CAMBRIDGE TEXTS IN THE HISTORY OF POLITICAL THOUGHT

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On Duties

Book 1

(i) Marcus, my son, you have been a pupil of Cratippus’ for a year already, and that in Athens. Consequently, you ought to be filled to overflowing with philosophical advice and instruction, through the great authority of both teacher and city: the former can improve you with his knowledge, the latter by her examples. However, since I myself have always found it beneficial to combine things Latin with things Greek (something I have done not only in philosophy, but also in the practice of rhetoric), I think you should do the same, that you may be equally capable in either language.

In this respect I have, it seems to me, provided a great service to my countrymen; as a result, not only those ignorant of the Greek language, but the learned also, think that they have found some assistance both in learning and in making decisions. (2) And you will certainly learn from the leading philosopher of our present generation, and you will go on doing so for as long as you like. (You

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1. On Cratippus (and all named persons), see Biographical Notes. Cf. De Finibus v.2–6 for the examples of the great men, including philosophers, whose monuments were in Athens.
2. Despite initial hostility to teachers of Greek rhetoric, such study could, by the beginning of the first century BC, be defended as traditional against the new teaching in Latin, cf. Brutus 310.
3. Some editors emend the manuscripts’ discendum (learning) to discendum (speaking).
4. At II.2–9 C. addresses himself to these two groups in turn. He had already countered the aversion of the learned for philosophy in Latin in the Academica and De Finibus. In keeping with his own preference for Academic philosophy of the sceptical variety (see Summary, pp. xxxvi–xxxvii), C. throughout lays stress on helping his son and his readers generally to make their own moral choices (I.2, I.9, II.8, III.18, III.33).
ought, of course, to want to learn for as long as you are not dissatisfied with your progress.) However, my writings do not differ greatly from those of the Peripatetics (for we both want to be Socratics and Platonists). When you read them, therefore, though you must use your own judgement about the content (for I shall not prevent that), you will at least acquire a richer style of Latin prose by reading my work. I would not like it to be thought that I say this arrogantly: for I grant that many others surpass my knowledge of philosophy; and if, when I have devoted the best part of my life to oratory, I then claim for myself what is proper to an orator, that I speak suitably, clearly and elegantly, I seem to have some right to lay such a claim.

(3) I strongly urge you, therefore, my dear Cicero, assiduously to read not only my speeches, but also the philosophical works, which are now almost equal to them. The language is more forceful in the former, but the calm and restrained style of the latter ought also to be cultivated. Furthermore, I see that it has not happened to this day that the same Greek has laboured in both fields, pursuing both forensic oratory and also the other, quieter, sort of debating. Perhaps Demetrius of Phalereum can be counted as doing so, a man of precise argument and an orator who, though not over-vigorous, spoke so pleasantly that you can recognise him as a pupil of Theophrastus. My achievement in either field is for others to judge, but there is no doubt that I have pursued them both. (4) I certainly think that Plato, if he had wanted to try his hand at forensic oratory, would have been able to speak weightily and expansively. Conversely, if Demosthenes had held on to the things he learned from Plato, and had wanted to articulate them, he could have done so elegantly and with brilliance. I make the same judgement about Aristotle and

1 See Plan of Hellenistic Schools, p. xxxiv and Biographical Notes under Socrates and Plato. Cf. iii.20 and pp. xxxv–xxxvii.

2 C. had published 17 philosophical works divided into 42 books by this date; he had published 70 speeches (excluding The Philippic Orations, some of which were being composed at this time): see J. Crawford, *M. Tullius Cicero: the Lost and Unpublished Orations* (Gottingen, 1984), p. 12. C.'s exaggeration is perhaps excusable given the impressive speed with which he composed the philosophical works.

3 For C.'s broad conception of oratory and oratorical training, see De Oratore 1.4, 1.70. He contrasts the style suitable to philosophy with that suitable to forensic oratory in Brutus 120–1. The former is characterized as the middle style of oratory in Orator 91–6, where C. claims to be able to handle all three levels himself (100–5).

1 The rivalry with the Greeks was an important motive behind C.'s creation of a Latin philosophical literature. C. emphasizes forensic oratory as it had more prestige than the other two types, deliberative and display, and, in his view, required skill in all three levels of style.

2 On the suitability of De Officiis to its addressee, see Introduction, pp. xvi–xvii.

3 For the contrast between the broad scope of practical ethics here suggested and the very selective treatment offered in De Officiis, see Introduction, pp. xxiii–xxv.

4 C. saw the ethical debate between the schools of philosophy as primarily one about the ends or goals of life, e.g. De Finibus 1.25–27. See Summary, p. xxxv.

5 Particularly in De Finibus Book ii, where C. gives himself the role of criticizing Epicurean ethics propounded by his friend Manlius Torquatus. Cf. iii.39 and 116–19 with n. 3 on 118. Members of this sect were the first to write philosophy in Latin, and their works, which C. regarded as crude, seem to have enjoyed some popularity. He alludes in (g) to the fact that many of his contemporaries who professed Epicureanism nonetheless entered public life and practised the traditional virtues, like Torquatus himself.
duty; nor can any advice on duty that is steady, stable, and joined
to nature be handed down except by those who believe that what
is to be sought for its own sake is honourableness alone (as some
say) or honourableness above all (as others say). Therefore the giving
of such advice is the peculiar province of the Stoics, Aristotelians
and Peripatetics, since the opinions of Aristo, Pyrrho and Erillus
have long since been driven out. They would have had the right
to dispute about duty if they had left any means of choice between
things, so that there might be a path to the discovering of duty.
I shall, therefore, for the present and on this question, follow the
Stoics above all, not as an expositor, but, as is my custom, drawing
from their fountains when and as it seems best, using my own judge-
ment and discretion.2

(7) Since the whole discussion is going to be about duty, I propose
first to define what duty is. I am surprised that Panaetius omitted
to do this. For every piece of rational instruction upon any matter
ought to begin with a definition, so that everyone understands what
the subject of discussion is.3

The whole debate about duty is twofold. One kind of question
relates to the end of good things; the other depends upon advice
by which one ought to be fortified for all areas of life. The following
are examples of the former: are all duties 'complete'? Is one duty
more important than another? and other questions of that type. The
duties for which advice has been offered do indeed relate to the
end of good things, but here it is less obvious, because they appear
rather to have in view instruction for a life that is shared. It is these
that I must expound in these books.4

(8) There is also another division to be made concerning duty.

1 All three of these philosophers, for different reasons, agreed that external things were
indifferent; no one external condition (wealth, poverty, health, sickness etc.) was prefer-
able to another. Therefore, C. thinks, they left no grounds for choosing to act in
one way rather than in another (see also, Summary p. xxxix).
2 C. insists on his independence in two respects: as his own philosophy allows him to
adopt whatever seems the most persuasive case (see ii.7–8, iii.20), he has chosen to
follow the Stoics at this time and on this subject. Second, he is not merely translating
or expounding Stoic authorities but using them selectively and critically (see Introduc-
tion, pp. xix ff.).
3 Cf. 1101; De Finibus iii.58.
4 C. distinguishes here between, on the one hand, theoretical questions about the end
of life and the concept of duty and, on the other hand, practical questions about how
to choose and perform one's duties.

For a duty can be called either 'middle' or 'complete'. 'Complete'
duty we may, I think, label 'right', as the Greeks call it kathorhema;
while the duty that is shared they call kathexon.1 They give their
definitions in such a way as to define complete duty as what is right;
while middle duty, they say, is that for which a persuasive reason
can be given as to why it has been done.2

(9) There are in consequence, as it seems to Panaetius, three ques-
tions to deliberate when deciding upon a plan of action. In the first
place, men may be uncertain whether the thing that falls under con-
sideration is an honourable or a dishonourable thing to do; often,
when they ponder this, their spirits are pulled between opposing
opinions. Secondly, they investigate or debate whether or not the
course they are considering is conducive to the advantageousness
and pleasantness of life, to opportunities and resources for doing
things, to wealth and to power, all of which enable them to benefit
themselves and those dear to them. All such deliberation falls under
reasoning about what is beneficial. The third type of uncertainty arises
when something apparently beneficial appears to conflict with what
is honourable: benefit seems to snatch you to its side and honourab-
liness in its turn to call you back; consequently the spirit is pulled
this way and that in its deliberation, and it arouses in its reflection
a care that is double-edged.

(10) Although it is a very great fault to omit anything when categor-
ising, this division leaves out two things. For one often deliberates
not only whether a thing is honourable or dishonourable, but also
which of two proposed courses that are honourable is the more
honourable, or of two that are beneficial the more beneficial. There-
fore the method that Panaetius thought should be threefold turns
out to require division into five parts. First, therefore, we must discuss

1 An alternative reading is 'while the shared one, they call duty'. 'Middle' (Latin media,
Greek meta) duties are so called because both the wise man and the ordinary man
share in doing them (hence C. sometimes calls them 'shared duties'). However, only
the wise man, who fully possesses every virtue, can perform a right action, one which,
in itself, apart from its consequences, is perfect and complete (Fins. iii.13). His 'complete'
duty, as C. puts it (iii.14) 'fulfils all the numbers'. C. explains the term 'middle' differently
in De Finibus iii.58–9.
2 C. may choose the Latin word probabile ('persuasive') to translate the Greek for 'reason-
able' (justification) because it suggests the sceptical Academic view that what is probabile
can serve as a basis for action.
what is honourable, but asking of it two questions; then what is beneficial, by a parallel method; and then the comparison of the two.¹

(11) From the beginning nature² has assigned to every type of creature the tendency to preserve itself, its life and body, and to reject anything that seems likely to harm them, seeking and procuring everything necessary for life, such as nourishment, shelter and so on. Common also to all animals is the impulse to unite for the purpose of procreation, and a certain care for those that are born. The great difference between man and beast, however, is this: the latter adapts itself only in responding to the senses, and only to something that is present and at hand, scarcely aware of the past or future. Man, however, is a shaper in reason; this enables him to perceive consequences, to comprehend the causes of things, their predecessors and their antecedents, so to speak; to compare similarities and to link and combine future with present events; and by seeing with ease the whole course of life to prepare whatever is necessary for living it.

