

There's No "I" in Team: Individualism, Private Property,
and Propriety in Cicero's *De Officiis*

Honors Thesis

Spring, 2006

by Alex C. Parrish

In analyzing the importance of *De Officiis*, many scholars are quick to disparage the text, labeling it a mere amalgamation of the works of prior - more learned - philosophers. Of those who acknowledge the significance of the work, it is often in terms of identifying the origin of an ideological spark kept dimly alive through the middle ages, so that it might blaze brightly forth in Enlightenment and early modern political treatises; to wit, the rights of an individual, and his voluntary act of entrusting the state with the necessary power to protect his private property.

But little is said about the forms, and implications, of individualistic thought in Cicero. Rarely are they mentioned in a political or moral context, and little thought is given to the general concept of the unique being as a part of a community of unique beings. However, all of these fringes are connected to the single strand that is personal property, as its retention relates to the attempt to reconcile the *honestum* to the *utile*. And an individual's rights reflect the special place in the universe that we afford him once we grant that he is an individual with rights.

It is here worth noting that it is not necessary we assume Cicero was addressing the universal rights of man. In fact, it would perhaps hinder our fuller understanding of the text. True, there are forays into natural law that are integral to the later philosophers' development of the concept of universal rights, but Cicero is most often arguing from the point of view of a Roman patrician and consular. *De Officiis* was, regardless of its personal address, meant to lay out the responsibilities of the young aristocratic governing class, and unless Cicero is clear to tell us otherwise, we should assume some degree of caution when applying this advice to anyone outside senatorial rank. That caveat in mind, we may continue to discuss the individual in *De Officiis* with some healthy skepticism about applying these formulae to all individuals.

R. D. Cumming put it best when he noted that "the novelty of the conception of man in *On Duties* is that man has a role, not only as a man to whom nothing is alien, but also as a particular individual who is personally different from other men."¹ He asserts that when Cicero changed the title of Panaetius's work *On Duty* (*Peri tou kathekontos*) to his own *On Duties*, he was making the statement that each individual's obligations are different in moral, economic,

¹ Cumming, 20

and political contexts.² Cicero lays this out for us in the first book of *De Officiis*, when he uses the conceit of the *persona* - originally a mask used to differentiate one character from another in drama - to demonstrate our twofold nature as humans.³ The first mask is one we would all wear, showing the universality of human reason and intelligence which connects us. The second, and the most important here, would be distinct to our own nature, to show our personality, the characteristics that render us different from the rest of our peers.

This image is important in that it not only demonstrates the differences among individuals, but also leads to Cicero's definition of propriety (or seemliness, *decorum*). "Each person should hold on to what is his as far as it is not vicious, but peculiar to him, so that the seemliness that we are seeking might be more easily maintained," and thereby we achieve a sort of harmony between our internal character and our external actions.⁴ For propriety is the establishment of internal order in a man, which is "relevant as the setting in which he orders his relations with other men."⁵

² op. cit.

³ *Off.* I.107

⁴ id. I.110

⁵ Cumming, 22

It is not a matter of vague parts of a whole; each individual may act as a self-contained unit, important singly or as a voice within a larger collection of units.

To Cicero,

"the state is not 'prior' to the individual... Society and the state are no longer equivalent terms. He can speak of a society as a wider thing than any political unit and an older, and he can think of man as something more than a mere 'part' of a state, lifeless as a foot of stone, and even inconceivable but in reference to it."⁶

The relationship of an individual with a community is, as stated above, most commonly observed in cases of rights and property, two topics worth lingering on if we are to see the entire picture. The most notable situations where the continuity of this thread of political philosophy is identified by scholars are during the French and American revolutions, and within the treatises of English and Continental Enlightenment thinkers.

