold, any defects known to the seller must be declared. Under the Twelve Tables it was enough to make good whatever had been expressly stated, and anyone who denied such a statement was liable to a penalty of double. But the jurists have also established a penalty for silence. They ruled that if the seller knew of any defect in a property, he must make it good unless it had been specifically mentioned.

3.66 Here is an example. The augurs were about to take the auspices on the Citadel, and they ordered Tiberius Claudius Centumalus, who owned a house on the Caelian Hill, to pull down the parts whose height obstructed their view of the omens. Claudius advertised the block for sale [and sold it], and Publius Calpurnius Lanarius bought it. The augurs served the same notice on him. So Calpurnius pulled the building down; then, learning that Claudius had advertised it only after the augurs had ordered him to demolish it, he took him before an arbitrator on the question "what he ought in good faith to give or do for him." The verdict was given by Marcus Cato, the father of our own Cato (for as other men are identified by their fathers, so the man who fathered that shining light should be identified by his son). This judge, then, pronounced as follows: "since the seller knew of this when he sold the property and did not declare it, he must make good the buyer's loss."[23]

3.67 He ruled, then, that good faith requires the buyer to be told of any defect known to the seller. If his judgment was right, then that grain merchant was wrong to keep silent, and so was the seller of the unhealthy house. But silences of this kind can-

22 Hecaton (c. 100 BC) was a Stoic philosopher; Quintus Aelius Tubero was a Roman of Stoic sympathies, nephew of Scipio Aemilianus.
23 That is, Cato the Younger.

not all be covered by civil law; those that can, however, are strictly enforced. Marcus Marius Gratidianus, a relative of ours, had sold Gaius Sergius Orata a house that he himself had bought from Orata a few years before. It was subject to an easement, but Marius had not mentioned this in the deed of sale. The case came to court. Crassus represented Orata, and Antonius defended Gratidianus. Crassus pressed the letter of the law: "a defect that the seller knowingly failed to declare must be made good." Antonius pressed equity: "since the defect was not unknown to Sergius, who had sold that house himself, there was no need to mention it; nor had he been deceived, since he knew the legal status of what he had bought."

3.68 What is the point of all this? To make you understand that our ancestors had no liking for sharp dealers.

But laws abolish cunning in one way, philosophers in another. The laws deal with it as far as they can lay hands on it; philosophers, as far as reason and understanding can reach. Reason, then, demands that nothing be done treacherously, nothing deceptively, nothing falsely. Is it not a trap, then, to set snares, even if you do not mean to rouse the game or drive it into them? Wild animals often fall into them of their own accord, with no one pursuing. So are you to advertise a house, put up your notice like a snare, [sell a house because of its defects,] and let some unwary person run into it?

3.69 I see that because of the corruption of custom this practice is not thought dishonorable by convention, nor forbidden by statute or civil law. Yet it is forbidden by the law of nature. For there is a fellowship—this has often been said, but it must be said still more often—that extends most widely, of all people with all; a closer one among those of the same nation; and a nearer one among those of the same state. That is why our ancestors held the law of nations to be one thing and civil law another. What is civil law is not automatically the law of nations, but what is the law of nations ought also to be civil law. But we possess no solid, lifelike image of true law and genuine justice; we make do with a shadow and outlines. If only we followed

even these! For they are drawn from the finest models provided by nature and truth.

3.70 How weighty are those words: "that I be not taken in and defrauded on account of you or my trust in you"! And how golden these: "as there ought to be good dealing between good men, and without fraud"! But who the "good men" are, and what "good dealing" is—that is a large question.

Quintus Scaevola, the chief pontiff, used to say that the greatest force lay in all arbitrations in which the words IN GOOD FAITH were added. He thought the term "good faith" had a very wide application. It applied to guardianships and partnerships, trusts and commissions, purchases and sales, hirings and lettings—the transactions that hold together the fellowship of life. In these, he said, it took a great judge to decide what each party owed to the other, especially since in most of them there were counterclaims.

3.71 Therefore cunning must be done away with, and with it that malice which wants to pass for prudence but is far removed from it and utterly different. For prudence lies in distinguishing good from evil; malice, if everything dishonorable is evil, puts evil before good.

Nor is it only in real estate that civil law, derived from nature, punishes malice and fraud. In the sale of slaves too, every kind of fraud by the seller is ruled out. Under the edict of the aediles, a seller who ought to have known about a slave's health, or about his running away or his thefts, is liable. The case of heirs is different.[24]

3.72 From this we understand that, since nature is the source of law, it is in accordance with nature that no one should act so as to prey on another's ignorance. Nor can any greater bane of life be found than malice masquerading as intelligence. From this spring those countless cases in which the useful seems to conflict with the honorable. For how few will be found who can refrain from injustice when they are assured of impunity and of everyone's ignorance!