(12) The same nature, by the power of reason, unites one man to another for the fellowship both of common speech and of life, creating above all a particular love for his offspring. It drives him to desire that men should meet together and congregate, and that he should join them himself; and for the same reason to devote himself to providing whatever may contribute to the comfort and sustenance not only of himself, but also of his wife, his children, and others whom he holds dear and ought to protect.³ Furthermore, such concern also arouses men’s spirits, rendering them greater for achieving whatever they attempt.

(13) The search for truth and its investigation are, above all, peculiar to man. Therefore, whenever we are free from necessary business and other concerns we are eager to see or to hear or to learn, considering that the discovery of obscure or wonderful things is necessary for a blessed life. Consequently, we understand that what is true, simple and pure is most fitted to the nature of man. In addition to this desire for seeing the truth, there is a kind of impulse towards pre-eminence, so that a spirit that is well trained by nature will not be willing to obey for its own benefit someone whose advice, teaching and commands are not just and lawful. Greatness of spirit and a disdain for human things arise as a result.

(14) The power of nature and reason is not insignificant in this too, that this one animal alone perceives what order there is, what semblance, what limit to words and deeds. No other animal, therefore, perceives the beauty, the loveliness, and the congruence of the parts, of the things that sight perceives. Nature and reason transfer this by analogy from the eyes to the mind, thinking that beauty, constancy and order should be preserved, and much more so, in one’s decisions and in one’s deeds. They are careful also to do nothing in an unseemly or effeminate way, in all their opinions and actions thinking and doing nothing licentiously.

The honourableness that we seek is created from and accomplished by these things. Even if it is not accorded acclaim, it is still honourable, and, as we truly claim, even if no one praises it, it is by nature worthy of praise. (15) You are seeing, my son, the very face and form, so to speak, of the honourable; if it could be seen with the eyes, as Plato says, it would inspire an amazing love of wisdom.⁴ Everything that is honourable arises from one of four parts: it is involved either with the perception of truth and with ingenuity; or with preserving fellowship among men, with assigning to each his own, and with faithfulness to agreements one has made; or with the greatness and strength of a lofty and unconquered spirit; or with order and limit in everything that is said and done (modesty and restraint are included here).

Although these four are bound together and interwoven,² certain kinds of duties have their origin in each individually. For example, in the part that we described as first, in which we placed wisdom and good sense,³ there lie the investigation and discovery of what is true, and that is the peculiar function of that virtue. (16) For when

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¹ The three Panaetian topics are each assigned one of the three books of De Officiis. The two supplementary topics are treated at the end of Book 1 (52–64) and Book II (88–9). See Introduction, pp. xxi, xxv.

² In the next chapters C. describes the natural basis of the four cardinal virtues, justice (12), wisdom, greatness of spirit (13) and moderation (14), which are to provide the structure of Book 1 as a whole. C. starts from the natural impulses man shares with other animals and then shows how the possession of reason gives him in addition impulses that can develop into the four virtues. Cf. ii.11.

³ See ii.8 and n. 1.

⁴ Phaedrus 250d.

⁵ See ii.15.

⁶ Wisdom and good sense, here treated together, are separated at 1.153 (see n. 1), though their separate spheres are suggested at the end of 1.19.
a man is extremely good at perceiving what is most true in each particular thing, and when he is able with great acuity and speed to see and to explain the reason, then he is rightly considered extremely sensible and wise. Therefore, the thing that underlies this virtue, the matter (as it were) that it handles and treats, is truth.

(17) As for the other three virtues, their aim is necessities: they are to procure and to conserve whatever is required for the activities of life, in order both to preserve the fellowship and bonding between men, and to allow excellence and greatness of spirit to shine out - both in increasing influence and in acquiring benefits for oneself and those dear to one, and also, and much more, in disdaining the very same things. Again, order, constancy, moderation, and the qualities similar to these are associated with the group that requires not only mental activity, but also some action. For we shall conserve honourableness and seemliness if we apply some limit and order to the things with which we deal in our life.

(18) We have divided the nature and power of that which is honourable under four headings. The first of these, that consisting of the learning of truth, most closely relates to human nature. For all of us feel the pull that leads us to desire to learn and to know; we think it a fine thing to excel in this, while considering it bad and dishonourable to stumble, to wander, to be ignorant, to be deceived.

In this category, which is both natural and honourable, one must avoid two faults: first, we should not take things that have not been ascertained for things that have, and rashly assent to them. Anyone who wants to avoid that fault (as everyone indeed should) will take time and care when he ponders any matter. (19) The second fault is that some men bestow excessive devotion and effort upon matters that are both abstruse and difficult, and unnecessary.¹

When those faults are avoided, then the amount of effort and care that is given to things honourable and worth learning will rightly be praised; just as we have heard happened regarding Gaius Sulpicius in astronomy, and as we have learnt ourselves regarding Sextus Pompeius in geometry, many men in dialectical arguments, and yet

more in civil law (for these arts are all associated with the investigation of what is true). It is, however, contrary to duty to be drawn by such a devotion away from practical achievements: all the praise that belongs to virtue lies in action. On the other hand, there is often a break from it, and we are given many opportunities to return to our studies. Besides, the activity of the mind, which is never at rest, can maintain in us our pursuit of learning even without effort on our part. For reflective movements of the spirit occur in one of two ways: either when taking counsel about honourable matters, that pertain to living well and blessedly, or in the pursuit of knowledge and learning.

We have now discussed the first source of duty. (20) Of the three that remain the most wide-reaching one is the reasoning by which the fellowship of men with one another, and the communal life, are held together. There are two parts of this; justice, the most illustrious of the virtues, on account of which men are called 'good';¹ and the beneficence connected with it, which may be called either kindness or liberality.

Of justice, the first office is that no man should harm another unless he has been provoked by injustice; the next that one should treat common goods as common and private ones as one's own.²

(21) Now no property is private by nature, but rather by long occupation (as when men moved into some empty property in the past), or by victory (when they acquired it in war), or by law, by settlement, by agreement, or by lot. The result is that the land of Arpinum is said to belong to the Arpinates, and that of Tusculum to the Tusculani.³

The distribution of private property is of a similar kind. Consequently, since what becomes each man's own comes from what had in nature been common, each man should hold on to whatever has fallen to him. If anyone else should seek any of it for himself, he will be violating the law of human fellowship.

(22) We are not born for ourselves alone, to use Plato's splendid

¹ Of the two faults mentioned, the first reflects C.'s profound dislike of dogmatism which made the sceptical Academic tradition so attractive to him (see Summary, p. xxvii); the second reflects Roman priorities which also led C. to justify his philosophical writing in terms of his involuntary exclusion from public life and his hope of helping his countrymen in another way (ii.2-6; cf. Acad. ii.6; Div. ii.6). See also i.71.

² Just in the narrow sense (the first part of C.'s second virtue) has a negative aspect - not to harm anyone unprovoked (21), and a positive one - to help our fellow men (23, cf. i.11). These correspond respectively to the positive and negative forms of injustice at 1.23.

³ Causes as examples his home town and Tusculum where he had a villa.
words,¹ but our country claims for itself one part of our birth, and our friends another. Moreover, as the Stoics believe, everything produced on the earth is created for the use of mankind, and men are born for the sake of men, so that they may be able to assist one another. Consequently, we ought in this to follow nature as our leader, to contribute to the common stock the things that benefit everyone together, and, by the exchange of dutiful services, by giving and receiving expertise and effort and means, to bind fast the fellowship of men with each other.² (23) Moreover, the keeping of faith is fundamental to justice, that is constancy and truth in what is said and agreed. Therefore, though this will perhaps seem difficult to some, let us venture to imitate the Stoics, who hunt assiduously for the derivations of words, and let us trust that keeping faith (fides) is so called because what has been said is actually done (fīat).³

Of injustice there are two types: men may inflict injury; or else, when it is being inflicted upon others, they may fail to deflect it, even though they could. Anyone who makes an unjust attack on another, whether driven by anger or by some other agitation, seems to be laying hands, so to speak, upon a fellow. But also, the man who does not defend someone, or obstruct the injustice when he can, is at fault just as if he had abandoned his parents or his friends or his country.⁴

(24) Those injustices that are purposely inflicted for the sake of harming another often stem from fear; in such cases the one who is thinking of harming someone else is afraid that if he does not do so, he himself will be affected by some disadvantage. In most cases, however, men set about committing injustice in order to secure something that they desire: where this fault is concerned avarice is extremely widespread. (25) Riches are sought both for the things that are necessary to life, and in order to enjoy pleasures. In men of greater spirit, however, the desire for wealth has as its goal influence and the opportunity to gratify others. Marcus Crassus, for example, recently said that no one who wanted to be pre-eminent in the republic would have wealth enough if he could not feed an army on its yield.¹ Magnificent accoutrements and an elegant and plentiful style of life give men further delight. The result of such things is that desire for money has become unlimited. Such expansion of one’s personal wealth as harms no one is not, of course, to be disparaged; but committing injustice must always be avoided.²

(26) However, men are led most of all to being overwhelmed by forgetfulness of justice when they slip into desiring positions of command or honour or glory. That is why we find the observation of Ennius to be widely applicable:

To kingship belongs neither sacred fellowship nor faith

For if there is any area in which is it impossible for many to be outstanding, there will generally be such competition there that it is extremely difficult to maintain a ‘sacred fellowship’. The rash behaviour of Gaius Caesar has recently made that clear; he overturned all the laws of gods and men for the sake of the pre-eminence that he had imagined for himself in his mistaken fancy. There is something troubling in this type of case, in that the desire for honour, command, power and glory usually exist in men of the greatest spirit and most brilliant intellectual talent.³ Therefore one must be all the more careful not to do wrong in this way.

