

Early Human Right Proponents? The Extent to which Cicero's Ideas Embodied the Modern Concept of Universal Human Rights

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Abstract:

This study explores the relationship between Cicero's ideas included in *De Officiis* and *De Legibus*, and the modern human rights ideals, focusing on the extent to which the ideas of Cicero conform with those of modern human rights. It analyzes the similarity between these two ideas in the aspects of property rights, punishment, relationship with others; additionally, this research examines how Cicero's ideas violate the modern human rights in the aspects of slavery and cosmopolitanism. The study clearly reveals the relationship between Cicero's ideas, Stoicism, and modern human rights, reminding researchers to develop a more comprehensive view on the history of human rights.

Keywords: Stoicism, Cicero, Human rights.

1. Introduction

1.1 Purpose

It is often assumed that the ideals of modern human rights originated from the eighteenth century Enlightenment, embodied in the *Bill of Rights* and the *Declaration of the Rights of Man and Citizens*, and finally being proposed systematically in the *Universal Declaration of Human Rights* (UDHR) of 1948. Some historians, though, have claimed that human rights ideals have much deeper roots, specifically in the ancient philosophy known as Stoicism. If that is true, it has great significance, because it shows that our modern ideals of human rights are much older than we normally think. To examine this claim, this paper will mainly focus on the works of one of the most important figures who was heavily influenced by the Stoics: Cicero. And we can find something interesting: Cicero's ideas contain some elements that would survive into modern ideals of human rights, but he still maintained, in some passages at least, the traditional and classical view that some lives matter more than others.

1.2 Background

UDHR is considered the foundation and a milestone of the modern human rights; drafted and signed by the delegates all over the world with different cultural and legal backgrounds, it proposed systematically, for the first time in human history, what is meant by modern human rights. The main idea of modern human rights evinced from the document is that human rights are inherent to all human

beings no matter their race, sex, profession or any other status.[1] The rights include rights to life and liberty, freedom of opinion and so on.

Stoicism, one of the most influential philosophies in Greek and Roman (the period where philosophy focused more on ethics and human being; the main philosophies are: Stoicism, Epicureanism, and Skepticism), generally based their philosophy of ethics on metaphysics: they conceived the whole universe to be an organized, teleological entirety governed by reason. Human, as a part of the whole, to live a virtuous life is to live according to the nature, or logos, and to be guided by reason. In addition, Stoics believe that there are four fundamental virtues: courage, self-control, wisdom, and justice. But what made Stoicism different from its antecedent was that they regard being virtuous as the only good and non-virtuous as the only evil; besides this, fortune, health, power, disease, death poverty are just subordinates of them. Therefore, since the reason is in every body, this philosophy of ethics creates a universal system in which everybody is equal, while at the same time abandoned the entrenched ideals of natural hierarchy, slaves, or other forms of inherent inequality.

Cicero was born in January 106 BC, who was a Roman statesman, lawyer, scholar, and philosopher. Meanwhile, he is one of the most important figures who was heavily influenced by Stoics, leaving us with several important works regarding Stoicism. In those works, Cicero subordinated philosophy to politics: he believed that the politicians at his time was corrupted and no longer possessed the qualities that a leader needs. And the main cause was

the loss of virtues. Cicero, therefore, tried to use philosophy to bring about his political goals. And according to the basic ideals of Stoicism above, it is not surprising that Cicero probably expressed the ideals of modern human rights even though the word “human rights” hadn’t appeared.

2. Literature Review

Topics around the relationship between Stoicism and human rights have been studied by several scholars in the past. In Lisa Hill’s “Stoic Cosmopolitanism and the Birth of Universal Right”, she examined parts of the works by different Stoics and tried to show how they provide the basic ideas of human rights (even though they didn’t develop a system of human rights).[2] On the other hand, in Jan Edward Garrett’s “The doubtful descent human rights from stoicism”, he compared the difference between modern human rights culture and Stoicism and concluded that Stoics just shows a more benevolent moral attitude toward one’s fellow beings.[3] However, neither of the works focused on one specific Stoic and his work, which, to some extent, overlooks some of the details of Stoics’ work and couldn’t offer a holistic review of the extent of expression of human rights in their works.

3. Materials and Methods

In response to the lack of literature, this paper focused on Cicero’s *De Officiis* (On Duties, written in 44 BC) and *De Legibus* (On the Laws, written in about 58BC-43BC) as primary sources. *De Officiis* is book that Cicero wrote to his son talking about the virtues and duties. In this source, Cicero addresses the topic of duty (including the sources of virtues, the duty of ourself to those virtues and to others). The ethics of Stoicism were finely proposed and it is necessary to carefully examine it. *De Legibus* is a work regarding the law and justice, presented in the form of dialogue. One of the main ideas of this book was that finding the nature of justice requires examination on the nature of human beings. Therefore, it is necessary to focus on this part of *De Legibus* to clearly demonstrate the ideals of human beings in Stoicism. In addition, this paper compares those works with the UDHR, offers a more detailed analysis of those works by pointing out the parts that conforms the UDHR and the parts that violates it, and thus appraises the extent of the expression of modern human rights in those works.

