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ONE OF THE CHARACTERISTIC MARKERS of the advent of modern moral philosophy is the conceptual distinction between morality and one's own happiness.[1] Nowhere is this innovation more visible than with the concept of "moral duty," which in modern terms is often defined precisely by its opposition to prudential self-interest or one's own happiness. [2] It is generally assumed that the Stoics are ancient precursors to this decidedly modern concept.[3] The concept of duty, or

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[1] Broadly speaking, our focus is on the genealogy of modern deontological moral theories. Modern teleological theories, such as classical utilitarianism, offer a different account of the relationship between morality and individual happiness. We mention this not in order to take a stand on the nature and plausibility of the deontological–teleological distinction, nor to suggest that Cicero or Kant fit neatly into that taxonomy, but simply to situate our present focus on but one aspect of the development of the modern notion of moral duty.

[2] A representative expression of this commonplace view is found in Rawls: "We can hardly understand Greek moral philosophy, Sidgwick continues, unless we put aside the 'quasi-jural,' or legalistic, concepts of modern ethics and ask not 'What is duty and what is its ground?' but rather 'Which of the objects that people think good is truly good, or the highest good?' . . . So, to conclude, we say: the ancients asked about the most rational way to true happiness, or the highest good, and they inquired about how virtuous conduct and the virtues as aspects of character . . . are related to that highest good, whether as means, or as constituents, or both. Whereas the moderns asked primarily, or at least in the first instance, about what they saw as authoritative prescriptions of right reason, and the rights, duties, and obligations to which these prescriptions of reason gave rise." John Rawls, *Lectures on the History of Moral Philosophy,* ed. Barbara Herman (Cambridge, Mass.: Harvard University Press, 2000), 2. See also Charles Larmore, "The Right and The Good," *Philosophia* 20 (1990): 15–32. See also Anscombe's well-known critique of the distinctively moral conception of ought and obligation. Elizabeth Anscombe, "Modern Moral Philosophy," *Philosophy* 33, no. 124 (January 1958): 1–19.

[3] On this, Henry Sidgwick carries the weight of many commentators: "Stoicism furnished the transition from the old Greek view of ethics, in which the notions of Good and Virtue were taken as fundamental, to the modern view in which ethics is conceived as primarily a study of the 'moral code'." Henry Sidgwick, *Outlines of the History of Ethics for English Readers* (London: Macmillan and Company, 1892), 97. See also Gisela Striker, "Origins of the

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something like it, plays a central role not only in their account of the psychology of human action but also in their prototypical conception of natural law ethics.[4] Yet as recent commentators have emphasized, while the commonalities are tantalizing, appearances are misleading. The Stoics are, at bottom, eudaimonists in the Socratic tradition for whom the modern distinction between morality and prudence would be incoherent.[5] No historian of philosophy will deny the vast expanse that separates Stoicism from modern moral philosophy, but the picture

Concept of Natural Law," in *Essays on Hellenistic Epistemology and Ethics* (Cambridge: Cambridge University Press, 1996), 219–20. For a recent and forceful defense of the stronger claim that the Stoics invented the notion of duty, see Jack Visnjic, *The Invention of Duty: Stoicism as Deontology* (Boston: Brill, 2021). See also John M. Cooper, "Eudaimonism, the Appeal to Nature, and 'Moral Duty' in Stoicism," in *Reason and Emotions: Essays on Ancient Moral Psychology and Ethical Theory* (Princeton, N.J.: Princeton University Press, 1999), 427–48.

[4] For the Stoics, no belief or desire can be formed, and no action undertaken, without the consent of an agent's ruling faculty (ἡγεμονικόν). More specifically, the cause of every action is one's assent (συγκατάθεσις) to the proposition performing that action is the "thing to do" (καθῆκον). See Anthony Long and David Sedley, *The Hellenistic Philosophers* (hereafter, LS) (Cambridge: Cambridge University Press, 1987), 53Q. When translating καθῆκον in the context of impulse, many prefer the locution "thing to do," while in the context of action many prefer "duty" or "appropriate action." On the notion of an "impulsive impression" (ὁρμητικὴ φαντασία) that represents a course of action as the thing to do (καθῆκον), see LS, 33I. See also Brad Inwood, *Ethics and Human Action in Early Stoicism* (Oxford: Clarendon Press, 1985), 42–101; and Margaret Graver, *Stoicism and Emotion* (Chicago: The University of Chicago Press, 2008), 35–60.

[5] On ancient eudaimonism generally, see Julia Annas, *The Morality of Happiness* (Oxford: Oxford University Press, 1993). On Stoic eudaimonism, see Anthony A. Long, "Stoic Eudaimonism," *Proceedings of the Boston Area Colloquium in Ancient Philosophy* 4, no. 1 (January 1988): 77–101; Jacob Klein, "Stoic Eudaimonism and the Natural Law Tradition," in *Reason, Religion, and Natural Law: From Plato to Spinoza*, ed. Jonathan Jacobs (Oxford: Oxford University Press, 2012), 57–80; and Michael Vazquez, "Hopeless Fools and Impossible Ideals," *Res Philosophica* 98, no. 3 (July 2021): 429–51. On Kant's rejection of eudaimonism, see his *Kritik der praktischen Vernunft* 5:64. All citations of Kant's works use the volume and page numbers of the standard Akademie edition. Translations of Kant's works are taken from the following sources: Immanuel Kant, *Practical Philosophy,* ed. and trans. Mary J. Gregor (New York: Cambridge University Press, 1996); Immanuel Kant, *Religion and Natural Theology,* ed. and trans. Allen W. Wood and George di Giovanni (New York: Cambridge University Press, 1996); Immanuel Kant, *Critique of Pure Reason,* ed. and trans. Paul Guyer and Allen Wood (New York: Cambridge University Press, 1998).

remains largely obscure. It has long been suspected that Cicero played a decisive role in this development due to his crucial role as a translator and mediator of Greek philosophy. After all, Cicero is responsible not only for giving Greek philosophy a Latin dress, but also for shaping the linguistic and conceptual resources of Western philosophy for centuries to come. Scholars have offered varying explanations for Cicero's role in the movement away from eudaimonism: Cicero's Antiochean and syncretizing tendencies, [6] the Roman and juridical cast of his appropriation of Stoic ethics and natural law,[7] his emphasis on moral progress and the performance of *officia* by nonvirtuous agents (a

[6] We hasten to add that Cicero's philosophical allegiance is undeniably to the skeptical New Academy. Any Antiochean leanings one might detect in Cicero's writings (especially on ethics) should be interpreted in light of his commitment to skepticism and his dialectical strategies across his philosophical works. On Cicero's skepticism (the variety of which is subject to extensive and ongoing debate), see n. 34 below.

[7] Recently, Malcolm Schofield argued that Cicero's place in the eudaimonist ethical tradition, which emphasizes attractive notions such as "goodness" rather than imperatival notions such as "duty," is complicated: "Cicero's treatise is, after all, titled *On duties* (or, in an alternative translation of the Latin expression *de officiis*, *On obligations*). *Officium* is in fact a Roman moralizing transformation of the Greek καθῆκον, 'what it belongs to us to do,' or 'what accords with our nature'. The transformation accordingly makes behaving virtuously also a matter of performing those actions that are *required* of us . . . in short, a matter of doing our duty (as a requirement conceived in that way)." Malcolm Schofield, *Cicero: Political Philosophy* (Oxford: Oxford University Press, 2021), 185.

feature of middle Stoicism),[8] his anti-Epicurean polemics,[9] or some combination thereof. Most important from the point of view of the history of ethics is the fact that Cicero's ethics of *officia*, although articulated in a decidedly eudaimonistic framework, eventually formed the basis of an ethical system in which moral principles function to place limits on and constrain one's pursuit and maximization of happiness. Furthermore, when we arrive at Kant, whose radical reconception of moral philosophy is a watershed moment in the history of philosophy, we find a direct reference to Cicero at a crucial point in which he explicitly carries out the separation between morality and happiness.

In this article, we would like to unpack this story about the history of ideas and look more thoroughly at the ways in which Cicero could have contributed to the development of the modern understanding of moral duty. In so doing, we also shed new light on the intellectual context within which Kant worked out his first major contribution to moral philosophy.

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[8] On one standard narrative, middle Stoicism marked a shift away from the uncompromising dichotomy between sages and fools toward an increased focus on moral guidance and imperfect agents, thereby embracing a kind of "second-best" morality intended to guide nonsages with a system of codified moral rules (*praecepta*). See René Brouwer, "On the Ancient Background of Grotius's Notion of Natural Law," *Grotiana* 29, no. 1 (January 2008): 1–24; Klein, "Stoic Eudaimonism and the Natural Law Tradition"; Phillip Mitsis, "The Stoics and Aquinas on Virtue and Natural Law," *The Studia Philonica Annual* 15 (2003): 35–63; Gisela Striker, "Origins of the Concept of Natural Law," in *Essays on Hellenistic Epistemology and Ethics*, ed. Gisela Striker (Cambridge: Cambridge University Press, 1996), 209–20; Paul A. Vander Waerdt, "The Stoic Theory of Natural Law" (Ph.D. dissertation, Princeton University, 1989); Paul A. Vander Waerdt, "Philosophical Influence on Roman Jurisprudence? The Case of Stoicism and Natural Law," *Aufstieg und Niedergang der Römischen Welt* 36, no. 7 (1994): 4851–900; Paul A. Vander Waerdt, "Zeno's Republic and the Origins of Natural Law," in *The Socratic Movement,* ed. Paul A. Vander Waerdt (Ithaca, N.Y.: Cornell University Press, 1994), 272–308; Dirk Obbink and Paul A. Vander Waerdt, "Diogenes of Babylon: The Stoic Sage in the City of Fools," *Greek, Roman and Byzantine Studies* 32, no. 4 (1999): 355–96; Elizabeth Asmis, "Cicero on Natural Law and the Laws of the State," *Classical Antiquity* 27, no. 1 (April 2008): 1–33. It is worth noting that, despite appearances, the importance of the interior moral life is preserved even in the natural law tradition of Pufendorf, whom we take up below. See Colin Heydt, *Moral Philosophy in Eighteenth-Century Britain: God, Self, and Other* (Cambridge: Cambridge University Press, 2017), 34; and Gottfried Wilhelm Leibniz, *Leibniz: Political Writings*, ed. and trans. Patrick Riley (Cambridge: Cambridge University Press, 1988), 68.

[9] See, for example, Cicero, *De Officiis* (hereafter, *Off.*), 1.5.

The remainder of the article is divided into four sections. In the second section we outline basic features of the Stoic concept of καθῆκον. In the third section we examine Cicero's translation of the notion into Latin as *officium*. While Cicero problematized and deliberated over his translational decision, we do not find an adequate basis to conclude that his translation of the Stoic doctrine into Latin and into a Romanized context led to the sort of development some commentators have suggested. Instead, we find that Cicero's translation largely preserves the basic core of the Stoic doctrine of καθῆκον. In the fourth section, we examine important developments in the meaning of "duty" between the sixteenth and eighteenth centuries, with a particular focus on Pufendorf's reworking of Ciceronian *officium* in ways that anticipate Kant's critique of Garve's Ciceronian ethics. While it is not Cicero's translation and appropriation of καθῆκον into Latin as such that shapes the modern understanding of moral duty, we argue that Cicero did play a decisive role in this notion's development. In particular, we argue in the fifth section that Cicero's impact is indirect but substantial: Kant's *Grundlegung zur Metaphysik der Sitten* and some of the central theses contained therein are formulated as a direct response to Christian Garve's Ciceronian ethics. Kant, foreshadowed by his predecessor Pufendorf, rejects the Ciceronian notion of *officium* in order to establish the strict conceptual distinction between duty and happiness with which we are familiar today. Kant's innovation can be expressed in a series of contrasts with the Ciceronian ethical tradition he rejects: Morality is universal, not historically and socially circumscribed; moral requirements are categorical, not situationally fluid; and the primary aim of moral philosophy is foundational, not empirical and casuistical.