24 The aediles' edict governed sales in the markets.

WILLS, BRIBES AND KINGSHIP

Forged wills, Marius' ambition and Caesar's tyranny show that great prizes never make wrong useful.

3.73 Let us put this to the test, if you like, and with examples in which ordinary people would perhaps not think any wrong is done. I do not need to discuss here murderers, poisoners, forgers of wills, thieves and embezzlers of public funds; they should be worn down not by words and the arguments of philosophers but by chains and prison. Let us consider instead what is done by those who are regarded as good men.

Some men brought from Greece to Rome a forged will of Lucius Minucius Basilus, a wealthy man. To make it easier to have it upheld, they wrote in as their co-heirs Marcus Crassus and Quintus Hortensius, the most powerful men of that time. These two suspected that it was a forgery, but since they were conscious of no guilt themselves, they did not refuse this little gift from another man's crime. What then? Is that enough to acquit them of wrongdoing? Not in my view—though I loved the one while he lived and do not hate the other now that he is dead;[25]

3.74 but since Basilus had wanted Marcus Satrius, his sister's son, to bear his name, and had made him his heir (I mean the man who is patron of the Picene and Sabine districts—what a shameful mark of the times [their name]!), it was not fair that the leading citizens should get the property and nothing should come to Satrius but the name. For if one who does not ward off or repel injustice when he can is acting unjustly, as I argued in the first book, what are we to think of one who not only fails to repel it but even abets it? For my part, I do not think even genuine inheritances honorable if they have been sought by malicious flattery, by the pretense rather than the reality of kind services.

25 Quintus Hortensius, the orator and Cicero's great rival at the bar, died in 50 BC.

Yet in matters like these the useful sometimes seems to be one thing and the honorable another.

3.75 Wrongly; for the rule of the useful is the same as the rule of the honorable. Whoever has not grasped this will stop at no fraud and no crime. For by reasoning, "That course is honorable, to be sure, but this one pays," he will dare, in his error, to tear apart things that nature has joined together—and that error is the source of all frauds, misdeeds and crimes.

So if a good man had the power to slip his name into rich men's wills by snapping his fingers, he would not use that power—not even if he were quite certain that no one would ever suspect it at all. But give Marcus Crassus the power to be written in as heir by a snap of his fingers when he was not really an heir, and, believe me, he would dance in the Forum. The just man, however, the one we recognize as a good man, will take nothing from anyone in order to transfer it to himself. Anyone who is surprised at this must confess that he does not know what a good man is.

3.76 But if anyone is willing to unfold the notion folded up in his own mind, he will at once teach himself that a good man is one who helps whomever he can and harms no one unless provoked by injustice. What then? Does he do no harm who, as if by some kind of poison, contrives to dislodge the true heirs and step into their place himself? "Is he not to do," someone may say, "what is useful, what pays?" No—let him understand that nothing unjust either pays or is useful. Whoever has not learned this cannot be a good man.

3.77 When I was a boy I used to hear my father tell how Gaius Fimbria, the former consul, was judge in the case of Marcus Lutatius Pinthia, a Roman knight of excellent reputation, who had made a legal wager to be forfeited "if he was not a good man." Fimbria told him that he would never decide that case. If he decided against him, he would rob a man of proven character of his reputation; if in his favor, he would seem to have ruled

that someone was a good man, when that quality consists in countless duties and merits.[26]

To this good man, then, whom even Fimbria knew, and not only Socrates, nothing can possibly seem useful that is not honorable. Such a man will therefore dare not only to do, but even to think, nothing that he would not dare to proclaim aloud. Is it not shameful for philosophers to be in doubt about things that not even country people doubt? It was among them that the proverb arose which is now worn threadbare with age. When they praise someone's good faith and goodness, they say he is a man "you could play odds-and-evens with in the dark." What does this mean if not that nothing pays that is not proper, even if you could get it without anyone proving you wrong?[27]

3.78 Do you see that this proverb allows no excuse either for the famous Gyges or for the man I imagined a little while ago, who could sweep up everyone's inheritances with a snap of his fingers? For just as what is dishonorable can in no way become honorable, however well it is hidden, so what is not honorable cannot be made useful, since nature opposes and resists it.

3.79 "But when the rewards are very great, there is reason to do wrong."