4. Discussion

4.1 The ideas that conform the modern human rights ideals

Since the *Bill of Rights*, the property right has been one

of the essential rights of modern human rights consciousness. Through a reading of *De Officiis*, we can find that Cicero himself believed in a right to private property. He related private property to the virtue of “Justice,” which for him was one of the four central virtues. He argued that one of the main functions of Justice is to “lead men to use common possessions for the common interests, private property for their own.” Then, he justified the existence of private properties although there was no such thing by nature: “but property becomes private either through “long occupancy”, or “through conquest”, or “by due process of law, bargain, or purchase, or by allotment.”

Based on this justification, Cicero articulated a powerful argument to the individual right to private property. He began from the premise that each of us has the right to maintain ownership of what has come into his lot. Therefore, to violate this right, by depriving someone of their property, was in his view “violating the laws of human society.”[4] What’s more, Cicero defend the property rights of *citizens* by stating that it is the main function of the state to make sure everybody has the rights to own property rights.[5]

Those statements are also embodied in the Article 17 of the Universal Declaration of Human Rights:

“Everyone has the right to own property alone as well as in association with others.”

“No one shall be arbitrarily deprived of his property.”[1]

Therefore, we can say this excerpt of *De Officiis* was a clear defense and expression of the modern property rights.

However, different from the phrase of “human being” or “mankind” used by Cicero in the sources below, which clearly includes women and slaves and all other social classes, in this session of property rights, we have to pay more attention to the phrase “citizen”. In the second source, Cicero used the phrase “citizen”. It is well-known that Citizenship contained different social classed in Ancient Rome. When it comes to the rights of owning properties, women had the rights but slaves didn’t (as they lacked a legal personhood). Therefore, we can see that Cicero wasn’t completely referring the idea of property rights as universal because he may exclude slaves, which, to some extent, alleviate the ideals of human rights in Cicero’s works.

The other piece of evidence from *De Officiis* shows another important element of modern human rights: impartial punishment. In the Article 25 of book I, Cicero discussed the morality of treating government affairs. One of the rules that those who take charge of the government should follow is that the penalty cannot be excessive in comparison to the offense. This is a strong statement and moral requirement for the government staff of impartial judgement. More importantly, Cicero also believes that some

people won't receive criticism for the same mistake that others aren't even held accountable for, showing again the idea of universal laws and equality to "everyone".[6] We can also find similar declaration in the UDHR to emphasize the argument that this is a preliminary element of the modern human rights:

"Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him."[1]

Although Cicero didn't mention "public hearing" or "court", we can see clear similarity between those two sources and thus we can say in the aspect of impartial judgement, *De Officiis* also embodied preliminary modern human rights.

Like many ethical philosophers, Cicero was convinced that we should not hurt others for profit. In the beginning of the third book, Cicero focused on whether we should profit by other's loss. He believes that in most cases, we should not hurt others for our own profit. This is based on five reasons: 1. it will sever the ties that bind human civilization together, which are primarily dictated by natural law. 2. it is also against the law of nations that the bonds between the citizens should not be broken. 3. Since selfish pleasure, wealth, and life itself are far less in accordance with nature than are loftiness and greatness of spirit, politeness, fairness, and kindness, the law of "god and man" also won't let us wrong others for our own profit. 4. it is not humane to think that hurting others is a way of "justice". 5. it is wrong to think that hurting others to avoid death, pain, property (ills affecting himself) is more important than injustice (ills affecting his soul).[7] But this is not sufficient to be categorized into the ideals of modern human rights.

Most importantly, Cicero departed from Aristotle and other traditional views, because he believed that this law of generosity should apply universally, and not simply to friends, neighbors, and family, as he further criticized people who said that this rule should only be applied to family members or fellow citizens instead of foreigners that this kind of attitude "would destroy the universal brotherhood of mankind; and "when this is annihilated, kindness, generosity, goodness, and justice must utterly perish; and those who work all this destruction must be considered as wickedly rebelling against the immortal gods."[8] In other words, Cicero is saying again that this rule is applied to "everyone" in the human race. This idea of equality and universal brotherhood is also found in the UDHR:

"All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."[1]