II

As mentioned above, the Stoics have long been considered transitional figures in the history of Western ethics. According to some, Stoicism marks a shift away from eudaimonism toward a juridical conception of ethics as the study of the "moral code." Recently, scholars have rightfully pushed back against this narrative by emphasizing the continuity of Stoicism within the tradition of eudaimonist and perfectionist ethics erected by Socrates. The central Stoic notion at

stake in this developmental story, which has a clear pedigree in the development of modern moral philosophy, is the καθῆκον or *officium*. The original notion of the καθῆκον was intended to capture the fitness or suitability of an activity for the sort of creature one is (it extends to plants and animals).[10] The notion lacks the strong deontological connotations its successors have, like *devoir*, *deber*, *Pflicht*, and duty.[11] The important link in this chain of transmission is *officium*, which is solely and squarely Cicero's translational choice (and one he wavered over in his letters to Atticus).[12] Cicero clearly wanted to capture, by translational fiat, the philosophical and specialized meaning that the

[10] For a detailed study covering the naturalistic basis of this notion in Stoic thought, see Manuel Lorenz, *Von Pflanzen und Pflichten: Zum naturalistischen Ursprung des stoischen kathekon* (Basel: Schwabe Verlagsgruppe AG Schwabe Verlag, 2020).

[11] Thomas Reid makes this linguistic observation in *Essays on the Active Powers of Man:* "What we call *right* and *honourable* in human conduct, was, by the ancients, called *honestum*, τὸ καλὸν: of which Tully says, 'Quod vere dicimus, etiamsi a nullo laudetur, natura esse laudabile.' All the ancient sects, except the Epicureans, distinguished the *honestum* from the *utile*, as we distinguish what is a man's duty from what is his interest. The word *officium*, καθῆκον, extended both to the *honestum* and the *utile*. So that every reasonable action, proceeding either from a sense of duty or a sense of interest, was called *officium*. It is defined by Cicero to be, 'Id quod cur factum sit ratio probabilis reddi potest.' We commonly render it by the word *duty*, but it is more extensive; for the word duty, in the English language, I think, is commonly applied only to what the ancients called *honestum*. Cicero, and Panaetius before him, treating of offices, first point out those that are grounded upon the *honestum*, and next those that are grounded upon the *utile.*" Thomas Reid, essay 3, pt. 3, chap. 5, "Of the Notion of Duty, Rectitude, Moral Obligation." Reid's view is that "what is right and honourable" (that is, the *honestum*) and "our happiness upon the whole" (that is, the *utile*) are "two distinct principles of action." And yet, "when rightly understood, both lead to the same course of life. They are like two fountains, whose streams unite and run in the same channel." Reid even concedes that these two principles are "combined under one name," namely, reason. And this is why, according to Reid, "the dictates of both, in the Latin tongue, were combined under the name officium, and in the Greek under καθῆκον." Ibid. The edition of Reid consulted is *Thomas Reid: Essays on the Active Powers of Man*, ed. Knud Haakonssen and James A. Harris (Edinburgh: Edinburgh University Press, 2010).

[12] On Cicero as translator, see John Glucker, "Cicero's Remarks on Translating Philosophical Terms—Some General Problems," in *Greek into Latin from Antiquity until the Nineteenth Century,* ed. John Glucker and Charles Burnett (London: Warburg Institute, 2012): 37–96; and Jonathan G. F. Powell, "Cicero's Translations from Greek," in *Cicero the Philosopher*, ed. Jonathan G. F. Powell (Oxford: Clarendon Press, 1999), 273–300.

term καθῆκον had acquired thanks to the Stoics. In what follows, we will review the differences between the Stoic concept of duty and Cicero's translation. This will serve as the foundation on which we will further consider the influence that Cicero's discussion has had on the modern development of the concept of duty.

The first known philosophical usage of the term καθῆκον can, with confidence, be traced back to Zeno of Citium, the founder of the Stoic school during the Hellenistic period. Zeno had a penchant for coining new terms or enlisting ordinary Greek terms in the service of his idiosyncratic and extremely technical system. Chrysippus of Soli, the third head of the school, is often credited with crystallizing the logical and philosophical machinery that has come to be known as orthodox Stoic philosophy, but it is with Zeno that each and every central doctrine has its origin. Consider the notorious Stoic doctrine that only virtue is good (ὅτι μόνον τὸ καλὸν ἀγαθόν; *quod honestum sit id solum bonum esse*).[13] In order to express the fact that only virtue is good and only vice is bad, Zeno referred to conventional goods such as health and wealth as mere indifferents (ἀδιάφορα).[14] They are indifferent with respect to happiness—their possession or lack thereof literally makes no difference for one's happiness or misery—but they are not indifferent with respect to action.[15] In the latter respect, the conventional goods like health and wealth were deemed by Zeno "preferred" (προηγμένα) or "dispreferred" (ἀποπροηγμένα), since we have reason to go for things like health and reason to avoid things like sickness.[16]

Diogenes Laërtius reports that Zeno "first introduced the word καθῆκον and wrote a treatise on the subject."[17] Of course it is simply not true that Zeno invented the word καθῆκον,[18] so what Diogenes

[13] The Greek and Latin expressions in this case were drawn from Cicero's *Paradoxa Stoicorum*, paradox 1.

[14] LS, 58A = Diogenes Laërtius, *Vitae Philosophorum* (hereafter, DL) 7.101–03.

[15] The preferred indifferents are indifferent with respect to the end, that is, happiness, but they are also "capable of activating impulse and repulsion. Hence some of them are selected and others disselected." LS, 58B. In short, they have value only in prospect as we deliberate and navigate the world, but they are neither good nor bad.

[16] Cicero, *De Finibus Bonorum et Malorum* (hereafter, *Fin.*), 3.51.

[17] DL, 7.25.

[18] One common attested usage is essentially spatial or temporal, expressing the idea of "reaching" or "coming down to" some fixed point in

must mean is that Zeno was the first to use the term in a distinctive way, that is, as a way of describing certain activities (ενεργήματα) or, in the human case, actions.[19] The core idea expressed by Zeno's term καθῆκον is something like "suitability" and "fitness," and its normative scope "extends to plants and animals" as well as to rational human agents.[20] The etymological origins of the term are supposedly connected to the idea that certain actions "fall to one" (κατά τινας ἥκειν) to perform; thus, "incumbent" might well be a good English translation.[21] An activity that is καθῆκον is "an activity appropriate to constitutions that accord with nature [ἐνέργημα δ᾽ αὐτὸ εἶναι ταῖς κατὰ φύσιν κατασκευαῖς οἰκεῖον],"[22] or something that is becoming of the sort of

space or time. Equally common is a participial usage that describes something as fitting or proper (although not with any particular moral or philosophical gravity): "And now, when the lapse of days is reckoned, I am troubled about what he is doing, for he has been away an unreasonably long time *beyond what is fitting* [πλείω τοῦ καθήκοντος]." Sophocles, *Oedipus Tyrannus*, l. 75; translation from *The Oedipus Tyrannus of Sophocles*, ed. Richard Jebb (Cambridge: Cambridge University Press, 1887), emphasis ours. And finally, a case that mostly clearly foreshadows its philosophical future is the term's use as a third-person impersonal verb. Consider the following example: "Again, when he was sent down by his father to be satrap of Lydia, Greater Phrygia, and Cappadocia and was also appointed commander of all the troops whose duty [οἷς καθήκει; our preferred translation: 'to whom it falls'] it is to muster in the plain of Castolus." Xenophon, *Anabasis*, 1.9.7; translation from *Xenophon in Seven Volumes*, vol. 3, trans. Carleton L. Brownson (Cambridge, Mass.: Harvard University Press, 1922). For a useful survey of pre-Stoic usage of the term, see Jack Visnjic, *The Invention of Duty*, 139–52.

[19] DL, 7.108. Although not a focus of our paper, it is important to emphasize that the Stoics distinguish between the καθῆκον and the κατόρθωμα. These are two categories for the normative evaluation of action, according to the Stoics, and only the κατόρθωμα rises to the level of morality (that is, good and bad). Even the most vicious and foolish among us can do that which accords with his nature, that is, what is καθῆκον, such as tending to our health or taking care of our family. In contrast, a κατόρθωμα is not an action or observable behavior at all, but the intention and disposition out of which an action flows. The notion of the κατόρθωμα expresses a reality that is completely internal to the agent (all expressed by adverbial characterizations of the action performed, for example, "prudently" or "justly"). The performance of καθήκοντα is a necessary stepping stone on the road to virtue, since they teach us how to imitate nature, but they are by no means sufficient, and taken by themselves are strictly indifferent. See n. 101 below.

[20] LS, 59C = DL, 7.107.

[21] Ibid. "Incumbent acts" is suggested by Cooper. See Cooper, "Eudaimonism," 268 n. 22.

[22] LS, 59C = DL, 7.107.

creature it is. So what is καθῆκον for any particular creature is tightly connected to the teleological structure and nature of that organism. This is especially clear in the tight connection between the καθῆκον and the Stoic doctrine of οἰκείωσις.[23] As an organism develops, the range of activities that are appropriate to its nature and constitution develop. This is why Cicero reports that the first καθῆκον (he uses the Latin *officium*, about which we will say more below) for a human is "to preserve oneself in one's natural constitution"; but by the time one reaches a certain level of maturity, one comes to recognize a wide range of suitable activities that extend well beyond (and often undercut) self-preservation. For example, our sources speak of "noncircumstantial" καθήκοντα (that is, actions that are generally appropriate, absent extraordinary circumstances), such as "honoring one's parents" or "defending one's country."[24]

Now in the case of rational agents, the Stoics often define the καθῆκον in terms of rational justification. Consider the definition of the καθῆκον reported in the doxography of Stobaeus: "καθῆκον is so defined: consequentiality [ἀκόλουθον] in life, something which, once it has been done, has a reasonable justification [εὔλογον ἀπολογίαν]."[25] There is considerable debate about the precise meaning of the locution "reasonable justification," but one thing is clear: The standard by which one's justification is assessed is nature's standard, for the foundation (ἀρχή) of appropriate action is nature (φύσις) and what accords with nature (τὸ κατὰ φύσιν).[26] So in order to discover what is καθῆκον, a

[23] In fact, there is good reason to think that καθῆκον was used synonymously with οἰκεῖον. This is a point that is all too often obscured by commentators and translators who jump immediately to the case of human *conduct* rather than activities in general (something shared by all living organisms).

[24] For one such list, see DL, 7.108–09.

[25] Joannes Stobaeus, *Eclogues* (hereafter, *Ecl.*), 2.85 = Hans von Arnim, *Stoicorum Veterum Fragmenta* (hereafter, SVF), 3.494.

[26] Plutarch, *De Communibus Notitiis Adversus Stoicos*, 1069E = SVF, 3.491. It is of the utmost importance to note that the Stoics grounded the καθῆκον not in the subjective justification that one could give for an action but in the infallible judgment of nature. Just like the Stoic formula of the *telos*, which states that man's end is to "live in agreement with nature"—where the referent of φύσις is both one's individual nature as a human and the providentially governed nature of the cosmos—καθῆκον actions accord with our individual nature as humans and with the nature of the cosmic whole of which we are parts.

Stoic consults his experience of the things that happen by nature (ἐμπειρίαν τῶν φύσει συμβαινόντων).[27] It is also important to consult facts peculiar to us as individual persons (πρόσωπα; *personae*), including our social relations (σχέσεις), roles and titles (ὀνόματα), and assessments of our own abilities and self-worth. We will see below that the expansiveness of this kind of rational justification is a sticking point for the modern reception of Stoic duty.

In a nutshell, the Stoic theory of the καθῆκον is closely linked to the idea of following and imitating nature's plan for us.[28] Perhaps most importantly, what it takes to imitate nature is highly individualized and context-sensitive. Contrary to popular misconceptions of Stoicism as unyielding (perhaps due in part to later portrayals of Stoic exemplars like Cato as manifesting *integritas* to the point of stubbornness), the Stoic conception of appropriate action is fluid.[29] This is evident in the Stoic willingness to countenance exceptions to every moral injunction and prohibition, including incest and cannibalism.[30] With sufficient tweaking of the circumstances, whether the agent involved or other features of the context, any action might be permissible.[31] As Epictetus puts it:

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[27] The locution is drawn from Chrysippus's definition of the end in *Ecl.*, 2.75, and highlights the importance of experience and circumstantial variability for Stoic practical reasoning.

