

THE SOCIAL AND POLITICAL
BASIS OF CICERO'S ETHICS

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ABSTRACT

The purpose of this thesis has been to discover the basis of Cicero's ethics. To this end, an analysis has been made of his early life; including such matters as his family background, early education and philosophical and political milieu. Next, an attempt has been made, based on biographical material and excerpts from his speeches, to discover what he approved and what he condemned in the political and social situation in which he moved. Some attention has been directed toward his mature political philosophy as it can be observed during his consulship and until the end of his life.

After noticing his practice in a variety of political situations, a survey has been made first of his political, and then of his ethical theory, as described in his written works. Throughout the thesis some attempt has been made to discover whether there was any consonance between his practice and his theory.

The conclusion at which the thesis arrives, is that Cicero did not base his ethics on a metaphysical foundation, and that he developed his moral code for a political end; namely, to regenerate the Roman aristocracy and to challenge them to become worthy leaders of the state. His ethics, therefore, had a social and political basis rather than being derived from a philosophical system.

TABLE OF CONTENTS

Chapter		Page
I	INTRODUCTION	1
II	EARLY INFLUENCES ON CICERO'S LIFE AND THOUGHT.	6
III	CICERO AND THE NOBILITY	18
IV	CICERO AND TYRANNY	35
V	CICERO'S PRACTICE AND THEORY OF LEADERSHIP IN THE PROVINCES	54
VI	CICERO'S THEORY REGARDING PUBLIC LEADERSHIP .	66
VII	THE ETHICS OF A PRIVATE CITIZEN	81
VIII	THE SOCIAL AND POLITICAL BASIS OF CICERO'S ETHICS	97
	BIBLIOGRAPHY	105

CHAPTER I

INTRODUCTION

In spite of all that has been written about Marcus Tullius Cicero, encompassing every aspect of his life: his domestic afflictions, his money difficulties, his flaws of character, his scholarship, his political and forensic activity, and his reputation, there still is room for a detailed consideration of some particular problems, among which is the subject of this thesis: what was the basis of Cicero's code of ethics? That Cicero had a fairly well-defined system of ethics is clear from his theoretical writings, especially the works on the state, on law and on duty.¹ There is evidence of it to be found also in his letters and speeches, and it can even be demonstrated that a consistency of principle underlies the ostensible inconsistency of some of his political activities. What is not

1. De Re Publica, De Legibus, De Officiis - the last named deals exclusively with problems of human conduct: "Since, therefore, the whole discussion is to be on the subject of duty ..." De Off. 1.2.7. (The translations used for the speeches and the theoretical works of Cicero are Loeb Classical library translations. For the letters, I have made use of Shuckburgh in the main, but for certain brief passages, I have devised my own translation. Any other translation will be given credit in the footnotes. Italics used in any translation from Cicero are my own.)

clear, however, is the source from which he derived his ethical convictions.

There is also the question of whether Cicero put the ethical theory which he preached into action. This has been raised by the recent and vigorous attack on his moral character launched by Professor Jerome Carcopino, in his analysis de novo of Cicero's correspondence.² In this work he asserts:

As regards his private life, Cicero's correspondence strips him of every rag of respectability, sparing him no vice or eccentricity; it covers him with ridicule where it does not cover him with infamy.³

With reference to Cicero's public life, Carcopino is equally devastating:

His Letters, every page of which reveals the eccentricities of his mind and the vices of his heart, the faults and defects of his personality, explain the perpetual bankruptcy which were their consequence and their penalty ... He possessed none of the qualities which make, and he had all the faults which destroy a statesman.⁴

In short, Carcopino portrays Cicero as a monster of infamy in both his private and his public life. This condemnation of a man who has been highly regarded in his own day and

2. Jerome Carcopino, Cicero: The Secrets of His Correspondence.
3. Ibid. p.42.
4. Ibid. p.231.

through the centuries since his assassination,⁵ is so sweeping that it makes it pertinent, in assessing the possible sources of Cicero's ethics, also to re-assess the extent to which Cicero put his theory into practice.

Cicero's devotion to civic duties is a well-recognized fact and it was this that made his writings of such significance during the early Renaissance. The resurgence of interest in Cicero had begun in the Fourteenth Century with Petrarch, who had a great enthusiasm for him, an enthusiasm which was stimulated by his discovery in 1345, probably at Verona, of Cicero's letters to Atticus, Quintus Frater and Brutus. Petrarch had previously discovered the Pro Archia, and his delight over this find and the subsequent one of the letters may have encouraged Coluccio de Salutati's discovery of the corpus of the epistulae ad familiares.⁶ As most modern scholars place the highest importance on the letters for an estimate of Cicero, it is clear that these Fourteenth Century discoveries were of great value. The importance of Cicero for the development

5. Cicero, as is true of all politicians, has had detractors before Carcopino; one of the most outstanding was the German critic, Mommsen. None of them, however, have depicted him as being totally immoral, as does Carcopino.

6. Robert Yelverton Tyrrell, The Correspondence of M. Tullius Cicero, intro. to Vol. I, p. 73;
Gilbert Highet, The Classical Tradition, pps. 81 and 83;
John C. Rolfe, Cicero and His Influence, p. 157.

of Petrarch's humanism and the humanism of the Italian and northern Renaissance is well-known. But Hans Baron has shown more specifically his impact on the Florentines of the late Fourteenth and early Fifteenth Centures.⁷ Then it was that men of letters and men of action joined forces in the defence of civic liberty, and Cicero's republican ideals were again brought into play in human society. "In the course of history," Baron asserts, "there has perhaps been no other philosophical writer whose thinking was as closely connected with the exigencies of civic life as that of Cicero."⁸ And further, "His (i.e. Cicero's) ethics recalled citizens to public life." It is impossible, therefore, to discuss Cicero's ethics without taking into account this civic orientation. It is the basic theme of his ethics that man must realize himself as a social being; and that as a member of society he has certain duties and responsibilities to that society of which he is a part.

In brief, this thesis will concern itself with the type of behaviour which Cicero exemplified in practice and advocated in theory as suitable behaviour for a man both in his private and public life. It will also consider the

7. Hans Baron, Cicero and the Roman Civic Spirit; also The Crisis of the Early Renaissance.

8. Baron, Cicero and the Roman Civic Spirit, pp. 3 ff.

kind of behaviour which he condemned. But above all else, it will attempt to establish the basic determinants of the code of conduct which he recommended for others and in large part practised himself.

The order of presentation will be: first, to review the early formative influences which surrounded him in childhood and youth; next, to observe his conduct in the political and other crises of his life, with special attention to his attitude toward the aristocracy and to the problem of tyranny; then to discuss his ethical theory as it pertained to private citizenship and public leadership; and finally, to establish, if possible, what influences of upbringing or experience, of environment or education, were the fundamental determinants of his deepest ethical convictions.

CHAPTER II

EARLY INFLUENCES ON CICERO'S LIFE AND THOUGHT

Certain influences in Cicero's home background acting on his individual qualities of mind and personality, directed his interests toward political activity and provided him with strong ethical principles. One of these influences was his country origin.

We know that the members of his family were of equestrian rank and that they had an estate near Arpinum, a town which had been granted Roman citizenship almost two hundred years before his birth. Although historical details about his family are scanty, it is safe to assume that from his childhood he listened to his father and grandfather discussing the local politics of Arpinum,¹ and probably also affairs in Rome and the problems created by the Social War.

That the Social War would be a topic of every-day

1.(a) De Leg. iii.16.36: "and in fact, our grandfather, during his whole life, opposed with the greatest energy the passage of a balloting law in this town, although his wife, (our grandmother) was the sister of Marcus Gratidius the man who was proposing such a law."

(b) Loc.cit. "to our (grandfather) when the matter was reported to him, Marcus Scaurus, the consul, said: 'Marcus Cicero, I wish you had chosen to dedicate your efforts to the welfare of the great Republic with the same spirit and energy which you have shown in the affairs of a small town'."

conversation is a certainty, because Arpinum was also the birth-place of Marius, who was reputed to be a distant kinsman of Cicero. Since Cicero's family was of equestrian rank, they would necessarily have an assured social position in Arpinum and a strong sense of noblesse oblige in their dealings with their fellow Arpinates. Also they would feel closely identified with Rome because of the early enfranchisement of their town.

Furthermore, his family were farmers, or perhaps what we should now call 'landed gentry', and naturally the young Cicero would be familiar with the cycle of religious observances connected with farm-life, and would inherit the tradition of 'the good old days' so admired by Cato; a time when life was less sophisticated and complex and the sturdy ancient virtues were part of everyday life. In his speech on behalf of Plancius, his benefactor during his exile, Cicero describes the quality of neighbourly good-will to be found in a town like Arpinum, far away from spite and deceit and the pretences of city life.²

That Cicero had a nostalgic attachment to his

2. Pro Gnaeo Plancio, ix.21,22: "For neighbourly sympathy often provokes great displays of feeling in our municipal towns... Neighbourliness is a quality that demands our commendation, nay, our love, for it keeps alive the old world spirit of kindness, it is uncoloured by the sinister hues of petty spite, it lives in no atmosphere of falsehood, it is tricked out by no hypocritical pretensions, it is unschooled in that studied counterfeiting of emotions characteristic of the suburbs and even of the city."

country background can be observed from many such passages in his speeches and other writings. In a letter to Atticus, he speaks with pleasure of betaking himself: "to the ancestral hills that cradled us".³ In the De Legibus, one of his most significant works, the setting for the whole dialogue is his family estate at Arpinum, and at the beginning of Book II, he again refers to Arpinum as his cradle,⁴ and speaks of the antiquity of his family in that place.⁵ He mentions affectionately that his invalid father had passed most of his life in studies there, and had been responsible for improving the original farm house.⁶

This was in the romantic tradition then fashionable, for the outstanding poets of the century were all engaged in immortalizing the antiquarian customs; and Cicero too, who was by nature something of a poet (although this fact is more noticeable in his prose than in his poetry), very naturally idealized the scenes of his boyhood. With Cicero, however, this admiration of home background and country life was much more than a literary convention. The verse of Ennius, which he quoted in the De Re Publica, and which might

3. Ad Att. ii.15: "In montes patrios et ad incunabula nostra."

4. De Leg. ii.2.4.

5. Ibid. ii.2.3: "For we are descended from a very ancient family of this district; here are our ancestral sacred rites and the origin of our race; here are many memorials of our forefathers."

6. Loc.cit.

be rendered thus: "On the code of our fathers and on heroes is based the hope of Rome,"⁷ represents what was for him a life long conviction. Specifically, it was not so much the country life that he idealized, as the type of upright citizen which it produced; men who, in the days of old, had been called from the plough to assist in a national crisis, and who returned to the plough when the danger was abated, asking nothing more than the glory of knowing that they had served their country well.⁸

The emergence of such heroes occurred with diminishing frequency in the later republic; but one could still find men in the country towns who dedicated their lives to the basic virtues of honour and justice. It is no mere rhetoric then, when Cicero described the delegation of citizens from Ameria who waited on Chrysogonus, as old-fashioned men who imagined that other men's characters were like their own, and consequently believed that what they were told was the honest truth.⁹ He emphasized the same idea when he said of Caecilia, the woman who befriended Roscius and gave him asylum, that in her conduct she showed a sense of duty belonging to former times.¹⁰

7. De Re Pub. v.1.1: "moribus antiquis res stat Romana virisque."

8. De Senectute xvi.56.

9. Pro Sex. Rosc. Amer. ix.26: "Homines antiqui, qui ex sua natura ceteros fingerent..."

10. Ibid. x.27: "in qua...vestigia antiqui officii remanent."

In 80 B.C., then, it appears that Cicero was still strongly influenced by his family background.

Early in life Cicero seems to have been fired with ambition for a political career, but he must have realized that as a novus homo his ambitions were not easy to attain. The highest political honours were considered the prerogative of the aristocracy, on whom, Cicero says rather bitterly "all the benefits of the Roman people were conferred while they were drowsing".¹¹ He lacked both patrician status and a large fortune, but the career of an advocate was well suited to his aptitudes and offered a ready entrance to the cursus honorum.

The preceding discussion of the importance of his country background must not be allowed to overshadow the much greater importance to his subsequent career of his early education and the men who helped to shape his thought. In his youth he came under the influence of several very important intellectual figures: Archias, who made him a student;¹² Crassus, the greatest orator in Rome;¹³ Molo,¹⁴

11. In G. Verrem ii.v.70: "Quibus omnia populi romani beneficia dormientibus deferuntur."

12. Pro Archia i.1: "It was he who first fitted my back for its burden and my feet for their destined path."

13. De Leg. iii.19.42: Cicero quotes an opinion of Crassus, whom he describes as sapientissimus. This is only one of many references in the dialogues to Crassus as an authority.

14. Brut. 91.313.

the rhetorician from Rhodes, Philo, a leader of the Greek Academy,¹⁵ and Diodotus, the Stoic,¹⁶ all three of whom greatly fostered his natural bent toward philosophy; and especially the two Scaevolae,¹⁷ the augur and the pontifex-maximus, who were the greatest jurists of their time.

The importance of his association with the Scaevolae can hardly be over-estimated. It gave him not only a very thorough training in jurisprudence, but also social advantages which were of inestimable value in helping to form his character and advance his political aspirations.

The augur's wife, Laelia, was the daughter of that Laelius who had been the friend of Scipio Africanus.¹⁸ Thus, as he was drawn into intimacy with the family group of the Scaevolae, he was influenced by the traditions of culture and of public service cherished by the Scipionic circle; and he was made deeply conscious of that best period of the Roman Republic. This association also gave him a love of Greek thought and language which deepened as he devoted himself to it more and more. The mode of life and thought of the Scipionic circle and their spiritual heirs was so lofty that it caught up his youthful idealism and profoundly

15. Tusc.Disp. ii.3.9.

16. Ibid. v.39.113.

17. De Leg. i.4.13; De Amicitia.

18. De Re Pub. i.12.18.

influenced his ethical thinking.¹⁹ The lasting effect that it had on his life may be observed from the fact that in his old age when he was writing his theoretical works, the members of the Scipionic circle were frequently employed as the main speakers in his dialogues.

