

Would Epicurus Agree With Cicero In Regard To Honesty in Business Practices? ("It is never expedient to do wrong, because wrong is always immoral; and it is always expedient to be good, because goodness is always moral")

Post by "Cassius" of April 16, 2018 at 9:58 AM

Here is a passage from Cicero's "On Duties" that I have always found fascinating, and I think it is interesting to consider whether Epicurus would agree with this analysis, which concludes: "To conclude, then, it is never expedient to do wrong, because wrong is always immoral; and it is always expedient to be good, because goodness is always moral." I suspect the analysis is open to many concerns from an Epicurean perspective, but I wonder if the same result in the specific examples given might be reached even under Epicurean analysis:

Cicero's On Duties -

"Let it be set down as an established principle, then, that what is morally wrong can never be expedient — not even when one secures by means of it that which one thinks expedient; for the mere act of thinking a course expedient, when it is morally {50} wrong, is demoralizing. But, as I said above, cases often arise in which expediency may seem to clash with moral rectitude; and so we should examine carefully and see whether their conflict is inevitable or whether they may be reconciled. The following are problems of this sort: suppose, for example, a time of dearth and famine at Rhodes, with provisions at fabulous prices; and suppose that an honest man has imported a large cargo of grain from Alexandria and that to his certain knowledge also several other importers have set sail from Alexandria, and that on the voyage he has sighted their vessels laden with grain and bound for Rhodes; is he to report the fact to the Rhodians or is he to keep his own counsel and sell his own stock at the highest market price? I am assuming the case of a virtuous, upright man, and I am raising the question how a man would think and reason who would not conceal the facts from the Rhodians if he thought that it was immoral to do so, but who might be in doubt whether such silence would really be immoral.

{51} In deciding cases of this kind Diogenes of Babylonia, a great and highly esteemed Stoic, consistently holds one view; his pupil Antipater, a most profound scholar, holds another. According to Antipater all the facts should be disclosed, that the buyer may not be uninformed of any detail that the seller knows; according to Diogenes the seller should declare any defects in his wares, in so far as such a course is prescribed by the common law of the land; but for the rest, since he has goods to sell, he may try to sell them to the best possible advantage, provided he is guilty of no misrepresentation.

"I have imported my stock," Diogenes's merchant will say; "I have offered it for sale; I sell at a price no higher than my competitors — perhaps even lower, when the market is overstocked. Who is wronged?"

??{52} "What say you?" comes Antipater's argument on the other side; "it is your duty to consider the interests of your fellow-men and to serve society; you were brought into the world under these conditions and have these inborn principles which you are in duty bound to obey and follow, that your interest shall be the interest of the community and conversely that the interest of the community shall be your interest as well; will you, in view of all these facts, conceal from your fellow-men what relief in plenteous supplies is close at hand for them?"

"It is one thing to conceal," Diogenes will perhaps reply; not to reveal is quite a different thing. At this present moment I am not concealing from you, even if I am not revealing to you, the nature of gods or the highest good; and to know these secrets would be of more advantage to you than to know that the price of wheat was down. But I am under no obligation to tell you everything that it may be to your interest to be told."

{53} "Yea," Antipater will say, "but you are, as you must admit, if you will only bethink you of the bonds of fellowship forged by Nature and existing between man and man."

"I do not forget them," the other will reply: but do you mean to say that those bonds of fellowship are such that there is no such thing as private property? If that is the case, we should not sell anything at all, but freely give everything away."

XIII.

In this whole discussion, you see, no one says, "However wrong morally this or that may be, still, since it is expedient, I will do it"; but the one side asserts that a given act is expedient, without being morally wrong, while the other insists that the act should not be done, because it is morally wrong. {54} Suppose again that an honest man is offering a house for sale on account of certain undesirable features of which he himself is aware but which nobody else knows; suppose it is unsanitary, but has the reputation of being healthful; suppose it is not generally known that vermin are to be found in all the bedrooms; suppose, finally, that it is built of unsound timber and likely to collapse, but that no one knows about it except the owner; if the vendor does not tell the purchaser these facts but sells him the house for far more than he could reasonably have expected to get for it, I ask whether his transaction is unjust or dishonourable.

{55} "Yes," says Antipater, "it is; for to allow a purchaser to be hasty in closing a deal and through mistake ?? worse than refusing to set a man on his way: It is deliberately leading a man astray."

"Can you say," answers Diogenes, "that he compelled you to purchase, when he did not even advise it? He advertised for sale what he did not like; you bought what you did like. If people are not considered guilty of swindling when they place upon their placards FOR SALE: A FINE VILLA, WELL BUILT, even when it is neither good nor properly built, still less guilty are they who

say nothing in praise of their house. For there the purchaser may exercise his own judgment, what fraud can there be on the part of the vendor? But if, again, not all that is expressly stated has to be made good, do you think a man is bound to make good what has not been said? What, pray, would be more stupid than for a vendor to recount all the faults in the article he is offering for sale? And what would be so absurd as for an auctioneer to cry, at the owner's bidding, 'Here is an unsanitary house for sale'?"