(27) In every case of injustice it matters a great deal whether the

¹ Letter ix 368a.
² C. in 21–2 has been trying to reconcile the natural sociability of man that is the root of the second virtue with the notion of private possession which he defends throughout (especially xi.13, xi.78). At i.51 the law of the community supplies the criteria for distinguishing what is communal and what is private.
³ Stoic interest in etymology was connected with the belief that language had its basis in nature, not convention. The derivation of words also had a great vogue in Rome of this period and figures prominently in what remains of Varro’s On the Latin Language, which he was writing about this time and dedicated in part to C.
⁴ In the description of positive injustice (treated in 24–7) we must supply the absence of provocation noted at 20. Negative injustice is treated in 28–9.

¹ This famous remark may be autobiographical: in 71 BC Crassus defeated the slave revolt led by Spartacus at a time when he held no regular command and the public treasury was low in funds.
² The first adumbration of what is to become the ‘rule of procedure’ at iii.19–21: one cannot benefit oneself at the expense of another for that would violate the natural bond between men.
³ On C.’s concern to justify Caesar’s assassination earlier in the year, see Introduction, pp. xii, xxvi. C. had often praised in public Caesar’s military and intellectual ability, and, despite serious political differences, there was much mutual respect: Caesar had dedicated a work on language to C.
injury was committed through some agitation of the spirit, which is generally brief and momentary, or purposefully and with forethought. For those things that happen because of some sudden impulse are less serious than those inflicted after reflection and preparation. But I have now said enough about actually committing injustice.

(28) As for neglecting to defend others and deserting one's duty, there tend to be several causes of this. For some men do not wish to incur enmities, or toil, or expense; others are hindered by indifference, laziness, inactivity or some pursuits or business of their own, to the extent that they allow the people whom they ought to protect to be abandoned. We must therefore watch out in case Plato's words about philosophers prove not to be sufficient. For he said that they are immersed in the investigation of the truth and that, disregarding the very things for which most men vigorously strive and even fight one another to the death, they count them as nothing. Because of that he calls them just. They observe one type of justice, indeed, that they should harm no one else by inflicting injury, but they fall into another; for hindered by their devotion to learning, they abandon those whom they ought to protect. And so, he thinks that they should not even embark upon public life unless they are forced to do so. But that is something done more fairly when done voluntarily; for something that is done rightly is only just if it is voluntary. (29) There are also some who, whether through devotion to preserving their personal wealth or through some kind of dislike of mankind, claim to be attending to their own business, and appear to do no one any injustice. But though they are free from one type of injustice, they run into another: such men abandon the fellowship of life, because they contribute to it nothing of their devotion, nothing of their effort, nothing of their means.

Since we have set out the two types of injustice, and added the causes of each, and since we established previously what are the things that constitute justice, we shall now be able to judge with ease what is our duty on each occasion— that is, if we do not love ourselves too much. (30) For it is difficult to be concerned about another's affairs. Terence's Chremes, however, thinks 'nothing that is human is another's affair'; yet in fact we do tend to notice and feel our own good and bad fortune more than that of others, which we see as if a great distance intervenes; accordingly, we do not make the same judgements about them and about ourselves. It is good advice therefore that prevents you from doing anything if you are unsure whether it is fair or unfair. For fairness shines out by itself, and hesitation signifies that one is contemplating injustice.

(31) Occasions often arise when the actions that seem most worthy of a just man, of him whom we call good, undergo a change, and the opposite becomes the case. For example, from time to time it becomes just to set aside such requirements as the returning of a deposit, or the carrying out of a promise, or other things that relate to truth and to keeping faith, and not to observe them. For it is seemly that they should be referred to those fundamentals of justice that I laid down at the beginning: first that one should harm no one; and secondly that one serve the common advantage. Such actions alter with the circumstances, and duty alters likewise, and is not invariable. (32) For it can happen that something that has been promised and agreed, if carried out, would be disadvantageous to the person to whom the promise has been made, or else to him who gave the promise. If Neptune in the myth had not done what he had promised to Theseus, Theseus would not have been deprived of his son Hippolytus. He made three wishes, as we read, and the third was this: he wished in his anger that Hippolytus should die. When it was granted he fell into the deepest grief. Therefore promises should not be kept if they are disadvantageous to those to whom you have made them. Nor, if they harm you more than they benefit the person whom you have promised, is it contrary to duty to prefer the greater good to the lesser. For example, if you had made an appointment to appear for someone as advocate in the near future, and in the meantime your son had fallen seriously ill, it would not be contrary to your duty not to do as you had said. Rather, the person to whom you had made the promise would be failing in his duty if he complained that he had been abandoned. Again, who does not see that if someone is forced to make a promise through fear, or deceived into it by trickery, the promise ought not to stand? One is released from such

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1 For Plato's views see the Republic, especially vi 485b–87a, vii 520c–21b, vii 540d–e, 1347c, vii 596c–20d, 539e–40b.

2 For the question of keeping promises, see also iii.92–5.
promises in most cases by the praetor's code of justice, and sometimes by the laws.  

(33) Injustices can also arise from a kind of trickery, by an extremely cunning but ill intentioned interpretation of the law. In consequence the saying 'the more Justice, the more injustice' has by now become a proverb well worn in conversation. Many wrongs of this type are committed even in public affairs; and example is that of the man who, during a truce of thirty days which had been agreed with the enemy, laid waste the fields by night, on the grounds that the truce had been established for days, but not for nights. We should not approve the action even of our own countryman, if the story is true about Quintus Fabius Labeo (or some other person – for I know of it only from hearsay). He was assigned by the senate to arbitrate about the boundary between the Nolani and the Neapolitani. When he arrived at the place he spoke with each group separately, urging it to do nothing out of covetousness or greed, and to be prepared to retreat rather than to advance. When both of them did that, there was some land left in the middle. Therefore he set a limit to their boundaries exactly where they themselves had said; but he assigned the land that was left in the middle to the people of Rome. That was not arbitration, that was deception. Cleverness of such a kind ought in every case to be avoided.

Moreover, certain duties must be observed even towards those at whose hands you may have received unjust treatment. There is a limit to revenge and to punishment. I am not even sure that it is not enough simply that the man who did the harm should repent of his injustice, so that he himself will do no such thing again, and others will be slower to act unjustly.

(34) Something else that must very much be preserved in public affairs is the justice of warfare. There are two types of conflict: the one proceeds by debate, the other by force. Since the former is the proper concern of a man, but the latter of beasts, one should only resort to the latter if one may not employ the former. (35) Wars,

then, ought to be undertaken for this purpose, that we may live in peace, without injustice; and once victory has been secured, those who were not cruel or savage in warfare should be spared. Thus, our forefathers even received the Tusculani, the Aequi, the Volsci, the Sabini and the Hernici into citizenship. On the other hand they utterly destroyed Carthage and Numantia. I would prefer that they had not destroyed Corinth; but I believe that they had some specific purpose in doing so, in particular in view of its advantageous situation, to prevent the location itself from being some day an incitement to war.  

In my opinion, our concern should always be for a peace that will have nothing to do with treachery. If I had been followed in this we would still have some republican government (if perhaps not the very best); whereas now we have none.  

And while you must have concern for those whom you have conquered by force, you must also take in those who have laid down their arms and seek refuge in the faith of generals, although a battering ram may have crashed against their wall. In this matter, justice was respected so greatly among our countrymen that the very men who had received into their good faith cities or peoples conquered in war would, by the custom of our forefathers, become their patrons.

(36) Indeed, a fair code of warfare has been drawn up, in full accordance with religious scruple, in the fateful laws of the Roman people. From this we can grasp that no war is just unless it is waged after a formal demand for restoration, or unless it has been formally

1 In 34-40 C. attempts to match Roman ancestral practice with philosophical ideas, going back to Plato (Laws 1 628d) and Aristotle (Politics 1333a35), about the correct purpose of war. He first mentions peoples of Italy conquered by Rome and later admitted to Roman citizenship in the fourth and third centuries BC (cf. 7.75 for the Italian war in his own time). Carthage and Corinth were destroyed in 146 BC, Numantia in 133 BC. C.'s unease about the destruction of Corinth (condemned at 111.46) shows in his attempt to make peace under the rule that wars should be undertaken only to ensure peace when diplomacy is inapplicable: he was reluctant to admit that the imperialism of our forefathers was as ruthless as that of his own time (cf. 11.6-7).