Gaius Marius was far from any hope of the consulship. He had been languishing for six years since his praetorship, and it seemed he would never stand for the consulship. He was serving as lieutenant to Quintus Metellus, an outstanding man and citizen, and when his commander sent him to Rome, he accused Metellus before the Roman people of dragging out the war. If they made him consul, he said, he would soon bring Jugurtha, dead or alive, into the power of the Roman people. And so he was indeed made consul. But he departed from good faith and justice, since by a false charge he exposed to public

26 Gaius Flavius Fimbria was consul in 104 BC.

27 In this game (*micare*) players flash fingers and call the total at once; in the dark, cheating would be undetectable.

hatred an excellent and most respected citizen, whose lieutenant he was and who had sent him to Rome.[28]

3.80 Nor did our Gratidianus perform the duty of a good man when he was praetor. The board of praetors had called in the tribunes of the plebs so that the currency question might be settled by joint decision; for in those days the value of money fluctuated so wildly that no one could know what he was worth. They drew up an edict together, with penalties and legal procedure, and agreed that they would all go up onto the Rostra together in the afternoon. The others went off in various directions; Marius went straight from the benches to the Rostra and published on his own what had been drafted in common. And that act, if you want to know, brought him great honor: statues in every street, with incense and candles before them. In short, no one was ever dearer to the masses.[29]

3.81 These are the things that sometimes throw our deliberations into confusion: when the violation of equity does not seem very great, but what comes of it seems very great indeed. So to Marius it seemed not so very dishonorable to snatch popular favor from his colleagues and the tribunes of the plebs, but very useful to become consul by this means, which was his aim at the time. But there is one rule for every case, and I want you to know it thoroughly: either what seems useful must not be dishonorable, or, if it is dishonorable, it must not seem useful. What then? Can we judge either the one Marius or the other to be a good man? Unfold and examine your understanding, so that you may see what [image,] form and notion of a good man it contains. Is it consistent with a good man to lie for his own profit, to bring false charges, to steal a march, to deceive? Nothing, surely, could be less so.

3.82 Is anything, then, worth so much, or is any advantage so desirable, that you would lose both the luster and the name of a

28 Marius was elected consul for 107 BC and took over from Metellus the war against Jugurtha, king of Numidia.

29 Gratidianus was praetor in 85 or 84 BC; the Rostra was the speakers' platform in the Forum.

good man? What can this so-called advantage bring you that is as great as what it takes away, if it robs you of the name of a good man and strips you of good faith and justice? For what difference does it make whether someone changes from a man into a beast, or keeps a human shape while harboring the savagery of a beast?

What of those who disregard everything right and honorable, provided they can gain power? Are they not doing the same as the man who even wanted for his father-in-law the very man whose audacity made him powerful? It seemed useful to him to be supremely powerful while another bore the odium; he did not see how unjust this was to his country, and how dishonorable. The father-in-law himself, moreover, always had on his lips some Greek lines from the Phoenician Women, which I will render as best I can—roughly, perhaps, but so that the sense can be understood: "For if law must be broken, then for a throne / Let it be broken; in all else keep your piety." A villain who deserves death [Eteocles, or rather Euripides], to make an exception of the one thing that is the most criminal of all![30]

3.83 Why, then, do I collect trifles—inheritances, trading, fraudulent sales? Here you have a man who longed to be king of the Roman people and master of all nations, and achieved it! Anyone who calls that desire honorable is mad; for he approves the destruction of the laws and of liberty, and thinks their hideous and detestable suppression glorious. But suppose someone admits that it is not honorable to be king in a state that was free and ought to be free, yet says it is useful to the man who can manage it. With what reproof, or rather with what abuse, should I try to tear him away from so great an error? Immortal gods! Can the foulest and most hideous parricide of one's country be useful to anyone, even if the man who has made himself guilty of it is called "father" by the citizens he has crushed? Advantage,

30 The son-in-law is Pompey, who married Caesar's daughter Julia in 59 BC; the lines are Euripides, Phoenician Women 524–525, spoken by Eteocles.

then, must be guided by honor—and in such a way that the two seem to differ in name but sound as one in substance.[31]

3.84 By the standard of popular opinion, I know of no greater advantage than that of being king. On the other hand, when I begin to bring my reasoning back to the truth, I find nothing more disadvantageous to one who has attained it unjustly. For can anyone gain from anguish, anxieties, fears by day and by night, a life utterly full of plots and dangers? "Many are hostile and faithless to a throne, few well-disposed," says Accius. But to what throne? One handed down from Tantalus and Pelops and held by right. How many more enemies, do you think, had the king who had crushed the Roman people itself with the army of the Roman people, and had forced a state that was not only free but ruler of nations to be his slave?

3.85 What stains of conscience, what wounds do you think this man had in his soul? And whose life can be useful to himself, when the condition of that life is such that whoever takes it will win the greatest gratitude and glory? But if these things that seem most useful are not useful, because they are full of disgrace and wrongdoing, we ought to be fully convinced that nothing is useful that is not honorable.

3.86 This was indeed the judgment on many other occasions, but especially in the war with Pyrrhus, of Gaius Fabricius, consul for the second time, and of our senate. King Pyrrhus had made war on the Roman people unprovoked, and the struggle for supremacy was against a noble and powerful king. A deserter came from him to Fabricius' camp and promised that, if Fabricius would offer him a reward, he would return to Pyrrhus' camp as secretly as he had come and kill him with poison. Fabricius had him taken back to Pyrrhus, and the senate praised him for it. And yet if we are looking for the appearance and the reputation of advantage, that one deserter would have ended a great war and removed a formidable enemy of our empire. But it would have been a great disgrace and scandal that

31 Caesar had been given the title "Father of his Country" (parens patriae) early in 44 BC.

the man with whom we were competing for glory had been overcome not by virtue but by crime.

