

**XX.** De tribus autem reliquis latissime patet ea ratio, qua societas hominum inter ipsos et vitae quasi communitas continetur; cuius partes duae, iustitia, in qua virtutis est splendor maximus, ex qua viri boni nominantur, et huic coniuncta beneficentia, quam eandem vel benignitatem vel liberalitatem appellari licet.

Sed iustitiae primum munus est, ut ne cui quis noceat nisi lacessitus iniuria, deinde ut communibus pro communibus utatur, privatis ut suis.

...

**XXII.** Sed quoniam, ut praeclare scriptum est a Platone, non nobis solum nati sumus ortusque nostri partem patria vindicat, partem amici, atque, ut placet Stoicis, quae in terris gignantur, ad usum hominum omnia creari, homines autem hominum causa esse generatos, ut ipsi inter se aliis alii prodesse possent, in hoc naturam debemus ducem sequi, communes utilitates in medium afferre mutatione officiorum, dando accipiendo, [p. 24] tum artibus, tum opera, tum facultatibus devincire hominum inter homines societatem.

**XXIII.** Fundamentum autem est iustitiae fides, id est dictorum conventorumque constantia et veritas. Ex quo, quamquam hoc videbitur fortasse cuiquam durius, tamen audeamus imitari Stoicos, qui studiose exquirunt, unde verba sint ducta, credamusque, quia fiat, quod dictum est, appellatam fidem.

Sed iniustitiae genera duo sunt, unum eorum, qui inferunt, alterum eorum, qui ab iis, quibus infertur, si possunt, non propulsant iniuriam. Nam qui iniuste impetum in quempiam facit aut ira aut aliqua perturbatione incitatus, is quasi manus afferre videtur socio; qui autem non defendit nec obsistit, si potest, iniuriae, tam est in vitio, quam si parentes aut amicos aut patriam deserat.

...

**XXXI.** Sed incidunt saepe tempora, cum ea, quae maxime videntur digna esse iusto homine eoque, quem virum bonum dicimus, commutantur fiuntque contraria, ut reddere depositum, facere promissum quaeque pertinent ad veritatem et ad fidem, ea migrare interdum et non servare fit iustum. Referri enim decet ad ea, quae posui principio, fundamenta iustitiae, primum ut ne cui noceatur, deinde ut communi utilitati serviatur. Ea cum tempore commutantur, commutatur officium et non semper est idem.

...

**20.** Of the three remaining [sources of duty], that which has the widest significance is the principle by which social relations among persons and their 'common life' are maintained; and here again there are two parts: justice, in which the splendour of virtue is greatest, and by reason of which men are deemed to be 'good'; and, closely similar to justice, beneficence, which may also be called benevolence or liberality.

But the primary duty of justice is to prevent one person from harming another, unless provoked by an injury, and to ensure that communal resources are used communally, and private resources by their proper owners.

...

**22.** But since, as Plato rightly says, we are not born for ourselves alone, for our country has a claim to part of us, as do our friends, and further, since as the Stoics say, all that the earth produces is created for human use, and because human beings are brought into life for the sake of other human beings so that they might beneficially assist one another, [therefore] in this matter we should follow nature as a guide, so that we might contribute to the common good by exchanging acts of kindness, giving and receiving, and by our skill and effort and our natural abilities, to strengthen the social bonds between persons.

**23.** Furthermore, the foundation of justice is good faith, i.e. constancy and truth in relation to promises and agreements. In this, although some will find it incredible, we may emulate the Stoics, who in their exacting inquiries into the origin of words, derive 'good faith' from the action that 'makes good' a promise.

But there are two kinds of injustice, the first pertaining to those who commit injuries, the second to those who do not protect others from harm when it is possible to do so. For a person who unjustly assaults another under the influence of anger or some great passion, acts as if laying violent hands on a friend; but the person who fails to prevent or oppose injury when it is possible to do so, is as guilty of wrongdoing as one who deserts their parents, or their friends, or country.

...

**31.** But circumstances sometimes arise in which the duties that seem most dignified for the just person or, as we say, the good person, are changed and become contrary to duty. Thus it may be contrary to duty to return a deposit or faithfully to fulfil a promise, and in some situations it becomes correct and proper to avoid and shrink from fulfilling what truth and honour would normally demand. For we must be guided by the most fundamental principles of justice of which I spoke earlier: first that no injury be done to any person, and secondly that common interests are served. When these [interests] are altered by circumstance, moral duty itself changes, and does not always remain the same.

...

**XXIII.** ... Sunt autem quaedam officia etiam adversus eos servanda, a quibus iniuriam acceperis. Est enim ulciscendi et puniendi modus; atque haud scio an satis sit eum, qui lacessierit, iniuriae suae paenitere, ut et ipse ne quid tale posthac et ceteri sint ad iniuriam tardiores.