2 C. had first tried to prevent the civil war between Caesar and Pompey and then to end it. For C.'s view of the state of the Republic, see Introduction, pp. xiii-xiv ff.

3 C. here demands more generous behaviour than Roman traditional practice prescribed, probably because Caesar in his Gallic War 1.32 recounted his strict application of the rule that only enemies who surrendered before the battering ram had touched their walls would be spared.
announced and declared beforehand.¹ When Popilius was general in charge of a province, Cato’s son was serving as a novice soldier in his army. Popilius then decided to dismiss one of the legions, and included in the dismissal the young Cato, who was serving in that legion. But when, out of love of fighting, he remained in the army, Cato wrote to Popilius saying that if he allowed him to stay in the army he should bind him by a fresh military oath, since he could not in justice fight the enemy when his former oath had become void. Such was their extreme scrupulousness when making war. (37)

There actually exists a letter of the Elder Marcus Cato to the younger Marcus, in which he writes that he has heard that his son, who was serving in Macedonia in the war against Perseus, had been discharged by the consul. He warns him therefore to be careful not to enter battle. For, he says, it is not lawful for one who is not a soldier to fight with the enemy.²

A further point is that the name given to someone who ought properly to have been called a foe (perduellis), is in fact hostis. I notice that the grossness of the fact is lessened by the gentleness of the word. For hostis meant to our forefathers he whom we now call a stranger. The Twelve Tables show this: for example, ‘a day appointed for trial with a hostis’; and again, ‘right of ownership cannot be alienated in favour of a hostis’. What greater courteousness could there be than to call him against whom you are waging war by so tender a name? Long usage, however, has made the name harsher; for the word has abandoned the stranger, and now makes its proper home with him who bears arms against you.³

(38) When, then, we are fighting for empire and seeking glory through warfare, those grounds that I mentioned a little above as just grounds for war should be wholly present.¹ But wars in which the goal is the glory of empire are waged less bitterly. For just as in civilian matters we may compete in one way with an enemy, in another with a rival (for the latter contest is for honour and standing, the former for one’s civic life or reputation), similarly the wars against the Celts and the Cimbri were waged with enemies:² the question was not who would rule, but who would exist. With the Latins, Sabines, Samnites, Carthaginians and Pyrrhus, on the other hand, the dispute was over empire. The Carthaginians were breakers of truces, and Hannibal was cruel, but the others were more just.³ Indeed, Pyrrhus’ words about the returning of the captives were splendid:

My demand is not for gold; nor shall you give me a price. Let us each determine our lives by iron, not by gold, not by selling, but by fighting war. Let us test by our virtue whether Mistress Fortune wishes you or me to reign, or what she may bring. Hear these words too: if the fortune of war spares the virtue of any, take it as certain that I shall spare them their liberty. Take them as a gift, and I give them with the will of the great gods.

That is certainly the view of a king and one worthy of the race of the Acajadae.⁴

(39) If any individuals have been constrained by circumstance to promise anything to an enemy, they must keep faith even in that.

¹ C. refers back to the just cause for war of 1.35 (see n. 1). He distinguishes wars for imperial dominance and glory from wars for the survival of Rome and demands that the former be waged less bitterly. Yet even they are regarded here as fought in the interests of peace, in that they defend the empire against rivals, as in n. 26, but cf. n. 85 with n. 4.
² The Celtiberian war from 153 bc to the fall of Numantia in 133 bc could be called a war for survival only on the ground that Roman involvement in Spain went back to the third century bc when Carthage used it as a base for invading Italy. The Cimbri in 113–101 bc were threatening the northern borders of Italy and were finally defeated by C. Marius.
³ Of the wars for empire, those for the conquest of Italy belong to the fifth to the third century bc, with the Samnite wars ending in 272. The wars with Carthage were in 264–241 (First Punic War), 218–201 (the Hannibal war) and 149–140. By then Carthage, though prosperous again, could hardly be regarded as a serious imperial rival: hence C. adds her treachery and cruelty to justify the destruction of the city.
⁴ The verses are from Book vi of Ennius’ epic poem Annales: King Pyrrhus of Epirus, who claimed descent from the son of Achilles, grandson of Aeneas, is addressing Roman envoys in 280 bc. They offered him a large bribe to surrender Roman prisoners of war but he handed them over without payment. See also iii.86.
Indeed, Regulus did so when he was captured by the Carthaginians in the First Punic war and was sent to Rome for the purpose of arranging an exchange of captives, having vowed that he would return. For first of all, upon his arrival he proposed in the senate that the captives should not be returned; and then when his friends and relatives were trying to keep him, he preferred to go back to his punishment than to break the faith he had given to an enemy.¹

(40) In the Second Punic war, after the battle of Cannae, Hannibal sent to Rome ten men, bound by a solemn oath that they would return if they did not succeed in arranging for those whom the Romans had captured to be ransomed. The censors disfranchised all of them for the rest of their lives, on the grounds that they had broken their oath. They treated similarly one of them who incurred blame by fraudulently evading his solemn oath. For after leaving the camp with Hannibal’s permission, he returned a little later saying that he had forgotten something or other. He then considered that he had released himself from his oath on leaving the camp; but he had done so only in word and not in fact. For on the question of keeping faith, you must always think of what you meant, not of what you said.

Another very great example of justice towards an enemy was established by our forefathers when a deserter from Pyrrhus promised the senate that he would kill the king by giving him poison. Fabricius and the senate returned him to Pyrrhus. In this way, they did not give approval to the killing in a criminal way of even a powerful enemy, and one who was waging war unprovoked.² (41) Enough has been said about the duties of war.

Let us remember also that justice must be maintained even towards the lowliest. The lowliest condition and fortune is that of slaves; the instruction we are given to treat them as if they were employees is good advice: that one should require work from them, and grant to them just treatment.³

¹ The story of the capture of Regulus in 255 BC is elaborated in iii.99–111.
² Most manuscripts omit the whole of 40 which reports two episodes of Roman history that C. recounts more fully in iii.213–14 and 86.
³ The Stoics, Roman lawyers and others held that there were no slaves by nature, only by fortune. Chrysippus is credited by Seneca (On Benefits iii.22) with calling slaves ‘permanent employees’ and the Roman Stoic Rutilius Rufus is said to have paid his slaves for fish they caught, just as he did free men. On the other hand, paid employment was generally regarded as unsuitable for free men (1.150 with n. 1), while Roman law allowed the slave owner to punish, sell or kill his own slave with impunity.

There are two ways in which injustice may be done, either through force or through deceit; and deceit seems to belong to a little fox, force to a lion. Both of them seem most alien to a human being; but deceit deserves a greater hatred. And out of all injustice, nothing deserves punishment more than that of men who, just at the time when they are most betraying trust, act in such a way that they might appear to be good men.

I have now said enough about justice. (42) Next, I must do as I proposed and speak about beneficence and liberality. Nothing is more suited to human nature than this, but there are many caveats. For first one must see that kindness harms neither the very people whom one seems to be treating kindly, nor others; next, that one’s kindness does not exceed one’s capabilities; and then, that kindness is bestowed upon each person according to his standing.¹ Indeed, that is fundamental to justice, to which all these things ought to be referred. For those who do someone a favour in such a way that they harm him whom they appear to want to assist, should be judged neither beneficent nor liberal, but dangerous flatterers. Those who, in order to be liberal towards some, harm others, fall into the same injustice as if they had converted someone else’s possessions to their own account.

(43) There are, though, many especially those greedy for renown and glory, who steal from one group the very money that they lavish upon another. They think that they will appear beneficent towards their friends if they enrich them by any method whatsoever. But that is so far from being a duty that in fact nothing could be more opposed to duty. We should therefore see that the liberality we exercise in assisting our friends does not harm anyone. Consequently, the transference of money by Lucius Sulla and Gaius Caesar from its lawful owners to others ought not to be seen as liberal: nothing is liberal if it is not also just.²

(44) The second need for caution is lest one’s kindness exceeds one’s capabilities. For those who want to be kinder than their possessions allow first go wrong by being unjust to those nearest to them.
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Book 1

to them; they transfer to strangers resources which would more fairly
be provided for, or left to, them. Usually there lurks within such
liberality a greediness to plunder and deprive unjustly, so that
resources may be available for lavish gifts. One can see that most
men are not so much liberal by nature as drawn by a kind of glory;
and in order to be seen to be beneficent they do many things that
appear to stem not from goodwill, but from ostentation. Such pretence
is closer to shan than to either liberality or honourableness.

(45) The third point I had laid down was that one should when
exercising beneficence make choices according to standing. Here we
should look both at the conduct of the man on whom we are conferring
a kindness, and at the spirit in which he views us, at the association
and fellowship of our lives together, and at the dutiful services that
he has previously carried out for our benefit. It is desirable that
all such considerations should come together. If they do not, then
the more numerous and more important grounds will carry more
weight.