3.87 Which, then, was more useful—to Fabricius, who was to this city what Aristides was to Athens, or to our senate, which never separated advantage from dignity—to fight the enemy with arms or with poison? If empire is to be sought for the sake of glory, let crime be absent, since there can be no glory in crime. But if power itself is sought by any means whatever, it cannot be useful when joined with infamy.

Not useful, then, was the proposal of Lucius Philippus, son of Quintus, that the states which Lucius Sulla, by decree of the senate, had exempted from tribute in return for money should pay tribute again, and that we should not repay them the money they had given for their freedom. The senate agreed to it. A disgrace to our empire! Pirates keep faith better than our senate did. "But revenues were increased; so it was useful." How long will they dare to say that anything is useful that is not honorable?

3.88 and can hatred and infamy be useful to any empire, when it ought to be propped up by glory and the goodwill of its allies?

I have often disagreed even with my friend Cato. He seemed to me to defend the treasury and its revenues too stubbornly, refusing everything to the tax-farmers and much to the allies, when we ought to be generous to the allies and to deal with the tax-farmers as we used to deal with our own tenants—all the more because that harmony between the orders was vital to the safety of the commonwealth. Curio, too, was wrong when he said that the cause of the Transpadanes was just, yet always added, "Let advantage prevail!" He should rather have argued that it was not just, because it was not useful to the commonwealth, than admit that it was just while saying it was not useful.[32]

32 Gaius Scribonius Curio was consul in 76 BC; the Transpadanes, living north of the Po, were seeking full Roman citizenship.

HARD CASES

Hecaton's questions about shipwrecks, fathers and sons, sales and promises that should not be kept.

3.89 The sixth book of Hecaton's *On Duties* is full of questions like these: "whether it is the part of a good man, when grain is extremely dear, not to feed his household slaves."

He argues both sides, but in the end he guides duty by advantage, as he conceives it, rather than by humanity.

He asks whether, if cargo must be thrown overboard at sea, one should sacrifice a valuable horse or a cheap slave. Here one's financial interest points one way, humanity another.

"If a fool has seized a plank from a shipwreck, will the wise man wrench it from him if he can?"

He says no, because that would be unjust.

"What of the owner of the ship? Will he snatch away what belongs to him?"

"Not at all—any more than he would want to throw a passenger overboard on the high seas because the ship is his. For until the ship has reached the port for which it was chartered, it belongs not to the owner but to the passengers."

3.90 "What if there is one plank and two shipwrecked men, both of them wise? Should each snatch it for himself, or should one give way to the other?"

"One should give way, certainly—but to the one whose life matters more, either for his own sake or for the commonwealth's."

"What if these considerations are equal for both?"

"There will be no contest: one will give way to the other, as if he had lost by lot or at odds-and-evens."

"What if a father robs temples or digs tunnels into the treasury? Should his son report it to the magistrates?"

"That would be an impiety; on the contrary, he should even defend his father if he is charged."

"Does our country not take precedence, then, over all other duties?"

"Indeed it does; but it is to the advantage of our country itself to have citizens who are dutiful toward their parents."

"What if a father tries to make himself tyrant, or to betray his country? Will the son keep silent?"

"No indeed; he will beg his father not to do it. If that has no effect, he will rebuke him, and even threaten him. In the end, if the matter threatens the ruin of his country, he will put his country's safety before his father's."

3.91 He also asks whether, if a wise man has unwittingly accepted counterfeit coins as good, he should pay them out as good to a creditor after he has found out. Diogenes says yes, Antipater no; I side rather with Antipater.

Whether a man who knowingly sells wine that is going off ought to say so. Diogenes thinks it unnecessary; Antipater thinks it the part of a good man. These are, so to speak, the disputed points of law among the Stoics. "In selling a slave, should one declare his faults—not those which, if undeclared, entitle the buyer to return the slave under civil law, but these: that he is a liar, a gambler, a thief, a drunkard?" One of them thinks they must be declared, the other does not.

3.92 "If someone selling gold thinks he is selling brass, should a good man tell him that it is gold, or buy for one denarius what is worth a thousand denarii?"

By now it is clear both what I think and what the dispute is between the philosophers I have named.

Whether agreements and promises should always be kept "when they have been made," as the praetors' formula has it, "without force or fraud."

Suppose someone has given a man a remedy for dropsy, on condition that, if the remedy cured him, he should never use it again. He is cured by it; some years later he falls ill with the same disease, and cannot get permission from the man he made the agreement with to use it again. What should he do? Since the

man who refuses is inhuman, and no wrong is being done to him, the patient should look to his own life and health.