[28] This claim is so ubiquitous it hardly bears repeating. One example comes from Seneca, *Epistulae* (hereafter, *Ep.*), 66.39: "'Quid est ergo ratio?' Naturae imitatio. 'Quod est summum hominis bonum?' Ex naturae voluntate se gerere."

[29] On the context-sensitivity of Stoic duty, see Brad Inwood, "Rules and Reasoning in Stoic Ethics," in *Topics in Stoic Philosophy*, ed. Katerina Ierodiakonou (Oxford: Clarendon Press 1999), 95–112; Stephen White, "Stoic Selection: Objects, Actions, and Agents," in *Ancient Models of Mind*, ed. Andrea Nightingale and David Sedley (Cambridge: Cambridge University Press, 2010), 110–29; Brian E. Johnson, *The Role Ethics of Epictetus: Stoicism in Ordinary Life* (Lanham, Md.: Lexington Books, 2013); and Michael Vazquez, "The Black Box in Stoic Axiology," *Pacific Philosophical Quarterly* (2022), https://doi.org/10.1111/papq.12399.

[30] Sextus Empiricus, *Adversus Mathematicos* XI (hereafter, M11), 191–95.

[31] This is so even if the Stoics talk about some καθήκοντα as generally the thing to do, in rule-of-thumb fashion. The Stoic doctrine of rational suicide (εὔλογος ἐξαγωγή; *mors voluntaria*) is a characteristic example of τὰ κατὰ περίστασιν καθήκοντα or *officia ex tempore*. On actions that are appropriate only in extreme or unusual circumstances, see DL, 7.109. The so-called *cynica* and disturbing theses can be found in SVF, 3.743–56. On the topic, see Marie-Odile Goulet-Cazé, *Les kynica du stoïcisme* (Stuttgart: Franz Steiner Verlag,

> The reasonable and unreasonable turn out to be different for different persons. . . . But for determining the reasonable and the unreasonable, we use not only our assessments of externals, but also each one [uses his assessment] of what is in conformity with his own role [πρόσωπον]. For to one person it is reasonable to hold a chamber-pot for another, since he looks only at this, that if he does not hold it he will receive blows and will not receive food, whereas if he does hold it, he will suffer nothing harsh or distressing; but to another, not only does it seem unbearable to hold it himself, but even another's holding it seems intolerable. . . . For different people sell themselves at different prices.[32]

This makes it clear that the καθῆκον is fixed by individualized facts about context, the agent, and so on. Consider yet another example of the circumstantial variability of Stoic καθήκοντα, this time with a view to one's social position and role:

> How is it possible to discover καθήκοντα from titles? Consider who you are: in the first place a human being, that is, someone who has nothing more authoritative than more purpose, but subordinates everything else to this and keeps it free from slavery and subordination. . . . Furthermore you are a citizen of the world and a part of it. . . . What then is a citizen's profession? To regard nothing as of private interest, to deliberate about nothing as though you were cut off [that is, from the whole]. . . . Next keep in mind that you are a son . . . next know that you are also a brother . . . next if young, that you are young, if old, that you are old; if a father, that you are a father. For each of these titles, when rationally considered, always suggests actions appropriate to it. [33]

To summarize thus far, it is clear that the notion of the καθῆκον was intended to provide a way of assessing the behavior of an agent

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2003); Malcolm Schofield, *The Stoic Idea of the City* (Cambridge: Cambridge University Press, 1991); Katja Maria Vogt, *Law, Reason, and the Cosmic City: Political Philosophy in the Early Stoa* (Oxford: Oxford University Press, 2008). We will return to the problematic case of suicide in the fourth section of this article.

[32] Epictetus, *Dissertationes*, 1.2.5–11, as quoted in Rachana Kamtekar, "AIΔΩΣ in Epictetus," *Classical Philology* 93, no. 2 (April 1998): 150.

[33] LS, 59Q = Epictetus, *Dissertationes*, 2.10.1–12. The situational variability of Stoic ethics is captured nicely by the comparison of virtue to acting or dancing (for example, *Fin.*, 3.24). Although a heterodox Stoic, Aristo of Chios's comparison of the wise man to a good actor (ὑποκριτής) is apt in this regard (DL, 7.160). Aristo's heterodoxy is not, we think, due to his particularism or the situational variability of καθήκοντα; it is instead due to his absolute axiological indifferentism (that is, rejection of the distinction between degrees of ἀξία among things other than virtue and vice). See Anna Maria Ioppolo, *Aristone di Chio e lo Stoicismo Antico*, vol. 1 (Naples: Bibliopolis, 1980).

regardless of his motives. The road of moral progress and virtue is paved by καθήκοντα. Second, καθήκοντα range from self-serving or narrowly self-preserving behavior (for example, going to the doctor, getting married, running for senate) to altruistic or self-effacing actions (for example, dying for one's country or standing one's ground in battle). This is why, on the Stoic view, the sages among us (if there were any) would be hard to discern. Virtue is about the strength and reliability of one's disposition to perform καθήκοντα in the right way and for the right reasons, but those very same καθήκοντα are often performed by a wide range of moral characters. This is because many aspects of the "life according to nature" are not so difficult for humans to achieve. What is difficult is living such a life with the kind of understanding and reliability characteristic of the sage.

III

Let us now turn to Cicero's presentation of Stoic doctrine and his endeavor to translate Greek philosophical vocabulary into Latin.[34] One must keep in mind that Latin is arguably not as well equipped as Greek to handle the newfangled abstract philosophical vocabulary of the time. Since Latin lacks a definite article, it is more difficult to nominalize abstract ideas (as Plato famously did with the forms). Latin also lacks a

[34] In what follows, we focus specifically on Cicero's role in the transmission of the Stoic καθῆκον. We do not speculate about the details of Cicero's own philosophical commitments, which would require a great deal more sensitivity to the dialogical and dramatic structure of his works, the utterances of the character "Cicero" in those works, and the evidence we have (both within the Ciceronian corpus and beyond) about the historical person named Cicero. On Cicero's philosophical studies, see, for example, *De Natura Deorum*, 1.6–7. For a succinct and accessible statement of Cicero's commitment to radical or Clitomachean skepticism, see John P. F. Wynne, "Cicero's Skepticism," in *Skepticism: From Antiquity to the Present*, ed. Diego E. Machuca and Baron Reed (London: Bloomsbury, 2018), 93–101. On Cicero's diachronic commitment to skepticism, see (in favor) Woldemar Görler, "Silencing the Troublemaker: *De Legibus* 1.39 and the Continuity of Cicero's Scepticism," in *Cicero the Philosopher: Twelve Papers,* ed. Jonathan G. F. Powell (Oxford: Oxford University Press, 1995), 85–113. In contrast, see John Glucker, "Cicero's Philosophical Affiliations," in *The Question of "Eclecticism,"* ed. John M. Dillon and Anthony A. Long (Berkeley: University of California Press, 1988), 34–69.

middle voice and the sort of verbal fluidity of Greek that would allow one to use the same root or stem in words that belong to different parts of speech.[35] It is also important to note that the term *officium* had two features lacking in its Greek counterpart: *Officium* already carries semantic baggage that brings it much closer to the modern English word "duty," at least when compared to the Greek καθῆκον; and *officium* does not have a verbal or participial counterpart—Cicero, Seneca, and others find other Latin expressions for the equivalent of the impersonal καθήκει (such as *oportet*), but the basic linguistic connection is consequently lost. And not only is the linguistic connection lost across different parts of speech, there is also simply no good Latin analogue to the Greek οἰκεῖον, further sundering the connection to natural teleology.

Etymologically, the term *officium* is likely a development from the stems *opus* (work or deed) and *facere* (to do or to carry out), suggesting an action carried out (*efficere*) by an *opifex* (workman/artisan) in his *officina* (workshop).[36] As Agamben points out, however, the Romans had a slightly different etymological story to tell: "officium dicitur ab efficiendo, ab eo quo quaeritur ineo, quid efficere unumquemque conveniat pro condicione personae."[37] This is good news for Cicero's translation project, since it appears that this understanding of *officium* was in the ballpark of the καθῆκον, or at least nearby notions such as the πρέπον (fitting/suitable).[38] Here is just one example in which this is

[35] Obviously Latin is a heavily inflected language that shares much in common with Greek (hence the confused thesis, held until recent history, that Greek and Roman were direct linguistic siblings).

[36] Jean Hellegouarc'h, *Le Vocabulaire Latin des Relations et des Partis Politiques Sous la Republique* (Paris: Les Belles Lettres, 1963), 152–53.

[37] Donatus, *Ad Ter. Andr.*, 236.7; citation from Giorgio Agamben, *Opus Dei: An Archaeology of Duty*, trans. Adam Kotsko (Stanford, Calif.: Stanford University Press, 2013), 707. Thus, Agamben concludes, *officium* carried "the sense of effective completed action or an action which it is appropriate to carry out in harmony with one's own social condition" (ibid., 70). On the perceived verbal connection to *facere/efficere* see Augustine, *Contra Iulianum*, 4.21: "Officium est autem quod faciendum est."

[38] In the Byzantine lexicon (incorrectly ascribed to Ioannes Zonaras, hence authored by pseudo-Zonaras), the entry Καθῆκον receives the one-word definition of πρέπον. The *Scholia in Homerum* glosses Καθῆκον as Ἐναίσιμον. And the adverb καθηκόντως is used instead of the adverb for Ἐναίσιμον. "Κεῖται δὲ ἀντὶ τοῦ ἐναισίμως." *Scholia In Homerum, Iliad*, bk. 6, v. 519, l. of scholion 1. C. G. Hayne, *Homeri Ilias*, 2 vols. (Oxford, 1834).

made clear. Plautus writes, "[I]t is not the *officium* of matrons, but of harlots [*non matronarum officium est sed meretricium*]."[39] In many other cases *officium* is used with a genitive object to express a kind of activity or action that is expected of them, whether a politician, family member, or prostitute. There are even attested uses of the term *officium* applying to nonhuman animals.[40]

As for Cicero, he was an erudite translator with a solid command of the Greek language. At the same time, he eschewed literal word-for-word translation[41] and was primarily concerned with giving Rome the philosophical and literary culture it lacked.[42] His sympathy with the Stoics on certain points of moral philosophy, despite his Academic allegiance, inspires additional confidence. And there should be no doubt that *officium* was intended by Cicero to preserve the basic meaning conveyed by the Greek term καθῆκον.[43] We are fortunate to possess a first-personal account about Cicero's translation decision in his correspondence to Atticus, which sheds light on what he felt was at stake in the translation of καθῆκον into *officium*: "As to your question about the title, I have no doubt about *officium* representing καθῆκον—unless you have something else to suggest—but the fuller title is de Officiis."[44] We can be sure that Cicero was aware of the semantic range of καθῆκον, and in particular its connection to the οἰκεῖον, by his

[39] Plautus, *Casina*, 3.22.

[40] On nonhuman animals we see, "Nam cum canes funguntur officiis luporum" (When dogs act the part of wolves). Cicero, *Rhetorica ad Herennium*, 4.34.46. See also Lucretius, *De Rerum Natura*, bk. 1, ll. 336 and 362 for *officium corporis* (the function of a body).

[41] Cicero, *Fin.*, 3.15.

[42] See in particular *Pro Archia*, 23, and *Tusculanae Quaestiones*, 1.1.

[43] For a view that holds that there is a sharp divide between the early Stoic notion and the later Roman one, see Hicks: "Duty, in the strict imperative sense, is not a Stoic conception. Etymologically, the Greek term καθῆκον is wholly destitute of the notion of obligation or categorical imperative and might, indeed, be translated 'suitable' rather than 'right', where by 'suitable' is meant 'becoming to man', suitable to his nature and being." Also: "But so much casuistical discussion took place upon what was or was not suitable that a train of associations became attached to the word, associations which were afterward inherited by the Romans. Thus the modern idea of duty grew up, fostered by the Roman character and their love of law, and ultimately borrowing its expression from the formulas of Roman jurisprudence, as the term 'obligation' itself testifies." Robert Drew Hicks, *Stoic and Epicurean* (New York: C. Scribner's Sons, 1910), 93.