(46) Since we do not live with men who are perfect and clearly
wise, but with those who are doing splendidly if they have in them
more images of virtue, I think that we must understand this too:
no one should be wholly neglected if any indication of virtue appears
in him; moreover, one must particularly foster those who are most
graced with the gentler virtues, modesty, restraint, and that very justice
which I have now been discussing at length. For a brave and great
spirit in a man who is not perfect nor wise is generally too impetuous;
but those other virtues seem rather to attach themselves to a good
man. That is all on the question of conduct.

(47) On the subject of the goodwill that each person has towards
us, the first consideration of duty is that we should grant the most
to the one who is most fond of us; but we should judge goodwill
not as adolescents do, by the strength of its burning passion, but
rather by its firmness and constancy. If services have already been
rendered, that is if you have not to inspire gratitude, but rather to
requisite it, then you must take even greater care: for no duty is more
necessary than that ofrequiting gratitude. (48) For if, as Hesiod

commands, 1 you should return in greater measure, provided that
you can, anything that you have needed to borrow, what should we
do when challenged by an unsought favour? Should we not take as
our model the fertile fields, which bring forth much more than they
have received? We do not hesitate to perform dutiful services for
those whom we hope will assist us in the future; what, then, ought
we to be like towards those who have already assisted us? There
are two aspects of liberality: first, granting a kind service, and
secondly, returning it. Whether we grant one or not, is up to us.
A good man, however, is not permitted to fail to return one (provided,
of course, that he can do so without injustice).

(49) We must, moreover, discriminate between kind services we
have received, and there is no doubt but that the greater the kindness,
the more is owed to its bestower. Here we must first of all weigh
up the spirit in which each man has acted, his devotion and his good-
will. For many men do many things out of a certain rashness, failing
in their judgement, or maybe inspired by a frenzied or sudden
impulse of the spirit towards everyone, like a gust of wind. Such
favours should not be considered as important as those that are con-
ferred through judgement, with forethought and constancy.

In granting favours, on the other hand, and in requiting gratitude,
the most important function of duty (if all else is equal) is to enrich
above all the person who is most in need of riches. But people generally
do exactly the opposite; for they defer above all to him from whom
they expect the most, even though he does not need them (50) Also,
the fellowship between men and their common bonding will best be
preserved if the closer someone is to you the more kindness you
confer upon him.

Perhaps, though, we should examine more thoroughly what are
the natural principles of human fellowship and community. First is
something that is seen in the fellowship of the entire human race.
For its bonding consists of reason and speech, which reconcile men
to one another, through teaching, learning, communicating, debating
and making judgements, and unite them in a kind of natural fellow-
ship. It is this that most distances us from the nature of other animals.
To them we often impune courage, as with horses or lions, but we

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1 C. discusses the conduct of the potential recipient in 46; his spirit towards us in 45;
his services deserving our gratitude at 48–9 and the degree of his fellowship with us
at 50 ff.

2 Cf. iii.13–16.

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Works and Days 349–51.
do not impute to them justice, fairness or goodness. For they have no share in reason and speech.

(51) The most widespread fellowship existing among men is that of all with all others. Here we must preserve the communal sharing of all the things that nature brings forth for the common use of mankind, in such a way that whatever is assigned by statutes and civil law should remain in such possession as those laws may have laid down, but the rest should be regarded as the Greek proverb has it: everything is common among friends. The things that are common to all men seem to be of the kind that Ennius defines in one case, from which we can extrapolate to many cases:

A man who kindly shows the path to someone who is lost lights another’s light, so to speak, from his own.

For his own shines no less because he has lit another’s.

With this one instance, he advises us that if any assistance can be provided without detriment to oneself, it should be given even to a stranger. (52) Therefore such things as the following are to be shared: one should not keep others from fresh water, should allow them to take fire from your fire, should give trustworthy counsel to someone who is seeking advice; for they are useful to those who receive them and cause no trouble to the giver. We should therefore both make use of them and always be contributing something to the common benefit. Since, though, the resources of individuals are small, but the mass of those who are in need is infinitely great, general liberality must be measured according to the limit laid down by Ennius, that his own light shine no less; then we shall still be capable of being liberal to those close to us.2

(53) There are indeed several degrees of fellowship among men. To move from the one that is unlimited, next there is a closer one of the same race, tribe and tongue, through which men are bound strongly to one another. More intimate still is that of the same city, as citizens have many things that are shared with one another: the forum, temples, porticoes and roads, laws and legal rights, law-courts and political elections; and besides these acquaintances and com-

1 Cf. p. 10, n. 2.
2 The restriction on our obligation to mankind in general, that we do not harm our own interests, is balanced by that on our pursuit of those interests (1.25; iii.21 ff.), that we should not damage anyone else’s, as C. makes clear at iii.42.

panionship, and those business and commercial transactions that of many of them make with many others. A tie narrower still is that of the fellowship between relations: moving from that vast fellowship of the human race we end up with a confined and limited one.

(54) For since it is by nature common to all animals that they have a drive to procreate, the first fellowship exists within marriage itself, and the next with one’s children. Then, there is the one house in which everything is shared. Indeed that is the principle of a city and the seed-bed, as it were, of a political community. Next there follow bonds between brothers, and then between first cousins and second cousins, who cannot be contained in one house and go out to other houses, as if to colonies. Finally there follow marriages and those connections of marriage from which even more relations arise. In such propagation and increase political communities have their origin. Moreover, the bonding of blood holds men together by goodwill and by love; (55) for it is a great thing to have the same ancestral memorial, to practise the same religious rites, and to share common ancestral tombs.

Of all fellowships, however, none is more important, and none stronger, than when good men of similar conduct are bound by familiarity. For honourableness - the thing that I so often mention - moves us, even if we see it in someone else, and makes us friends of him in whom it seems to reside. (56) (All virtue indeed lures us to itself and leads us to love those in whom it seems to reside, but justice and liberality do so the most.) Moreover, nothing is more lovable and nothing more tightly binding than similarity in conduct that is good. For when men have similar pursuits and inclinations, it comes about that each one is as much delighted with the other as he is with himself; the result is what Pythagoras wanted in friendship, that several be united into one. Important also are the common bonds that are created by kindnesses reciprocally given and received, which, provided that they are mutual and gratefully received, bind together those concerned in an unshakeable fellowship.

(57) But when you have surveyed everything with reason and spirit, of all fellowships none is more serious, and none dearer, than that of each of us with the republic. Parents are dear, and children, relatives and acquaintances are dear, but our country has on its own embraced all the affections of all of us. What good man would hesitate to face death on her behalf, if it would do her a service? How much
even now we could not feed them nor tame them nor protect them nor take from them their fruits in due season without human labour. By man too, are harmful animals killed and those which can be of use captured.

(15) Why do I need to enumerate the multitude of arts without which there could be no life at all? What assistance would be given to the sick, what delights would there be for the healthy, what sustenance or comfort, if there were not so many arts to minister to us? It is because of these that the civilized life of men differs so greatly from the sustenance and the comforts that animals have. Nor indeed could cities have been built or populated if men did not gather together. As a result, laws and customs were established, and a fair system of justice and a regular training for the business of life. These led to a softening of men’s spirits and a sense of shame; the result was that life became less vulnerable, and through giving and receiving, through sharing our abilities and advantages, we came to lack nothing.

(16) I have dwelt longer on this point than is necessary. But is there anyone to whom the facts that Panaetius related at great length are not obvious — that no one, whether a general in war or a leading statesman at home, could have accomplished deeds of great service without the support of his fellow-men? He recalls Themistocles, Pericles, Cyrus, Agesilaus, and Alexander, denying that their great achievements would have been possible without other men’s cooperation. He calls unnecessary witnesses, although the matter is not in doubt. On the other hand, just as we secure great benefits because men collaborate and agree, conversely there is no truly pernicious curse that is not brought upon man by man. Dicaearchus, that great and prolific Peripatetic, has written a book about the destruction of mankind. In this he gathers together the other causes of death such as floods, epidemics, devastation, sudden stampedes of wild creatures whose onslaught, as he teaches us, has wiped out whole tribes of men. Then he shows by comparison how many more men have been destroyed by attacks by other men, that is in war or uprisings, than by every other type of disaster.

(17) Thus there can be no doubt on this question, that it is men who inflict on their fellow-men both the greatest benefit and the greatest harm. Therefore I count it as the special property of virtue to make its own the hearts of other men and to enlist them in its own service. Consequently, whatever benefit to human life arises from inanimate things or from the use and management of animals is attributed to the manual arts; it is the wisdom and virtue of outstanding persons, however, that inspire other men to be prompt, ready and devoted in assisting our advancement.

(18) Indeed, virtue as a whole may be said practically to depend upon three things. One is perceiving what is true and clear in each case, what agrees with, or what follows from, what, what gives rise to each thing, what is the cause of each thing. The second is restraining the disturbed movements of the spirit (which the Greeks call pathê) and making the impulses (which they call hemon) obedient to reason. The third is treating those with whom we associate knowledgeably and with moderation in order that their support may secure for us the requirements of nature in full and ample measure; and that if any disadvantage threatens to afflict us, we may, through the same men, avert it, and avenge ourselves on those who have attempted to harm us, inflicting such punishment as fairness and humanity allow.