3.93 What if a wise man has been asked by someone who is making him his heir, and leaving him a hundred million sesterces in his will, to dance openly in the Forum in broad daylight before he takes up the inheritance, and he has promised to do it, because otherwise the testator would not have written him in as heir? Should he do what he has promised or not? I wish he had not promised; I think that would have been in keeping with his dignity. Since he has promised, if he considers it dishonorable to dance in the Forum, he will break his word more honorably by taking nothing from the inheritance than by taking it—unless perhaps he contributes the money to some great crisis of the commonwealth, so that even dancing, when he is about to serve his country, would not be dishonorable.

3.94 Nor should promises be kept that are not useful to the very people to whom you made them. The Sun—to go back to myths—told his son Phaethon that he would do whatever he wished. Phaethon wished to be lifted into his father's chariot, and he was lifted. And before he could steady himself, he was burned up by a stroke of lightning. How much better it would have been had the father's promise not been kept in this case! What of the promise Theseus exacted from Neptune? Neptune had granted him three wishes, and he wished for the death of his son Hippolytus, whom he suspected over his stepmother. When this wish was granted, Theseus was plunged into the deepest grief.

3.95 What of Agamemnon? He had vowed to Diana the most beautiful thing born in his kingdom that year, and so he sacrificed Iphigenia, for nothing more beautiful had been born that year. He should rather have broken his promise than committed so hideous a crime.

So promises should sometimes not be kept, and deposits should not always be returned. If someone of sound mind has left a sword in your keeping and asks for it back when he has gone mad, it would be wrong to return it, and your duty not to. What if someone who has deposited money with you makes war

on your country? Would you return the deposit? I think not; for you would be acting against the commonwealth, which ought to be dearest of all to you. Thus many things that seem honorable by nature become dishonorable in certain circumstances. Keeping promises, abiding by agreements, returning deposits—these become dishonorable when the advantage shifts.

About those apparent advantages that go against justice under the guise of prudence, I think enough has been said.

REGULUS

Regulus advises against a prisoner exchange and returns to Carthage to keep his oath.

3.96 In the first book we derived duties from the four sources of the honorable. Let us stay with these same sources, then, in showing how hostile to virtue are the things that seem useful but are not. We have discussed prudence, which malice tries to imitate, and also justice, which is always useful. There remain two divisions of the honorable: one is seen in the greatness and preeminence of an outstanding spirit, the other in the shaping and regulation of restraint and self-control.

3.97 It seemed useful to Ulysses—so at least the tragic poets tell us (for in Homer, our best authority, there is no such suspicion about Ulysses); the tragedies, however, accuse him of trying to evade military service by pretending to be mad. Not an honorable plan, someone might perhaps say, but a useful one: to reign and live at leisure in Ithaca with his parents, his wife and his son. Do you think any distinction won in daily toils and dangers can be compared with such tranquility?[33]

For my part, I think it is to be despised and rejected, since I believe that what is not honorable is not even useful.

33 Ulysses (Odysseus) feigned madness to avoid the expedition against Troy, but Palamedes exposed the ruse.

3.98 For what do you think Ulysses would have had to hear if he had kept up that pretense? Even after performing the greatest deeds in the war, he still has to hear this from Ajax: "Though he himself was first to frame the oath,
As all of you know, he alone broke faith;
He set about feigning madness, so as not to join us.
And had not Palamedes' keen-sighted prudence
Seen through this man's malicious audacity,
He would forever have cheated the right of a sacred oath."

3.99 Better for him to battle not only with the enemy but with the waves as well, as he did, than to desert a Greece united in making war on the barbarians.

But let us leave aside both myths and foreign examples and come to a real event, one of our own. Marcus Atilius Regulus, consul for the second time, was captured in Africa in an ambush laid by Xanthippus the Spartan, under the command of Hamilcar, Hannibal's father. He was sent to the senate under oath that, unless certain noble prisoners were returned to the Carthaginians, he would himself go back to Carthage. When he came to Rome, he saw the appearance of advantage, but, as the outcome shows, he judged it false. It was this: to stay in his country, to be at home with his wife and children, and, regarding the disaster he had suffered in war as the common lot of the fortunes of war, to keep his rank and dignity as a former consul. Who denies that these things are useful? Whom do you think? Greatness of spirit and courage deny it.

3.100 Are you looking for weightier authorities? It is the mark of these virtues to fear nothing, to look down on all things human, to think nothing that can befall a human being unbearable. So what did he do? He came into the senate and set out his instructions, but refused to give his own opinion: as long as he was bound by his oath to the enemy, he said, he was not a senator. More than that ("What a foolish man," someone may say, "working against his own interest!"), he said it was not useful to return the prisoners: they were young men and good commanders, while he was already worn out with age. His authority prevailed;

the prisoners were kept, and he himself went back to Carthage, held back neither by love of his country nor by love of his family. Nor was he unaware at the time that he was going to a most cruel enemy and to exquisite tortures; but he thought the oath must be kept. And so even then, when he was being killed by being kept from sleep, he was better off than if he had stayed at home, an aged captive, a former consul who had broken his oath.