Discussions of virtues weren't the only way that Stoics showed the ideals of modern human rights. Their ideas on human beings also made a contribution to it. In the first volume of *De Legibus*, Cicero talked about what makes human different from the animals (that is, reason) to lay the foundation of further discussion of the natural law. In this part, Cicero proposed classic ideas of Stoicism that the whole mankind is homogenous and similar. This is because "reason, which alone raises us above the level of the beasts and enables us to draw inferences, to prove and disprove, to discuss and solve problems, and to come to conclusions, is certainly common to us all." Furthermore, Cicero claims that the uniformity of human nature is conspicuous since nobody in the human race doesn't favor "courtesy, kindness, gratitude, and remembrance of favours bestowed" and nobody doesn't hate "the haughty, the wicked, the cruel, and the ungrateful." In fact, Cicero believes that with proper guide, nobody can't attain virtue, which lay the foundation for equality on education (but he didn't directly discussed education, so this is why this source is only regarded as a preliminary ideal).[9]

Modern human rights also include the idea that everyone has duties to the community as the UDHR claims: "Everyone has duties to the community in which alone the free and full development of his personality is possible."[1] This kind of ideal also sparked out of this basic doctrine of Stoicism, as Cicero mentioned that we are also born for others so that we should mutually help each other to contribute to the common good through the giving and receiving of compassion and by using our abilities, industries, and skills to bring people closer together in human society.[10] This is the stoic cosmopolitanism: the whole human race is related, all are brothers, the same universal reason speaks in them all; meanwhile, every human should work together for the general good, and this broadened "nationalism" and humanitarianism makes them qualified as early proponents of human rights.

Although we have seen the roles of virtues and cosmopolitanism of Stoicism played a crucial part in shaping the preliminary ideas of human rights in Cicero's ideas, it is also these two elements, as we will see, distracts Cicero away from modern human rights.

4.2 The ideas that violate the modern human rights ideals

Slavery, of course, a key issue in the topic of modern human rights, was also entailed in this extensive discussion of virtues. At the final discussion of "Justice", Cicero claims that Justice should also be regarded to the humblest: we should treat slaves as employees that they get paid for their work. However, if Cicero were a modern human rights proponent, he would definitely justify the

further rights or social status of slaves. Instead, he only stressed that slaves should get their dues and should only treated them as employees, which didn't make any effort toward the personal rights of the slaves. (although Cicero gave exceptional freedom to his own slave Tiro, he still gave direct command and require loyalty from Tiro). This kind of indifference to an anti-humane system thus made Cicero's attitude toward slavery only a preliminary one. [11]

The other sets of sources from *De Officiis* showed another side of cosmopolitanism of Cicero. As mentioned above, the nature of reason made human superior to beast. However, although indirectly, Cicero also evinced a kind of "superiority" between man and man in his work according to several pieces of his work. When the discussion of virtues comes to "generosity", according to Cicero, one of the rules of helping others was to assess the object of our benevolence's worth. And moral attitude was an important category to consider whether we should help a person or not. In the following paragraph, Cicero further emphasized that the finer the person possess virtues (including temperance, self-control, etc.), the more a person should be favoured. In other words, although the cosmopolitanism in stoicism made a great leap forward toward modern human rights, discrimination still exists in Cicero's work, and the standard on which it based was the virtues a person possess.[12] This kind of ideals can also be strongly proved from another piece of evidence from *De Officiis*: according to Cicero, since "disregard of the common interests is repugnant to nature, for it is unjust." and the death of a good man who "would be able, by remaining alive, to render signal service to the state and to human society" is considered as a disregard of the common welfare, it is necessary for those who are worthless to be sacrificed for the common welfare.[13] Then, this kind of view was pushed to an even more extreme condition by Cicero: we should amputate those who are bloodless and virtually lifeless because they would jeopardize the common welfare.[14]

In essence, Cicero distinguished between good man and a worthless individual and the equality between man and man is ineffective in front of the common wealth of human race. This is the corollary result of the combination of cosmopolitanism and the "superiority" between man and man as mentioned above: when it comes to the common welfare of human race, those who are inferior in virtues must sacrifice. However, this is clearly unacceptable in our modern day human rights that "Everyone has the right to life, liberty and the security of person." [1] Thus, this kind of idea in Cicero's work alleviate the extent of human rights' ideals in Cicero's works.

5. Conclusion

This analysis conclusively shows that Cicero's works contain the preliminary ideals of modern human rights from property rights, impartial judgement, and its inclusive cosmopolitanism and humanitarianism. Meanwhile, the other side of cosmopolitanism rooted in Stoicism and his indifference to slavery distracted Cicero away from being a complete human rights proponent. This is an exciting conclusion: on one hand, it shows that the ideals of human rights were never a sudden explosion of human conscience, but can be traced back to early human intellectuals. On the other hand, from the work and ideals of this great representative of Stoics—i.e. Cicero—we can see how Stoicism showed the early ideals of human rights while also contained great limitations, which reminds us to explore the history of human rights with a more comprehensive view in the future.

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