(19) Shortly, I will discuss the methods by which we can acquire the ability to embrace and retain the support of other men, but before that I must briefly mention something else. Can anyone be unaware of the great power of fortune, which impels one in either direction, towards success or towards adversity? Whenever we enjoy her prosperous breezes we are carried to the haven for which we long; when she blows in our face we are wrecked. To fortune again belong such occasional mishaps as squalls, storms, shipwrecks, collapse of buildings and conflagrations which have inanimate causes, and then the blows, bites and attacks of animals. But these, as I said, are comparatively rare. (20) Then on the one hand take the destruction of armies (three lately, and often, on other occasions, many) and the downfall of generals (recently of an excellent and exceptional man) and take also that resentment from the masses which has often led to the exile, ruin or flight of deserving citizens. Take on the other hand success,
civil honours, military commands and victories: though all these are
indeed subject to fortune, in neither case can they be effected without
the resources and assiduous support of other men.

Now that that point has been understood, I must discuss how we
can entice and arouse other men to support what is beneficial to
us. If my lecture is overlong, let it be compared with the greatness
of the benefit in question; then perhaps it will seem all too brief.

(21) Insofar as men assist another in promoting his position or
honour, they may do so either out of good will, when for some reason
they are fond of him; or for honour, if they look up to his virtue
and consider him to be worthy of the most magnificent fortune; or
because they have faith in him, and judge that they are taking good
care of their own interests; or because they fear his power; or on
the other hand if they have expectations of someone, as happens when
kings or populares\(^1\) propose lavish distributions; or finally they are
attracted by financial reward.\(^2\) That is the most sordid and impure
of reasons both for those who are held in its grip and for those who
try to resort to it; (22) for things are in a bad way when what ought
to be achieved through virtue is attempted by means of money. Since,
however, there are times when such assistance is necessary, I shall
talk about how it should be used. But first I shall discuss those matters
that are closer to virtue.

There are a variety of reasons also why men submit themselves
to the command or power of another. For they may be attracted either
by goodwill or by the greatness of his previous kind services; or
because the man has a very high standing; or perhaps by the hope
that such a choice will be beneficial for them; or by fear that they
may be compelled by force to obey; or else they may be won over
by the hope or promise of lavish distributions; or finally, as we often
see in this republic of ours, they may be hired for pay.\(^3\)

(23) But there is nothing at all more suited to protecting and retain-

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1 See p. 24, n. 2. On demagoguery in kings, see 2.53 and 80. C. objects to such politically
motivated handouts at 1.42-3, 2.72-3, 3.78-85.
2 Goodwill is discussed at 22, honour at 36-8, faith at 33-4; fear at 23-9, distributions
and financial reward at 52-85. The six factors recur in a more sinister form in 21
as reasons for giving not just support but submission to non-Republican political domination.
3 See Introduction, pp. xii-xiii on Caesar’s acts as dictator and on Antony’s and Octavian’s
appeal to Caesar’s veterans and other beneficiaries of Caesar’s liberality.
her room from the feast used to order a barbarian (indeed one marked with Thracian tattoos, so it is said!) to precede him with drawn sword, and used to send attendants before him to search the lady's caskets and to check that no weapon be hidden in her clothes. Wretched man, to hold a barbarian, a tattooed slave, more faithful than your wife! Nor was he deceived. She herself did indeed kill him, suspecting that he had a mistress.

Nor is there any military power so great that it can last for long under the weight of fear. (26) Phalaris is a witness to that. His cruelty is notorious beyond all others, and he died not by ambush (as Alexander did, whom I have just mentioned) nor at the hands of a few men (as our own friend); instead the entire population of Agrigentum assailed him as one. What then of Demetrius? Did not all the Macedonians abandon him and transfer themselves to Pyrrhus? And what of Sparta’s allies, who almost universally deserted her unjust command, playing at the disaster of Leuctra the role of spectators and men of leisure?2

In such a matter it gives me more pleasure to recall foreign examples than ones from home. But as long as the empire of the Roman people was maintained through acts of kind service and not through injustices, wars were waged either on behalf of allies or about imperial rule; wars were ended with mercy or through necessity;3 the senate was a haven and refuge for kings, for peoples and for nations; moreover, our magistrates and generals yearned to acquire the greatest praise from one thing alone, the fair and faithful defence of our provinces and of our allies. (27) In this way we could more truly have been titled a protectorate4 than an empire of the world.

We had already begun gradually to erode this custom and practice; but after the victory of Sulla we rejected it entirely. For when our citizens had suffered such great cruelty, there then ceased to be anything that seemed unjust towards allies. In Sulla’s case, dishonourable

victory succeeded an honourable cause: for he planted his spear in the forum and sold the property of good men and rich men, and men who were at the very least citizens, daring to proclaim that he was selling his own booty. There followed a man whose cause was unrighteous and whose victory fouler still; he did not confiscate the property of individual citizens, but embraced entire countries and provinces under a single law of ruin. (28) That is why we see Massilia being carried around in a triumphal procession as an example to oppressed and devastated nations abroad of the empire we have forfeited.2 That is why we see a triumph being celebrated over the very city without which our generals themselves could never have achieved a triumph for their wars beyond the Alps. I should relate many other iniquities inflicted upon our allies, had ever the sun seen anything unworthy than that particular one. Our present sufferings are, therefore, just. For if we had not tolerated the crimes of many men going unpunished, such extreme licence would never have come into the hands of one. His estate indeed was inherited by only a few; but there were many wicked heirs to his greedy desires.3

(29) The seed and occasion of civil wars will be present for as long as desperate men remember and hope for that bloody spear. Publius Sulla shook it when his kinsman was dictator; and again thirty-six years later he did not withdraw from a still more criminal spear. Yet another, who was a clerk in that former dictatorship, was urban quaestor in the next.4 From this it ought to be understood

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1 Julius Caesar, of course. There were more than 60 conspirators in the assassination plot. We know the names of 16 including Brutus and Cassius.
2 The Thebans under Epaminondas defeated Sparta in 371 BC, liberating the Arcadians and the Messenians who had endured prolonged subjection working as slaves (known as Helots) on their confiscated lands. See p. 95, n. 1.
3 See p. 17, n. 1. The defensive aspect of wars for empire is brought out by linking them with wars to defend Rome’s allies. But C. knew that Rome had often expanded its empire by defending allies it had chosen to acquire (Rep. 11. 38).
4 ‘Protectorate’ here translates patrocinium, the abstract noun for the relationship of patron to client or ex-slave, used here metaphorically for the relation of ruling state to subject.
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Book II

that when such prizes are offered there will never be a lack of civil wars. And so only the walls of the city remain standing — and they themselves now fear the excesses of crime. The republic we have utterly lost. And we have fallen into this disaster — for I must return to my proposition — because we prefer to be feared than to be held dear and loved.1 If these things could have happened to the Roman people when they ruled unjustly, what ought individuals to think? Since, then, it is obvious that the power of goodwill is great, and that of fear feeble, we must next discuss the ways in which we can most easily acquire, with honour and faithfulness, the love that we desire.

(30) But we do not all need these equally. For whether a man needs to be loved by many, or whether a few will be enough, must be determined by the life he has adopted. Let this be taken as fixed and primary and most necessary, that one should have faithful companionships with friends who love us and who esteem our qualities. For this is one thing in which there is no great difference between outstanding and ordinary men, and it must be acquired almost equally by both of them. (31) All men, perhaps, do not equally need honour, glory, the citizens’ goodwill. However, if these do fall to anyone's lot, they are quite helpful (among other things) in acquiring friendships.2

But I have spoken about friendship in another book, which is entitled Laelius. Now let me discuss glory. There are indeed two books of mine on this subject also, but let us touch upon it as it is of the greatest assistance in conducting matters of importance.3 The peak and perfection of glory lies in the following three things: if the masses love you, if they have faith in you, if they think you worthy of some honour combined with admiration. These, if I must speak simply and briefly, are brought forth from the masses by almost the same things as they are from individuals. But there is also another approach to the masses, which enables us to infiltrate, so to speak, into the hearts of everyone together.1

(32) First, then, of the three I have listed, let us look at advice concerning goodwill. This is secured most of all by kind services; but secondly, goodwill is aroused by the willingness to provide kind service, even if one’s resources are not, perhaps, adequate for it. A vigorous love is aroused in the masses, however, by the very reputation and rumour of liberality, of beneficence, of justice, of keeping faith, and of all the virtues that are associated with gentleness and easiness of conduct. For, because the very thing we call honourable and seemly pleases us in itself, and moves the hearts of all by its nature and appearance, shining out brightly, so to speak, from the virtues that I have mentioned — because of that, when we think people possess these virtues, we are compelled by nature to love them. These indeed are the weightiest causes of loving; for there may be a few more trivial ones besides.

(33) We can bring it about in two ways that others have faith in us: if we are deemed to possess both good sense and justice combined with it. For we have faith in those whom we judge to understand more than us, whom we believe can foresee the future, able when the issue arises and the crisis arrives, to settle the matter, adopting the counsel that suits the circumstance. For men reckon that such good sense as that is useful and genuine. As for just and faithful men, however, that is good men,2 one has such faith in them that no suspicion of deceit or injustice arises. That is why we think that we are absolutely right to entrust to them our safety, our fortunes, and our children. (34) Of the two, justice has more power to win faith; indeed although it has authority enough even without good sense; good sense without justice is of no avail in inspiring faith. The more cunning and clever a man is, the more he is hated and suspected if deprived of the reputation of integrity. The result is that justice combined with intelligence will have as much power as it wishes to win faith. Justice without good sense will be able to do much; without justice, good sense will avail not at all.