3.101 "But he acted foolishly, not only in failing to vote for the return of the prisoners, but in actually arguing against it."

Foolishly? Even if it was to the advantage of the commonwealth? And can what is disadvantageous to the commonwealth be advantageous to any citizen?

People overturn the very foundations of nature when they separate the useful from the honorable. For we all seek advantage and are swept toward it, and we cannot possibly do otherwise. Who is there that shuns what is useful? Or rather, who does not pursue it with the utmost eagerness? But because we can find what is useful nowhere except in praise, propriety and honor, we hold these to be first and highest, and regard the word "advantage" as not so much splendid as necessary.

3.102 "What is there, then, in an oath?" someone may say. "Surely we are not afraid of an angry Jupiter?" But this, at least, is common to all philosophers—not only those who say that god has no troubles himself and causes none to anyone else, but also those who hold that god is always doing and working at something: god is never angry and never does harm. And what greater harm could an angry Jupiter have done than Regulus did to himself? There was, then, no religious scruple strong enough to overturn so great an advantage.[34]

Or was it to avoid acting dishonorably? First, "of evils choose the least." Did that dishonor, then, involve as much evil as that torture? Second, there is that passage in Accius: "Have you

34 Cicero means the Epicureans, whose gods are untroubled and trouble no one, and the Stoics, whose god is ever active.

broken faith? / I neither gave nor give it to any faithless man"—though it is spoken by a wicked king, it is brilliantly spoken.

3.103 They add, too, that just as we say some things seem useful that are not, so they say some things seem honorable that are not: "for example, this very act seems honorable—going back to torture in order to keep an oath. But it turns out not to be honorable, because what was done under compulsion from the enemy ought not to have been binding."

They add further that whatever is very useful becomes honorable, even if it did not seem so before.

These, roughly, are the arguments against Regulus. But let us look at them one by one, beginning with the first.

3.104 "There was no need to fear that Jupiter might harm him in anger, since he is not in the habit of being angry or doing harm."

This argument holds no more against Regulus' oath than against every oath. But in an oath what must be understood is not the fear it inspires but the force it has. For an oath is a solemn affirmation made under religious sanction, and what you have solemnly promised, with god as your witness, as it were, must be kept. For the matter now concerns not the anger of the gods, which does not exist, but justice and good faith. Ennius puts it finely: "O kindly Faith, winged one, and oath of Jupiter!" Whoever violates an oath, then, violates Faith, whom our ancestors chose to place on the Capitol as "neighbor of Jupiter Best and Greatest," as it says in a speech of Cato's.[35]

3.105 "But even an angry Jupiter would not have harmed Regulus more than Regulus harmed himself."

Certainly—if there were no evil but pain. But philosophers of the highest authority affirm that pain is not only [not] the greatest evil, but not an evil at all. And Regulus is no ordinary witness for them, but perhaps the weightiest of all; do not, I beg you, disparage him. For what more authoritative witness can we look for than a leading man of the Roman people who under-

35 The temple of Fides (Faith) stood beside the great temple of Jupiter on the Capitol.

went torture of his own free will in order to hold fast to his duty?

As for their saying "of evils the least"—that is, to act dishonorably rather than suffer disaster—is there any greater evil than disgrace? If there is something repellent in a deformity of the body, how great must the depravity and foulness of a disgraced soul appear!

3.106 So those who argue these matters more rigorously dare to say that only what is dishonorable is evil, while those who argue less strictly still do not hesitate to call it the greatest evil.

As for the line "I neither gave nor give it to any faithless man," the poet was right to write it, because he was portraying Atreus and had to suit the character. But if they take it as a principle that faith given to a faithless man is no faith at all, let them beware of looking for a loophole for perjury.

3.107 There is also a law of war, and the good faith of an oath must often be kept even with an enemy. An oath sworn with the clear understanding in one's mind that it ought to be fulfilled must be kept; if it was sworn otherwise, failing to fulfill it is no perjury. For instance, if you do not hand over to pirates the ransom agreed for your life, there is no fraud—not even if you swore to it and did not do it. For a pirate is not counted among lawful enemies, but is the common enemy of all; with him there ought to be no bond of good faith or oath in common.

3.108 For swearing to something false is not perjury; but not to do what you have sworn "to the best of your knowledge and belief," as our formula puts it, is perjury. Euripides says it shrewdly: "I swore with my tongue; my mind remains unsworn." But Regulus had no right to upset the terms and covenants made with an enemy in war by committing perjury. He was dealing with a just and lawful enemy, toward whom the whole fetial law and many other rights shared in common apply. Were it not so, the senate would never have handed over distinguished men in chains to the enemy.