To supply an example, we may look to the original Preamble to the Declaration of Independence, as drafted by Thomas Jefferson, wherein the original "unalienable rights"

⁶ McIlwain, 116-7

made no mention of pursuing happiness; rather, they list the right to private property as a companion to life and liberty (directly mirroring a tract by Samuel Adams of 1772). And of course, Jefferson's were not new notions of individual rights, when we consider the works of Locke, Rousseau, and Smith - this is but an illustrative example of practical application.

Since these ideas have been so influential, it would be helpful to explore them a bit further. It is obvious that Cicero, though a *novus homo*, had amassed through his skills as orator and statesman a great fortune. Walcot mentions that as early as 62 he had purchased a veritable palace on the Palatine for three and a half million sesterces.⁷ It is not surprising, then, that he would be so quick to stifle the aims of the *populares* who would support land redistribution and the cancellation of debts. For certainly he had many holdings on the Italian peninsula that would be in danger of redistribution, and a man of such means could not help but have clients and freedmen who were indebted to him.

Yet, there may be more to it than personal interest. Moreover, the idea of one person's interest may be the key to explaining Cicero's view. For Cicero, as we may surmise

⁷ Walcot, 120.

from the idea of the dual *personae*, did not believe in complete equality among men. There were the basic rights that all men deserved, and on top of them he placed the superior rights of men who displayed superior merit. "The primary purpose of state and law was the preservation of property and property differentials."⁸ It was not a matter of egalitarianism so much as maintenance of the *status quo*. The *optimates*, of course, being the "best men" deserved the best lands on which to construct their *latifundia*:

"While believing strongly in the moral equality of human beings, at the same time he argues that some should be socially superior to others, that the superior are entitled to rule their social inferiors, that the latter are obliged to obey the former, and that the division between superiors and inferiors is essential to every state."⁹

This is likely what the landed aristocrats of the Enlightenment found so appealing in Cicero's argument.

There is, however, a firm historical basis for this judgment. The Roman Revolution began with the rise and eventual murders of the Gracchii, after their bids for

⁸ Wood, 4.

⁹ *id.* 92

agrarian reform had stirred up civil strife to a dangerous level. And, though we are reaching the end of this period when *De Officiis* was written, the same debate raged on. "On Duties (3.40) blames the *populares* for destroying *concordia* by agrarian laws, proposals to cancel debts, and disrespect for the rights of property."¹⁰ And though it was still unclear, even after his assassination, what steps Caesar had planned to take in this direction, "Cicero goes beyond what most of his contemporaries would have accepted in claiming that Caesar both supported Cataline's conspiracy and continued to favor *novae tabulae*."¹¹ There would be no 'new slate' for those landless many who owed more than they were worth.

Though the events of his consulship, and the resultant problems with Caesar are likely interwoven with other motivations for penning *De Officiis*, we must somehow

¹⁰ MacKendrick, 256. Though this accusation is weakened by its occurrence in other works. For example, in IV.Phil.14 C. makes the same claim against Marcus Antonius, saying *Concordia* weeps from his attacks on the Senate and his happily pissing away of the treasury. Likely a rhetorical device in the latter case, in *Off.* it seems safer to take it as a practical observation made by an obviously partisan politician.

¹¹ Dyck, 33. Unfortunately, though not completely relevant to the theme of this discussion, the only extant primary source regarding the Catilinarian Conspiracy merely notes that Caesar spoke against the death penalty, not against the guilt of Lentulus, Cethegus, and two other of Cataline's co-conspirators, who under Cicero's consulship were illegally executed without the Roman citizen's right of a trial before the people, resulting in Cicero's later exile (*interdictio aqua et ignis*) from 58-7 BCE

extricate ourselves from the scholarly briar patch in which this consideration would place us. More blood and ink have been spilled on this topic than we could match. Perhaps a useful transition, then, would be to creep slowly away from private property and relocate our discussion to more theoretical ground - namely, individualism and morality.