[44] Cicero, *Epistulae ad Atticum*, 16.11.4.

cleverly worded conclusion on the matter: "Finally, I address it to my son. It seemed to me to be not inappropriate [*visum est non* ἀνοίκειον]." Here Cicero shows an impressive grasp of the fact that the notion of the καθῆκον is, in essence, the notion of the οἰκεῖον. Whether the Latin *officium* is capable of capturing this essentially teleological and naturalistic core is an open question, but we should not doubt Cicero's appreciation of the challenge.[45]

In another letter to Atticus we learn more information about Cicero's translation insecurities:

> I know that what the Greeks call καθῆκον, we call *officium*. But why should you doubt whether the word fits appropriately in political affairs [*in rem publicam*]? Don't we say the *officium* of consuls, of the Senate, of generals [c*onsulum officium, senatus officium, imperatoris officium*]? It is quite appropriate; if not, suggest a better word.[46]

While we cannot be sure about the nature of Atticus's objection to Cicero's choice of words, it is puzzling to find that Atticus has fixated on an objection to the political application of the term. This is puzzling because the term is ubiquitous in political and constabulary contexts.[47] What might explain Atticus's worry is a passage from *De Officiis*. There, Cicero makes a significant qualification to the scope of the *officia* he is going to discuss:

> The *officia* for which advice has been offered do indeed relate to the end of good things, but here it is less obvious, because they appear rather to have in view instruction for a life that is shared [*ad*

[45] Cicero's definitions of *officium* are also near perfect parallels of the technical Stoic notion, further demonstrating his desire to preserve its essential meaning. See, for example, Cicero, *Off.*, 1.8: "medium autem officium id esse dicunt, quod cur factum sit, ratio probabilis reddi possit." It is crucial that he demonstrates an appreciation for the status of *officium* as *medium*, that is, as "inter recte factum atque peccatum," and shared between fool and sage. See also *Fin.*, 3.58 and Cicero, *Academica*, 1.37.

[46] Cicero, *Epistulae ad Atticum*, 16.14.3.

[47] Dyck is puzzled about Atticus's objection and considers several possibilities. He seems ultimately to defer to Goldberg's hypothesis that Atticus's objection was "less narrow than Cicero's reply suggests and, in fact, an objection to using this familiar Latin moral term in a technical Stoic sense." Andrew Roy Dyck, *A Commentary on Cicero, De Officiis* (Ann Arbor: University of Michigan Press, 1996), 7.

> *institutionem vitae communis spectare videntur*]. It is these that I must expound in these books.[48]

What is particularly impressive about this passage is that it comes on the heels of a comment about the wide-ranging applicability of the *officium* in every dimension of one's life:

> For no part of life, neither public affairs nor private, neither in the forum nor at home, neither when acting on your own nor in dealings with another, can be free from duty [*vacare officio*]. Everything that is honourable in a life depends upon its cultivation, and everything dishonourable upon its neglect.[49]

What we are witnessing here is Cicero's intensely narrow focus on *officia* that concern one's social and political life—not because Cicero does not understand the full scope of the *officium* but because in this treatise, dedicated to his son and for whom he has aspirations of a successful political life, the advice is really aimed at aristocratic politicians in training. Possibly, Atticus was objecting to the funneling effect of Cicero's work, taking the widely applicable notion of the *officium* and turning it into a term with a narrowly political connotation (or to use Cicero's own words to Atticus, "in rempublicam caderet"). His complaint might have been that Cicero talks of *officium* as if it only concerns political affairs. Thus understood, Atticus's objection provides some initial plausibility for the intuition of many scholars that Cicero's role in the development of the modern conception of duty is decisive and important.

Before exploring the assumptions behind the scholarly assessment of Cicero's effects as a translator, it is worth noting just how much Cicero managed to preserve about the original Stoic notion of καθῆκον. Just like the Greek Stoics, Cicero recognizes a distinction between καθῆκον and κατόρθωμα—in Cicero's Latin, that is the distinction between *officium* and *recte factum*. Just like the Greek definition provided above, Cicero defines the *medium officium* (*medium* insofar as it is shared by both the sage and the fool and insofar as it is morally indifferent or intermediate) as "that which when done can be given a

[48] Cicero, *Off.*, 1.7.
[49] Ibid., 1.4.

reasonable defense [*ratio probabilis*]."[50] As we have noted, in the *De Officiis* Cicero focuses specifically on (a) those *officia* that "the Stoics call 'middle'" for being "shared, and widely accessible"[51] and (b) those *officia* that concern the life that is shared (*vita communis*). Cicero systematically derives those *officia* from each of the four cardinal virtues (each virtue is a source or *font* of *officia*[52]), which were themselves derived from the essential characteristics assigned to humans by nature ("principio generi animantium omni est a natura tributum").[53] According to Cicero, our natures suggest a rank ordering among the virtues, and it is important to spell this out should there ever be a case in which multiple virtuous courses of action present themselves.[54] In this ranking Cicero gives pride of place to justice, which stems from humans' natural tendency toward sociability (*societas*): "Let the following, then, be regarded as settled: when choosing between duties, the chief place is accorded to the class of duties grounded in human fellowship [*hominum societate*]."[55] It is for this reason that in book 3 of the text, where Cicero considers cases in which one is deliberating about a certain course of action but is unsure about the moral quality of the action, one is instructed to follow this "rule of procedure [*formula*]":

> [F]or one man to take something from another and to increase his own advantage at the cost of another's disadvantage is more contrary to nature than death, than poverty, than pain and than anything else that may happen to his body or external possessions. . . . It is permitted to us—nature does not oppose it—that each man should prefer to secure for himself rather than for another anything connected with the necessities of life. However, nature does not allow us to increase our means, our resources and our wealth by despoiling others.[56]

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[50] Cicero, *Off.*, 1.8; see also 3.14–15. On the naturalistic and teleological basis of the *officium*, see *Fin.*, 3.22.

[51] Cicero, *Off.*, 3.14.

[52] Ibid., 1.19.

[53] Ibid., 1.11.

[54] Ibid., 1.152.

[55] Ibid., 1.160. The primacy of sociability is evident even and especially in Cicero's definition of wisdom as "knowledge of all things human and divine; and it includes the sociability and fellowship [*communitas et societas*] of gods and men with each other." Ibid., 1.153.

[56] Ibid., 3.21. Cicero's reason for choosing this formula is his conviction that contrary actions would undermine the common fellowship among gods

Here is the upshot of the foregoing for our purposes: Cicero not only preserves the basic meaning of the καθῆκον but also unpacks in great detail some features of the doctrine that were left undeveloped by the Greek Stoics. First and foremost, Cicero foregrounds the natural sociability of human nature and writes an entire treatise that emphasizes the social and political dimensions of the Stoic doctrine. This latter feature of Cicero's work is thematized in later treatments of *officium* that we find in the modern period. Second, Cicero attempts to codify a rule or procedure for adjudicating moral conflicts, foreshadowing later attempts in the natural law tradition to systematically and methodically outline our duties and their relations to one another. But this second point must be observed with care and caution, for as scholars have noted, Cicero's ethics eschews absolutism.[57] That is, despite surface-level appearances that Cicero espouses a moral code of inflexible rules and principles, the fact of the matter is that his conception of *officium* and its determination is just as fluid and context-sensitive as its Greek counterpart. The extent of Cicero's casuistry on issues ranging from tryannicide, suicide, and deception is decisive evidence of this. Recall that Cicero gives so much weight and importance to the normative implications of different temperaments that he is willing to say, "[S]ometimes one man ought to choose death for himself, while another ought not."[58] He also offers the

and men, which is the glue of society and an essential aspect of our natures. See also Seneca, *Ep.*, 95.52.

[57] See especially Raphael Woolf, "Particularism, Promises, and Persons in Cicero's *De Officiis*," *Oxford Studies in Ancient Philosophy* 33 (2007): 317–46; Terence Irwin, "Officia and Casuistry: Some Episodes," *Philosophie Antique*, no. 14 (2014): 111–28; Peter A. Brunt, "Cicero's Officium in the Civil War," *The Journal of Roman Studies* 76 (1986): 12–32; John Schafer, *Ars Didactica: Seneca's 94th and 95th Letters* (Göttingen: Vandenhoeck & Ruprecht, 2009). On the four-*personae* theory, see Phillip H. De Lacy, "The Four Stoic 'Personae,'" *Illinois Classical Studies* 2 (1977): 163–72; Christopher Gill, "Personhood and Personality: The Four-Personae Theory in Cicero, De Officiis I," *Oxford Studies in Ancient Philosophy* 6 (1988): 169–99.

[58] Cicero, *Off.*, 1.112. The reference is to Cato, of whom he says: "Since nature had assigned to Cato an extraordinary seriousness, which he himself had consolidated by his unfailing constancy, abiding always by his adopted purpose and policy, he had to die rather than look upon the face of a tyrant." We might also consider the unique dispensation to figures like Socrates and Aristippus to flout social norms in cynic fashion, a dispensation Cicero thinks most people do not enjoy. See ibid., 1.148.

following image of practical deliberation that emphasizes the situational variability of appropriate action:

> In every case of duty [*in omni officio*], therefore, considerations such as these ought to be examined, and we should adopt this habit and should practice so that we become good calculators of our duties [*boni ratiocinatores officiorum*], and can see by adding and subtracting [*addendo deducendoque*] what is the sum that remains.[59]

In conclusion, despite the uniquely Roman adaptation of Stoic ethics by Cicero, and despite the novelty Cicero imbues to this Greek philosophical notion, the theoretical core of the Stoic account of the καθῆκον remains intact in Cicero's ethics of *officium*.[60]

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[59] Ibid., 1.59. On the way this search for one's *officium* plays out in Cicero's own practical life, see Brunt, "Cicero's Officium in the Civil War."

[60] There is a well-known debate in Hellenistic scholarship over the status of moral rules in Stoic (and by extension Ciceronian) ethics. Some trace the emergence of rule-based morality to the syncretizing tendencies of Antiochus and middle Stoicism. See Dirk Obbink and Paul A. Vander Waerdt, "Diogenes of Babylon: The Stoic Sage in the City of Fools," *Greek, Roman and Byzantine Studies* 32, no. 4 (Winter 1991): 355–96; René Brouwer, "On the Ancient Background of Grotius's Notion of Natural Law," *Grotiana* 29, no. 1 (January 2008): 1–24. The broadly particularist, antirules interpretation has won the day among scholars. See Ian G. Kidd, "Moral Actions and Rules in Stoic Ethics," in *The Stoics*, ed. John M. Rist (Berkeley: University of California Press, 1978), 247–58; Phillip Mitsis, "Moral Rules and the Aims of Stoic Ethics," *The Journal of Philosophy* 83, no. 10 (October 1986): 556–57; Phillip Mitsis, "Seneca on Reason, Rules, and Moral Development," in *Passions and Perceptions*, ed. Jacques Brunschwig and Martha Nussbaum (Cambridge: Cambridge University Press 1993), 285–312; Brad Inwood, "Rules and Reasoning in Stoic Ethics"; Tad Brennan, "Stoic Moral Psychology," in *The Cambridge Companion to the Stoics*, ed. Brad Inwood (Cambridge: Cambridge University Press, 2003), 257–94; Tad Brennan, *The Stoic Life: Emotions, Duties, and Fate* (Oxford: Oxford University Press, 2005); Katja M. Vogt, *Law, Reason, and the Cosmic City: Political Philosophy in the Early Stoa* (New York: Oxford University Press, 2008); John Schafer, *Ars Didactica.* See also Raphael Woolf's important work to clarify the way in which Cicero's ethics is highly context-sensitive in the *De Officiis* (a work often cited as evidence for rule-based morality) in Woolf, "Particularism."