...

**XLII.** Deinceps, ut erat propositum, de beneficentia ac de liberalitate dicatur, qua quidem nihil est naturae hominis accommodatius, sed habet multas cautiones. Videndum est enim, primum ne obsit benignitas et iis ipsis, quibus benigne videbitur fieri et ceteris, deinde ne maior benignitas sit quam facultates, tum ut pro dignitate cuique tribuatur; id enim est iustitiae fundamentum, ad quam haec referenda sunt omnia. Nam et qui gratificantur cuiquam, quod obsit illi, cui prodesse velle videantur, non benefici neque liberales, sed perniciosi assentatores iudicandi sunt, et qui aliis nocent, ut in alios liberales sint, in eadem sunt iniustitia, ut si in suam rem aliena convertant.

**XVIII.** Sunt autem multi, et quidem cupidi splendoris et gloriae, qui eripiunt aliis, quod aliis largiantur, iique arbitrantur se beneficos in suos amicos visum iri, si locupletent eos quacumque ratione. Id autem tantum abest ab officio, ut nihil magis officio possit esse contrarium. Videndum est igitur, ut ea liberalitate utamur, quae prosit amicis, noceat nemini. [...] nihil est enim liberale, quod non idem iustum.

...

**XLV.** Tertium est propositum, ut in beneficentia dilectus esset dignitatis; in quo et mores eius erunt spectandi, in quem beneficium conferetur, et animus erga nos et communitas ac societas vitae et ad nostras utilitates officia ante collata; quae ut concurrant omnia, optabile est; si minus, plures causae maioresque ponderis plus habebunt.

...

**XLVII.** De benivolentia autem, quam quisque habeat erga nos, primum illud est in officio, ut ei plurimum tribuamus, a quo plurimum diligamur, sed benivolentiam non adulescentulorum more ardore quodam amoris, sed stabilitate potius et constantia iudicemus. Sin erunt merita, ut non ineunda, sed referenda sit gratia, maior quaedam cura adhibenda est; nullum enim officium referenda gratia magis necessarium est.

...

**XLIX.** Acceptorum autem beneficiorum sunt dilectus habendi, nec dubium, quin maximo cuique plurimum debeatur.

**33.** ... There are also moral duties that we owe even to those who act against us, for there is a limit to vengeance and punishment: I rather think it sufficient that an offender be led to repentance of his actions, so that he will not repeat the offence and others will be deterred from committing any wrong.

...

**42.** Next we can talk of beneficence or, as it is called, liberality, of which nothing is more in accord with human nature, but which demands caution in many respects. First, care must be taken unless our acts of benevolence shall prove injurious to those whom we intend to benefit, or to others; second, that our benevolence does not lie outside our means; further that it is bestowed in proportion to the deservingness of the recipient, for this is the fundamental ground of justice, and the standard by reference to which all acts of benevolence are to be measured. Those therefore who confer a disadvantage on one whom they appear to benefit are not accounted generous but dangerous flatterers. Similarly those who injure one person in order to benefit another are as guilty of wrongdoing as if they had directly appropriated to themselves that which belongs to others.

**43.** There are many who, lusting for fame and glory, steal from some so that they may lavish wealth on others, and who expect to be considered beneficent to their friends if they enrich them by whatever means. But this is so remote from moral duty that nothing could be further to the contrary. Liberality should therefore only be exercised for the benefit of friends when it does not harm others. [...] Nothing is generous that is not at the same time just.

...

**45.** The third principle was that beneficence should be proportionate to the deservingness of the object of benevolence, and in this regard we should take into account his moral character, his degree of friendship to us, ties of community and society, and any previous services he has rendered for us. It is desirable for all of these considerations to operate together at once; otherwise, the more numerous and more important reasons should carry the most weight.

...

**47.** As to the goodwill directed toward us, the primary duty is to give the most to the one who esteems us most; but the measure of goodwill is not, as with immature people, the strength of a passion, but its firmness and constancy. But if we possess obligations such that the kindness does not begin with us but is to be repaid by us, a much greater degree of responsibility exists, for there is no duty more necessary than that of returning a kindness done to one.

...

**49.** But there must be some discrimination between the benefactions one has received, for it is without doubt that the greater is the benefit, the higher the obligation.

In quo tamen in primis, quo quisque animo, studio, benivolentia fecerit, ponderandum est. Multi enim faciunt multa temeritate quadam sine iudicio vel morbo in omnes vel repentino quodam quasi vento impetu animi incitati; quae beneficia aequae magna non sunt habenda atque ea, quae iudicio, considerate constanterque delata sunt.