Many scholars have noted the connection between individual moral values in a non-ethical state conception (as Cicero's conception of state is, in that government exists to protect private property and maintain order, not to judge the individual actions or morality of her citizens) and the protection of property. In III.22, Cicero elucidates his reasoning why a non-ethical state can survive with only the individual's interests to guide him. It is a matter of natural law, utility, and the interrelations between individuals. Atkins puts it quite succinctly: "if you steal from someone else, you will harm him, and therefore you will harm the body politic, and therefore ultimately you will harm yourself."¹² Justice is therefore borne of utility, and what is most advantageous to the individual.

This falls nicely in line with Cicero's arguments regarding the lack of need for a state to enforce its moral

¹² Atkins, 270-1

imperatives, for "since the state and its law is the common property of the people, its authority arises from the collective power of the people."¹³ When the people own the state, the law, and the power, it seems ridiculous to think that an individual would need to enforce, *ex officio*, his own moral values upon himself. Each citizen is able to exercise his own moral judgment, and influence that of his neighbor, if need be. For,

"if someone values justice precisely because it preserves and strengthens society, then he will be concerned not only that he himself act justly, but also that others do; indeed, his acting justly will involve his helping to ensure others do so too."¹⁴

It is a harbinger of things to come (though it takes seventeen centuries to find a practical foothold), the way Cicero constructs his theoretical state in which ethical matters are left to the people. The state's primary functions are to maintain peace and equity, and ensure the protection of private property. Cicero is "the first to be exact about the relationship of property and state, indeed

¹³ Sabine, 166

¹⁴ Atkins, 272

making it the linchpin of his conception of the state."¹⁵ It is a result of natural law: man has a natural desire for possessions; the violation of private property is unjust; the protection of private property is thus an extension of natural justice. It is as Long says, that human solidarity "proves to consist primarily in respecting strict justice about property rights and business transactions."¹⁶ And this solidarity is assumed, as men are naturally gregarious, voluntarily throwing themselves into a state of collectivity, where the individual empowers the government to exercise authority for the sake of protection and the maintenance of peace.

Unlike Glaucon (or later Hobbes), Cicero believed in a natural herding instinct in man, which would have been much to the approval of Aristotle, had he lived so long. When the people entrust their powers to a government, it does not create a state distinct from the people or community, "but where it is held... that political powers involve a transfer ('translatio') of the people's sovereignty - not so much a delegation as an alienation - a logical gap opens up between the powers of a community of citizens and those of a distinct impersonal authority."¹⁷

¹⁵ Wood, 130

¹⁶ Long, 239

¹⁷ Schofield, 67

Yet, it is not the fear of impersonal authority that holds Cicero to his apparent belief in limiting the power of government; it is when individual politicians exceed their mandate that he perceives problems occur. In fact, in *Republic*, he states this very clearly: "His thesis is that a *populus* has no liberty if its *res* is taken into the possession of a tyrant or faction."¹⁸ And when we are able to identify these usurpers of the power of the commonwealth, they should be exiled, or in extreme cases (which Cicero has many problems defining) tyrannicide is an acceptable alternative.

In the introduction to the Cambridge text of *De Officiis*, Griffin reminds us that "just as he knew in 46 that there was a villain, Caesar, who could be removed, so after his removal he blamed particular men," most notably Marcus Antonius.¹⁹ It was not a faction, not the inability of the republican system to govern a vast empire, not a system which - since Marius's day - allowed the generals and military officers to command the loyalty of the army, rather than have them answerable only to Rome. It was an individual whose political ambitions brought what Cicero alleged was the ruin of the state.

¹⁸ id. 75

¹⁹ Griffin and Atkins (eds.), xiv

It seems Caesar (in the questionable circumstance that any of the three books of *De Officiis* were completed before his death), and later Marc Antony, failed to notice the advice Cicero had given to young Marcus: one should appear to be morally what others want you to be.²⁰ Cumming, like Machiavelli earlier, agreed that "the moral appearance is a large portion of the political reality," and that a statesman will only be eminent so long as people attribute to him certain moral characteristics.²¹ And this is clearly relevant when we consider Cicero's indirect reference to Caesar at *De Officiis* III.43:

"However, the good man will never, for the sake of a friend, act contrary to the republic, to a sworn oath, or to good faith. He will not do so even if he is judge over his friends: for he lays aside the role of a friend when he assumes that of judge."

