



TOPIC 1: Debate on values

Teaching and learning aids

Cicero (106-43 B.C.)

For Cicero, too, man is by nature a creature that needs society and it is here that he sees the main reason for creation of a state. (T 1/5). For Cicero a state is therefore a group of people who recognize common rights and draw from it common benefits. Cicero is not, however, thinking so much of rights that arise from one case or another through the legislation of a state (so-called positive laws), but that the state for him is a community based on principle, a priori on law that is experienced through human reason. (T 1/6)

Natural law

Cicero here takes up an idea of the Stoics - a group of Hellenistic philosophers – who said that all so-called positive law which is determined by states and governments is given its validity by the eternal unwritten natural law, which is nothing other than reason. In the last resort natural law for the Stoics is divine law, which has the power to determine what is right and wrong.

Aristotle in his later writings relinquished this divine guarantee of the validity of natural law and the rights deriving from it. But for the early fathers of the church in a flourishing Christianity these ideas of Cicero's were of great importance until well after the Middle Ages. (T 1/7)

If one puts aside Cicero's partly synonymous use of the concepts of reason, nature, law and justice, then the following meaning can be expressed in the language of today.

Natural law is based on the concept of universal reason - for Christians later God's creation. Since we, as human beings, all have a share in this, it follows that all people are equal, all have the same rights, and that they should practise charity, doing good, and mercy. (T 1/8)

Cicero is also concerned with the quality of concrete (positive) laws, for if they did not take into account universal natural law, virtues and relationship to the gods, but only followed the principle of pure utility, there would not be any justice at all. (T 1/9)

For Cicero, too, the state has objectives, namely:

- To provide law and justice for its citizens
- To defend against outside enemies and
- To increase the public good

Today we would say that we are concerned with the following values:

- Constitutional states
- External security and
- Prosperity

However well thought out this may be in theory, in everyday life the question arises - as with Aristotle - who determines the content of the principles, who defines in each single case what is right or wrong?

Virtues of our forefathers

Alongside its basis in natural law the Roman republic had a kind of historical guiding-star in the "mos maiorum" (in the traditional morals of the forefathers). This found expression from case to case in the assembly of the elders in the Senate.

Cicero knew all the theoretical ideas that Aristotle and other Greek philosophers had had on the advantages and disadvantages of different forms of government and constitutions and so saw in a combination of forms a guarantee for the survival of the state (community). (T 1/10)

Since Cicero lived in the final phase of the Roman republic, it was natural for him to see the monarchical element in the consulate, the aristocratic element in the senate and the democratic element in the popular assembly. Some of these ideas are found later in the 18th. century in Montesquieu's Theory of the Division of Power and Rousseau praises the way the Romans passed democratic resolutions in the popular assembly.

Political participation

Although the representatives of middle and lower social classes took part in voting in Rome and high officials of the state were raised to power legitimately by election, Cicero offers no procedure or institution whereby the many people with citizens' rights both in and outside Italy could have been involved in government.

This unsolved problem of participation led after Cicero's death (43 B.C.) to the absolute power of the Roman emperors, who with their officials and soldiers ruled the huge empire around the Mediterranean. Cicero had already feared the worst and given warning. (T 1/11)

In its geographical dimensions and the large number of peoples today's EU is altogether comparable to the Roman Empire and today, too, we are still striving after appropriate participation for all European citizens.

Summary

- Like Aristotle Cicero also puts the general good before self-interest
- There is a universal natural law that in the last instance is of divine origin. This should be the beginning of a gradual abolition of the inequalities among people which Aristotle would have accepted as normal, e.g. with regard to slaves and women.
- Cicero was unable to stop the decline of Roman virtues (values).
- In particular the problem of political participation in large states remained unsolved.