IV

There is no doubt that in Kant's philosophy the separation between morality and happiness is fully and finally effected.[61] It is up for debate, however, how exactly Cicero's transmission of the concept of duty fits into this development. We have seen in the foregoing that Cicero specifically emphasized certain aspects of Stoic ethics and the doctrine of καθήκοντα. It is therefore natural to assert the influence of his translation of the notion into Latin on the development of the modern concept of duty. Katja Vogt appears to argue along similar lines in her discussion of Kant's system of duties.[62] That these assumptions cannot easily be substantiated is demonstrated by how the German term *Pflicht* has been conceived and related to Cicero's translation *officium*. Assuming that Cicero's translation of the Greek term καθῆκον with the Latin *officium* would have steered the modern understanding of duties in a decisive direction, one would expect that modern translations of Cicero's text also reflect this. But that is not the case. The first translation of this text into German by Johann von Schwarzenberg uses for the Latin *officium* mostly *gebührlicher werck*, that is, proper or

[61] As Mary Gregor pointed out, the reception of Kant's view was often misunderstood or caricatured, including by Garve. Mary J. Gregor, *Laws of Freedom: A Study of Kant's Method of Applying the Categorical Imperative in the Metaphysik der Sitten* (Oxford: Basil Blackwell, 1963), 76. We believe Kant's conception of morality is more nuanced, as evidenced by Kant's often underappreciated views on the highest good, virtue, and value more generally. Nonetheless, there is no doubt about the radical reshaping of morality by Kant, and of the "irreconcilable tension" between virtue and happiness he erected and that has today given us the vocabulary of "morality versus prudence." See, for example, Friedman, according to whom Kantian morality is "a discipline of virtue rather than a doctrine of happiness." R. Z. Friedman, "Virtue and Happiness: Kant and Three Critics," *Canadian Journal of Philosophy* 11, no. 1 (March 1981): 96.

[62] Katja Maria Vogt, "Duties to Others: Demands and Limits," in *Kant's Ethics of Virtue*, ed. Monika Betzler (Berlin: De Gruyter, 2008), 219–44. See in particular her discussion of Kant's *Tugendlehre* or *doctrina officiorum virtutis*: "It would be a large project in itself to study the notion of duty in Kant as relating to the term *officium*. In the Doctrine of Rights, Kant refers to Cicero when he explains why he calls his moral philosophy a doctrine of duties instead of a doctrine of rights [6: 239]. As I hope to argue elsewhere, it is Cicero's peculiar appropriation of the Stoic notion of καθήκοντα, translated as *officia*, which allows him to speak of *officia* of virtue. Once we, like Kant, then proceed to translate *officium* as duty, we arrive at the idea of duties of virtue." Ibid., 226 n. 18.

fitting work, which comes close to the Stoic use of the original Greek term καθῆκον.[63]

Remarkably, the entry on *Pflicht* in Grimm's dictionary manifests the same ambivalence in the development of the German term. It should be noted that *Pflicht* is a noun that is derived from the verb *pflegen*, similar to *Gewicht* from *wiegen*. It originally denoted a communal connection or participation. From the concept of connection and participation developed the meaning of care, concern, guardianship, provision, and nurture. Commonality then led to likeness and developed into the way something used to be, custom, and habit. From the concept of connection and commonality finally developed that of common bond and actions that are fitting in light of one's relations and that are commanded in the context of dependence and service, law and right religion, and custom. Translations into Latin were also *mandatum* and *secundum debitum* (κατὰ ὀφείλημα). It was not until the sixteenth century that the obligation to behave and act in accordance with the dictates of law, religion and morality, profession, custom and decency, and in general the obligation (and the feeling of the same) to think, want, and act sensibly increasingly came to the fore. The Brothers Grimm explicitly refer to the importance of Kant's understanding, which, viewed in this way, represents the end point of a development: "duty is the necessity of an action from respect for law."[64] "All duties involve a concept of constraint through a law."[65]

This brief review clearly demonstrates that Kant's understanding of duty is not straightforwardly connected to Cicero's translation into Latin.[66] It is simply not the case that the latter decisively shaped the

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[63] Johann von Schwarzenberg and Johann Neuber, *Officia M. T. C.: Ein Buch, So Marcus Tullius Cicero der Römer, zu seynem Sune Marco* (Augsburg: Steyner, 1531).

[64] Kant, *Grundlegung zur Metaphysik der Sitten* 4:400.

[65] Kant, *Metaphysik der Sitten* 6:394. It is also noteworthy that this meaning of duty has mainly affected the written language, which was significantly shaped by the philosophical and theological school language. However, this change of meaning has hardly left an impression on the German dialects, which instead replace duty with *Schuldigkeit*, *schuldig sein*, *müssen*, and *sollen*.

[66] Most scholars have acknowledged that the same is true for the relation between *Pflicht* and the Greek καθῆκον. For a recent countervailing view articulated in admirable detail, see chapters 5 and 6 of Visnjic, *The Invention of Duty*. On Kant's educational training in Greek and Latin, see Manfred Kuehn, *Kant: A Biography* (Cambridge: Cambridge University Press, 2001).

former. We should assume that the development of terminology took place independently of the Latin terminology, rather, and we should be wary of overstating the influence and effect of Cicero's work of translation. The direction of influence largely goes the other way. The rendering of Latin into German was more shaped by German school usage, than the German school usage was shaped by the ancient concepts. As so often happens in the way historical ideas are interpreted, Stoic philosophy was, after Kant, understood in Kantian terms. That is to say, the search for a proto-typical conception of duty in the Stoics, in Cicero's *De Officiis*, and other ancient texts is a modern, Kantian quest.

Our claim about the development of ideas as being influenced first and foremost by later interpreters is on clear display in the example of Pufendorf and the commentaries that Barbeyrac added to his translation. As is well known, Pufendorf plays a special role in the development of the strict separation between morality and happiness, since in many respects his work marks the bridgehead to Kant's philosophy.[67] In the following, we are primarily interested in the direct points of connection that link Pufendorf to the ancient concept of duty.[68] However, it is also noteworthy that Pufendorf explicitly rejects the virtue-ethical approach that he finds in Aristotle and positions himself as an advocate for a more objective, universal, and rational view

[67] It is therefore remarkable that Pufendorf typically has been omitted from accounts of the history of philosophy since the twentieth century. Seidler writes that he "was almost as unknown during most of the 19th and 20th centuries as he had been familiar during the preceding hundred years and more. His fate shows well how philosophical interests shape historical background narratives." Michael Seidler, "Pufendorf's Moral and Political Philosophy," *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta (2010). Schneewind observes that "Pufendorf is barely given passing notice in Sidgwick's *Outlines of the History of Ethics*, and not even that in Alasdair MacIntyre's 1966, *Short History of Ethics*. Ignoring Pufendorf seems to be characteristic mainly of those writing on the history of moral philosophy. Historians of political thought usually take him into account." Jerome B. Schneewind, "Pufendorf 's Place in the History of Ethics," *Synthese* 72, no. 1 (July 1987): 151 n. 5.

[68] On the Stoic elements of Pufendorf's philosophy, see Kari Saastamoinen, "Pufendorf and the Stoic Model of Natural Law," *Grotiana* 22, no. 1 (January 2001): 257–69. On Pufendorf's "eclectic" methodology and adaptation of Stoic and Ciceronian ideas, see Tim Hochstrasser, *Natural Law Theories in the Early Enlightenment* (Cambridge: Cambridge University Press, 2000), 40–71.

of morality.[69] This is also why he is well known for positing a distinctively modern conception of natural law that broke with the dominant Aristotelian-scholastic paradigms in many ways, and that attempted to carve out a secular space for natural law to operate independently of theology.[70] This is especially clear in the work, highly relevant to our concerns, *De officio hominis et civis* ("On the Duty of Man and Citizen"), published in 1673 as an epitome of his larger 1672 work *De iure naturae et gentium* ("On the Law of Nature and Nations"). There Pufendorf restructures moral philosophy around a modified version of the ancient concept of the *officium*. Accordingly, he begins this text with an explicit definition of *officium*:

> What we mean here by the Word Duty, is, That Action of a Man, which is regularly order'd according to some prescrib'd Law, which he is oblig'd to obey. To the Understanding whereof it is necessary to premise somewhat, as well touching the Nature of a Human Action, as concerning Laws in general.[71]

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[69] "If I can demonstrate that [Aristotelian virtues] are only suited to a certain kind of republic [the Greek polis], I regard it as a strong argument among rational people that one should not set up morality in accordance with Aristotle's eleven virtues. And in general it is my opinion that one should institute and manage morality not in accordance with virtues but in accordance with duties [Und ist *in universum* meine meinung, dass man die morale nicht *secundum virtutes sed secundum officia* einrichten and tractiren soll]." *Briefe Samuel Pufendorfs an Christian Thomasius (1687–1693),* ed. Emil Gigas (Munich: Oldenbourg, 1897), 23; as quoted in Heydt, *Moral Philosophy in Eighteenth-Century Britain*, 21. See also Heydt, *Moral Philosophy in Eighteenth-Century Britain*, 25 and 31. On Pufendorf's interest in but rejection of Stoic moral philosophy, see Fiammetta Palladini, "Pufendorf and Stoicism," *Grotiana* 22, no. 1 (January 2001): 245–55.

[70] See Knud Haakonssen, "Protestant Natural Law Theory: A General Interpretation," in *New Essays on the History of Autonomy: A Collection Honoring J. B. Schneewind,* ed. Natalie Brender and Larry Krasnoff (Cambridge: Cambridge University Press, 2004), 92–109.

[71] "Officium nobis heic vocatur actio hominis pro ratione obligationis ad praescriptum legum recte attemperata. Ad quod intelligendum, necessarium est praemittere cum de natura actionis humanae, cum de legibus in universum." Pufendorf, *De officio (hominis et civis juxta legem naturralem libri duo),* bk. 1, chap. 1. English translations are from Samuel Pufendorf, *The Whole Duty of Man, According to the Law of Nature,* ed. Ian Hunter and David Saunders, trans. Andrew Tooke et al. (Indianapolis: Liberty Fund, 2003). The Latin text is from the Latin–German edition, *Samuel Pufendorf: Gesammelte Werke, Band 2, De officio*, ed. Gerald Hartung (Berlin: Akademie Verlag, 1997).

One detects a superficial similarity between the Stoic and Ciceronian formulations of natural law and Pufendorf's conception of *officium*:

> True law [*vera lex*] is right reason [*recta ratio*], in agreement with nature, diffused over everyone, consistent, everlasting, whose nature is to advocate doing what is proper by prescription [*vocet ad officium iubendo*] and to deter wrongdoing by prohibition [*vetando a fraude deterreat*]. Its prescriptions and prohibitions are heeded by good men though they have no effect on the bad. It is wrong to alter this law, nor is it permissible to repeal any part of it, and it is impossible to abolish it entirely. . . . Whoever does not obey it is fleeing from himself and treating his human nature with contempt; by this very fact he will pay the heaviest penalties, even if he escapes all conventional punishments.[72]

The definition of *officium* as that which is prescribed by law and as that which is rationally binding is an unmistakable allusion to the Stoic and Ciceronian tradition. [73] Yet the fact that Pufendorf and his contemporaries were aware of their differences with that tradition is made evident by the commentary that Jean Barbeyrac has added to the passage from Pufendorf:

> The ancient Stoicks call'd Actions by the Greek Word καθῆκον, and by the Latin OFFICIUM, and in English we use the Word OFFICE in the same Sense, when we say, Friendly Offices, etc. but then the Definition hereof given by the Philosophers, is too loose and general, since thereby they understood nothing but an Action conformable to Reason. As may appear from a Passage of Cicero (de Fin. Bon. & Mal. L. 3. c. 17.) Quodautem ratione actum sit, id OFFICIUM appellamus. See also De Offic. l. 1. c. 3. & Diogenes Laertius Lib. VII. Sect. 107, 108.[74]

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[72] LS, 67S = Cicero, *De Re Publica*, 3.33.

[73] For other canonical formulations, see LS, 67R = Marcian, I (SVF, 3.314) and Cicero, *De Legibus*, 1.18–19 (SVF, 3.315).

[74] This is Barbeyrac's note on the first sentence of Pufendorf's *De Officio,* slightly adapted by Hunter and Saunders. Pufendorf, *The Whole Duty of Man,* 27. On Barbeyrac as Pufendorf's translator, defender, and commentator, see ibid., xiii–xv. As Krop says, Barbeyrac's "fame rests chiefly on the annotated translations into French of Latin works on natural law, making these works available not merely to the world of the scholars but also to the reading public outside academia without Latin, that is, 'le grand monde,' as Leibniz called it." Henri Krop, "From Religion in the Singular to Religions in the Plural: 1700, a Faultline in the Conceptual History of Religion," in *Enlightened Religion: From Confessional Churches to Polite Piety in the Dutch Republic*, ed. Joke Spaans and Jetze Touber (Leiden: Brill, 2019), 53.