And if no word or deed be hidden under the intense brilliance of fame, the conception of propriety is perhaps more important to the famous than one who does not bear such scrutiny.

²⁰ cf. *Off.* II.44

²¹ Cumming, 31. However, whereas Cicero concluded it was more useful to be, as well as to appear, moral, Machiavelli fails to see the light. This is not surprising, though, as in *The Prince* Machiavelli seems to consider *Off.* a rival political treatise, rather than a source to be used in conjunction.

In summary, we may yield to the harsh analyses of men like Willoughby, who mused, "nobody that I know of has yet succeeded in discovering a new idea in the whole of Cicero's philosophical and semi-philosophical writings," but it would be folly to accept such a shallow interpretation.²² In reconciling Platonic, Stoic, and Academic Skeptic philosophies with the traditional and legalistic Roman outlook, he has created something new altogether. Most original are his concept of individual rights, the importance he places on protecting private property, and the ability to demonstrate, through propriety, the communication between an individual's nature and the external world.

Wood said that *De Officiis* "is characterized by a pronounced individualism not only in economic but also in moral and political concerns," and it is apparent, given the moral thrust of the work, that Cicero would take the simpler argument of protecting personal property as a jumping-off point for the less stable ground of moral and political matters.²³ For it was a Roman audience to which he preached, and a conservative senatorial one at that; it

²² Willoughby, 274

²³ Wood, 68

would not do to take them into the deep end of the pool without a lifejacket.

Arguing a non-ethical state to Romans, whose polytheism extended to the native gods of any land they visited, and whose greatest worry was the decay of the *mos maiorum*, would be a near-absurd proposition if a frontal attack was employed. There needed to be a nice solid footing for the venerable optimates, wary of all things Greek. Thus, Cicero spoke of propriety, natural law, goodness, utility, and justice - old-fashioned Roman virtues and beliefs of which everyone could approve. Put in these terms, the old Greek ideas he had gathered together became suddenly and uniquely Roman.

Select Bibliography

Atkins, E.M., "Domina et Regina Virtutem: Justice and Societas in *De Officiis*" in *Phronesis* 35, 1990. 258-89.

Cicero, Marcus Tullius, *Philippics*. tr. Michael Grant. London: Penguin Classics, 1969.

-- and Michael Grant (tr., intro.), *On Government*. London: Penguin Classics, 1994.

--, *Topica*. Oxford: Oxford University Press, 2004.

-- and Harry M. Hubbell (intro.), *Selected Works of Cicero*. Roslyn, NY: Walter J. Black, Inc., 1948.

-- and M.T. Griffin and E.M. Atkins (eds.), *On Duties*.
Cambridge: Cambridge University Press, 1991.

-- and P.G. Walsh (ed.), *On Obligations*. Oxford:
Oxford University Press, 2000.

Clark, M.L., *The Roman Mind*. Cambridge, Mass.: Harvard
University Press, 1960.

Colish, Marcia, "Cicero's *De Officiis* and Machiavelli's
Prince" in *Sixteenth Century Journal* Vol. 9, No. 4,
1978. 80-93.

Cumming, Robert Denoon, *Human Nature and History: A Study
of the Development of Liberal Political Thought*.
Chicago: University of Chicago Press, 1969. v.2.

Dyck, Andrew R., *A Commentary on Cicero, De Officiis*. Ann
Arbor: The University of Michigan Press, 1996.

Engels, Frederick, *The Origin of the Family, Private
Property and the State*. New York: International
Publishers, 1978.

Gelzer, Matthias, *Caesar: Politician and Statesman*.