From the vantage-point of two thousand years, we now realize that the Republic was crumbling during Cicero's youth, and that it had been visibly failing since the time of the Gracchi (c.133 B.C.); but during Cicero's lifetime, it had not yet failed, and the hopelessness of the struggle to restore it to its former stability was not yet borne in upon him and most of his contemporaries. Certainly they realized that they lived in perilous times. All of Cicero's youth was harassed by the evidence of first Marius' and then Sulla's proscriptions. Cicero was twenty-four years old when Sulla became Dictator and made his bold attempt to re-establish the full power of the aristocracy by decimating the equestrian order, the order to which Cicero belonged by birth and inclination. He was twenty-seven at Sulla's death, when a new star was rising on the horizon, that of Pompey. He died twelve years before the battle of Actium, an event which, if one could pin-point such a thing, could be said to mark the

19. De Off. iii.15.62 and ibid. 17.70: Cicero cites high ethical standards of Quintus Scaevola, the pontifex-maximus.

date of the death of the Republic. During his lifetime there always seemed to be at least a glimmer of hope that the Republic might rise again to honourable estate, and a form of government might evolve which would ensure just rule and enable men to enjoy peace with honour. The urgency of the situation, illuminated by the hope that an effective balance of power between the aristocrats and the equestrians might be evolved, enticed the young Cicero into the political arena, and urged him into an early formulation of political theory. This theory was essentially a rudimentary social contract; he realized that the two stresses of obligation, that of the state to the individual, and that of the individual toward the state, must be kept in tension, and must be mutually dependent. He believed in a natural law to which states as well as individuals were subject.²⁰

A further and ostensibly more specific influence in the early development of Cicero's thought, was his extended visit to the East to study philosophy and rhetoric. This visit followed almost immediately after his successful defence of Roscius of Ameria in 81 or 80 B.C. The Pro Roscio Amerino will be discussed more fully in the next chapter, but here it may be noted that as a result of this case he was obliged to leave Rome temporarily, allegedly for

20. De Re Publica iii.22.33: "One eternal and unchangeable law will be valid for all nations and all times, and there will be one master and ruler, that is, God, over us all, for he is the author of this law, its promulgator and its enforcing judge."

the sake of his health. He decided to devote himself to a study of rhetoric and philosophy, and, to this end, travelled to Athens and Rhodes, spending two years in study in the East.²¹

While in these cities he studied philosophy under some of the greatest Greek masters of the day. Both his natural bent and early training inclined him at first to sit at the feet of the Stoics; and indeed, as we know from his philosophical works, he was profoundly influenced by their teaching throughout his life.²²

The Epicurean view of human nature never really attracted him,²³ not only because he had a very strong sense of duty but even more because he was too thoroughly and too early imbued with ideas of social responsibility. The Epicureans wholly repudiated any ideal of public service as being desirable or good.

21. De Finibus v.5. See the introduction to this book for his student days in Athens.

22. (a) De Fin. iii.20.68: in stating the Stoic position, Cicero maintains that a wise man is willing to engage in public affairs, since man is born to protect and guard his fellows.

(b) De Off. i and ii are profoundly influenced throughout by the views of Panaetius, a later Stoic.

(c) Tusc Disp. iv.24.53: "However, we may attack such men (i.e. Stoics) as was the way of Carneades, I have a misgiving that they are the only true philosophers."

23. De Leg. i.13.39; Tusc. Disp. v.26; De Finibus ii.1 ff.

However, after having been steeped in Stoic principles, he deliberately veered away from pure Stoic doctrine and put himself under the influence of the New Academy. Not only his personal attributes of character, but also his long preliminary training by the Scaevolus, and his early struggles in public life, caused him to turn to a more realistic sceptical outlook.²⁴ His attitude when he returned from Rhodes to public life in Rome seems to have been greatly influenced by the Antiochean position;²⁵ and it is not until he formulates on paper, toward the end of his life, his considered philosophy, that we are reasonably clear that his own philosophical system is a blend of Stoic principles and those of the New Academy. Hunt is, no doubt, right in saying that "his system might be described as an attempt to adapt a theory of human freedom to the general background of contemporary Stoicism, while maintaining scepticism in the field of perception."²⁶

24. Tusc. Disp. ii.3.9: "Accordingly these considerations always led me to prefer the rule of the Peripatetics and the Academy of discussing both sides of every question, not only for the reason that in no other way did I think it possible for the probable truth to be discovered in each particular problem, but also because I found it gave the best practice in oratory."

25. Ibid. i.9.17: "following out a train of probabilities ... For further than likelihood I cannot get."

26. Hunt, The Humanism of Cicero, p.189.

Cicero derived his ideas concerning the validity of human perception from the New Academy, arriving at the personal conviction that, although complete certainty is unattainable, a fairly high degree of probability is possible.²⁷ His studies in Stoic thought were most important to his later ethics, because from them he derived his concept of the common bond of human nature, a concept which he expressed clearly in the De Finibus, where he says that in the whole moral sphere nothing is more glorious nor of a wider range than the solidarity of mankind.²⁸

Another most important result of his early philosophical studies was his conviction, later expressed in the De Finibus, that man is born with a political instinct.²⁹

The philosophical ideas which Cicero embraced in Athens and Rhodes will be discussed more fully in a later chapter. At this point it is sufficient to note that before he embarked on any public career he had had a very thorough philosophical training.

In sum, therefore, in evaluating the most important early influences which were likely to affect his subsequent political and ethical thought, we must take account of the

27. Acad. ii.31.32,33.

28. De Fin. v.23.65

29. De Fin. v.23.66; obviously a repetition of the Aristotelian precept that man is a political being.

fact that he was born in a rural area into a family which cherished an ideal of civic responsibility; secondly, that he received an education designed to fit him for public life; thirdly, that his early teachers and associates had surrounded him with a knowledge of the best that had been thought and said in the world; and lastly, that his 'post-graduate' studies in philosophy provided him with a rationale for his early-acquired political interests.³⁰

30. Cicero's eclectic philosophy, which enabled him to choose this from one system and that from another, authorized him to place great emphasis on, for instance, the Stoic doctrine of the brotherhood of man; Stoic insistence on the cardinal virtues, especially Justice; the Aristotelian conception of man as a political animal; the New Academy doctrine of probability; the Platonic idea of the Good Shepherd.

CHAPTER III

CICERO AND THE NOBILITY

During the early part of his career, from his first major law-suit until he successfully contested the consulship, a period extending from 80 to 64 B.C., Cicero repeatedly revealed in both actions and words his principles concerning the type of conduct demanded of men who were set in authority over their fellows. It is possible to study the behaviour he admired and tried to emulate and also that which he criticized. By observing the highlights of this period of his public life, we may perhaps begin to form some estimate of the basis of his ethics.

His first important public appearance was made in the year 80 B.C.,¹ during the second consulship of Sulla, when he undertook the successful defence of Sextus Roscius of Ameria, who had been accused of parricide. That which makes the case especially significant for us, is that one of the principals whom Cicero attacked in his defence was Chrysogonus, a powerful favorite of Sulla, a man whom no seasoned advocate was willing to oppose. The details of the case are not especially pertinent for this thesis; but it should be remarked that, in exposing the part which Chrysogonus had played in

1. Aulus Gellius Noctes Atticae 15.28.

procuring the indictment of Roscius, Cicero was necessarily attacking Sulla by implication and, indeed, the whole aristocratic party.

On the one hand, his action in defending Roscius reveals his devotion to public duty whatever the cost to himself. Since he was pleading before a jury of aristocrats newly-constituted by Sulla, he needed courage of a high order. To voice criticism of Sulla even by inference, would have been a remarkable undertaking for anyone who had lived through his reign of terror; on the part of a young man from the country, newly launched on public life, it was especially daring. It is true, as Cicero says himself,² that he was urged on to assume the defence by a group of moderate aristocrats; but the fact that he was perhaps acting as their mouth-piece in no way detracts from the personal risk he was willing to incur for the sake of the public good.

Secondly, in courageously pillorying Chrysogonus, he was attacking the kind of man unfit to rule. His unequivocal attack on the powerful favourite no doubt echoed the private sentiments of many more cautious citizens; but inasmuch as he was the author of the statements, he would be the one to run the risk of offence to Sulla and to the jurors. Chrysogonus was left without a shred of character. Cicero

2. Pro Rosc. Amer. 1.4.

made it clear that Chrysogonus had been a party to the conspiracy to gain control of the senior Roscius' property and to do away with his natural heir by accusing him of a capital crime. He showed further that Chrysogonus had gained considerably from the conspiracy.³ He sneered openly at Chrysogonus' golden name⁴ and his luxurious style of life;⁵ he implied that Chrysogonus' home was a den of vice;⁶ that his character was effeminate; that he was drunk with power; and worse, that his delusions of grandeur were pandered to by the Roman citizens who should have considered themselves disgraced to be found in the retinue of a freedman.⁷

Thirdly, his attack on Chrysogonus was a cleverly contrived attack on the nobles who tolerated his misrule. He pretended that they would by no means countenance the very things they were allowing to happen. He ironically insisted that they would by all means render a just verdict. Thus he

3. *Ibid.* 37.107. "Can there be any doubt, then, that this booty was offered to Chrysogonus by those who obtained a share of it from him?"

4. *Ibid.* 43.124.

5. *Ibid.* 46.133 ff.

6. *Ibid.* 46.134: "if that can be called a house rather than a manufactory of wickedness and a lodging house of every sort of crime."

7. *Ibid.* 46.135: "You see how, with hair carefully arranged and reeking with perfume, he struts about all over the forum accompanied by a crowd of wearers of the toga."

attempted to recall them to their former sense of responsibility toward public office. This, of course, was the technique of a good advocate, and must be treated with a certain amount of reserve in attempting an estimate of Cicero's views.⁸ However, an occasional sentence strikes such a sincere and positive note that it rings out with the force of a personal conviction, as when he solemnly warned the nobiles in these words: "this nobility of ours, unless they show themselves watchful, kindly, brave and merciful, will have to resign their distinctions to those who possess these qualities."⁹ A statement such as this is an indication of the characteristics which Cicero found necessary for members of the ruling class. It was not enough for them to hold, irresponsibly, honours which had come to them while drowsing; if they did not exemplify the qualities cited above, they would be rudely wakened from their dream, and we are left in little doubt that their places would be filled by members of the equestrian order.

In an assessment of Cicero's ethical standards this speech is important, because it not only illustrates considerable independence of thought and personal courage, but indicates that, very early in his career, he insisted on

8. Pro Cluentio 139.

9. Pro Rosc. Amer. 48.139. He was obviously, in this passage, referring to members of the equestrian order.

high standards of morality for members of the governing class.

Before he again appeared in public life, two years of study in the East intervened, as was noted in the preceding chapter.¹⁰ Once he had returned to Rome, his health and vigour restored, he resumed a course of activity which was designed to culminate in the consulship, an ambitious goal for one of his background.

Not much is known about his activities in the early stages of his political career, partly because we have no record of his correspondence prior to 68 B.C. We know, however, that he was active in winning for himself a distinguished position at the bar, and that in 75 B.C., he started on the cursus honorum when he was made quaestor and assigned to the western part of Sicily. Apparently, he fulfilled this office justly and with a due sense of responsibility. We know that he won the respect of the Sicilians, because later they chose him to represent their interests in the prosecution of Verres. Plutarch says of his quaestorship that, after the Sicilians had experienced his care, justice and clemency, they honoured him more than any previous governor.¹¹

10. v. cap.ii, note 11.

11. Plutarch Cicero vi.

Thus early in his career, as also later, when governor of Cilicia, he so controlled his subordinates, that they too were honest in their dealings with the natives. In a later chapter we will examine in some detail Cicero's theory regarding the nature of a good governor; but here we can observe that in practice, even in such a minor office as quaestor, he was from the beginning motivated by considerations of honour and justice. Cicero says himself about his quaestorship that he had seemed to everyone most diligent in every duty of his office and there is no evidence to contradict this statement.¹²

In 69 B.C., he filled the office of curule aedile. Little is known about the way in which he fulfilled his duties as aedile, except that he seems to have had a great sense of responsibility toward the people. Plutarch says of him that, during his aedileship, the Sicilians, as a token of their gratitude for his support of their cause against Verres, brought him all sorts of presents, which he used not for his own benefit but for that of the public, to reduce the price of provisions.¹³

In fulfilling these early offices, Cicero proved him-

12. Pro Plancio 26.64: "negotiatoribus comis, mercatoribus iustus, municipibus liberalis, sociis abstinens, omnibus eram visus in omni officio diligentissimus."

13. Plutarch Cicero viii.

self honourable and just, and possessed of the kind of personal charm and civility which caused even the governed to love him.

Of special importance to this discussion of the early part of his career, is his prosecution of Verres, the notorious praetor of Sicily. Many aspects of the case throw light on Cicero's character and political standpoint. The fact that the Sicilians chose him to represent their interests, indicates that, from the knowledge they gained of him when quaestor, they believed in his brilliance, integrity and sense of justice. Moreover, the prosecution of this case demanded courage and devotion to the public good, and in that respect is reminiscent of his defence of Roscius. Again he was attacking the decadence of the nobiles, as it was represented in the person of Gaius Verres and as it was being defended by Hortensius and other patricians. He was also making a strong attack on the 'government-in-power' and especially on the nature and composition of the senatorial jury. And, most significantly, in this trial Cicero openly allied himself with Pompey, and again actively opposed the Sullan aristocrats. It must be noted, however, that Cicero did not attack the existence of the aristocracy. He criticized decadence and corruptibility and lack of responsibility where he found them, and at this period of history they were most conspicuous in the nobiles.