Although Barbeyrac fails to specify what he means when he charges the Stoics with providing a definition of *officium* that is "too loose and general,"[75] two things should be clear from the quotation. First, and this is important in view of the preceding discussion of the influence that Cicero's translation and terminology may have had on the development of the concept of duty, the differences between the ancient understanding and the conception of duty set forth were not only felt by Pufendorf and contemporaries but also registered as significant.[76] This further underscores the difficulties already noted above in overestimating Cicero's influence. Second, and this is the forward-

[75] But in light of Pufendorfian anthropology, we might speculate as follows: If an *officium* is any action that admits of a reasonable defense, and men are prone to act on the basis of self-love, then a great deal too many actions will be counted as *officium* that do not tend toward social coherence (but, rather, toward its opposite). This way of understanding Pufendorf's move is implicit in Heydt's analysis of Pufendorf's innovation and break from the ancient and medieval tradition, a move away from understanding the dictates of ethics as discretionary and prudential and toward a modern sense of obligatoriness. See Heydt, *Moral Philosophy in Eighteenth-Century Britain*, 27.

[76] Compare Heineccius, a German enlightenment figure deeply influenced by the work of Pufendrof (among others), who says he cannot "entirely approve the definition given by the Stoics, who say, it is an action, for the doing which a probable reason can be given; or, in other words, an action which reason persuades us to do." Johann Gottlieb Heineccius, *A Methodical System of Universal Law: Or, the Laws of Nature and Nations: With Supplements and a Discourse by George Turnbull*, ed. Thomas Ahnert and Peter Schröder (Indianapolis: Liberty Fund, 2008), chap. 4, sec. 120, p. 94. The disagreement is explained in a note stating that since "nothing is done even rashly, for which a probable reason may not be given, whatever is done, not only by men, but by brutes, may be called *officium*, office or duty." A 'duty' or 'office', he thinks, must be done for "an obligatory reason" or "a reason which is proper to determine men to act or forbear acting." Ibid. Heineccius displays a solid grasp of the ancient philosophical tradition that he critiques: "Hitherto we have but premised some of the first principles of the beautiful moral science; let us now proceed to consider the offices or duties which the law of nature prescribes to mankind; to all and every one of the human race. What the Greek philosophers called τὸ Δὲον, and the Stoics τὸ καθῆκον, Tully afterwards, in explaining this part of philosophy in the Roman language, called *officium*, not without deliberating about the matter a long time, and consulting his friends." Ibid., chap. 5, sec. 129, p. 93. See also ibid., chap. 3, sec. 75, p. 60: "Grotius, Puffendorf, and several antients [sic], were wonderfully pleased with the principle of sociability . . . but that this is not the true, evident, and adequate principle of the law of nature, hath been already demonstrated . . . [and] I shall only add this one thing, that many of our duties to God, and to ourselves, would take place, even tho' man lived solitary, and without society in the world."

looking point we can draw from the quotation, the problem that modern authors have with the Stoic understanding of duty (if we may so call it) is precisely the context-sensitive understanding of duty highlighted above in the first section. For the moderns, duty is by design not amenable to bending and fitting to circumstances.[77] Pufendorf and his interpreter Barbeyrac implicitly and explicitly reject this aspect of Stoic καθήκοντα and Ciceronian *officia*. In contrast to the expansive Stoic definition of *officium* as any action that admits of a reasonable defense (*ratio probabilis*), Pufendorf defines *officium* as conformity to a previously ordained law. Another way to put the Pufendorfian position is this: The essence of dutiful action is that it advances not one's own interest but, rather, the general interest of society even when (or especially when) this conflicts with one's own perceived interest.[78]

According to Pufendorf, the human will is fickle and subject to constant alteration. Desires and inclinations differ not only across society but also diachronically within the same person. On this basis he concludes that it was necessary (*necessarium fuit*) for the preservation of decency and order in humankind (*ad ordinem et decorem in genere humano*), that some rule (*normam aliquam*) be established to which the human will might conform (*ad aquam istae componerentur*). Pufendorf identifies this rule (*norma*) with law (*lex*), "which is, A Decree [*decretum*] by which the Superior obliges [*obligat*] one that is subject to him, to accommodate his Actions to the Directions prescrib'd therein."[79]

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[77] Contrast this with, for example, the Stoics' well-known teaching about reasonable exit or reasonable suicide (εὔλογος ἐξαγωγή): "It is the appropriate action (*officium*) to live when most of what one has is in accordance with nature. When the opposite is the case, or is envisaged to be so, then the appropriate action is to depart from life. This shows that it is sometimes the appropriate action for the wise person to depart from life though happy, and the fool to remain in it though miserable." Cicero, *Fin.*, 3.60. For the Stoics there are other "signs" or indications that suicide is incumbent, as evidenced by the fanciful tale of Zeno of Citium's suicide after stubbing his toe. DL, 7.28. See Cramer, *Paris Anécdota*, 4.403 = SVF, 3.786—among others collected by von Arnim with varying degrees of Stoic "orthodoxy."

[78] We will not address the hotly contested question of whether perfectionist or eudaimonist ethical theories are properly moral or merely egoistic. On Pufendorf's conception of sociality and its consonance with Cicero, see Samuel von Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, trans. Michael Silverthorne (Cambridge: Cambridge University Press, 1991), xxvi–vii.

[79] Pufendorf, *De officio*, bk. 1, chap. 2.

Law, which is a rule prescribed in order to accommodate the fact of diverse inclinations, is binding inasmuch as it was prescribed by a lawgiver. So by "obligation" Pufendorf means the normative force that the law has upon our wills or, as he calls it, that "moral bond [*vinculum juris*]" or "moral bridle [*fraenum*]" placed upon our liberty.[80] It is not enough for the law to enjoin this or proscribe that, for according to Pufendorf's pessimistic Lutheran anthropology, "the Pravity of Human Nature [is] ever inclining to things forbidden."[81] The law must also decree "what Punishment shall be inflicted upon the Violators."[82] The worry, according to Pufendorf, is that without such a rule, freedom of the will would lead to great confusion among mankind.[83]

Another way to put the difference between Cicero's account of duty and Pufendorf's is that Cicero's perspective is that of the lawyer, while Pufendorf's perspective is that of the lawgiver. Cicero's forensic conception of *ratio probabilis* is one that is expansive and sensitive to a wide range of circumstantial features of the act.[84] In contrast, Pufendorf sides with the legislator, who takes a general perspective and who seeks to enforce compliance.[85] In the next section, we will see that this picture

[80] "By Obligation then is usually meant, A moral Bond, whereby we are ty'd down to do this or that, or to abstain from doing them. That is, hereby a kind of a Moral Bridle is put upon our Liberty; so that though the Will does actually drive another way, yet we find our selves hereby struck as it were with an internal Sense, that if our Action be not perform'd according to the prescript Rule, we cannot but confess we have not done Right." Ibid.

[81] Ibid., bk. 1, chap. 2, sec. 7.

[82] Ibid.

[83] Ibid., bk. 1, chap. 2.

[84] See Brad Inwood, "Rules and Reasoning in Stoic Ethics."

[85] See Jean Barbeyrac's comment in *The Judgment of an Anonymous Writer on the Original of This Abridgment*: "Now no one can impose on himself an unavoidable necessity to act or not to act in such or such a manner. For if necessity is truly to apply, there must be absolutely no possibility of it being suspended at the wish of him who is subjected to it. Otherwise it reduces to nothing. If, then, he upon whom necessity is imposed is the same as he who imposes it, he will be able to avoid it each and every time he chooses; in other words, there will be no true obligation, just as when a debtor comes into the property and rights of his creditor, there is no longer a debt. In a word, as Seneca long ago put it, no one owes something to oneself, strictly speaking. The verb 'to owe' can only apply between two different persons: *Nemo sibi debet . . . hoc verbum debere non habet nisi inter duos locum* (*De Benefic.*, Book V, chap. viii)." Pufendorf, *The Whole Duty of Man*, 293–94.

not only characterizes Pufendorf's relationship to Cicero, but also prefigures Kant's explicit rejection of Cicero's moral philosophy.[86]

V

The preceding section presents a cautionary tale about overestimating Cicero's influence on the development of Kantian ethics and his uniquely modern conception of duty. This does not mean, however, that Cicero was not an important inspiration for Kantian moral philosophy; perhaps he was, but in a different way than usually assumed. This section will consider another direct point of contact between Kant's ethics and Cicero, namely, Christian Garve's translation of and annotations to Cicero's *De Officiis*. Furthermore, we will show that while Kant used Cicero as a source for Hellenistic philosophy, he rejects Cicero's own standing as a philosopher because of his broad association with popular philosophy.[87] In this way, even as Cicero influenced Kant, the latter contributed significantly to the nineteenth-century rejection of the former's philosophical acumen.

Kant does not strictly separate morality and the hope for a happy life as the motivating ground for moral action until the *Grundlegung zur Metaphysik der Sitten*. In the *Kritik der reinen Vernunft*, the highest good, which for Kant is happiness assigned in proportion to one's virtue, remains intact as the impetus for morality itself.[88] Accordingly, the circumstances that led Kant to write the *Grundlegung* or to redefine the relationship of the highest good to the moral law are highly significant and of central importance to our investigation. Only a short time before, Christian Garve, with whom Kant had been acquainted since Garve's

[86] For other examples of Pufendorf's engagement with Cicero's *Off.*, see Peter N. Miller, *Defining the Common Good: Empire, Religion and Philosophy in Eighteenth-Century Britain* (Cambridge: Cambridge University Press, 1994), 70–72.

[87] Part and parcel of Kant's radical critique is his conception of speculative philosophy as a Herculean effort, not fit for the popular modes of Cicero and Garve. See Kant's preface to the *Kritik der reinen Vernunft* (A xviii). The *Kritik der reinen Vernunft* is cited according to the first (A) and second (B) editions.

[88] On the highest good, see *Kritik der praktischen Vernunft* 5:110. If the highest good is not possible, the moral law "must be fantastic and directed to empty imaginary ends." *Kritik der praktischen Vernunft* 5:114.

unfortunate review of the *Kritik der reinen Vernunft*,[89] had published a new translation and commentary of Cicero's *De Officiis*, requested by King Frederick the Great. Garve is considered one of the most important representatives of a philosophical movement in Germany that, following Cicero's ideal, sought to infuse social life with philosophical ideals. In the extensive notes to Cicero's writing, Garve delivers his magnum opus on ethics and reveals himself to be an ardent admirer of Stoic philosophy. The work thus strikes a chord with the times and can be counted among the most influential and prestigious publications of the late eighteenth-century in Germany.

However, whether Garve's work had an influence on Kant's writing of the *Grundlegung*, and if so to what extent, is disputed in the literature. Early important Kant scholars, such as Vorländer, either exclude this possibility in principle or, like Menzer, detect only a minor influence of Garve.[90] The best witness to Kant's involvement with Garve's writing is Hamann, who reports in a letter to Herder: "I visited Kant eight days ago today. He was closely studying Garve. Kant supposedly is working on an anticritic—but he does not know the title himself yet—about Garve's

[89] On the Göttingen review, see Manfred Kuehn, "Kant's Critical Philosophy and Its Reception—the First Five Years (1781-1786)," in *The Cambridge Companion to Kant and Modern Philosophy*, ed. Paul Guyer (Cambridge: Cambridge University Press, 2006), 630–64; Jennifer Mensch, "Kant and the Problem of Idealism: On the Significance of the Göttingen Review," *The Southern Journal of Philosophy* 44, no. 2 (Summer 2006): 297–317; and Brigitte Sassen, "Critical Idealism in the Eyes of Kant's Contemporaries," *Journal of the History of Philosophy* 35, no. 3 (July 1997): 421–55.