Cambridge: Harvard University Press, 2003.

Griffin, M.T. and E.M. Atkins (eds.), *Cicero: On Duties*.

Cambridge: Cambridge University Press, 1991.

Habicht, Christian, *Cicero the Politician*. Baltimore: The

Johns Hopkins University Press, 1990.

Hegel, Georg Wilhelm Friedrich, "The Philosophy of History"

in *Great Books of the Western World*. Chicago:

Encyclopaedia Britannica, Inc., 1952. v.46.

Holton, James E., "Marcus Tullius Cicero" in Leo Strauss

and Joseph Cropsey (eds.) *History of Political*

Philosophy. Chicago: University of Chicago Press,

1987. 155-75.

Jefferson, Thomas, "The Declaration of Independence

(draft)" in David Hollinger and Charles Capper (eds.)

American Intellectual Tradition: A Sourcebook: to

1865, 4th ed. Oxford: Oxford University Press, 2001.

Kennedy, George A., *A New History of Classical Rhetoric*.

Princeton: Princeton University Press, 1994.

Long, A.A., "Cicero's Politics in *De Officiis*" in Andre

Laks and Malcolm Schofield (eds.) *Justice and*

Generosity: Studies in Hellenistic Social and

Political Philosophy. Proceedings of the Sixth

Symposium Hellenisticum. Cambridge: Cambridge

University Press, 1995. 213-40.

--, *Hellenistic Philosophy*. New York: Charles

Scribner's Sons, 1974.

--, "Roman Philosophy" in David Sedley (ed.), *The*

Cambridge Companion to Greek and Roman Philosophy.

Cambridge: Cambridge University Press, 2003.

MacKendrick, Paul, *The Philosophical Books of Cicero*.

London: Duckworth & CO. Ltd., 1989.

Madison, James, "Federalist 10." *Constitution Society*

Homepage. Constitution Society, February 25, 2005.

<http://www.constitution.org/fed/federa10.htm>

(accessed December 1, 2005).

Marx, Karl, *The Portable Karl Marx*. London: Penguin, 1983.

McIlwain, Charles Howard, *The Growth of Political Thought
in the West*. London: Macmillan & CO. Ltd., 1932.

Mill, John Stuart, *On Liberty*. Arlington Heights,
Illinois: AHM Publishing Corporation, 1947.

Morford, Mark, *The Roman Philosophers*. London: Routledge,
2002.

Nicgorski, Walter, "Cicero's Paradoxes and His Idea of
Utility" in *Political Theory*, Vol. 12, No. 4, 1984.
557-78.

Parenti, Michael, *The Assassination of Julius Caesar*. New
York: The New Press, 2003.

Plutarch, *Plutarch's Lives*, v.2. New York: The Modern
Library, 2001.

Sabine, George H., *A History of Political Theory*. London:
George G. Harrap & CO. Ltd., 1937.

Schofield, Malcolm, "Cicero's Definition of Res Publica" in
J.G.F. Powell (ed.) *Cicero the Philosopher: Twelve
Papers*. Oxford: Clarendon Press, 1999. 63-84.

Smethurst, S.E., "Politics and Morality in Cicero" in
Phoenix, Vol. 9, No. 3, 1955. 111-121.

Steel, C.E.W., *Cicero, Rhetoric, and Empire*. Oxford:
Oxford University Press, 2001.

Storch, Robert H., "Relative Deprivation and the Ides of
March: Motive for Murder," in *Ancient History
Bulletin*, 9.1, 1995. 45-52.

Walcot, P., "Cicero on Private Property: Theory and
Practice" in *Greece & Rome*, 2nd Ser., Vol. 22, 1975.
120-8.

Willoughby, W.W., *The Political Theories of the Ancient
World*. New York: Macmillan, 1903.

Wood, Neal, *Cicero's Social and Political Thought*.
Berkeley: University of California Press, 1988.