The trial of Verres yields outstanding evidence of this. Verres was a senator and had been most notoriously wicked as *propraetor* in Sicily. Yet, in spite of the heinous nature of his crimes, the nobles protected him and even prolonged his term of office. When he was finally brought to trial after his return to Rome, he appeared before a jury of his peers and was defended by Hortensius, the most famous lawyer of the day, and a member of his own social class. The natural presumption was that, with all this weight of influence protecting him, Verres would be acquitted. To the discomfiture of the nobles, the audacity and strategy of Cicero resulted in a conviction and a sentence of exile. An even more important and far-reaching consequence of the trial was that, partly because of the frankness with which Cicero had inveighed against senatorial corruption in the courts, at the end of the year the public courts were taken away from the nobles and henceforth the jurors were divided equally between nobles, knights and tribuni aerarii.

It may thus be seen, that in 80 B.C., and again ten years later, Cicero took a public stand apparently against the aristocracy but in reality only against the irresponsibility and corruptibility of those whose duty it was to govern. It was not a class which he was indicting, but unethical behaviour. For instance at the outset of his pro-

secuting address against Verres, he says of the nobiles:

Since the whole of our poorer class is being oppressed by the hand of recklessness and crime, and groaning under the infamy of our law courts, I declare myself to these as their enemy and their accuser, as their pertinacious bitter and unrelenting adversary.¹⁴

A little later he made it clear that in his opinion the senatorial order could still reform itself if it wished:

Now I entreat you, gentlemen, in God's name to take thought, and to devise measures, to meet this state of affairs. I would warn you and solemnly remind you of what is clear to me, that heaven itself has granted you this opportunity of delivering our whole Order from unpopularity and hatred, from dishonour and disgrace.¹⁵

This call to the claims of justice is repeated frequently in the Actio Prima, another outstanding instance being when he urged:

Be the champion of our courts of law; be the champion of justice and integrity, of honour and conscience; be the champion of the Senate, that it may pass the test of this trial and recover the esteem and favour of the Roman people. Think of the great place you hold, of the duty that you owe to Rome, and the tribute that you owe to your own ancestors.¹⁶

14. In Verr i.12.36: "Quoniam totus ordo paucorum improbitate et audacia premittitur et urgetur infamia iudiciorum profiteor huic generi hominum me inimicum accusatorem, odiosum adsiduum, acerbum adversarium."
15. ibid. 15.43: "Cui loco, per deos immortales, iudices, consulite et providete! Moneo praedicoque id quod intellego, tempus hoc vobis divinitus datum esse ut odio, invidia, infamia, turpitudine totum ordinem liberetis."
16. ibid. 17.51: "Suscipe causam iudiciorum; suscipe causam severitatis, integritatis, fidei, religionis: Suscipe causam senatus, ut is hoc iudicio probatus cum populo Romano et in laude et in gratia esse possit. Cogita quo loco sis, quid dare populo Romano, quid reddere maioribus tuis debeas."

Naturally such passages are subject to the reservation that they are part of a legal pleading, and consequently, the emotional over-tones are suspect, if they are to be treated as honest opinion. However, there is enough consistency in Cicero's treatment of Roscius' defence and the Verres' prosecution, as well as his own conduct of the offices of quaestor and aedile, that we are left with the conviction that his own personal beliefs are expressed in them.

At the time that Cicero was making his indictment of Verres, he was, in a broad sense, himself a member of the governing class, by virtue of his seat in the Senate. The Senate, however, was dominated by the nobiles, and especially, by an inner circle of the nobiles which included such families as the Metelli. At this time, these men appeared to have abrogated their responsibilities and to have ceased to govern in the interests of the governed. In the interests of society, they needed to be recalled to the obligations of their rank, and Cicero, with his strong sense of civic responsibility, saw it as his mission so to recall them. As he later makes clear in theoretical discussions of the state, he believed in a highly trained governing class which must of necessity be an aristocracy; an aristocracy of character,

however, more than birth, and character refined by education.¹⁷

His deepest concern was that a government should be established similar to that of the old republic in its best days, and this would be a government by the optimates; and as the excerpts quoted above from the Actio Prima indicate, he believed that, if the governing class were true to its tradition, it would be willing to meet the basic demands of justice, and refuse to offer protection to its own members, if they were wicked.

The recurring references to Scipio Africanus Minor in many of the speeches and theoretical works underline his veneration for the prestige of the Senate in the old republic, and the dignity of its empire. In his speech against Caecilius, he referred to the trial of Cotta by Scipio Africanus, mentioning the fact that the great consul was then at the zenith of his career, and continuing, he said:

"In those days this country had a great name, and deserved to have it: The importance and prestige of the Roman empire were, and deserved to be, tremendous."¹⁸

In the Verrine Orations, he referred more than once

17. De Rep 1.34.52: "Thus between the weakness of a single ruler and the rashness of the many, aristocracies have occupied that intermediate position which represents the utmost moderation; and in a State ruled by its best men the citizens must necessarily enjoy the greatest happiness." also: ibid. 33.50 "For how is a man adjudged to be 'the Best'? On the basis of knowledge, skill, learning;" ibid 34.52: "and virtue."

18. in Q. Caecilium 21.69.

to Scipio, not only because Verres was alleged to have desecrated a memorial which Scipio had left to Rome, a piece of wanton destruction which Cicero especially deplored, because of his great veneration for Scipio Africanus; but more importantly, he referred to Scipio in a manner which helped to point out the depravity of Verres. For instance, in illustrating how a governor is responsible for the actions of his staff, he quoted Africanus, "that very courteous gentleman", on the subject.¹⁹ In a later part of the speech, he referred to "the decency and fair-mindedness of the hero of Africa",²⁰ in the way in which he saw to it that restitution was made to the Sicilians after the third Punic war. The qualities of courtesy, clemency, fairmindedness, honesty and justice which Scipio Africanus had exemplified, were those which Cicero believed should be a part of every member of the governing class.

In 66 B.C., when he held the office of praetor, he took a direct part in shaping public policy by supporting the bill of the tribune Manilius; a bill which proposed that the supreme command against Mithridates should be given to Gnaeus Pompeius. Cicero's speech on this occasion was primarily a glowing panegyric of Pompeius, but whatever the exigencies

19. in Verrem ii.11.28,29.

20. ibid. 35.86: "ut simul Africani quoque humanitatem et aequitatem cognoscatis..."

of rhetoric, it also sets forth most cogently Cicero's ideal of a good general, just as the speeches against Verres clearly present, if only by contrast, his ideal of a good governor.

Cicero stated in the Pro Lege Manilia ²¹ that a great general must have four main attributes; knowledge of warfare; virtue; authority; good fortune. In defining 'virtue', he insisted that a good commander must not only possess the obvious and popular attributes of application to duty, courage in danger, industry in performance, speed in accomplishment and wisdom in planning,²² but also these must be complimented by the highest integrity, trustworthiness, pleasant manners, intelligence and civilized conduct.²³ Above all, a good general must have self-discipline; "For neither is that general who does not govern himself able to govern an army, nor can he be strict in judging, who does not wish others to be strict toward himself."²⁴

Later in the speech, there is a passage very

21. Pro Lege Manilia, x.28: Ego enim sic existimo, in summo imperatore has res inesse oportere, scientiam rei militaris, virtutem, auctoritatem, felicitatem.
22. ibid xi.29.
23. ibid xiii.36.
24. ibid xiii.38 "Neque enim potest exercitum is continere imperator, qui se ipse non continet, neque severus esse in judicando, qui alios in se severos esse iudices non vult."

reminiscent of his Verrine orations, in which he said that even if you had a man who could actually win battles, nevertheless, unless he also knew how to restrain his hands and eyes and spirit from the resources, wives and children, religious objects and art-treasures of his allies, he would not make a suitable general.²⁵

Whether or not in fact Pompeius fulfilled all these qualifications, or whether Cicero really believed that he did, are questions for which we do not need to seek the answer in this thesis. That the ideal presented of the good general, is Cicero's own ideal, is clear from its striking similarity to the ideal of the orator-statesman set out in the De Oratore, which work will be discussed in a later chapter, and the ideal of a good governor, also to be described later. At this point, however, it may be noted that Cicero's ideal general, ideal statesman and ideal governor have in common the greatest personal integrity and a keen sense of responsibility toward those over whom they are set in authority.

Another aspect of this speech supporting the Manilian bill which is of primary importance for a consideration of Cicero's ethics, is the fact that through it, he publicly aligned himself with Pompeius; and, indeed, threw all the weight of his eloquence into the beginning of a campaign to persuade the Senate that Pompeius was the leader who was

25. ibid. xxiii.66.

capable of restoring the Republic. In fairness to Cicero, who could not have foreseen later events,²⁶ during this year of his praetorship, 66 B.C., his champion~~ship~~ of Pompeius was probably quite justified. We know that his whole philosophical and ethical training had caused him to be opposed to anyone who seemed eager to usurp unusual power for his own ends. We also know that Caesar and Crassus were at this time pursuing a policy designed to gain control of the government. Pompeius was popular with the people, and did not appear to Cicero to be aggressively ambitious, politically. Was it any wonder that Cicero saw him as the one individual who could unite the military power and the civilians under his leadership in the service of the causa optima? Cicero's misjudgment, as we shall later observe, was apparent when Pompeius turned out to be far other than his idealized concept of him; and it took him too long to admit his mistake. In spite of later and unpredictable events, Cicero's belief in 66 B.C., seemed not unreasonable, that if the supreme command against Mithridates were given to Pompeius, he would, when order had been established in the East, restore constitutional government to the Rome to which he had given safety and prosperity.

The bill was bitterly fought by Catulus and Hortensius, but skilfully and successfully supported by Cicero; and we are

26. e.g. the Triumvirate of 60 B.C., and subsequent developments.

again made aware how ready he was to oppose the power and influence of the nobiles in what he considered to be the best interests of the state. It would be lacking in candour to deny that he obviously took delight in being of use to Pompeius, and that he hoped that he would bind the great general to him by bonds of friendly gratitude; but this was part of the child-like egotism so characteristic of Cicero, and in no way discredits his obvious belief that the passage of the bill would, in the long run, forward the cause of the optimates.

From the praetorship until he was elected consul in 64 B.C., Cicero's time and interests were mostly spent in canvassing. To be elected to the office of consul, a candidate needed merit, and, even more, favour; and to secure favour had to be his first business. As early as June, 65 B.C., Cicero wrote to Atticus and pleaded with him to hasten to Rome to help win over the good will of his friends, the nobiles homines, who were popularly considered to be strongly opposed to Cicero's candidacy.²⁷ That Atticus' friends and others of the nobiles did support him, was evidenced by the fact that he headed the polls in 64 B.C. As has been observed throughout this chapter, Cicero's attitude, up to his pre-election campaign, had been highly critical of the nobiles; and then, during 65 and 64 B.C., he appeared to be

27. Ad Att. 1.2.

courting them for the purpose of his election. Undoubtedly this latter was partly for expediency; he wanted to win the election. However, it must not be forgotten, that prior to 65, he had not been attacking the nobiles as such; but, by criticizing their irresponsibility and decadence, he had been trying repeatedly to recall them to their former status as the proper leaders of the state. Now he was prepared, if elected, to work actively for a balance of power between the orders, a concordia ordinum, and to this end was trying to win their favour.

In this chapter, from observing both what Cicero attacked and what he commended, one can see clearly emerging his conviction that anyone who undertakes any aspect of government, whether at home or abroad, must be a highly moral individual, who has a dual responsibility to further the best interests of the governed and of the state. The interconnection of this ethical and political conviction is obvious, but it is by no means clear on the basis of the evidence so far presented, whether his high standards of morality influenced his political bias, or whether his position in society and in political life led him to espouse a high standard of conduct. We must look to the activity of his later years and to his political and philosophical theory before a final judgment can be made on this subject.

CHAPTER IV

CICERO AND TYRANNY

In January of 63 B.C., Cicero took office as consul. He had gained the support of the more moderate among the nobility, who were even then becoming alarmed at the threat of danger from Caesar. Cicero's views on the sanctity of constitutional government were well known, and seemed sufficient warranty that his leadership would preserve the status quo, and hold in check any rebel elements which might try to abrogate the powers of the hereditary ruling caste. He was the representative of no political faction, but was acknowledged to be the opponent of violent measures, consequently he won support from those citizens of all classes whose primary desire was for a peaceful, prosperous, stable government.

At the very outset of his consulship he was confronted by an awkward situation created by the proposal of an agrarian reform bill, brought in by P. Servilius Rullus. The bill purported to be in the interests of the common people, but its danger lay in the fact that it would place almost unlimited power in the hands of a small commission, the decemviri. Moreover, the bill was designed in such a way that it would have completely excluded Pompeius from a seat

on the commission. Cicero, always the opponent of the usurpation of unlimited power, opposed the bill vigourously in four speeches. There is good reason to think that the keenness of his attack was whetted by his suspicion that Rullus was just a straw-man, and that the real author of the scheme was Caesar. One passage in the speech, which particularly supports this view, is the following:

For what do you think will be left to you unimpaired in the republic or in the maintenance of your freedom and dignity, after Rullus and those whom you fear much more than Rullus, with all his band of beggars and scoundrels, with all his forces, with all his silver and gold, has occupied Capua and the surrounding cities? ¹

In these speeches he made it very clear to the people how dangerous it would be to the republic to put such unlimited power into the hands of so few. He asserted strongly that he would never act in such a way that the public safety would depend more on the kindness of the decemvirs than on the wisdom of the constitutionally elected representatives.² He asserted that he would resist any danger to public safety and freedom "passionately and vigourously".³ He established his general policy for his consulship by declaring that during his

1. De Lege Agraria 1.7.22.
cf. also, Ibid. 5.16: "Did you think, Rullus, that we should hand over to you and your engineers of all these schemes the whole of Italy unarmed..."

2. Loc.cit.

3. Ibid. 7.22.

period of office there would be the utmost tranquillity, peace and quiet;⁴ but he also warned strongly that he was the considered foe of disorder,⁵ a boast which would shortly be put to the test when he was confronted with the Catiline conspiracy.