(35) Someone may be wondering why, although it is argued by all philosophers, and I myself have frequently argued it, that whoever

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1 Since C. cannot actually claim that Rome’s misrule, like Sparta’s, lost her the control or allegiance of her subjects (cf. 11.79), he argues that her misrule encouraged misconduct at home, resulting in civil war and the loss of the Republic.
2 Goodwill, faith and honour are about to be discussed as means to glory, which is only relevant to ‘outstanding men’. C. pauses to mention the form of support from their fellows that all men can achieve, friendship.
3 The De Gloria, written earlier than the Laelius in this year, is lost.
has one virtue has them all, I now separate them, as if someone who has no sense could at the same time be just.\footnote{Fin. v.66; Tusc. iii.14; Acad. 138. C. raises the issue in considering justice and good sense (the practical aspect of wisdom, 1.53) because Carneades had attacked the idea that virtue, especially justice, and wisdom were compatible. C. had answered the pain, particularly as regards states, in De Re Publica iii.3aff.; as regards individuals, see below. iii.40–96, especially 50–78, 89–92.} One degree of precision is required when truth herself is debated and refined, but another when speech is entirely adapted to common opinion. For this reason we speak here just as ordinary men do, calling some men brave, others good, others sensible. For when we discuss popular opinion we must use popular and familiar words, in the very way that Panetius did.\footnote{2 The Stoics were charged with violating common usage as in the famous Stoic paradox and their idea that external advantages were not 'goods'. C. praises Panetius for making concessions to ordinary language and notions in De Finibus iv.79.}

But let us return to our subject.

(36) Of the three things that related to glory, the third was that other men should judge us worthy of both their honour and their admiration. In general men admire everything they notice that is great and beyond their expectation; in particular, if they see in individuals any good things that take them by surprise. Therefore they look up to and lavish great praise upon those men in whom they see outstanding and exceptional virtues; but they look down upon and despise those whom they think have no virtue, nor spirit, nor vigour. (For they do not despise everyone of whom they think ill. They do not despise those they think wicked, slanderous, deceitful, or equipped to commit injury; they certainly do, however, think ill of them.) Therefore, as I said before, those who are despised are the men who 'help not themselves nor another', as the saying goes; they have in them no industriousness, no diligence, no concern.

(37) On the other hand men are regarded with admiration if they are thought to excel others in virtue, not only being free from all dishonour, but also resisting even those vices that others cannot easily resist. For pleasures themselves, those most alluring of mistresses, twist the hearts of most men away from virtue; and when the flames of pain are kindled most men are frightened beyond measure. Both life and death, both riches and poverty, powerfully perturb all men.

But as for those who look down with a great and lofty spirit upon prosperity and adversity alike, especially when some grand and honourable matter is before them, which converts them wholly to itself and possesses them, who then will fail to admire the splendour and beauty of virtue? (38) Therefore, a spirit contemptuous in this way arouses great admiration; and justice most of all seems something admirable to the crowd; on account of that virtue alone are men called 'good'. And not unjustly: for no one can be just if he fears death, or pain, or exile, or need; or if he prefers their opposites to fairness. Men whom money does not move are also most greatly admired. If that quality is observed in someone, they regard him as having been tested by fire.\footnote{1 On the 'good' man, see p. 9, n. 1. The allusion to fire is to the testing of gold, for it was believed that only that metal was incombustible (Pliny NH xxxiii.59) and that its quality could be measured by observing the time it took to become incandescent.}
among bandits which they obey and respect. And so it was because of his fair distribution of booty that Bardulis, the Illyrian bandit, of whom we hear in Theopompos, had great influence, and Virithus the Lusitanian much greater. Indeed our own generals and their armies surrendered to the latter. (It was Laelius, the one nicknamed ‘the wise’, who as praetor broke and crushed him, repressing his ferocity to such an extent that he left an easy war to his successors.)

Justice has such great effect that it strengthens and increases the resources even of bandits. How great an effect, then, do we think it will have among laws and lawcourts and in a well ordered political community?

(41) It seems to me that it was not only among the Medes (as Herodotus tells us), but also among our ancestors, that once upon a time men of good character were established as kings in order that justice might be enjoyed. For when the needy masses were being oppressed by those who had greater wealth, they fled together to some one man who excelled in virtue. When he protected the weaker from injustice, fairness was established, and he held the highest and the lowest under an equality of justice. The establishment of laws and the institution of kings had the same cause. (42) For a system of justice that is fair is what has always been sought: otherwise it would not be justice. As long as they secured this from a single just and good man, with that they were content. When it ceased to be so, laws were invented, which always spoke to everyone with one and the same voice.

This, therefore, is manifest: the men who are usually chosen to rule are those who have a great reputation among the masses for justice. If in addition, indeed, they were thought also to be men of good sense, there was nothing that men would think they could not achieve under their leadership. Therefore justice must be cultivated and maintained by every method, both for its own sake (for otherwise it would not be justice) and for the sake of enhancing one’s honour and glory. There is a rational method both of seeking money and of investing it, which ensures a continuous supply not merely of necessary, but even of liberal, expenditure; in a similar way, then, glory must be both sought and invested methodically.

(43) And yet, as Socrates declared splendidly, the nearest path to glory, a short cut so to speak, is to behave in such a way that one is what one wishes to be thought. For men who think that they can secure for themselves unshakeable glory by pretence and empty show, by dissembling in speech and countenance, are wildly mistaken. True glory takes root and spreads its branches too; but everything false drops swiftly down like blossom; and pretence can never endure. There are witnesses in plenty to both those points, but for brevity’s sake one family will suffice us. For Tiberius Gracchus, the son of Publius, will be praised as long as the memory of Roman deeds endures. His sons, however, while alive did not win the approval of good men; and now that they are dead they are numbered among those who were justly cut down. If anyone wishes, then, to win true glory, let him fulfil the duties of justice. And what they are, I have said in my first book.

(44) The greatest effect is achieved, then, by being what we wish to seem; however some advice should be given so that we might as easily as is possible be seen to be what we are. For if anyone from his early youth has caused to become famous and renowned, whether as the heir of his father (as I think has happened to you, my dear Cicero) or through any other chance or fortune, the eyes of all are cast on him. They examine whatever he does, the very way in which he lives; he is, as it were, bathed in so brilliant a light that no single word or deed of his can be hidden. (45) Others, on the other hand, because of their humble and obscure background, spend their youth unknown by other men. As soon as they become young men, they ought to set their sights on great things and strive for them with
inexperienced people are delighted, praising them when they ought not to be praised; the reason, as I believe, is that there is some worth in them that attracts the ignorant, but they are unable to judge what faults each may have. Therefore, when they are taught by experienced people, they readily abandon their view.

Such duties, then, which I am treating in these books, are said by them to be honourable in a second-rate way, so to speak; and they are not appropriate to wise men only, but shared with the whole human race. (16) Consequently, everyone who has the disposition for virtue is moved by them. Again, when the two Decii, or the two Scipiones, are mentioned as brave men, or when Fabricius or Aristides\(^1\) is called just, we are not seeking an example of courage in the former, nor of justice in the latter, as if in a wise man; for none of them is wise in the way that we want to understand wise.\(^2\) Not even Marcus Cato and Gaius Laelius were in fact wise, although they were called and considered wise; and nor were the famous seven.\(^3\) Rather, because of their repeated practice of middle duties, they exhibited a kind of likeness to and appearance of wise men.

(17) It is therefore impious to compare that which is truly honourable with any conflicting benefit. Nor, on the other hand, must one ever compare profit with what we call honourable in the common sense, which men cultivate when they want to be thought good. For we ourselves must guard and preserve the honourableness that is accessible to our understanding, just as much as wise men must that other, which is appropriately and truly called honourable; for otherwise any progress that may have been made towards virtue cannot be maintained.\(^4\)

But that is enough about those who have a reputation for goodness because of their observation of duties. (18) As for those who measure everything by profits and advantages and do not want these to be outweighed by honourableness, they are accustomed to compare in their deliberations what is honourable with what they think to be beneficial.\(^5\) Good men are not accustomed to do that. Therefore I am of the opinion that when Panaetius said that men were accustomed to hesitate about such a comparison, he meant only what he said: 'were accustomed to' and not also 'were right to'. For it is extremely dishonourable not only to value that which seems beneficial at more than that which is honourable, but even to compare the two with one another and hesitate between them.

What is it, then, that sometimes tends to raise a doubt and seems to need consideration? Such occasions arise, I believe, whenever there is doubt over the nature of the action that one is considering. (19) For often the occasion arises when something that is generally and customarily considered to be dishonourable is found not to be so. Let me suggest as an example something that can be more widely applied: what greater crime can there be than to kill not merely another man; but even a close friend? Surely then, anyone who kills a tyrant, although he is a close friend, has committed himself to crime? But it does not seem so to the Roman people, which deems that deed the fairest of all splendid deeds. Did the beneficial, therefore, overcome honourableness? No indeed; for honourableness followed upon what benefited.\(^6\)

Therefore in order that we may pronounce judgement without error, if ever that which we call beneficial seems to conflict with that which we understand to be honourable, a rule of procedure must be established.\(^7\) If we follow this when comparing courses, we shall never fall away from duty. (20) Moreover, this rule of procedure will be highly consistent with the reasoning and teaching of the Stoics. I am following their reasoning in these books for this reason: both the Old Academics and your Peripatetics (who were once the same as the Academics) prefer that which is honourable to that which seems beneficial; these things are discussed, however, more nobly by those for whom if anything is honourable, the same thing seems beneficial,

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\(^{1}\) Or Aristides' is bracketed as an interpolation by some editors, since C. seems to be giving only Roman examples.