Sed in collocando beneficio et in referenda gratia, si cetera paria sunt, hoc maxime officii est, ut quisque maxime opis indigeat, ita ei potissimum opitulari; quod contra fit a plerisque; a quo enim plurimum sperant, etiamsi ille iis non eget, tamen ei potissimum inserviunt.

**L.** Optime autem societas hominum coniunctioque servabitur, si, ut quisque erit coniunctissimus, ita in eum benignitatis plurimum conferetur.

Sed, quae naturae principia sint communitatis et societatis humanae, repetendum videtur altius; est enim primum, quod cernitur in universi generis humani societate. Eius autem vinculum est ratio et oratio, quae docendo, discendo, communicando, disceptando, iudicando conciliat inter se homines coniungitque naturali quadam societate; neque ulla re longius absumus a natura ferarum, in quibus inesse fortitudinem saepe dicimus, ut in equis, in leonibus, iustitiam, aequitatem, bonitatem non dicimus; sunt enim rationis et orationis expertes.

...

**LVIII.** Sed si contentio quaedam et comparatio fiat, quibus plurimum tribuendum sit officii, principes sint patria et parentes, quorum beneficiis maximis obligati sumus, proximi liberi totaque domus, quae spectat in nos solos neque aliud ullum potest habere perfrugium, deinceps bene convenientes propinqui, quibuscum communis etiam fortuna plerumque est.

Quam ob rem necessaria praesidia vitae debentur iis maxime, quos ante dixi, vita autem victusque communis, consilia, sermones, cohortationes, consolationes, interdum etiam obiurgationes in amicitiiis vigent maxime, estque ea iucundissima amicitia, quam similitudo morum coniugavit.

**LIX.** Sed in his omnibus officiis tribuendis videndum erit, quid cuique maxime necesse sit, et quid quisque vel sine nobis aut possit consequi aut non possit. Ita non iidem erunt necessitudinum gradus, qui temporum; suntque officia, quae aliis magis quam aliis debeantur; ut vicinum citius adiueris in fructibus percipiendis quam aut fratrem aut familiarem, at, si lis in iudicio sit, propinquum potius et amicum quam vicinum defenderis.

In this regard the primary consideration is the amount of earnestness and affection contained in the benefaction. For many people act benevolently out of impulse and without judgment, indiscriminately toward all, like a disease, or due to a sudden change of heart, as a wind changes direction; and these acts of benevolence are not to be regarded so highly as those performed with judgment, consideration and constancy.

But whether bestowing a benefaction or repaying one, the most imperative duty, all things being equal, is to assist people according to their degree of need; yet the majority of people act contrary to this, being the more ready to serve the one from whom they expect the most favour, even if he has no need of assistance.

**50.** But the interests of human society are most optimally served if benevolence is given to each person in proportion to the proximity of their relationship.

But it is apparent that the bonds of fellowship and human society must be traced back to their natural principles. The first is found in the connection that subsists between all members of the human race: this is the bond forged by reason and language, which through teaching and learning, passing on, conversing and deciding, joins together and unites human beings in a certain natural fellowship. There is no other respect in which human beings are further removed from the nature of other animals such as horses or lions, for although they may possess courage, we do not say that they possess justice, equity or goodness, because they do not possess reason or language.

...

**58.** But if some explanation and comparison were to be given in order to discover where the majority of our moral obligations lie, first in order would come one's country and one's parents, for their beneficence to us places us under the greatest obligation, followed next by children and wider family, who look to us in need for their support and enjoy no other protection. Finally there are kinsfolk with whom we are on good terms, and with whom for the most part our fortunes are united.

All necessary material assistance [*necessaria*] is first of all owed to those I have mentioned; but the most intimate relationships of life, counsels, conversations, exhortations, consolations and even sometimes reproofs, flourish most in friendship; and the most pleasant kind of friendship is that which is cemented by similarity of character.

**59.** But in relation to all of these duties, we must consider what is most necessary in each case, and what each person is either able or unable to obtain without our assistance. Accordingly that which is due according to degree of relationship will not correspond to the duties we are required to perform in the circumstances. For some duties are owed to one person rather than another; for example one would assist a neighbour rather than one's brother or close friend to gather his crops, but in a court case one would defend one's nearest relations or friends rather than a neighbour.

Haec igitur et talia circumspectanda sunt in omni officio et consuetudo exercitatioque capienda, ut boni ratiocinatores officiorum esse possimus et addendo deducendoque videre, quae reliqui summa fiat, ex quo, quantum cuique debeatur, intellegas.

This type of question must always be considered in every act of moral duty, and it is necessary to practise in order to become a good calculator of duty, to add or subtract in order to discover what is owed to each person.