Cicero's attack on the Rullan bill has a dual significance for us. It indicates clearly how his anger was aroused at any attempt to thwart constitutional government. It further indicates how vigilant he was on behalf of Pompeius, whom he still expected would become the leader of the optimates.

An apparently minor incident which occurred early in Cicero's consulship was the trial of Rabirius, an aged senator who was charged with a thirty-six year old murder. The victim had been Saturninus, a former associate of Marius, who had aimed at overthrowing the constitutional government and securing supreme power for himself and his associates. The Senate had issued its consultum ultimum, and as a result Saturninus was killed. Years later Rabirius, at the instigation of Julius Caesar, was charged with his murder. The indictment, in reality, was meant to be a blow at the Senate,

4. Ibid. 8.24.

5. Ibid. 9.27.

and its constitutional right to issue the consultum ultimum in times of national crisis. The importance of the trial in a study of Cicero's political convictions, is that his defence of Rabirius gave him an opportunity to express the view that the authority of the Senate was the very apex of constitutional government.⁶

The trial of Rabirius is not without dramatic interest, too, because it adumbrates the situation in which Cicero later found himself, after he had dealt decisively with the Catiline conspiracy, acting under the authority of a consultum ultimum.

Catiline, that angry young nobleman, had been defeated in the polls of 64 B.C., and again contested the consulship in 63 B.C. Prior to this second polling, he showed complete recklessness in his inflammatory speeches both to the people and in front of the Senate. In his speech on behalf of Murena, Cicero quotes Catiline as having said to the Senate that there were two bodies in the state; one, ailing, with a weak head, the other strong, without a head; the latter, if it so deserved of him, would not lack a head so long as he was alive.⁷ Cicero knew that Catiline was a

6. Pro Rabirio 11.4.

cf. Ibid. 11.5. To Cicero the safety of the state was bound up in the authority of the senate. For him, to uphold the latter was to preserve the former.

7. Pro Murena 25.51: "Tum enim dixit duo corpora esse rei publicae, unum debile infirmo capite, alterum firmum sine capite; huic, si ita de se meritum esset, caput se vivo non defuturum."

dangerous man, and he never relaxed his vigilance until he had persuaded the Senate of the imminence of the threat, and they had passed the consultum ultimum on the twenty-second of October. A few days later the election was held, and because of Cicero's careful preparation it was carried out peacefully enough, and Catiline was again defeated. From then on, Catiline was determined on revolution. He left the city to join Manlius in Etruria, and the plan was for a revolutionary army, drawn primarily from Italian malcontents, to march on Rome, while the conspirators left behind threw the city into utter confusion with fire and pillage, so rendering the authorities helpless against the invading force. Cicero astutely manoeuvred the Catilinarians into committing themselves utterly, to the point where he was able to present the Senate with incontrovertible evidence of their treason. The ring-leaders within the city were arrested; publicly convicted of guilt; subsequently, on Cicero's responsibility, put to death. Catiline perished with the remnant of his forces on the battlefield, one month later. The crisis was over, the city saved, and men of good-will reconciled with each other in a way that appeared to approach Cicero's goal of the concordia ordinum.

Although certain other speeches of his consulate indicate clearly that Cicero was utterly opposed to anyone who

would attempt to subvert constitutional government,⁸ all others pale into insignificance before the strength and astuteness of his attacks on Catiline. Under ordinary circumstances, Cicero was a peace-loving man and a moderate in politics; but it is clear from his writings that he favoured drastic measures when real danger threatened the state. For instance, in the De Officiis he states that it is no crime to kill a tyrant; indeed, it is morally right to do so.⁹ Under certain circumstances, he knew very well that in order to preserve peace it is necessary to be ruthless. He was convinced that Catiline and his associates presented a real and immediate threat;¹⁰ he therefore set aside clemency, and urged extreme measures on the Senate. In the Second Catilinarian, after stating that he had now achieved his goal, namely that everyone could see that a conspiracy had been formed openly against the state, he declared that there was no longer room for kindness, that the very situation demanded stern measures.¹¹ Cicero himself had thought earlier that

8. e.g. Contra Rullum and Pro Rabirio.

9. De Off. iii.4.19 and Ibid. iii.6.32. cf. also Ad Att. xiv.11.1, where he expresses admiration for the assassins of Caesar.

10. Pro Murena 25.51. He referred to Catiline's declaration before the Senate, that if his plans were interfered with he would bring about a general ruin.

11. In Cat. ii.4.6: "non est iam lenitati locus; severitatem res ipsa flagitat."

Catiline should be put to death,¹² but he was determined that he would carry the Senate with him in this opinion.¹³ He was also determined that Catiline's worthless followers should be exterminated.¹⁴ By his vigilance, as was stated previously, Cicero was able to discover positive evidence of treason against Lentulus, the praetor, and others of Catiline's followers who were still in the city.¹⁵ When the Senate was finally convinced of the real danger to Rome which Cicero had prevented, they granted him a thanksgiving, an honour granted to a civilian for the first time.¹⁶

Once the traitors had been detected and exposed, the question of their fate had to be settled. There was a keen debate in the Senate on the problem, with Caesar arguing against the death-penalty and Cato standing firmly for their execution. As Cicero was sincerely convinced that so long as they were alive they were an everpresent menace to the state, and, moreover, as he believed equally sincerely that traitors should be put to death, he put Cato's motion, which carried.

12. Ibid. i.1.2: "Ad mortem te, Catilina, duci iussu consulis iam pridem oportebat, in te conferri pestem quam tu in nos omnes iam diu machinaris."

13. Ibid. ii.2.3.

14. Ibid. ii.8 to 11.

15. Ibid. iii.2.5.ff.

16. Ibid. iii.6.15.



He did this knowing that execution might not be the safest, even though he believed it to be the wisest course; and he personally assumed full responsibility for the outcome. In the Fourth Catilinarian he said: "At this time, my lords, I see where my own interest lies ... nevertheless, let the expediency of the state prevail over my own particular danger".¹⁷ There was no doubt that he recognized the danger to himself in deciding for the death penalty, but, as always, he considered the interests of the state to be paramount.

Of all the varied crises in his political career, Cicero had never acted more vigilantly and energetically and courageously; and in the opinion of at least one eminent critic: "By cutting the evil at the root, by surprising and punishing the conspiracy before it broke out, Cicero perhaps delayed the advent of monarchical government at Rome for fifteen years." ¹⁸

There are many important historical problems related to the Catiline conspiracy which, however valuable for other purposes, are not of particular relevance to this study. That aspect of the event which has special significance for an enquiry into Cicero's ethics is the one which reveals that

17. *Ibid.* iv.5.9: "Nunc, patres conscripti, ego mea video quid intersit ... sed, tamen, meorum periculorum rationes utilitas rei publicae vincat."

18. Boissier, Cicero and his Friends, p.50.

he believed so sincerely in the doctrine that subversive elements in the state ought to be definitely eradicated, that he was willing to undergo considerable personal risk to accomplish this.¹⁹

In the days immediately following his consulship, Cicero developed more fully his political ideal of a concordia ordinum and a restoration of senatus auctoritas, and he intended to devote his remaining years to re-establishing peace for the state through a balance of its various powers. He realized that the concordia ordinum must include the military power as well as the various civilian powers and he still looked toward Pompeius as the man who was pre-eminently capable of reconciling the interests of the soldiers with those of the civilians, and leading the optima causa. He saw Pompeius as a second Scipio to whom he himself would be a Laelius.²⁰

Cicero looked forward to a continuation of that harmony of the orders which seemed well-launched during his consulship, because he believed that the peace thus achieved was the only way to create the kind of free society in which a man could take his place as a responsible citizen and live the good life

19. Cicero was fully cognizant of the Sempronian Law and also must have had in mind the way in which it had been recently used against Rabirius. He was also aware of the growing power of Caesar who opposed his stand on the death-penalty.

20. Ad Fam. v.7.3. (a letter to Pompeius written in 62 B.C.)

under conditions of otium cum dignitate. What he failed to take into account was that the temporary truce of his consulship was simply an expedient union in the face of common danger, and that each power group in the state would continue to strive more for its own self interest than for the good of society as a whole.

Immediately after his consulship the harmony started to dissolve. During 62 B.C., the First Triumvirate was conceived, although it was not operative until 60 B.C., when it secured the consulship for Caesar. The establishment of the Triumvirate created the next important crisis in Cicero's career.

For almost a hundred years it had been true that the ultimate power in Rome belonged to the military leaders if they wished to exert it. Caesar was especially aware of this fact, and Pompeius and Crassus were not far behind him in understanding. Caesar and Crassus were the most dangerous, however, because they wanted power for its own sake and for their own ends. The demands of Pompeius would have been easier to satisfy and much less dangerous to the state. He wanted, for instance, a triumph and compensation for his veterans and, especially, a great deal of personal recognition. In public, all that he asked for was that his acta in the East be ratified, and that his veterans be given land. Just as real, though unexpressed, was his great desire to have the

Senate acknowledge voluntarily that he was now the first citizen of the state. The story of the incredibly blundering ineptitude of the Senate at this time, and their 'nagging ill-will' ²¹ would be a digression; and it will suffice to say that the Senate succeeded in alienating the knights, the populares who now looked to Caesar, and Pompeius, despite the most valiant efforts of Cicero to make them see reason.²² The result of this blundering was that the concordia of Cicero's dreams crashed, and an unholy alliance between Caesar, Crassus and Pompeius was in control of affairs in 59 B.C. Cicero was given an opportunity to make one of the cabal,²³ and it must always redound to his credit that he refused. This is, without doubt, the most outstanding decision of his career which may be adduced to show how sincerely he believed in constitutional government, and how self-interest could never, in important matters, influence him to support that which was extra-constitutional. Had his decision been the opposite, he would have gained peace and

21. Cary's phrase in the C.A.H., vol. IX, p. 510.

22. Ad Att. i.20.3: "meos bonos viros, illos quos significas, et eam, quam mihi dicis obtigisse, 'Sparta', non modo numquam deseram, sed etiam, si ego ab illa deserar, tamen in mea pristina sententia permanebo." (60 B.C.)

23. De Prov. Cons. 41: "me in tribus sibi conjunctissimis consularibus esse voluit."
cf. also Ad Att. ii.3.3.

leisure for his old age, and been flattered as a wise counsellor in the present; but his strong aversion to revolutionary courses and his devotion to his ideal of the republic of the Scipios, caused him to make one of the most dangerous decisions of his life. Moreover, it was a decision which he never regretted having made, as we can observe from a letter to Atticus written in 59, in which he said that it never occurred to him to envy Crassus (his coalition with Caesar and Pompeius), nor to regret that he had not been a traitor to himself.²⁴

During the time that the first Triumvirate was coalescing, there was also developing a great personal hostility between Clodius and Cicero. After Cicero had declined to enter the coalition, this hostility was used by Caesar to eliminate Cicero from active political responsibility, by bringing about his exile in 58 B.C. on the grounds that during his consulship he had caused Roman citizens to be put to death without a trial.

The period of his exile forms no part of the theme of this chapter, but it should be remarked that there was a certain amount of justification for his distress and self-pity during this catastrophe, because with considerable right

24. Ad Att. ii.4.3: "Neque mihi umquam veniet in mentem Crasso invidere neque paenitere, quod a me ipse non desciverim."

he considered that he had been abandoned by the populus Romanus for whom he had done so much, and especially he felt abandoned by Pompeius. In spite of the fact that there was justice in his complaints, it is equally clear that he did not bear the disaster with the fortitude and manliness which we could have wished; however, the very weakness which he showed at this time, makes his courage at other times of his life, and especially as exemplified in his attacks on Antony, seem all the more dramatic and the result of reasoned principle. Moreover, the main reason why he was especially crushed by his exile, was that for him, to be eliminated from active political life was almost worse than death. He wrote to Atticus in April, 58 B.C.: "Would that I might see the day when I will be grateful to you because you compelled me to live. It still grieves me exceedingly."²⁵

From the time of his return from exile in 57 B.C., until he reluctantly retired to be governor of Cilicia in 51 B.C., Cicero was principally engaged in pleadings and in the writing of long essays on government and law and oratory. The conference at Luca in 56 B.C. had effectively put an end to his active political life for the time being.

Seventeen years after the formation of the First

25. Ad Att. iii.3: "Utinam illum diem videam cum tibi agam gratias quod me vivere coegisti! Adhuc quidem valde me paenitet."

Triumvirate, Cicero again came into his own, politically. After the Ides of March, the consul Antony began to act in a most arrogant manner. Cicero wrote of him to Atticus: "He sometimes makes one wish we had Caesar back again."²⁶ In fact, however, Cicero never wavered in his belief that the assassination of Caesar was morally good. Caesar was technically a tyrant, in his opinion and in that of his friends; and they rejoiced in the public benefaction of his death. On the fifteenth of March he wrote to Basilus, one of the assassins: "I congratulate you! For myself I am rejoiced! I love you. I watch over your interests. I desire to be loved by you and to be informed of how you are, and what is being done."²⁷ The next month, to Atticus, he wrote: "You see, after all, the tyrants hangers-on in enjoyment of imperium; you see his armies, his veterans on our flank."²⁸ On the twenty-first of April he wrote to Atticus: "What consolation is there for us, who, although the tyrant is slain, are not free?"²⁹ And again on April the twenty-seventh he wrote: "For though the tyrant has been removed, I see that tyranny remains."³⁰

26. Ad Att.xiv.13.6

27. Ad Fam. vi.15.

28. Ad Att. xiv.5.2.

29. Ad Att. xiv.11.1.

30. Ad Att. xiv.14.2.

It is clear from the excerpts cited above, that Cicero considered Caesar to have become a tyrant, and in his ethical code, it was right and proper for a tyrant to be destroyed. To those detractors such as Carcopino, who considered Cicero to have been wicked in rejoicing at Caesar's assassination in view of the fact that there had been a certain friendship between them, or rather, in view of the fact that Cicero had responded of late, when Caesar had courted him, Cicero's own essay on Friendship might be quoted, in which he said: "If by any chance they (i.e. good men) should inadvertently fall into friendships of this kind, they must not think themselves so bound that they cannot withdraw from friends who are sinning in some important matter of public concern."³¹ He continued: "Hence such alliances of wicked men not only should not be protected by a plea of friendship, but rather they should be visited with summary punishment of the severest kind."³²

Caesar's mantle had fallen, only too aptly, on Antony; and the last year and three-quarters of Cicero's life were darkened by a new tyranny, worse than had gone before. These months before his death, however, were glorious ones too, when Cicero made one last effort to restore his beloved

31. De Amicitia xii.42.

32. Ibid. xii.43.

republic. He whose life had been spent in trying to ensure constitutional government, a fit society for free men, now inveighed publicly against the new enemy to peace, in a series of orations known as Philippics, some delivered as speeches, some circulated as polemical pamphlets.