[90] Franz Nauen, "Garve—ein Philosoph in der echten Bedeutung des Wortes," *Kant–Studien* 87, no. 2 (1996): 187. One can also find examples of this view in contemporary research. See, for instance, Jens Timmermann, who claims that "[t]he *Groundwork* is too complex . . . to be inspired by two second-rate philosophers (i.e. Cicero and Garve)." Jens Timmerman, *Kant's Groundwork of the Metaphysics of Morals: A Commentary* (Cambridge: Cambridge University Press, 2007), xxviii. Kuehn also rejects the idea that Cicero could have influenced the development of Kant's philosophy in any substantial way. Manfred Kuehn, *Kant: A Biography* (Cambridge: Cambridge University Press, 2001), 271. For one thing, Kant supposedly dismissed Cicero as a mere popularizer of Stoic ethics. Kuehn's proposal is instead that Kant does not follow Cicero and, on the contrary, rejects Cicero's mitigating approach to Hellenistic philosophy in favor of a more radical view on morality. Ibid., 272. Kuehn cites Kant's claim that only actions done from duty alone are moral and his strict opposition to hedonism as evidence. Ibid., 273, referring to Cicero's *Off.*, 1.6 and 7.

Cicero."[91] Moreover, we know that the four volumes containing Garve's translation and his annotations were in Kant's library at his death.[92] This is also remarkable because Kant, as far as we know, did not have an extensive library. At his death, it contained only 124 titles. The strongest argument that Garve's text could not have had such a great influence on the *Grundlegung* is that neither Garve nor his work is mentioned with a single passing word. One must keep in mind, however, that Kant refers to other authors very sparingly, if at all. For the most part, Kant locates himself in a group of a few philosophical predecessors who are associated with certain philosophical insights or directions. Significant here is Kant's own division of the history of philosophy, which is structured on the basis of a systematic scheme, into the ages of dogmatism, skepticism, and finally his own critical philosophy. In this scheme, there is no place for Garve's popular philosophical approach, just as there is no place for Cicero, whom Kant mentions often but never as more than an orator or as a mediator of the Hellenistic schools of philosophy.[93]

Despite the speculative nature of any claims about influence upon Kant, let alone indirect influence of Cicero via Garve, it is clear that the one place where such influence is likely to have occurred is the second section of the *Grundlegung*, which is entitled "Übergang von der populären sittlichen Weltweisheit zur Metaphysik der Sitten"

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[91] Johann Georg Hamann, *Briefwechsel*, 7 vols., ed. Arthur Henkel (Berlin: Insel Verlag, 1955–75), 5:123. For Kant's engagement with Cicero's *Off.* and Garve's commentary, see Klaus Reich, "Kant and Greek Ethics (II)," *Mind* 48, no. 192 (1939): 447.

[92] Arthur Warda and Johann Friedrich Gensischen, *Immanuel Kants Bücher* (Berlin: M. Breslauer, 1922), 46.

[93] Some works, on the other hand, emphasize a clear influence of Garve on Kant's conception of the *Grundlegung* (see Nauen, "Garve," and Reich, "Kant") or even extend it to other works, such as the *Kritik der praktischen Vernunft* (see Corey Dyck, "Kant's Canon, Garve's Cicero, and the Stoic Doctrine of the Highest Good," in *Kant's Moral Philosophy in Context*, ed. Stefano Bacin and Oliver Sensen [forthcoming]). See Timmerman on *Grundlegung*, 409.20: "Rather polemically, and amusingly, Kant again apologises for the inaccessibility of some parts of the *Groundwork* (see Preface, IV 391–2). Pure moral theory must come first, careful popularisation second. One is reminded of Cicero's *De officiis* and Christian Garve's *Philosophische Anmerkungen und Abhandlungen*, both equally eclectic and riddled with historical examples. It is difficult to believe that at least the present attack on contemporary popular moral philosophy was not inspired by Garve's 1783 twin publications." Timmerman, *Kant's Groundwork,* 56.

("Transition from Popular Moral Philosophy to Metaphysics of Morals").[94] This is because in the first section Kant starts from the common understanding of morality, which although consistent with Garve's account is nonetheless not specific enough to constitute a clear and decisive reference.[95] The third section, on the other hand, starts from Kant's distinct presuppositions, which are clearly different from Garve's account and based on his transcendental philosophical assumptions.[96]

The basic issue with which Kant is concerned in the second section is the very possibility of a categorical imperative, that is, an imperative that concerns only the form of the will and not its object. Given that, for Kant, the necessary object of the will is happiness, the question that arises is: How is the strict separation between morality and happiness possible? After Kant articulates the categorical imperative as the sole principle of morality, he presents three further formulations of this same principle. Kant scholars have identified the first formulation, that is, the so-called natural law formula, as a clear reference to the Stoic tradition. Assuming, however, that the second section is directed against Garve, not only the formulation but also Kant's elucidation of the formula deserve more careful consideration. Let us take a closer look at the relevant passage.

After stating that there is only one general principle of duty, Kant points out that this is compatible with the existence of individual principles of duty. Even more, these can be derived from the general principle, which is why they are ultimately based on it.[97] What is

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[94] AA 4:406. See Klaus Petrus, "'Beschriebene Dunkelheit' und 'Seichtigkeit'. Historisch-Systematische Voraussetzungen der Auseinandersetzung zwischen Kant und Garve im Umfeld der Göttinger Rezension," *Kant-Studien* 85, no. 3 (1994): 293.

[95] However, Reich also sees a clear influence of Garve on the first section.

[96] Reich, "Kant," 446.

[97] "There is, therefore, only a single categorical imperative and it is this: *act only in accordance with that maxim through which you can at the same time will that it become a universal law.* Now, if all imperatives of duty can be derived from this single imperative as from their principle, then, even though we leave it undecided whether what is called duty is not as such an empty concept, we shall at least be able to show what we think by it and what the concept wants to say. Since the universality of law in accordance with which effects take place constitutes what is properly called *nature* in the most general sense (as regards its form)—that is, the existence of things insofar as it is determined in accordance with universal laws—the universal imperative of

remarkable about the formulation is its implicit reference to nature. As a given, Kant assumes that "nature" refers to which is established by a general lawful connection.[98] In an analogous sense, the categorical imperative can also be expressed with reference to a nature that is established universally by laws: as a maxim that is in accordance with the laws of nature or simply in accordance with nature.

That this derivation is directly related to Cicero's discussion of duty, or Garve's remarks on it, is impressively underlined by the immediately following discussion of examples. But first, Kant takes up the division into perfect and imperfect duties and remarks on this that it is not his own understanding of this division, but a "common division."[99] The reference, as we take it, is to Garve,[100] who extensively deals with the Stoic division into perfect and imperfect duties.[101] More

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duty can also go as follows: *act as if the maxim of your action were to become by your will a universal law of nature*" (4:421).

[98] Jens Timmerman comments as follows: "It is the Stoic idea that a morally good life is a life in harmony with nature, which was still popular with philosophers like Alexander Gottlieb Baumgarten and Christian Garve, whose annotated translation of Cicero's *De officiis*, published in 1783, is said to have inspired Kant to write the Groundwork. As early as 1770 Kant says that living in accordance with nature does not mean 'living in accordance with the impulses of nature but rather with the idea that is the foundation of nature' (R 6658, XIX 125). He goes on to say that nature and freedom are opposed to each other, and that the moral law is not a law of nature. Kant makes systematic use of this idea in his exposition of the present law-of-nature formulation of the categorical imperative." Timmerman, *Kant's Groundwork*, 78–79.

[99] See Schneewind, "Pufendorf's Place," 142: "Pufendorf made the distinction between perfect and imperfect duties a topic that could not be neglected by moral and political thinkers who came after him. The distinction itself was not felt to be adequately stated, even by those who agreed that Pufendorf had captured something of importance in it, and a number of writers—most famously Kant, in the *Metaphysics of Morals*—tried to give a more adequate account than Pufendorf's of what was involved."

[100] Christian Garve, *Abhandlung über die menschlichen Pflichten, aus dem Lateinischen des Marcus Tullius Cicero, Teil 2, Die Anmerkungen*, in *Gesammelte Werke*, ed. Kurt Wölfel (New York: Georg Olms Verlag, 1986), 21–22. All translations are our own.

[101] The distinction between *officia perfecta* and *officia imperfecta* is more complicated than this suggests. For the Stoics, the distinction between perfect and imperfect duty was not, as in the modern period, that perfect duties are absolute or enforceable. Instead, perfectly right actions (κατορθώματα) are merely appropriate actions (καθήκοντα) performed from a virtuous disposition. The Stoic distinction between *officium absolutum* (Stoic κατόρθωμα) and *officium medium* (Stoic καθῆκον) is connected more so to the modern distinction between doing the right thing and doing the right thing

importantly, however, are the four examples that Kant uses to illustrate his understanding of the law of nature, all of which are also found in Garve, which has not been sufficiently appreciated by scholars up to this point.

In the first example, Kant discusses the question of whether it can ever be dutiful to take one's life in view of future evils. Kant dismisses this as contradictory by pointing to the maxim underlying the act, and thereby forbids suicide under all circumstances. As is well known, suicide ouccupies a special place in Stoic practical philosophy. For the Stoics, suicide is not only sometimes permissible but also sometimes rationally prescribed and normatively required (*officium*). It is therefore not surprising that Garve discusses this example at length in his commentary. Garve prefaces his treatment of the issue with the question: "How far can an action be justified by the fact that it was in accordance with the particular character of this man?" [102] This is significant in view of the fact that, as we have seen above, the Stoic concept of duty is primarily concerned with the context of an action, such that what is *officium* for an agent must cohere not only with general facts about one's nature as a rational animal, but highly individualized facts about one's constitution, temperament, role, and place in society. A prominent Stoic example of such an action is Cato's suicide, which Garve also takes up at this point. Garve, himself ambivalent about this case, references the Stoic position. For the Stoics, suicide is permitted "when it [life] would become unbearable" or "as a consolation ground against the evils of it."[103] Garve explains the Stoics' divergence from the modern Christian condemnation of suicide by saying that the matter itself is ambiguous and uncertain "when it is

for the right reasons and in the right way (even this is complicated by the fact that one can do the right thing for the right reasons even while not being virtuous, which for the Stoics falls short of κατόρθωμα). The connection between this distinction and the later conception of "perfect" duties as universal and absolute is not a straightforward one. See Daniel Doyle and José M. Torralba, "Kant and Stoic Ethics," in *The Routledge Handbook of the Stoic Tradition*, ed. John Sellars (New York: Routledge, 2016), 279–80.

[102] Garve, *Anmerkungen zu dem ersten Buche*, 209.

[103] Ibid., 210–11. Of course, for the Stoics demoted or disvaluable indifferents like sickness and poverty are not properly termed "evils" (*mala*), but "indifferents" (*indifferentia or incommodia*) with a negative valence.

merely examined by reason."[104] Modern moralists, according to Garve, emphasize that it is not reason but passion that drove Cato to suicide.

Garve counters, however, that interfering with one's bodily integrity should not be tolerated for the reason that it constitutes a violation of the rights of the creator, that is, God.[105] He then also rebukes Cato for his deed, which did in fact accord with his character, as Cicero correctly noted. Nevertheless, it also testified to the one-sided and deficient development of Cato's character, which is why he concludes in the way he does: "[S]o in those who kill themselves in cold blood (an act so contrary to the first instinct of nature), the whole character must already have something violent, something different from the ideal model."[106] Nevertheless, Garve does not want to condemn the act unequivocally, not excluding that it necessarily resulted from a distinctive kind of character and in response to the circumstances: "But whether suicide is an act that agrees with a presupposed such and such character, and under these circumstances in such a way that it becomes decent, almost inevitable—that is a difficult question to answer."[107] Garve then clearly contrasts Cicero's "old morality" with the "new morality," and emphasizes once again the role played in Cicero's assessment by the circumstances from which an action arose:

> The point of view from which the newer morality considers the matter is here also quite different from that of Cicero and the old morality. The former believes that suicide belongs among the actions which, because they are evil in themselves, may not be considered at all from the point of view of decency, of convenience; the latter maintains that, because the appropriateness of suicide in and of itself cannot be rigorously proved, the morality of it must be inferred from the character of the agent's will (aus den Gesinnungen); and that there may therefore also be cases in which it arises from noble intentions, but from faults connected with virtues. The former regards the action as depending on a free decision; the latter, as one where man is governed entirely by his character and circumstances.[108]

In his final evaluation, Garve cannot bring himself to a clear judgment, even if he expresses his preference for the view of the moderns. The

[104] Ibid., 212.
[105] Ibid., 213–14.
[106] Ibid., 218.
[107] Ibid., 219.
[108] Ibid.

verdict of Kant, however, is quite different; he recognizes a clear contradiction in the defense of suicide and thus rejects it on the grounds of reason alone.[109]

Kant argues in a similar fashion in his second example, which concerns the duty to keep one's given word. Kant asks whether it is not contrary to one's duty to get out of a predicament by a promise that one knows cannot possibly be kept. This example is also discussed at length by Garve under the virtue of justice. The keeping of promises, according to Garve, makes it possible to make resolutions for the future, that is, to form contracts.[110] Garve reiterates, "Some duties receive their binding force from the circumstances of the person who does them and to whom they are to be performed."[111] Garve rightly points out that, according to Cicero, not all promises should be kept, especially those whose "fulfillment harms the person who made them more than it benefits the person who accepted the."[112] To illustrate such a case, Garve introduces the example of a creditor seeking to secure necessary aid through a promise that he believes he does not have to keep because the debtor's benefit does not outweigh his harm. Garve attempts to resolve the case by distinguishing between agreements or contracts and promises. Not providing promised assistance is said to be less serious than not meeting an agreed payment. Finally, he asks, "If then, even the private good of the accepting party is not considerably promoted by the performance, and if our own suffers much by it: what should make this sacrifice our

[109] See Michael J. Seidler, "Kant and the Stoics on Suicide," *Journal of the History of Ideas* 44, no. 3 (July 1983): 429–53; Wolfgang Kersting, "Der kategorische Imperativ, Die vollkommenen und die unvollkommenen Pflichten," *Zeitschrift für philosophische Forschung* 37, no. 3 (July–September 1983): 404–21.