3.109 Titus Veturius and Spurius Postumius, however, in their second consulship, after the defeat at Caudium, when our

legions had been sent under the yoke, made peace with the Samnites; and they were handed over to them, because they had made it without the authorization of the people and the senate. At the same time Tiberius Numicius and Quintus Maelius, who were then tribunes of the plebs, were handed over as well, because the peace had been made on their authority, so that the Samnite peace might be repudiated. And Postumius himself, the very man being handed over, was the one who proposed and urged this surrender.[36]

Many years later Gaius Mancinus did the same. He had made a treaty with the Numantines without the senate's authorization, and he spoke in favor of the bill, brought by Lucius Furius and Sextus Atilius on the senate's instructions, that he should be handed over to them; when it was passed, he was handed over to the enemy. He acted more honorably than Quintus Pompeius, who was in the same position but pleaded against the law, so that it was not passed. In Pompeius' case what seemed to be advantage outweighed honor; in the earlier cases the false appearance of advantage was overcome by the authority of honor.[37]

3.110 "But what had been done under compulsion ought not to have been binding."—As if force could be brought to bear on a brave man!

"Why, then, did he go to the senate, especially when he meant to argue against returning the prisoners?"

You are faulting what is greatest in him. He did not rest on his own judgment; he took up the case so that the judgment would be the senate's. Had he not urged it himself, the prisoners would surely have been returned to the Carthaginians, and Regulus would then have remained safe in his country. Because he thought this was not useful to his country, he believed it honorable for himself both to hold that view and to suffer for it.

As for their saying that what is very useful becomes honorable—no, it is honorable; it does not become so. For nothing is

36 Being sent under a yoke of spears was a ritual humiliation for a defeated army.

useful that is not also honorable; and it is not honorable because it is useful, but useful because it is honorable.

Of the many remarkable examples, then, one could hardly name one more praiseworthy or more outstanding than this.

3.111 But in all this praise of Regulus, the one thing that deserves admiration is that he proposed keeping the prisoners. His going back seems remarkable to us now, but in those days he could not have done otherwise; so that merit belongs not to the man but to the times. For our ancestors wanted no bond for securing good faith to be tighter than an oath. That is shown by the laws in the Twelve Tables, by the "sacred" laws, by the treaties in which faith is pledged even with an enemy, and by the inquiries and penalties of the censors, who judged no matter more strictly than oaths.[38]

3.112 When Lucius Manlius, son of Aulus, had been dictator, Marcus Pomponius, tribune of the plebs, brought him to trial for having added a few days to his term as dictator. He also charged him with having banished his son Titus, later called Torquatus, from human company and ordered him to live in the country. When the young man heard that his father was in trouble, he is said to have hurried to Rome and gone to Pomponius' house at daybreak. When he was announced, Pomponius, thinking that in anger he would bring him some evidence against his father, got up from his bed, sent away any witnesses, and told the young man to come in. But as soon as he entered, he drew his sword and swore he would kill Pomponius on the spot unless he swore an oath to drop the case against his father. Pomponius, forced by terror, swore it. He brought the matter before the people, explained why he had to abandon the case, and let Manlius go.[39] Such was the force of an oath in those days.

And this Titus Manlius is the man who, at the Anio, took the necklace from a Gaul who had challenged him and whom he

37 Mancinus' treaty with Numantia, in Spain, dates from 137 BC; Quintus Pompeius (consul 141 BC) had also made an unauthorized peace there.
38 The "sacred" laws (*leges sacratae*) declared anyone who violated them accursed and forfeit to the gods.
39 Lucius Manlius was dictator in 363 BC.

had killed, and won his surname from it. In his third consulship the Latins were routed and put to flight at the Veseris. He was a great man, among the very first, and as indulgent toward his father as he was harshly severe toward his son.[40]

3.113 But just as Regulus deserves praise for keeping his oath, so those ten deserve censure, if they did not go back, whom Hannibal sent to the senate after the battle of Cannae, bound by oath to return to the camp the Carthaginians had captured unless they obtained the ransom of the prisoners. Not all writers give the same account of them. Polybius, an excellent authority, says that of the ten men of highest rank who were sent, nine went back when the senate refused their request. But one of the ten, who had returned to the camp shortly after leaving it, as if he had forgotten something, stayed in Rome. He argued that his return to the camp had released him from his oath—wrongly, for fraud tightens the guilt of perjury; it does not undo it. It was, then, a foolish cleverness, a perverse imitation of prudence. And so the senate decreed that that sly old trickster should be taken in chains to Hannibal.[41]

3.114 But here is the greatest case of all. Hannibal was holding eight thousand men—not men he had captured in battle or who had fled in fear of death, but men who had been left behind in the camp by the consuls Paullus and Varro. The senate voted not to ransom them, though it could have been done for a small sum, so that our soldiers should have it ingrained in them either to conquer or to die. The same writer says that when Hannibal heard this, he lost heart, because the senate and people of Rome had shown so lofty a spirit in the midst of disaster. Thus, when compared with the honorable, what seems useful is defeated.