He first tried to deal with Antony in a firm yet conciliatory manner,³³ then he lashed out at him without mercy. The second Philippic is almost offensive to modern taste in its brutality, especially in section eighteen, where he exposed Antony's lack of morals and dwelt on his personal vices. In the Seventh Philippic, all pretence at conciliation was long past. Cicero no longer entertained the hope of peace with Antony, explaining his refusal to do so in a famous outburst: "Because it is base, because it is dangerous, because it is impossible."³⁴ Cicero knew that he was fighting Antony to his own very real peril; but he was so convinced that Antony would destroy the republic utterly, that he fought him, literally, to the death. Later in the Seventh Philippic he asserted: "From kingly tyranny we seemed to have been rescued; afterwards we were still harder pressed by the weapons of domestic war. Even those we have,

33. Phil. i.14.35: "Wherefore turn, I pray you, and look back on your ancestors, and so direct the state that your fellow-citizens may rejoice that you were born."

34. Phil. vii.3.9: "Quia turpis est, quia periculosa, quia esse non potest."

it is true, parried; they must now be wrested from the grasp. If we cannot do this - I will speak as becomes a Senator and a Roman - let us die."³⁵ These were no idle words, but an honest conviction. At the end of the Second Philippic, Cicero had said previously: "These two things only I pray for; one, that in my death I may leave the Roman people free - than this no greater gift can be given me by the immortal gods - the other, that each man's fortune may be according to his deserts toward the State."³⁶

These speeches reveal most vividly Cicero's personal hatred of Antony, especially in the bitter invective of the Second. But much more important than the revelation of personal antagonism between the two men, the speeches disclose the hatred and enmity Cicero felt for anyone who would endanger the free society that he cherished;³⁷ anyone who would scorn the authority and dignity of the Senate and the constitutional government which it represented; anyone who, by the wickedness and ruthlessness of his deeds, showed himself unfit to be a leader of the people.

Cicero saw more clearly and much earlier than most

35. Ibid. 5.15.

36. Phil. ii.46.119.

37. Phil. vi.7.19: "Other nations are able to endure slavery, freedom is the assured possession of the Roman people."

of his contemporaries, that an unscrupulous and egotistic man like Antony, with boundless ambition, was a menace to society and must be excised like a cancerous growth. It is not so surprising that he saw this, he, a man of high ethical insight, whose life was dedicated to the welfare of the state. What is more surprising is the pertinacity and great courage with which he proclaimed his insight over and over again, that Antony must be - not appeased - but destroyed. He knew that his efforts might fail, he knew very well that the personal hatred he was fomenting would probably lead to his assassination, but he stubbornly proclaimed the truth as he saw it; tried to infuse new life-blood into the failing Senate; supported the man whom he thought would restore constitutional government, the man who betrayed him, Octavian, and in this last political struggle of his life showed a type of courage and selfless devotion to the state which fittingly ended a career devoted to a high political ideal. In this chapter Cicero can be seen attacking first treachery and then tyranny with decision and courage.

Two threads stand out in the intricate pattern of these later years, his absolute resistance to unconstitutional action, and his unswerving devotion to his ideal of concordia ordinum and auctoritas senatus. The patches of brilliant colour which are the attacks on Catiline and Antony, are offset by the darkness of exile and the drabness of the

semi-exile in Cilicia. The pattern becomes meaningful only when it is realized that for Cicero, life had value when it was lived in what he conceived as the best interests of the fatherland.

Throughout this chapter, we have seen that Cicero's attitude toward tyrants or incipient tyrants was completely hostile. His regard for constitutionality caused him to abhor anything which would destroy it. This attitude was one held strongly by the social class to which he belonged. In his case, it had been strengthened, clarified and given a rational basis by his Greek education, especially by his studies in Stoic thought. In his justification of tyrannicide, he allowed political considerations to influence his moral standards. There is certainly evidence in the period 63 to 43 B.C. for the view that Cicero's social and political convictions shaped his ethical views.

CHAPTER V

CICERO'S PRACTICE AND THEORY OF LEADERSHIP IN THE PROVINCES

The two previous chapters have been concerned with Cicero in the throes of active political life in Rome. Before dealing specifically with his theory of state-craft, I should like to discuss his conduct during a certain isolated period of his life, when he had the opportunity to put into effect many of his theories about governing, far from Rome and the problems of political life in the City.

The role of Governor of a Province had never been within the orbit of Cicero's ambition. Men usually coveted such a position for one of two reasons; either to make a fortune quickly and easily, or to acquire outstanding military renown. Neither of these reasons appealed to Cicero. When he was elected consul for 63 B.C., the wealthy province of Macedonia had fallen to his lot, but he had waived his right in favour of his colleague Antonius. Cicero never wanted to leave Rome; in fact, for him, isolation from the city was, as we know from the story of his exile, a kind of living death. However, in 52 B.C., a new law was passed, which ruled that five years must elapse between the holding of a consulship and a province. A corollary to this law was that, in order to make up the necessary number of governors,

all those ex-magistrates who had never held a province were obliged to assume one. As the result of this law, Cicero became governor of Cilicia for the year 51 B.C. He was reluctant to leave Rome, especially at this time, as affairs were shaping up into a crisis, and already civil war was looming on the horizon. Over and over again he urged Atticus and his other friends to see to it that his year of office was not prolonged even a little. He wrote to Atticus, for example, in May: "Don't think that there is any comfort for me in the midst of this great nuisance, except that I hope that it will not be for longer than a year."¹

Although he was reluctant to go, and very anxious to return as speedily as possible, nevertheless, right from the outset, he was eager to do the job as well as possible and to be a model governor. Even on the journey he tried to keep himself and his staff from being a burden on the people through whose territory he was moving. He wrote to Atticus in June from Athens, that neither he nor any of his staff had been an expense to any town or individual. He added that his whole staff were impressed with the belief that they must have a regard for reputation.² Again in July, he wrote in the same vein, praising the regard of his staff for his

1. Ad Att. v.2.

2. Ibid. v.10.

reputation, and adding that they would not see him doing anything to give them an excuse for malpractice.³ Later in the same month, he wrote to Atticus that the professions he had been making (concerning honesty) these many years past, were now being put to the test.⁴

When he finally arrived in Cilicia, he knew that he would need to show both disinterested conduct and earnest application to business, because he was following a governor whose deeds he described confidentially to Atticus as "acts of savagery worthy of some wild beast, rather than of a man."⁵ In the same letter he described the Cilicians as being absolutely weary of their life but reviving under his justice, abstinence and clemency. In a later letter, written in September, he said that he found the allies very loyal; "they can scarcely believe their eyes when they see the mildness of my administration and the purity of my conduct."⁶

Cicero realized very well that this year would be a test of the principles of governorship which he had advocated some nine or ten years back to his brother Quintus, and the general theories which he was later to enunciate in the De

3. Ibid. v.11.

4. Ibid. v.13.

5. Ibid. v.16.

6. Ibid. v.18.

Oratore and De Re Publica, concerning the conduct expected of a man who was set in authority over his fellows. Cicero had always been deeply influenced by Plato on the subject of the relationship between the ruler and the ruled, and seemed to have adopted as his own the Platonic ideal of the Good Shepherd.⁷ He expressed this thought in the De Officiis, when he said:

Those who propose to take charge of the affairs of government should not fail to remember two of Plato's rules: first, to keep the good of the people so clearly in view that regardless of their own interests they will make their every action conform to that; second, to care for the welfare of the whole body politic and not in serving the interests of some one party to betray the rest. For the administration of the government, like the office of a trustee, must be conducted for the benefit of those entrusted to one's care, not of those to whom it is entrusted.⁸

Cicero repeatedly emphasized that the leader in society, whether at home or abroad, must be a good man, as highly trained as possible, with a nice sense of justice, and scrupulously honest in his dealings with those who were subject to his power.

7. Plato Republic p.345 c-d. Socrates says to Thrasymachus: "You thought that the shepherd as a shepherd tends the sheep not with a view to their own good, but like a mere diner or banqueter with a view to the pleasures of the table ... yet surely the art of the shepherd is concerned only with the good of his subjects ... and that was what I was saying just now about the ruler. I conceived that the art of the ruler, whether in a state or in private life, could only regard the good of his flock or subjects."
8. De Off. i.24.85.

Some ten years before he went to Cilicia to put his theories to the test, his brother Quintus left to take up the governorship of Asia. Cicero wrote him a long treatise in the form of a letter, setting out a great deal of good advice on how to be a model governor.

Even at this point we see an adumbration of Cicero's later reluctance to leave Rome and to be cut off from civilization, because he congratulated Quintus on the fact that the province to which he was going was thoroughly civilized (humanissimus).⁹ Then by praising some of Quintus' attributes, he indicated a few of the important characteristics he would expect in a good governor, and a few of the troubles he might anticipate. He told him that, although of course, he, Quintus, would resist the temptation of greed, nevertheless he would have the problem of restraining the publicani.¹⁰ He congratulated him that, during his three years in Asia with full imperium, not one valuable art treasure had been removed.¹¹ By contrast, one is forcibly reminded in this passage of the depredations of Verres which Cicero had so roundly condemned some years previously. He advised Quintus, moreover, to guard his ears from slanderous rumours prompted

9. Q. Fr. 1.1.6.

10. Ibid. 1.1.7.

11. Ibid. 1.1.8,9.

by private interests and to let his lictor be the dispenser not of his own clemency, but of that of Quintus; thus referring to the lictors' practice of taking bribes to mitigate punishment.¹² Another danger about which he warns Quintus is that of trusting too far, the provincials, who might pretend friendship in their own self-interest.¹³

He also gave many instructions about how the members of the governor's staff should be just as honest and high-minded as the governor himself, and even the slaves should act the same abroad as they would at home. He advised Quintus that if any of his slaves were especially loyal they should be made members of his private household.¹⁴ The foundations of the governor's dignity he advised, should be first, his own integrity and continence, secondly, the restraint of all those who are with him.¹⁵ One of the principal duties of a governor was to administer Roman justice, which Cicero advised should be done with severity and impartiality, tempered with humanity.¹⁶ A good governor needs to be firm but courteous, concealing the iron hand in the velvet glove, and he should

12. Ibid. 1.1.13.

13. Ibid. 1.1.15.

14. Ibid. 1.1.17.

15. Ibid. 1.1.18.

16. Ibid. 1.1.20,21.

have his qualities of nature refined and cultivated by humane studies.¹⁷

A constant theme running through this letter is that expressed by the word humanitas, a quality which Cicero obviously considered of first importance in a good governor. Naturally, in the context of barbarous and/or uncivilized nations, in the sense in which it typifies the opposite, it would be an obvious word to use. However, as we know from the history of such men as Verres and Appius Claudius, governors often felt that in the presence of non-Romans, brute force and unbridled cruelty were suitable manifestations of Roman imperium. Cicero provided a strong corrective influence, in his insistence on the need for a governor to display the same virtuous conduct in his private life that he would at Rome; and in the obligations of his office to administer justice tempered with mercy. Although, as we have said, they were not always practiced, most men would agree that honesty and justice were desirable attributes in a governor; that which was most radical in Cicero's theory of the ideal governor was the emphasis he placed on refinement and education and civilized behaviour, that is, on humanitas. He told Quintus firmly that his province was to be congratulated, because it had in its governor a man who had from

17. Ibid. i.1.22.

boyhood been devoted to the pursuit of learning, virtue and culture.¹⁸

In brief, Cicero's theory regarding the qualities of a provincial governor, to be understood from this letter to his brother is as follows: the governor needed to be a virtuous man and his staff must be equally virtuous and reflect the qualities of their leader; the provincials should be treated as human beings with rights, should not be exploited, and should be taught to see the concern that Rome had for them mirrored through the conduct of her representative. In essence, Cicero demanded the same qualities from a provincial governor that he demanded from a consul at Rome. The problems which would confront a governor in the provinces would be different, but in any position of political or administrative responsibility there was needed a man of integrity and courage, refined by liberal studies; a man to whom all other people, whether fellow citizens or aliens, were human beings with all the rights and privileges to which their humanity entitled them.

This, then, was Cicero's theory of governing. As was noted earlier in the chapter, he realized that his year in Cilicia was going to test the genuineness of his protestations. The task was distasteful and uncongenial to his

18. Ibid. i.1.29.

temperament; however, he undertook it with the utmost diligence.