[110] Garve, *Anmerkungen zu dem ersten Buche*, 94–95.

[111] Ibid., 99.

[112] Ibid., 112. Garve is correct that for Cicero promise-keeping (or perhaps more accurately, "oath-keeping") is not a categorical requirement. This fact alone complicates any attempt to read Kant's distinction between strict duties of justice (for example, prohibitions against lying) and discretionary duties of beneficence (for example, helping another in need) into Cicero's discussion of the fundamentals of justice at *Off.*, 1.31. On Cicero's casuistic treatment of promise-keeping and other duties, see the excellent analysis provided by Woolf, "Particularism." It is an open question whether promise-keeping has any independent normative force beyond the other ethical features he outlines (the common good, the well-being of the promisee, and so on).

duty?"[113] Here too, then, the circumstances and conditions for the fulfillment of a duty play a decisive role in the determination of the right course of action.[114]

In the third place, Kant deals with the duty to perfect one's own capacities, which conflicts with our natural inclination to pursue comfort and pleasure. With this, Kant alludes to the dispute between Epicureans and Stoics about the good that is peculiar to man, which is mentioned at the beginning of Garve's commentary. From the comparison of humans with other living beings the following emerges: "The ultimate goal, they say, toward which all humans strive, even without knowing it, is to make themselves more perfect."[115] Now it is important that, according to Garve, this drive for perfection can become effective in man only when he is in company with others: "In this way the original drives, through the new drive to sociability, are strengthened, extended, and directed to manifold objects."[116] Above all, the estimation of one's own abilities and powers, gained by comparison with one's fellow men, plays a special role: "If the increased or diminished opinion of one's worth has so much influence on the exercise of a man's talents, how much more influence must it not have on the expression of willpower, on determination in action and suffering!"[117] On this Garve ultimately bases even the feeling of one's own dignity, a conclusion that must clearly be rejected by Kant.[118]

The final example Kant uses to demonstrate the dependence of obligation on the natural law formulation of the moral law concerns the duty of beneficence. For Kant this duty cannot be based on sensibility. Instead, the act's omission itself generates a conflict of maxims and consequently a practical contradiction. It is noteworthy that Garve likewise sets reason against sentiment: "A man, on the other hand, of more reason than sentiment, recognizes the general relations, and steadfastly directs himself according to them, but he sympathizes less

[113] Garve, *Anmerkungen zu dem ersten Buche*, 114.

[114] We need not assume that Cicero's or Garve's casuistry is driven by utilitarian or consequentialist forms of thinking. Our point is specifically that promise-keeping is not invariably right or wrong for them, on the basis of highly contextual principles and considerations.

[115] Ibid., 12.

[116] Ibid., 47.

[117] Ibid., 59.

[118] Ibid.

with the particular sentiments and desires of individuals; he will therefore never be unjust, but at times harsh."[119] That this behavior is not entirely unjustified is subsequently explained by Garve by the fact that charity does not extend equally to all men, such that there is a certain degree of latitude with respect to the content and strength of our duties according to one's perceived closeness to others.[120] Here too, then, it can be seen that Garve, even if he does not entirely agree with Stoic or Ciceronian theory, emphasizes above all the context-dependence of duties, whereas Kant calls for a strict separation between the reason for the duty or its obligatory nature and the circumstances of its performance.

VI

To sum up, it is clear that Kant explicitly propagates the modern separation between morality and happiness, especially in the *Grundlegung*. The preceding sections have shown that he did not take this separation from Cicero himself, and that it is not found in the Stoics either. However, if we take seriously that Kant presented his *Grundlegung* to Hamann as an anti-Garve effort, we must admit that Cicero, mediated through Garve, did exert a considerable influence on the development of Kantian philosophy, but in a different way than initially assumed.[121] Garve himself later describes his philosophical achievement as having served as a whetstone for others.[122] That is, his remarks motivated others to clarify their positions. We think that this

[119] Ibid., 89–90.

[120] Ibid., 120–27. One can fruitfully compare this passage with Cicero's discussion of the degrees of human fellowship in *Off.*, principally at 1.53–57. Cicero's defense of loyalty to the *res publica* and of private property in *Off.*, despite the work's indebtedness to the Stoics, strikes a more conservative note than Hierocles's Stoic and cosmopolitan image of concentric circles. Stobaeus, *Anthology*, 4.84.23.

[121] In this qualified sense, we agree with DeJardins that "Cicero provided the context in which Kant expressed his moral philosophy and that Kant, much like Hume, may have been understood by his contemporaries for having announced his philosophy with a vocabulary from *De Officiis*." Gregory DesJardins, "Terms of *De Officiis* in Hume and Kant," *Journal of the History of Ideas* 28, no. 2 (1967): 242.

[122] Kurt Wölfel, "Garve, Christian," in *Neue Deutsche Biographie* 6 (1964): 677–78, https://www.deutsche-biographie.de/ pnd118537636.html.

characterization describes very well the influence Garve had on the writing of the *Grundlegung*, and especially on the development of the second section.

Moreover, we have seen that Pufendorf's complaint against the Stoic καθῆκον foreshadows and in major respects parallels Kant's rejection of the Ciceronian ethics of *officium.* The latter, and by extension Garve's theory, violate three criteria of modern moral philosophy that emerge from our study of Pufendorf and Kant: categoricity, universality, and fundamentality.[123] Regarding the first, it is well known that the early Greek Stoics countenanced the moral permissibility of actions that many would maintain are intrinsically wrong: incest, cannibalism, murder, and so on. Cicero's ethics of *officium* shares the same kind of variability and situational fluidity as his Stoic predecessors. In the *De Officiis* Cicero justifies tyrannicide, offers a particularistic role-based theory based on our *personae*, and, more generally, provides a moral framework in which rightness is subject to the whims of circumstances and individual character. This is perhaps most evident in Cicero's adaptation of the Stoic doctrine of rational suicide, which for Cicero was justified for Cato but not for others.[124] Pufendorf and Kant, worried in their own ways about moral disagreement and conflict, eschewed the looseness of the ancient approach. Related to the worry of categoricity is the second worry of universality or parochialism. Just as Pufendorf worried that ancient ethical theory was fit only for the highly circumscribed social setting of the Athenian polis, so too does Kant worry that Ciceronian ethics is subject to the vacillations of cultural and societal norms, just as the καθῆκον or *officium* is sensitive to highly particular facts about humans and their social environment. Finally, as Kant's remarks in the *Grundlegung* show, he is worried that Ciceronian and Garveian ethics is

[123] Kant, of course, takes the ancients to have confused prudence and morality. See Timmerman, *Kant's Groundwork,* 78 n. 64: "See e.g. Baumgarten's *Initia*, §§ 45 and 46. The principle is criticized in the lectures on moral philosophy as at best a principle of prudence, not a moral principle (Collins, XXVII 266.10–19), i.e. according to the Kant of the lectures, the Stoics, like all moral philosophers before him, confuse pure and empirical practical reason."

[124] There is some irony in the fact that Cicero's ethics is not sufficiently "categorical" in the Kantian sense. For Cicero was arguably suspicious of Epicureanism on these very grounds, namely, the fickleness of moral rightness when subjected to the contingent and ever changing hedonic calculus.

wrongheaded in its nonfoundational and casuistical approach.[125] By focusing on *exempla* and other concrete ethical particulars of decision-making, these theories fall into a kind of circular and philosophical platitude.[126] Kant's critical approach concerns the very foundations of common moral sense and the possibility of placing it on solid philosophical footing. It is no accident that Kant shows no interest in the sort of casuistical ethical reasoning about concrete scenarios taken up in detail by Cicero and Garve (Does performing this kind of deceptive act constitute lying? Does acting on this particular maxim of self-killing count as suicide?). Kant is concerned with the foundations of the metaphysics of morals, not with concrete moral questions.[127] In this way the Kantian legacy is to render the Ciceronian approach unphilosophical, even as he is indebted to Cicero for offering an occasion to formulate his critical approach. It is no accident, then, that in the wake of Kant we find the widespread disparagement of the intellectual achievements of the tradition of popular philosophy. As Hegel puts it in his *Vorlesungen über die Geschichte der Philosophie*:

> Cicero's mode of philosophizing, a very general mode, was revived in an especial degree. It is a popular style of Philosophizing, which has no real speculative value, but in regard to general culture it has this importance, that in it man derives more from himself as a whole,

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[125] See Terence Irwin, "*Officia* and Casuistry: Some Episodes"; Jean-Babtiste Gourinat, "Comment se détermine le kathekon? Remarques sur la conformité à la nature et le raisonnable," *Philosophie Antique* 14 (2014): 13–39; Raymon Thamin, *Un problème moral dans l'antiquité: étude sur la casuistique stoïcienne* (Paris: Hachette, 1884).

[126] See Robert B. Louden, "Go-Carts of Judgment: Exemplars in Kantian Moral Education," *Archiv für Geschichte der Philosophie* 74, no. 3 (July 1992): 303–22; and Onora O'Neill, *Constructions of Reason: Explorations of Kant's Practical Philosophy* (Cambridge: Cambridge University Press, 1989).

[127] See Jens Timmermann, "Kant's Puzzling Ethics of Maxims," *The Harvard Review of Philosophy* 8, no. 1 (January 2000): 39–52. In this sense, it is remarkable that Kant's so-called impure ethics, that is, his lectures on anthropology, makes extensive use of Stoic ideas, which has so far received only limited attention. See Reinhard Brandt, *Kritischer Kommentar zu Kants "Anthropologie in pragmatischer Hinsicht (1798)"* (Hamburg: Felix Meiner Verlag, 1999), and Robert B. Louden, *Kant's Human Being: Essays on His Theory of Human Nature* (New York: Oxford University Press, 2011). Further research would benefit from connecting these ideas to Kant's complex views on casuistry (*Kasuistik*), especially the "casuistical questions" (*kasuistische Fragen*) in the Doctrine of Virtue.

> from his outer and inner experience, and speaks altogether from the standpoint of the present.[128]

While we lament the lasting effect of Cicero's diminution, we take pleasure in noting that it is Cicero's thought and writing, refracted through Garve, that is responsible for bequeathing to us the essential core of modern moral philosophy.

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[128] Georg Wilhelm Hegel, *Hegel's Lectures on the History of Philosophy: Volume 3*, trans. Elizabeth S. Haldane and Frances H. Simson (London: Routledge & Kegan Paul Ltd, 1955), 113–14. See also Johan Van Der Zande, "In the Image of Cicero: German Philosophy between Wolff and Kant," *Journal of the History of Ideas* 56, no. 3 (July 1995): 422; Timothy W. Caspar, "Cicero and America," *Expositions* 8, no. 1 (2014): 145–67; and Moses S. Slaughter, "Cicero and His Critics," *The Classical Journal* 17, no. 3 (December 1921): 120–31.