{56} In this way, then, in certain doubtful cases moral rectitude is defended on the one side, while on the other side the case of expediency is so presented as to make it appear not only morally right to do what seems expedient, but even morally wrong not to do it. This is the contradiction that seems often to arise between the expedient and the morally right. But I must give my decision in these two cases; for I did not propound them merely to raise the questions, {57}but to offer a solution. I think, then, that it was the duty of that grain-dealer not to keep back the facts from the Rhodians, and of this vendor of the house to deal in the same way with his purchaser. The fact is that merely holding one's peace about a thing does not constitute concealment, but concealment consists in trying for your own profit to keep others from finding out something that you know, when it is for their interest to know it. And who fails to discern what manner of concealment that is and what sort of person would be guilty of it? At all events he would be no candid or sincere or straightforward or upright or honest man, but rather one who is shifty, sly, artful, shrewd, underhand, cunning, one grown old in fraud and subtlety. Is it not inexpedient to subject oneself to all these terms of reproach and many more besides?

{58} XIV.

If, then, they are to be blamed who suppress the truth, what are we to think of those who actually state what is false? Gaius Canius, a Roman knight, a man of considerable wit and literary culture, once went to Syracuse for a vacation, as he himself used to say, and not for business. He gave out that he had a mind to purchase a little country seat, where he could invite his friends and enjoy himself, uninterrupted by troublesome visitors. When this fact was spread abroad, one Pythius, a banker of Syracuse, informed him that he had such an estate; that it was not for sale, however, but Canius might make himself at home there, if he pleased; and at the same time he invited him to the estate to dinner next day. Canius accepted. Then Pythius, who, as might be expected of a moneylender, could command favours of all classes, called the fishermen together and asked them to do their fishing the next day out in front of his villa, and told them what he wished them to do. Canius came to dinner at fleet of boats before their eyes; each fisherman brought in in turn the catch that he had made; and the fishes were deposited at the feet of Pythius.

{59} "Pray, Pythius," said Canius thereupon, "what does this mean? — all these fish? — all these boats?"

"No wonder," answered Pythius; "this is where all the fish in Syracuse are; here is where the fresh water comes from; the fishermen cannot get along without this estate."

Inflamed with desire for it, Canius insisted upon Pythius's selling it to him. At first he demurred. To make a long story short, Canius gained his point. The man was rich, and, in his desire to own the country seat, he paid for it all that Pythius asked; and he bought the entire equipment, too. Pythius entered the amount upon his ledger and completed the transfer. The next day Canius invited his friends; he came early himself. Not so much as a thole — pin was in sight. He asked his next-door neighbour whether it was a fishermen's holiday, for not a sign of them did he see.

"Not so far as I know," said he; "but none are in the habit of fishing here. And so I could not make out what was the matter yesterday."

{60} Canius was furious; but what could he do? For not yet had my colleague and friend, Gaius Aquilius, introduced the established form to apply to criminal fraud. When asked what he meant by "criminal fraud," as specified in these forms, he could reply: "Pretending one thing and practising another" — a very felicitous definition, as one might expect from an expert in making them. Pythius, therefore, and all others who do one thing while they pretend another are faithless, dishonest, and unprincipled scoundrels. No act of theirs can be expedient, when what they do is tainted with so many vices.

{61} XV.

But if Aquilius's definition is correct, pretence and concealment should be done away with in all departments of our daily life. Then an honest man will not be guilty of either pretence or concealment in order to buy or to sell to better advantage. Besides, your "criminal fraud" had previously been prohibited by the statutes: the penalty in the matter of trusteeships, for example, is fixed by the Twelve Tables; for the defrauding of minors, by the Praetorian law. The same prohibition is effective, without statutory enactment, in equity cases, in which it is added that the decision shall be "as good_faith requires."/a In all other cases in equity, moreover, the following phrases are most noteworthy: in a case calling for arbitration in the matter of a wife's dowry: what is "the fairer is the better"; in a suit for the restoration of a trust: "honest dealing, as between honest parties." Pray, then, can there be any element of fraud in what is adjusted for the "better and fairer"? Or can anything fraudulent or unprincipled be done, when "honest dealing between honest parties" is stipulated? ??{62} But "criminal fraud," as Aquilius says, consists in false pretence. We must, therefore, keep misrepresentation entirely out of business transactions: the seller will not engage a bogus bidder to run prices up nor the buyer one to bid low against himself to keep them down; and each, if they come to naming a price, will state once for all what he will give or take. Why, when Quintus Scaevola, the son of Publius Scaevola, asked that the price of a farm that he desired to purchase be definitely named and the vendor named it, he replied that he considered it worth more, and paid him 100,000 sesterces over and above what he asked. No one could say that this was not the act of an honest man; but people do say that it was not the act of a worldly-wise man, any more than if he had sold for a smaller amount than he could have commanded. Here, then, is that mischievous idea — the world accounting some men upright, others wise; and it is this fact that gives Ennius occasion to say:

In vain is the wise man wise, who cannot benefit himself.

And Ennius is quite right, if only he and I were agreed upon the meaning of "benefit."

{63} Now I observe that Hecaton of Rhodes, a pupil of Panaetius, says in his books on "Moral Duty" dedicated to Quintus Tubero that "it is a wise man's duty to take care of his private interests, at the same time doing nothing contrary to the civil customs, laws, and institutions. But that depends on our purpose in seeking prosperity; for we do not aim to be rich for ourselves alone but for our children, relatives, friends, and, above all, for our country. For the private fortunes of individuals are the wealth of the state." Hecaton could not for a moment approve of Scaevola's act, which I cited a moment ago; for he openly avows that he will abstain from doing for his own profit only what the law expressly forbids. Such a man de ??{64}??{65} not enter, or, if he only is a good man who helps all he can, and harms no one, it will certainly be no easy matter for us to find the good man as thus defined. To conclude, then, it is never expedient to do wrong, because wrong is always immoral; and it is always expedient to be good, because goodness is always moral."