For one thing, he travelled to his province with the intention of being scrupulously honest in money matters. We have already remarked on the way in which he conducted the journey so that no expense fell upon the people en route. He also intended that the provincials themselves should bear no special expense on his account. This intention he carried out, and even though he ended the year with 2,200,00 sesterces - a sum which he promptly gave to Pompey to assist in the Civil War - he also left with his reputation for honesty untarnished. Tyrrell and Purser say with regard to this, in their introduction to volume III of their edition of the correspondence:

"From undue self-aggrandizement - not to mention the extortions and cruelties habitually practiced by Roman Governors - he was withheld, not only by the precepts of Atticus, but by his own gentle and elevated nature. These led him to consult the interests of the province in every way, so far as they could be influenced by his own conduct and the behaviour of his staff."¹⁹

There were three real problems which he had to tackle during this year 51 B.C., besides the continual one of seeing that his staff were honest: one was to better the situation of the provincials, who had suffered considerably under his predecessor, and in so doing to keep a nice balance between

19. Tyrrell and Purser, The Correspondence of Cicero, Vol.III Intro.p.xix.

satisfying the publicani and the provincial towns; the second was to deal with the problems raised by Brutus; and the third was to ward off successfully the threatened attack by the Parthians. With the first and third he had a gratifying success, with the second he was obliged to compromise somewhat with his conscience. He said of himself to Atticus in May of 50 B.C., that he was to the publicani as the apple of the eye.²⁰ The provincials themselves loved him and admired his rule. Especially was he helpful to King Ariobarzanes III of Cappadocia. Tyrrell and Purser say of this:

"Certainly his whole treatment of the King and management of his affairs reflect great credit on him, both as a man and as a diplomatist ... Cicero appears to have acted with a great deal of firmness, tact and judgment in the matter, and of course, was quite proof against bribery from the king's enemies."²¹

The Brutus story is not quite so creditable. Brutus had illegally loaned money to the Salaminians at 48% interest, not in his own name, but in that of one Scaptius. Cicero refused to take cognizance of the bond with its illegal rate of interest, but after he discovered the real lender was Brutus, he also deterred the Salaminians from depositing the capital sum plus the legal rate of 12% interest in a temple, which would have caused the interest to stop accruing. This

20. Ad Att. vi.2.5.

21. Tyrrell and Purser, The Correspondence of Cicero Vol.III Intro. p.xix and xx.

meant that after his year of governorship was over, Brutus could still pursue the debtors for his illegal demands.

Cicero showed considerably more knowledge of military tactics than he is usually credited with, and was successful in averting the threat of a Parthian invasion, a success for which he was subsequently granted a Thanksgiving. The relevance of this for my thesis is not of great importance, except in so far as it shows that Cicero displayed in the situation the resolution and courage which he himself demanded of a good governor. What has greater relevance, however, is a letter to him from Cato concerning the Triumph which Cicero sought, a letter which gives a valuable contemporary opinion of Cicero's governorship. Cato wrote:

I gladly obey the call of the state and of our friendship, in rejoicing that your virtue, integrity and energy, already known at home in a most important crisis, where you were a civilian, should be maintained abroad with the same painstaking care now that you have a military command. ²²

Later in the same letter he continued:

It is an honour much more brilliant than a triumph, for the senate to declare its opinion, that a province has been retained rather by the uprightness and mildness of its governor, than by the strength of an army or the favour of heaven.

A later opinion of Cicero's governorship, but still not too far removed in time, is that of Plutarch who wrote:

22. Ad Fam. xv.5.

"And perceiving the Cilicians, by the great loss the Romans had suffered in Parthia, and the commotions in Syria, to have become disposed to attempt a revolt, by a gentle course of government he soothed them back into fidelity."²³ Plutarch continued by describing the "gentle course of government," and told how accessible he was to rich and poor, and how clement he was to those under his command.

To sum up, Cicero's principles of governing, professed for so many years, had stood the many tests put upon them creditably. He won back the loyalty of his province to Rome, after it had been impaired by his predecessor. His regime was characterized by elegantia, as he said himself repeatedly,²⁴ and his reputation as a scholar-statesman was enhanced by the purity, uprightness and courtesy of his rule. He represented to the provincials the best of Roman administration. It was with a light heart, however, that he set out on the return journey to Rome at the end of the year - happy to be back in his beloved city and with the consciousness that his conduct as a provincial governor had enhanced his reputation for uprightness and humanitas.

23. Plutarch, Cicero xxxvi.

24. Ad Fam. iii.8.2.

CHAPTER VI

CICERO'S THEORY REGARDING PUBLIC LEADERSHIP

After his return from exile, and especially after the conference at Luca in 56 B.C., Cicero found that he was no longer able to play a formative role in public affairs. He was still active in the courts, but all governmental control was out of his power. More and more he began to devote himself to writing, with the intention of placing on record the fruits of his lifetime of experience for the benefit of future leaders. The outstanding works which belong to this period are the De Oratore, the De Re Publica, and the De Legibus.

Earlier in this thesis reference has been made to the influence on Cicero of the Scipionic circle. Nowhere is this influence more pronounced than in the conception and writing of the De Oratore. The Scipionic ideal of the best type of Roman is compellingly set out in this book; it is that of a man devoted to his country and made more effective in its service by a knowledge of Greek thought, and by the training in oratory which could be learned most effectively from the Greeks, who was at the same time a gentleman, versed in literature and art and the usages of polite society.

It is very clear in this treatise that Cicero feels

himself so much a part of the governing class of society that he is thinking of and writing in terms of that class exclusively. The very setting is that of a group of leading citizens who have been earnestly engaged in debate concerning the crisis and the state of politics generally.¹ For relaxation they turn to a discussion of the nature and training of the orator-statesman. Cicero's dicta whether on education or ethics are all made with a certain type of person in mind; a free-born citizen who has the necessary attributes to become a leader in society. He is speaking of the calling and conduct which befit 'a free-born man of liberal education'.² There is no doubt that Cicero is equating the ideal orator with a statesman, because in an impassioned passage he causes Crassus to ask:

What function again is so kingly, so worthy of the free, so generous, as to bring help to the suppliant, to raise up those who are cast down, to bestow security, to set free from peril, to maintain men in their civil rights?³

And further in the elaboration of the thesis: "for my assertion is this: that the wise control of the complete orator is that which chiefly upholds not only his own dignity, but the safety of countless individuals and of the entire state."⁴

1. De. Orat. i.7.26.

2. Ibid. i.31.137. "quod est homine ingenuo liberaliterque educato dignum."

3. Ibid. i.8.32.

4. Ibid. i.8.34.

In the De Oratore, Cicero makes it clear that a man who is to become a leader in society certainly requires the natural attributes of intelligence and a good physical presence.⁵ To these should be added, in his opinion, the refinements of culture and a thorough training in all the liberal arts; those studies which are worthy of a free man.⁶ And of course, although it is implicit in this work, rather than explicit as in most of his other works, he must be a good man, the determined foe of wickedness and injustice, and the champion of all that is good.

Cicero never discounted the need for natural endowment, but he always insisted that if you added education, i.e. if you cultivated nature, the fruit would be richer and more valuable. Nowhere is this idea more cogently stated than in the well-known passage from the Pro Archia:

"Many there have been, no doubt, exceptionally endowed in temperament and character, who, without any aid from culture, but only by a heaven-born light within their own souls, have been self-schooled in restraint and fortitude ... yet I do at the same time assert that when to a lofty and brilliant character is applied the moulding influence of abstract studies, the result is often

5. Ibid. i.25.113,114,115.

6. Ibid. i.5.17. "There should be added the culture befitting a gentleman ... combined with a delicate charm and urbanity."
also Ibid. i.16.72. "No one should be numbered with the orators who is not accomplished in all those arts that befit the well-bred."

inscrutably and unapproachably noble."⁷

Cicero believed profoundly in "the moulding influence of abstract studies" as being of first consequence in producing the best kind of man, the man who was wise and good and eloquent in the service of the state. As was stated above, the kind of learning which Cicero advocated was a training in the 'liberal arts', those studies which are worthy of a free man and which are in themselves liberating, that is, tend to produce a free man.

More specifically, the training of the orator-statesman must include, besides the techniques of oratory itself, a very wide general knowledge. Cicero, in the introduction to the De Oratore stated that, in his opinion, "no man can be an orator complete in all points of merit, who has not attained a knowledge of all important subjects and arts."⁸ Among these 'important subjects' is political and moral science - in Cicero's mind, inextricably one. He caused Crassus to say that "this division of philosophy concerned with human life and manners, must all of it be mastered by the orator."⁹ The orator will learn to express himself

7. Pro Archia vii.15. The words which Cicero used which have been translated 'restraint and fortitude', were 'et moderatos and et graves'. These were essentially aristocratic characteristics.

8. De. Orat. i.6.20.

9. Ibid. i.15.69. cf. also i.12.53.

lucidly, cogently and elegantly; and to this end he will study language, making a special study of the art of translation.¹⁰ He will also study poetry and history,¹¹ common-law and statute-law and political philosophy,¹² with special attention to precedents regarding the senate. All these are necessary because "in an orator we must demand the subtlety of the logician, the thoughts of the philosopher, a diction almost poetic, a lawyer's memory, a tragedian's voice, and the bearing almost of the consummate actor."¹³

Not only did a study of all these arts refine a man and make him a gentleman and a more capable political leader; but also, in Cicero's opinion, such study was conducive to virtue, and a good leader must be a virtuous man. As he stated in the Pro Archia, such men as Scipio Africanus Minor and Marcus Cato "would never have devoted themselves to literary pursuits had they not been aided thereby in the appreciation and pursuit of merit."¹⁴

In 54 B.C., Cicero began his most original and impressive work, the De Re Publica. That which makes this

10. Ibid. i.34.154,155.

11. Ibid. i.34.158.

12. Ibid. i.34.159.

13. Ibid. i.28.128.

14. Pro Archia vii.16.

work distinctive, is not his theories concerning the state, but the way in which he united political and ethical thought. The key note of the work is struck in the first book, where he asserted that "Nature had implanted in the human race so great a need of virtue, and so great a desire to defend the common safety, that its strength has conquered all the enticements of pleasure and ease."¹⁵ It is not enough, he continued, to possess virtue, unless you make use of it. In fact, "The existence of virtue depends entirely upon its use; and its noblest use is the government of the State."¹⁶ This conviction is basic to Cicero's political and ethical theory. For him, virtue had no reality apart from one's relationships with one's fellows. The close inter-dependence of politics and ethics in his thinking is exemplified further where he states: "For there is really no other occupation in which human virtue approaches more closely the august function of the gods, than that of founding new states or preserving those already in existence."¹⁷ This book abounds in different approaches to this same theme, but one final reference will suffice. Cicero stated firmly in the introduction, that in his opinion those who rule great and dominant cities by

15. De Rep. 1.1.1.

16. Ibid. 1.2.2.

17. Ibid. 1.7.12.

wise counsel and authority, are to be deemed far superior, even in wisdom, to those who take no part in the business of government.¹⁸

In the De Republica a strong appeal is made to men's sense of duty and gratitude to draw them into the service of the state. Cicero did not think that one's native land provided one with education and safety without requiring service in return. On the contrary, he said:

She has given us these advantages so that she may appropriate to her own use the greater and more important part of our courage, our talents, and our wisdom, leaving to us for our own private uses only so much as may be left after her needs have been satisfied.¹⁹

Moreover, he did not believe that it was enough to avow that one would be prepared to assist in times of crisis, if one had not either put oneself into a position where there was a possibility of wielding authority, or in some way had trained oneself in statecraft. He adduced as an example, the matter of his handling of the Catiline conspiracy, and asked how he could have effected what he had, had he not been consul; or indeed, how he could have been consul had he not worked all his life to overcome the political handicap of his equestrian birth.²⁰ He continued the argument by asking how

18. Ibid. 1.2.3.

19. Ibid. 1.4.8.

20. Ibid. 1.6.10.

it can be reasonable for men to promise to aid the state in case of emergency, when they do not know how to rule when there is no emergency, although the latter is by far the easier. He concluded by stating vigorously: "it is his duty to acquire in advance all the knowledge that, for aught he knows, it may be necessary for him to use at some future time."²¹

In this book, as well as in the De Oratore, Cicero demanded that the leader be an educated man; and to the question of what knowledge ought a man to acquire, he replied through Laelius:

The knowledge of those arts which can make us useful to the state; for I consider this to be the noblest function of wisdom, and the highest duty of virtue as well as best proof of its possession.²²

In the Third Book of the De Re Publica he made it abundantly clear, as he had also in the Pro Archia and the De Oratore, that if learning and rich knowledge were added to natural endowments and experience in public affairs, the man who combined all of these was incomparably superior to his fellows.²³ He cited again his favourite examples of Scipio and Laelius as men who, in their search for excellence had added Greek

21. Ibid. i.6.11.

22. Ibid. i.20.33.

23. Ibid. iii.3.5.

culture to the Roman heritage.²⁴

When Cicero turned to an exposition of his ideal type of government, he analyzed, *seriatim*, the three main forms of monarchy, aristocracy and democracy, showing clearly the fatal flaws inherent in each. His conclusion was that a form of mixed constitution, containing all three elements, was the most stable;²⁵ and one is brought to the inescapable conclusion that it is the Roman constitution which he is describing, purged of all dissonant elements and exemplifying his life-long ideals of concordia ordinum.

His other main political ideal of auctoritas senatus is evident, and is in no way irreconcilable with the first. Cicero believed in the rule of the 'best', but the best in his thinking were not so by reason of birth or of wealth, but by reason of virtue.²⁶ He felt that it was in the best interests of the state to have a stable, responsible body of men performing the actual duties of government, nevertheless he believed that it was the duty of every citizen to defend the constitution if its stability were threatened. Using the example of Brutus, who freed the Roman people from Etruscan

24. Loc. Cit.

25. Ibid. i.45.69.

26. Ibid. i.34.51,52. "In a state ruled by its best men, the citizens must necessarily enjoy the greatest happiness."

oppression, he stated that "no one is a mere private citizen when the liberty of his fellows needs protection."²⁷

The De Re Publica ended on the same note with which it began: the close connection between ethics and political science. In Scipio's dream, Cicero made a contribution to Roman thought which M. L. Clarke ²⁸ calls unique, when he stated that there will be an assured place in heaven for those who save, help and strengthen their country, and they they are especially pleasing to God.²⁹

The next major work which Cicero undertook was his treatise De Legibus, which was designed as a sequel to the De Re Publica. Only a portion of the original work is extant, but the three books which we have are valuable because they contain much of Cicero's thinking on the subject of Justice and Natural Law and also add to our knowledge of his political ideals.