\(^{2}\) Cf. 1.46, 1.35.

\(^{3}\) The seven wise men of Greece: Bias, Chilo, Cleobulus, Pittacus, Periander, Solon and Thales.

\(^{4}\) Despite their rigour in not allowing degrees of virtue or vice nor any middle ground between them, the Stoics believed in moral progress. Performing middle duties could help one ultimately to acquire that virtuous disposition which would render them perfect.

\(^{5}\) These men appear again at iii.26 and 37.

\(^{6}\) Tyrannicide is C.'s favourite example of a duty in particular circumstances (cf. iii.32 and p. 62, n. 9). The allusion is clearly to Caesar's murder, for many of those involved had been 'close friends'. C. exaggerates the unanimity of the Roman people.

\(^{7}\) The term formula (rule of procedure) is taken from Roman law. In civil cases the praetor (or other magistrate), after hearing the parties to a suit, set out the question of fact for the judge to establish and the legal decision that would follow depending on the facts. Similarly, the formula tells us what facts need to be determined before we can make a correct decision about how to act where apparent benefit is involved.
and nothing seems beneficial that is not honourable, than by those for whom there is something honourable but not beneficial, and something beneficial but not honourable. 1 In any case, our Academy grants us great freedom, so that we may be justified in defending whatever seems most persuasive. 2 But I return to my rule of procedure.

(21) Now then: for one man to take something from another and to increase his own advantage at the cost of another’s disadvantage is more contrary to nature than death, than poverty, than pain and than anything else that may happen to his body or external possessions. In the first place, it destroys the common life and fellowship of men: for if we are so minded that any one man will use theft or violence against another for his own profit, then necessarily the thing that is most of all in accordance with nature will be shattered, that is the fellowship of the human race. (22) Suppose that each limb were disposed to think that it would be able to grow strong by taking over to itself its neighbour’s strength; necessarily the whole body would weaken and die. In the same way, if each one of us were to snatch for himself the advantages other men have and take what he could for his own profit, then necessarily fellowship and community among men would be overthrown. It is permitted to us — nature does not oppose it — that each man should prefer to secure for himself rather than for another anything connected with the necessities of life. However, nature does not allow us to increase our means, our resources and our wealth by despoiling others.

(23) The same thing is established not only in nature, that is in the law of nations, but also in the laws of individual peoples, through which the political community of individual cities is maintained: one is not allowed to harm another for the sake of one’s own advantage. For the laws have as their object and desire that the bonds between citizens should be unharmed. If anyone tears them apart, they restrain him by death, by exile, by chains or by fine. Nature’s reason itself, which is divine and human law, achieves this object to a far greater extent. Whoever is willing to obey it (everyone will obey it who wants to live in accordance with nature) will never act so as to seek what is another’s, nor to appropriate for himself something that he has taken from someone else. (24) For loftiness and greatness of spirit, and, indeed, friendliness, justice and liberality, are far more in accordance with nature than pleasure, than life, than riches. Indeed to disdain these, when comparing them with the common benefit, and value them as nothing, is the mark of a great and lofty spirit. On the other hand, for anyone to take from someone else for the sake of his own advantage is more contrary to nature than death or pain or anything else of the type.

(25) The great Hercules undertook extreme toils and troubles in order to protect and assist all races of men. His reputation among mankind, recalling his kind services, has placed him in the council of the heavenly ones. It is more in accordance with nature to imitate him in this, if it can be done, than to live in solitude, even though you might be not only free from trouble, but also enjoying very great pleasures, endowed with plentiful resources and excelling too in beauty and strength. And so, the men with the best and most brilliant talent far prefer that life to this. Consequently, a man who is obedient to nature cannot harm another man.

(26) Again, if a man acts violently against someone else in order to secure some advantage himself, he either considers that he is doing nothing contrary to nature, or else he judges that death, poverty, pain, and the loss of children, relations or friends are more to be avoided than the doing of an injustice to someone. If he thinks that acting violently against other men involves doing nothing contrary to nature — then how can you argue with him? For he takes all the ‘human’ out of a human. If, on the other hand, he thinks that such action should be avoided, but that death, poverty and pain are far worse, his error is that he counts a failing of body or fortune as more serious than any failing of spirit.

Therefore all men should have this one object, that the benefit of each individual and the benefit of all together should be the same. If anyone arrogates it to himself, all human intercourse will be dissolved. (27) Furthermore, if nature prescribes that one man should want to consider the interests of another, whoever he may be, for

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1 See Summary, pp. xxxvi–xxxvii. The comparison of the Stoic and Peripatetic views is given more accurately at III.35 fn., for whether the honourable is the only (Stoic) or the highest (Peripatetic) good, it will always be beneficial.
2 Cf. p. 4, n. 2.
3 The ‘law of nations’ is natural law (also divine law) which applies to all men and is the standard set for human laws by the providential reason that rules the world. In III.68–70 C. contrasts it with the civil law. (The distinction is different from that made by Roman lawyers in Digest 1.1.3–4, where the ‘law of nations’ is not what is ordained by nature, but the actual common practice of men.)
the very reason that he is a man, it is necessary, according to the same nature, that what is beneficial to all is something common. If that is so, then we are all constrained by one and the same law of nature; and if that also is true, then we are certainly forbidden by the law of nature from acting violently against another person. The first claim is indeed true; therefore the last is true.

(28) Now surely it is absurd to say, as some do, that they would not deprive a parent or brother of anything for their own advantage, but that there is another rationale for the rest of the citizens. Such men decree that no justice and no fellowship exist among citizens for the sake of common benefit, an opinion that breaks up all fellowship in the city. There are others again who say that account should be taken of other citizens, but deny it in the case of foreigners; such men tear apart the common fellowship of the human race. When that is removed then kindness, liberality, goodness and justice are utterly destroyed. Those who destroy them must be judged irreverent, even in respect of the immortal gods; for the fellowship among mankind that they overturn was established by the gods; and the highest bond of that fellowship is that it be thought more contrary to nature for one man to deprive another for the sake of his own advantage than to endure every disadvantage,\(^1\) whether it affects externals or the body or even the spirit itself — so long as it is free from injustice. For that single virtue is the mistress and queen of virtues.\(^2\)

(29) But perhaps someone might object: would not a wise man, if he is dying of hunger, steal food from another man, if he could benefit no one? Not at all, for my life is not more beneficial to me than to be so disposed in spirit that I would not do violence to anyone for my own advantage. What if a good man were to be able to rob of his clothes Phalaris, a cruel and monstrous tyrant, to prevent himself from dying of cold? Might he not do it?

Such questions are very easy to decide.\(^3\) (30) For if it is for your own benefit that you deprive even someone who is of no benefit whatsoever, you will have acted inhumanly and against the law of nature. If, however, you are the kind of person who, if you were to remain alive, could bring great benefit to the political community and to human fellowship, and if for that reason you deprive someone else of something, that is not a matter for rebuke. In situations that are not of that kind, however, each man should endure disadvantage to himself rather than diminish the advantages that someone else enjoys. Illness, want or anything else of that sort are not, then, more contrary to nature than to take or to covet that which belongs to another. The neglect of the common benefit is, on the other hand, contrary to nature; for it is unjust. (31) Therefore the law of nature itself, which preserves and maintains that which is beneficial to men, will undoubtedly decree that the necessities of life should be transferred from an inactive and useless person to someone who is wise, good and brave, who, if he were to die, would greatly detract from the common benefit; he must, however, do this in such a way that he does not, out of self-esteem or self-love, find a pretext for injustice. In this way he will always discharge his duty by having consideration for what is beneficial to mankind and to human fellowship, which I so frequently mention.

(32) Now it is very easy to make a judgement in the case of Phalaris. For there can be no fellowship between us and tyrants — on the contrary there is a complete estrangement — and it is not contrary to nature to rob a man, if you are able, to whom it is honourable to kill. Indeed, the whole pestilential and irreverent class ought to be expelled from the community of mankind. For just as some limbs are amputated, if they begin to lose their blood and their life, as it were, and are harming the other parts of the body, similarly if the wildness and monstrousness of a beast appears in human form, it must be removed from the common humanity, so to speak, of the body. Of this sort are all those questions in which the issue is duty in particular circumstances.\(^1\)

(33) I believe therefore that Panaetius would have pursued questions of this kind had not some mischance or other preoccupation spoiled his plan.\(^2\) There is in the preceding books plenty of advice concerning these very problems, which may enable one to see what should be avoided because it is dishonourable, and what need not

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1. Cf. i.ii.42 with n. 1.
2. The text is corrupt here: the manuscripts read 'so long as it is free from justice'; this is the simplest emendation, which gives an intelligible, if not strictly logical, sentence.
3. C. now shows how to apply the 'rule of procedure' to decide cases.