3.115 Gaius Acilius, however, who wrote a history in Greek, says that there were several who went back to the camp with the same trick, to be released from their oath, and that the censors branded them with every mark of disgrace.

40 The name Torquatus comes from *torques*, "necklace"; as consul in 340 BC he had his own son executed for fighting against orders.

41 Polybius (c. 200–118 BC) was the Greek historian of Rome's rise to power.

Let this be the end of this topic. For it is clear that things done in a timid, abject, dejected and broken spirit are not useful, because they are disgraceful, foul and dishonorable. Regulus' conduct would have been of that kind if, in voting on the prisoners, he had considered what seemed good for himself rather than for the commonwealth, or if he had chosen to remain at home.

PROPRIETY AND PLEASURE

Pleasure cannot be joined to the honorable; Cicero closes with a farewell to his son.

3.116 There remains the fourth division, which consists in propriety, measure, moderation, restraint and self-control.

Can anything, then, be useful that is opposed to this chorus of virtues? And yet the Cyrenaics, followers of Aristippus, and the philosophers called Annicerians placed all good in pleasure, and held that virtue deserves praise because it produces pleasure. These schools are now out of date, and Epicurus flourishes, the champion and originator of much the same view. If we mean to defend and maintain the honorable, we must fight these men "with horse and foot," as the saying goes.[42]

3.117 For if not only advantage but the whole of a happy life consists in a sound constitution of the body and the assured hope of keeping it, as Metrodorus wrote, then surely this advantage—indeed the highest, for so they hold—will conflict with the honorable. For where, first of all, will prudence find a place? Is it to hunt out pleasant things on every side? How wretched the servitude of virtue, slaving for pleasure! And what will be the task of prudence? To choose pleasures intelligently? Suppose nothing is more delightful than that—what can be imagined more disgraceful?[43]

Next, for one who calls pain the greatest evil, what place is there for courage, which is contempt for pain and toil? Epicurus

42 Anniceris led a later branch of the Cyrenaic school.
43 Metrodorus of Lampsacus was Epicurus' closest disciple.

does speak quite bravely about pain in many places, as indeed he does; but we must consider not what he says, but what it is consistent for a man to say who has defined good by pleasure and evil by pain.

And if I listen to him, he does say a great deal about restraint and self-control in many places; but, as the saying goes, he is stuck. For how can a man who places the highest good in pleasure praise self-control? Self-control is the enemy of the desires, and the desires are the pursuers of pleasure.

3.118 And yet in these three categories they wriggle out of the difficulty as best they can, and not without cleverness. They bring in prudence as knowledge that supplies pleasures and drives away pains. They dispose of courage, too, in some fashion, when they teach a method of disregarding death and enduring pain. They even bring in self-control—not very easily, to be sure, but as best they can—for they say that pleasure reaches its limit with the removal of pain. But justice totters, or rather lies prostrate, together with all those virtues that are seen in community and in the fellowship of the human race. For there can be no goodness, no generosity, no courtesy, any more than friendship, if these are not sought for their own sake but are referred to pleasure or advantage.

Let us, then, sum up briefly.

3.119 Just as we have shown that there is no advantage that is contrary to the honorable, so we say that all pleasure is contrary to the honorable. All the more, then, do I think Calliphon and Dinomachus deserve censure. They thought they would settle the dispute if they coupled pleasure with honor, like a beast with a man. Honor does not accept that union; it spurns and rejects it. Nor can the supreme good [and evil], which ought to be simple, be a mixture and blend of utterly dissimilar things. But of this I will say more elsewhere, for it is a large subject; now back to our theme.[44]

3.120 How the matter should be decided, then, whenever what seems to be advantage conflicts with the honorable, has been

sufficiently discussed above. But if it is claimed that pleasure too has the appearance of advantage, it can have no union with the honorable. For, to make some concession to pleasure, it may perhaps provide some seasoning, but certainly nothing of advantage.

3.121 You have a gift from your father, Marcus, my son—a great one, in my opinion, but it will be worth as much as you make of it. These three books, however, will have to be welcomed as guests among Cratippus' lecture notes. But had I come to Athens myself (and I would have, had not my country called me back with a loud voice when I was halfway there), you would sometimes have listened to me too. So now, since my voice has traveled to you in these volumes, you will give them as much time as you can—and you can give as much as you wish. And when I learn that you take pleasure in this branch of knowledge, I will talk with you both in person, soon, I hope, and, while you are away, from a distance.[45]

Farewell, then, my dear Cicero, and be assured that you are very dear to me, but will be far dearer if you take pleasure in such counsel and teaching.

44 Calliphon and Dinomachus were Greek philosophers who defined the highest good as honor combined with pleasure.

45 In summer 44 BC Cicero set out for Greece but turned back and returned to Rome to oppose Antony.