He began with a definition of Law, as "the highest reason, implanted in Nature, which commands what ought to be done and forbids the opposite. This reason, when firmly fixed and fully developed in the human mind, is Law."³⁰ He

27. Ibid. ii.24.46.

28. The Roman Mind, p.53.

29. De Re Pub. vi.13.13.

30. De Leg. i.6.18.

continued by arguing that reason carried to its perfection in wisdom, is the common possession of God and man. "But those who have reason in common, must also have right reason in common. And since right reason is Law, we must believe that men have Law also in common with the gods."³¹ A further deduction is that reason, a characteristic which differentiates us from animals, is common to us all, and not only provides a bond between men, but means that we can all attain to virtue.³² A corollary to this statement is that all men share a sense of justice with one another.³³ This virtue is all important to Cicero's political and ethical theory. He stated emphatically that "Justice is One; it binds all human society, and is based on one Law, which is right reason applied to command and prohibition."³⁴ Right reason, Law, Justice - they are all divine in origin, they are part of every man and they bind man to man by indissoluble bonds.

In the second book, Cicero moved on to a consideration of law in the sense of man-made regulations, and especially concerned himself with religious enactments. Laws, in this particular sense of the word, Cicero states, "were invented

31. Ibid. i.7.23.

32. Ibid. i.10.30.

33. Ibid. i.11.33.

34. Ibid. i.15.42.

for the safety of citizens, the preservation of States, and the tranquillity and happiness of human life."³⁵ They must conform to what is right, i.e. to be just, because in the very concept of "law" there inheres the principle of choosing what is just and true.³⁶ Only those human laws are worthy to be called law "which inflict punishment upon the wicked but defend and protect the good."³⁷ From this brief sketch, and the material quoted from the De Oratore and the De Publica, it is evident that for Cicero, ethical standards relied for their validity upon their social significance. In support of this point, a quotation from The Third Book might be adduced, in which Cicero stated that:

"Nothing is so completely in accordance with the principles of justice and the demands of Nature (and when I use these expressions I wish it understood that I mean Law) as is government, without which existence is impossible for a household, a city, a nation, the human race, physical nature, and the universe itself." ³⁸

Since government is so supremely important, it follows that the leaders of government must govern well, and that they have a duty "to give commands which are just and beneficial and in conformity with the law."³⁹

35. Ibid. ii.5.11.

36. Ibid. ii.5.12.

37. Ibid. ii.5.13.

38. Ibid. iii.1.3.

39. Ibid. iii.1.2.

Cicero continued his discussion of magistrates, by saying that "the man who rules efficiently must have obeyed others in the past, and the man who obeys dutifully appears fit at some later time to be a ruler."⁴⁰ This ideal political leader must be one who has developed his uniquely human characteristics of ratio and oratio to the full, both by formal education and training in the techniques of government. By developing the function of speech he is enabled to sway multitudes to his will; by cultivating the powers of reason he is enabled to sway them wisely and in accordance with what is honourable and good.

Cicero's own life bore out his theory of the training necessary for a statesman very thoroughly. As has been described, he did not make even a beginning in public life until he was about 26 years of age. Up until then, he was learning continuously from books and formal teachers and wise counsellors and observation in the forum. Shortly after he commenced pleading, he took a two year "post-graduate course" in philosophy and rhetoric, abroad in Athens, Asia Minor and Rhodes. From the versatility of his pursuits we know that he was a master of many branches of knowledge: jurisprudence, philosophy, history, political science, poetry and all kinds of literature. He knew a great deal

40. Ibid. iii.2.5.

about art, antiquarian customs and religion. His knowledge of Greek was precise and extensive. Not only did he use Greek words aptly in his letters but he also put the best of Greek philosophical thought into Latin for the benefit of his people, thereby developing the Latin language to convey many hitherto unfamiliar abstract ideas.

Cicero was not only an outstanding example of the wide learning and general culture which he advocated for a leader; his whole life was an example of one who believed that a man's full self-realization was found in political leadership. His exile in 58 B.C., and his semi-exile as Governor of Cilicia in 51 B.C., were a great sorrow to him, largely because he was isolated from Rome and effectively prevented from taking part in affairs there. During his whole life, too, Cicero worked diligently to effect his political theories. He tried vigilantly to uphold the dignity of the senate and to achieve a harmony and balance of power between the orders. He tried repeatedly, as we showed earlier, to recall the members of the senate to their former high ideals of noblesse oblige, and he was the determined foe of all elements which attempted to subvert constitutional government. In his own varying fields of leadership he brought high ideals to bear on the problems he encountered, and although he did not always reach the level of morality which pure idealism might demand, his ethical standards were much higher than

those of most of his contemporaries. It ought to be kept in mind that in the works on state-craft which have been discussed in this chapter, Cicero was discussing the ideal statesman, the ideal state and perfect justice. No ordinary mortal could be as accomplished, learned and virtuous as the perfect leader he depicted, but the man who could formulate such a model was himself no mean example of the qualities he idealized.

CHAPTER VII

THE ETHICS OF A PRIVATE CITIZEN

In the preceding chapters of this thesis, Cicero's ethical viewpoint in relationship to active political life in Rome and in the provinces has been discussed at some length. The special function of this chapter is to consider his general ethical views with regard to each and every situation, but especially in personal relationships with family, friends, fellow-citizens, aliens and slaves, always in relationship to people; for Cicero would have thought it impossible to be virtuous on a desert island.¹

Cicero's political-ethical beliefs were elaborated in the works described in the last chapter; and the work which especially forms the basis of this chapter, the De Officiis, appears at first to be a treatment of ethical standards for every man. However, a close study of this book makes it soon apparent, that even when discussing general ethical principles, Cicero is primarily concerned with the ethics and moral standards of the governing class of society. He himself had been born into this class; as was indicated at

1. De Off. 1.6.19. "To be drawn by study away from active life is contrary to moral duty. For the whole glory of virtue is in activity."

the outset of this thesis, his family was of equestrian rank, his education fitted him for public life, and his early mentors, especially the Scaevolae, were men engaged in the business of the state.

The influences which operated on him as a youth predisposed him, not only to engage in public life himself, but in his thinking to be preoccupied with the problems which beset men engaged in public life. Consequently, the De Officiis does not so much give us an ethic of universal application, as an ethic appropriate for a potential leader in society. I do not intend, in making such a statement, to imply that the ethics of a statesman are necessarily different from those of an obscure citizen; I am saying only that it seems clear that, although Cicero made pronouncements concerning such matters as friendship, which could apply to anyone, nevertheless the ethical problems which interest him especially are those peculiar to the governing class.

There are a number of references in the De Officiis which indicate this class bias, as for example: "But let us remember that we must have regard for justice even toward the humblest";² and another maxim: "In acts of kindness we should weigh with discrimination the worthiness of the object of our benevolence."³ The very way in which he treats

2. Ibid. i.13.41.

3. Ibid. i.24.45.

the four cardinal virtues: justice, wisdom, courage and temperance, is a further indication of class interest, for courage is expounded as a desire for prominence and independence; an essentially aristocratic virtue. Moreover, the emphasis Cicero puts on the principle of decorum,⁴ a quality which influences each of the cardinal virtues, is climaxed by his statement that it "embraces temperance and self-control, together with a certain deportment such as becomes a gentleman."⁵ Even when he treated the subject of humour, he recommended that it should be "refined, polite, clever, witty", ⁶ of a kind becoming to the most dignified person; the kind of humour, in short, which he would countenance in his own banquet-hall.

Again, when he described the kinds of vocations which are suitable, and those which are unsuitable, we are made acutely aware that he had in mind the upper class of society only. Philosophy, civil law, and oratory are, for instance, recommended;⁷ he approves of such professions as medicine, architecture and teaching; trade on a large and wholesale

4. De Officiis, Loeb edition, p.96, footnote to i.27.93: "Decorum means an appreciation of the fitness of things, propriety in inward feeling or outward appearance, in speech, behaviour, dress, etc."

5. Ibid. i.27.96. "cum specie quadam liberali ..."

6. Ibid. i.29.104. "elegans, urbanum, ingeniosum, facetum."

7. Ibid. i.32.115.

scale; and especially, agriculture.⁸ Even more is the class bias discernible when we read his list of the vulgar occupations, to be shunned; tax-gathering and usury; manual labour; retail merchandizing; mechanics; cooking and all related trades; the whole field of entertainment;⁹ none of these would become a gentleman.

If further evidence were needed to prove that Cicero was writing a moral treatise for gentlemen, the passage might be adduced where he listed the ways and means by which a young man might acquire distinction and glory: by the pursuit of a military career, or by the development of a high moral character, or by association with the great, or by the cultivation of eloquence, or by a display of generosity evidenced by expenditures on public games and public works, or by hospitality, or by personal service as for example through the practice of law, or by service to the state.¹⁰ These are the methods which he chooses to discuss, and it is clear that in such a passage he was advising young men of the social class of his son and nephew and their friends.

Once it is recognized that Cicero was writing a moral

8. Ibid. i.42.151.

9. Ibid. i.42.150.

10. Ibid. ii.13.45 ff.

treatise primarily for potential leaders in society, the content and matter of the book must be examined for their relevance to the aim of his whole life, which was to effect a social and moral and political regeneration of the governing class in Roman Society. Just as the De Oratore, De Re Publica, and De Legibus can be considered political-ethical treatises, so the De Officiis may be regarded as an ethical-political work. As its title indicates, it is concerned with manifold duties; toward friends and slaves and aliens; but greater than all other duties, even toward wife and children, is one's duty to one's native land; all others fade into the background; duty toward Rome is paramount.

The date of the book is of special interest in this connection. It was written a few months after the Ides of March. Caesar was dead, by the hands of some of Cicero's friends. Cicero's attitude of rejoicing over this event has been discussed in Chapter IV of this thesis, where quotations from the De Amicitia were adduced, to justify his apparent breach of friendship. The De Officiis, in warning of the dangers of ambition, referred to "the effrontery of Gaius Caesar, who, to gain that sovereign power which by a depraved imagination he had conceived in his fancy, trod underfoot all laws of gods and men." 11

11. Ibid. i.8.26.

In the Third Book, Cicero's moral position concerning tyrants, (which was also the Stoic position) was clearly stated:

We have no tie of fellowship with a tyrant, but rather the bitterest feud; and it is not opposed to nature to rob, if one can, a man whom it is morally right to kill; - may all that pestilent and abominable race should be exterminated from human society.¹²

Further in this book, in discussing expediency, he again used Caesar as an example to show how, even to gain complete political supremacy, it was not expedient to do wrong.¹³

When we realize that the De Officiis was written late in 44 B.C., not only do we look back to the death of Caesar, but forward to Cicero's own murder which was to follow a year later, the climax of a last courageous struggle to save his beloved Rome. The whole indomitable attack on Antony and its tragic climax, infuses the rather commonplace and dogmatic moral teaching of this culmination of his series of philosophical works, with a tragic earnestness and moving sincerity. Our knowledge of subsequent events highlights a passage such as this:

But when, with a rational spirit you have surveyed the whole field, there is no social relation among them all more close, none more dear, than that which links each one of us with our country: Parents are dear; dear are our children, relatives, friends; but one native land embraces all our loves; and who that is true would

12. Ibid. iii.6.32.

13. Ibid. iii.21.82,83.

hesitate to give his life for her, if by his death he could render her a service.¹⁴

It is true that he was again boasting of his suppression of the Catiline conspiracy, when he said: "There are, therefore, instances of civic courage that are not inferior to the courage of a soldier"¹⁵; but did he not prove this statement with his life, the following year? And although his life had not always been lived according to his own highest ideals, certainly his death added dignity to the following statement about greatness of soul and courage:

It is characteristic of them to await nothing with fear, to arise superior to all the vicissitudes of earthly life, and to count nothing intolerable that can befall a human being.¹⁶

The central theme of the De Officiis is cogently stated in the third book: "This, then, ought to be the chief end of all men, to make the interest of each individual and of the whole body politic, identical."¹⁷ Men naturally seek their own interests; and Cicero was attempting to prove in theory, as he had tried in practice, that a man's own best interests were to be found in service to the state, because, as he put it: "men are born for the sake of men, that

14. Ibid. i.17.57.

15. Ibid. i.22.78.

16. Ibid. iii.27.100.

17. Ibid. iii.6.26.

they may be able mutually to help one another."¹⁸ The corollary to this he stated as: "It is our duty to respect, defend and maintain the common bonds of union and fellowship subsisting between all the members of the human race."¹⁹

This last theme he used repeatedly, expressing it in so many ways that it struck home afresh with each repetition: "There is a bond of fellowship ... which has the very widest application, uniting all men together and each to each... This bond of union is closer between those who belong to the same nation, and more intimate still between those who are citizens of the same city-state."²⁰

The basic bond of fellowship between human beings is created by their possession of the gifts of reason and speech, the two characteristics which differentiate man from the rest of the animal kingdom. In his brief essay on certain aspects of humanism, Bréhier says this about Cicero's concept of reason (ratio):

Reason ... has two functions; one in the individual, where it is the regulator of the appetites or desires which man has in common with animals, and it thus gives to conduct the propriety (decorum) which is suitable to a man; it is the principle of verecundia, a word which indicates respect for oneself and for others, a sort of

18. Ibid. i.7.22.

19. Ibid. i.41.149.

20. Ibid. iii.17.69.

reasonable fear; the second of its functions is a bond between men²¹

Cicero's conception of the basic bond of human nature was derived from the Stoics, and he never expressed it better than in the De Finibus, where he said, after a peroration on justice which he described as maintaining human solidarity: "For human nature is so constituted at birth, as to possess an innate element of civic and national feeling, termed in Greek 'politikon'."²²

In the De Officiis, too, Cicero emphasized that the common bonds of society are justice and charity;²³ and the foundation of justice, he maintained, was good faith; that is, truth and fidelity to promises and agreements.²⁴ Upon a foundation of a discussion of justice, he set one of the principal rocks of his political-ethical creed. In discussing those who try to avoid committing acts of injustice by retiring from society, he made it clear that in his opinion, they were, in fact, acting unjustly, because: "They are traitors to social life, for they contribute to it none of

21. E. Brehier: Sur Une Des Origines de l'Humanisme Moderne, Le De Officiis de Cicero, 10th International Congress of Philosophy, vol. I.p.1105. (Translation my own).

22. De Fin. v.23.66;cf. also, Aristotle Politics I.1253A: "Man is by nature a political animal."

23. De Off. i.7.20.

24. Ibid. i.7.23.

their interest, none of their effort, none of their means."²⁵ Moreover, if there was any conflict of interest, his teaching was clear: "my view, therefore, is that those duties are closer to nature which depend upon the social instinct than those which depend upon knowledge."²⁶ And later he continued: "the duties prescribed by justice must be given precedence over the pursuit of knowledge and the duties imposed by it; for the former concern the welfare of our fellow men; and nothing ought to be more sacred in men's eyes than that."²⁷

In earlier works, and notably in the De Finibus, Cicero had scorned the Epicurean position, that happiness is best achieved by complete withdrawal from public affairs. In the De Officiis, too, this theme was introduced, but from a more positive angle. He lauded public service as the best activity for a good man and glorified its challenges and rewards. His indictment of the life of retirement was not as severe as formerly, but he left no doubt about which vocation a man should choose. He would excuse scholars of extraordinary genius, or sufferers from ill-health from public life;²⁸ but he considered that if those who had no

25. Ibid. 1.9.29.

26. Ibid. 1.43.153.

27. Ibid. 1.44.155.

28. Ibid. 1.21.71.

valid excuse shrank from the political arena, it was probably to avoid the hard work involved and the possible humiliation of political defeat.²⁹ In a challenging passage he said:

But those whom Nature has endowed with the capacity for administering public affairs should put aside all hesitation, enter the race for public office, and take a hand in directing the government; for in no other way can a government be administered, or greatness of spirit be made manifest.³⁰

Previously he had said that "the career of those who apply themselves to statecraft and to conducting great enterprises is more profitable to mankind and contributes more to their own greatness and renown."³¹ He warned solemnly that in carrying out great enterprises, a man might run the risk of losing his life or his reputation, but nevertheless he considered it proper for a man to endanger his own, rather than the public welfare.³²

Governing all his arguments of moral suasion to suitable men to undertake affairs of state and public administration, is the dominant belief that this is the path of virtue, this is the best way to self-realization. A man must be willing to answer the demands of the state, to hazard his life and reputation in its service; but to be of real service to the state, he must first of all be a good

29. Loc.cit.

30. Ibid. i.21.72.

31. Ibid. i.21.70.

32. Ibid. i.24.83.

man, and not only virtuous, but refined and cultivated as well.³³

That Cicero esteemed virtue and gentlemanliness most highly, is nowhere more clearly indicated than in his essay on friendship. Fannius, one of the participants in the discussion, is caused to say to Laelius:

Men are wont to call you wise in a somewhat different way, not only because of your mental endowments and natural character, but also because of your devotion to study and because of your culture.³⁴

In the De Officiis, also, as we have noted, there are many observations on the kind of conduct which is seemly for a gentleman. Cicero, unlike Cato, did not desire stark and unadorned virtue. His ideal was the gentleman, whose life was marked by integrity, and whose demeanour was kindly and courteous and considerate of the rights and feelings of others.³⁵

It is to be expected that the man who held such an ideal would be one who would have an exalted idea of friendship, a relationship which would be natural for the kind of gentleman he described so often. In the De Officiis, Cicero stated that: "nothing is more conducive to love and intimacy than compatibility of character in good men; for when two

33. Ibid. i.33.121 and Ibid. 39.141.

34. De Amic. ii.7.

35. De Off. i.27.99: "Adhibenda est igitur quaedam reverentia adversus homines et optimi cuiusque et reliquorum." cf. also i.39.41.

people have the same ideals and the same tastes, it is a natural consequence that each loves the other as himself."³⁶ This statement is an echo of the well-known sentiment which he expressed in the De Amicitia, thus: "For friendship is nothing else than an accord in all things, human and divine, conjoined with mutual goodwill and affection."³⁷

Cicero himself had a great capacity for friendship, as we can observe from his letters to Atticus,³⁸ to his brother, to young noblemen such as Rufus, to Brutus and even to Tiro, his beloved slave.³⁹ We know that there was a strong bond of attraction between Caesar and himself, forged to a considerable degree by Caesar's unfailing courtesy and generosity.⁴⁰ However, as I pointed out previously, once Caesar's boundless ambition showed clearly that he was a tyrant, that was the end of all relationship between them, because "we can have no ties of fellowship with a tyrant, but rather the bitterest feud."⁴¹

The moral teachings of the De Officiis may be largely

36. Ibid. i.17.56.

37. De Amic. vi.20.

38. Ad Att. xii.3.

39. Ad Fam. xvi.4.

40. Ibid. iv.4.

41. cf. footnote No. 12 of this chapter.

derivative - Cicero acknowledged that the first two books were based largely on Panaetius, the Stoic ⁴²- but they are also infused with a spirit of sincere conviction and seem to provide a satisfactory rationale for the course of his own life. They are, of course, counsels of perfection, and certainly Cicero was far from perfect; nevertheless, his life showed an over-all consistency with his doctrine which was truly admirable. In the third book, in which he is the most original, and where he attempted to set forth an ethic for the ordinary man of imperfect understanding, the general theme is that "it is beyond question, that expediency can never conflict with moral rectitude",⁴³ because "that which is morally right is also expedient."⁴⁴ Many examples of apparent conflict are adduced, but one is finally convinced that for Cicero, the test of what action is morally right and therefore expedient, is the test of its usefulness to society.

During the course of his own career, which was sketched out in the earlier chapters of this thesis, we have seen how, in broad outline, Cicero's own life was devoted to the service of the state; as a young man he tried to recall the

42. De Off. ii.17.60.

43. Ibid. iii.3.11.

44. Ibid. iii.8.35.

governing class to its former honourable status; as a mature statesman, he fought bitterly and with some risk to himself against elements which could subvert constitutional government; as an old man, he gave his life in an implacable struggle against tyranny; he clung throughout to his political ideal of concordia ordinum, to the point indeed, where he made himself liable to the accusation of grave political inconsistency. In his own life, too, he exemplified his ideals of culture and humanitas; also his personal life was chaste far beyond the standards of his day. Even in 45 and 44 B.C., when circumstances forced him out of the forum, he devoted himself to a socially useful task, namely to the translation of Greek philosophy into his own language, for the edification of his fellow citizens.⁴⁵ At the beginning of the third book of the De Officiis, he wrote:

My leisure is forced upon me by want of public business, not prompted by any desire for repose ... but I have learned from philosophers, that among evils one ought not only to choose the least, but also to extract from these any element of good they may contain. For that reason I am turning my leisure to account.⁴⁶

At the beginning of the second book he had referred to the circumstances which had caused his retirement, and after explaining that he had not resigned himself either to overwhelming grief or sensual pleasures, he said that he had

45. De Off. ii.11.5.

46. Ibid. iii.1.2,3.

decided to devote himself to philosophical writing, since his mind could not be wholly idle, and in this way he could still be of use to his fellow-citizens. This is the reaction to calamity that one would expect from the Scipionic gentleman, Cicero's ideal. That which was the transcendent duty for Cicero was always evaluated by its usefulness to the state.

CHAPTER VIII

THE SOCIAL AND POLITICAL BASIS OF CICERO'S ETHICS

Cicero had been well trained in all the different philosophical schools. In his early youth he had heard Phaedrus, the Epicurean; and Diodotus, the Stoic, had lived for many years in his house.¹ In Athens he came under the influence of Philo, the Academic. Another important philosophical influence in his life was Antiochus of Syria, a pupil of Philo, who attempted a reconciliation between the Stoic and Peripatetic views and those of the Academy. There are several references to Antiochus' opinions in the Tusculan Disputations. When Cicero was on his tour of the East, at Rhodes he came under the influence of the Stoic, Posidonius, whom he also quoted in his philosophical works.

Nevertheless, though he had every opportunity to become well acquainted with all the major philosophical schools, his legal mind was such, that he analyzed each, selected here, rejected there, and maintained a critical attitude toward each system. He never fully accepted any one school, nor did he purport to have developed a complete system of his own. Rather, he was truly an eclectic; and as he said

1. Tusc. Disp. v.39.113.

himself; "I shall at my option and discretion draw from those sources in such measure and in such manner as shall suit my purpose."²

Occasionally he did refer to himself as a member of the New Academy,³ but this was because he agreed with them on their theory of knowledge. He held with them the doctrine of probability; that is, that nothing could be known for certain, but that it was possible to arrive at a considerable degree of probability.⁴ In the field of morals, he found the austere idealism of the Stoic school more congenial, as we can observe from the fact that the De Officiis is largely based on the works of Panaetius, a later Stoic. He was repelled, however, by their lack of charm and grace and disregard for courtesy. Cicero was always totally opposed to Epicureanism, as we discover from his criticisms in the Academica, Tusculan Disputations and the De Finibus. He considered that it led to the decadence which he deplored among so many young nobles of his day, and that it enticed them away from undertaking their proper responsibility to the State.⁵

2. De Off. i.2.6; cf. also Tusc. Disp. v.29.82.

3. e.g. Tusc. Disp. ii.3.9; iv.21.47.

4. Ibid. ii.2.7.

5. Ibid. v.27.78: "But as for us, we have corrupted our souls with bowered seclusion, luxury, ease, indolence and sloth, we have enervated and weakened them by false beliefs and evil habits."

During the years 46 to 44 B.C., he wrote prolifically, producing four major philosophical works, and three major books of metaphysics.⁶ The method which he followed in most of them, was to present the Stoic and Epicurean points of view, and then to criticize these from the standpoint of the New Academy. The works, taken as a whole, purport to translate and interpret the major schools of philosophy for the benefit of the Roman people. He made little or no claim to originality, nor did he attempt to formulate a system of his own. Where necessary, he criticized even the New Academy position; and quite obviously chose what he wished to commend from any source. In the culminating work of the series, however, the De Officiis, he became dogmatic and issued a moral challenge which made this work of paramount importance.

Since Cicero was a sceptic in the area of epistemology, as the Academica discloses; and an avowed eclectic, the key to his ethics is certainly not metaphysical, nor derived from any one philosophical system. If, however, it is true that an eclectic must have some basis on which to found values and thereby enable himself to make choices; and since, as we have suggested in the last chapter, Cicero had in fact a positive ethic, we are confronted with the problem

6. The Academica, De Finibus, Tusculan Disputations and De Officiis in the first category; the De Natura Deorum, De Divinatione and De Fato in the second.

of deciding how, or on what basis, he made his choices.

It is the contention of this thesis that Cicero's ethics were the product of his social origins and political orientation, and experience, and in support of this contention, evidence has been adduced from his life and works.

In the second chapter we observed that the family and community into which he was born, and the moderate Roman aristocrats who influenced his youth, had taught him the need of a high ethical standard for the ruling class. This was strengthened by his philosophical training and his Greek education, which enabled him to cull the best from both Greek and Roman political thought.

During the early part of his public career, up to his consulship in 63 B.C., we have noted how the decadence into which the nobility had lapsed, was being continually challenged by Cicero. He realized keenly that a ruling class which would protect a man like Verres, had lapsed into a moral sloth which was dangerous to its own continued existence, and especially dangerous to the continued existence of a free commonwealth. Rather than preach revolution, he attempted to combat the dry-rot which had set in, with all the means at his command; and we are made aware of Cicero's conviction that an aristocracy which was re-awakened to its former sense of responsibility and which was composed of highly ethical men was the best assurance of the

continued well-being of the state. He made it clear that the members of the ruling group needed to be men whose private and public lives were virtuous, and who had a strong sense of responsibility toward the citizens whom they governed, and toward the maintenance of the constitutional fabric of which they were a part. He also made it clear that if they were not willing to accept their hereditary responsibilities, they would soon be ousted from their position and replaced by a new ruling group.

From his consulship to the date of his death, Cicero was actively engaged in combatting those individuals and coalitions who were trying to wrest supreme power from the senate. In this period of his life we see that he was a staunch supporter of the senate, and tried by every means to uphold its authority; and also that he was still struggling with the problem of awakening the senate to the necessity for effecting a reconciliation of interests between itself and the military and financial powers. He believed that only if this harmony between the orders were achieved, and the government was stabilized with a morally awakened senate in control, could there be peace and prosperity within the state. Peace and prosperity thus achieved, would provide the necessary milieu for the individual citizen to secure his birth-right of full self-realization.

During this period he was a fierce opponent of

tyranny, because it threatened the hereditary freedom of the Roman citizen and would subvert constitutional government. Because tyranny was such a threat to his political ideals, Cicero believed that the tyrant must be removed by drastic measures, and he not only countenanced but even advocated his death.

During his later years, when he was obliged to withdraw from active political life, and when he devoted his attention to formulating his political and ethical views in writing, he made it clear that his purpose was still to recall the governing class to a high moral standard, by giving them a resume of Greek philosophy in attractive, readable form, and by setting out in detail a moral code especially designed for potential leaders in society.

As we have argued in chapters five to seven of this thesis, the qualities of a good man were the qualities demanded of a refined and idealized Roman ruling class. Cicero's ethical demands were made with a political end in view: he wished to secure the continuation of the aristocratic rule, which in his opinion, would thereby ensure that the best interests of the state were protected.

Although the source of Cicero's ethics is a vexed question, and one, perhaps, incapable of a definitive answer, enough has been said to indicate that the most probable source was his social and political orientation and experience.

Cicero believed that a strong aristocratic group was capable of preserving the type of commonwealth which he desired, one in which the rights of all would be safeguarded. He was convinced that this ruling group would lose control if it were not composed of virtuous, cultivated men, dedicated to the perpetuation of justice and right, more devoted to the welfare of the state than to their own individual or class interests. Therefore, he devoted the major part of his life to demonstrating in word and action, the kind of conduct which he considered appropriate for members of the ruling class.

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