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Roman *Exempla* and Situation Ethics: Valerius Maximus and Cicero *de Officiis**

REBECCA LANGLANDS

ABSTRACT

When reading exempla and applying them to ethical decisions, Romans had to bear in mind the principle of situational variability: whether an action can be judged to be right depends on the circumstances in which it is performed; what is right for one person in a given situation may not be right for another. This principle and its ramifications are articulated by Valerius Maximus, Facta et Dicta Memorabilia. Comparison with Cicero, de Officiis suggests that situation ethics was a key feature of Roman ethics and that, within this framework, exempla may be understood as moral tools mediating between universal and particular.

This article examines a key concept in Roman practical ethics — the principle of ‘situational variability’ or ‘situation ethics’¹ — as it is set out in Valerius Maximus’ compendium of traditional *exempla*, *Dicta et Facta Memorabilia* (written c. A.D. 30). It argues that Valerius’ treatment of the concept as it applies specifically to the process of reading and making use of *exempla* shows striking parallels with the treatment of the topic found in works of Roman practical philosophy, and especially in Cicero, *de Officiis*, as it applies to moral evaluation and moral decision-making more generally. The implications of this are various. First, it enhances our appreciation of Valerius Maximus by demonstrating that his work contains nuanced exposition of ethical ideas. In addition, my analysis shows that Valerius explicitly articulates meta-exemplary precepts — i.e. guidance on how *exempla* should be read and used — and in this respect is a useful source for our understanding of the Roman exemplary process more generally. Next, my analysis can be used to make the case that situation ethics was an important feature of the Roman ethical system, that awareness of its implications was not limited to Stoic philosophy, and that it had a particular relevance for the rôle of

* The ideas in this article have been a long time germinating, and over the years I have presented the material that forms the basis of this article to audiences in St Andrews, Exeter and King’s College, London; I am grateful to the responses and discussion that ensued on these occasions. I am also very grateful to the anonymous readers of this Journal, whose comments, I feel, have enabled me to improve radically upon the draft I initially submitted. However, my warmest gratitude is for Chris Gill, who first suggested that my discussion of Valerius Maximus would benefit from a comparison with Cicero, *de Officiis* and then helped me, through discussion and through comments on successive drafts, to see what the significance of the parallels between the two might be.

¹ The term ‘situational variability’ is used by Brad Inwood in his discussion of Stoic philosophy and the writings of Seneca (B. Inwood, ‘Rules and reasoning in Stoic ethics’, in B. Inwood, *Reading Seneca: Stoic Philosophy at Rome* (2005), 95–131, discussed further below). The concept of ‘situation ethics’ was developed in a Christian context by Joseph Fletcher in *Situation Ethics: The New Morality* (1966); on this as applied to Roman ethics see T. Morgan, *Popular Morality in the Early Roman Empire* (2007), 179–90, discussed below.

exempla within Roman ethics. My comparison of Valerius Maximus and Cicero also establishes parallels between the process of reading *exempla* and the process of moral reasoning within Roman ethics. My further hypothesis — described briefly below — is that these parallels will enable us to develop new approaches to the study of Roman *exempla* and ethics, and this is the basis of a future research project. In this article, however, I limit myself to establishing that Valerius Maximus outlines situation ethics as a fundamental aspect of the Roman exemplary process, and that a comparison of his ideas with those set out in Cicero, *de Officiis* shows that there are clear parallels in Roman ethics between the process of moral reasoning and the process of reading *exempla* for moral purposes.

The idea that it is important to take full account of context when evaluating a moral deed or making a moral decision, and that moral rules are therefore flexible and subject to exception and modification rather than being universally applicable injunctions, has been developed most substantially in modern philosophy as ‘situation ethics’ and ‘moral contextualism’. Two recent works of scholarship have independently suggested that this was also an important feature of two rather different aspects of ancient Roman ethics: popular morality and Stoic philosophy. Teresa Morgan has concluded, from her extensive survey of popular wisdom literature from the early Roman Empire (where she analyses proverbs, fables and *gnomai*, as well as *exempla*), that ‘situation ethics’ and ‘phase rules’ were key features underpinning Roman popular ethics. She has suggested that these were particularly important in a culture such as that of early imperial Rome which extended across a vast and diverse empire, which operated a highly structured social hierarchy, and which used tools such as *exempla*, fables and proverbs to transmit and share moral ideas.² While Morgan deduces situation ethics to be an underlying principle of popular ethics, Brad Inwood has shown that a very similar concept — what Inwood describes as ‘flexibility and situational variability’³ — is theorized by Seneca in discussion of the rôle of rules and laws in Stoic moral reasoning. As Inwood suggests, this concept has been developed within Stoic thought, and is articulated by Seneca as a means of addressing a long-standing problem within Stoic as well as Aristotelian ethics: how to apply universal moral injunctions in a way that takes account of particular circumstances.⁴ Inwood draws upon the work of Frederick Schauer in order to produce a refined model of how such situational variability might allow moral rules to be applied in a way that is sensitive to circumstance: as guidelines that are generally to be used as aids to moral reasoning, but which can, when occasion requires it, be dispensed with.⁵ These ‘enable the moral reasoner to find the balance between abstract theory and the demands of a particular context’.⁶

Situation ethics, then, was both an underlying principle of popular morality in ancient Rome and an idea that was theorized by ancient philosophers. One significant contribution

² Morgan, op. cit. (n. 1), especially 179–90.

³ cf. the phrase ‘situational sensitivity and variability’ (Inwood, op. cit. (n. 1), 104).

⁴ cf. A. A. Long and D. Sedley, *The Hellenistic Philosophers. Vols 1 and 2* (1987), 429 on the issue of the practical application of moral rules as a long-standing problem for Stoics. For a discussion of special circumstances within the context of Stoic ethics and the idea of the ‘proper functions’ see Long and Sedley, op. cit., vol. 1, 359–68, with the ancient sources cited there, especially Diogenes Laertius 7.108–9 (E): ‘Proper functions which do depend on circumstances are mutilating oneself and disposing of one’s property’; Philo, *On the Cherubim* 14–15 (H); Epictetus, *Discourses* 2.10.1–12 (Q). In Stoic thought, some actions are ‘justified by a rational assessment of the circumstances’ even though they ‘conflict with what would be proper in most cases’ (ibid., 366). Cf. Diogenes Laertius 7.130: ‘they say that the wise man will commit a well-reasoned suicide both on behalf of his country and on behalf of his friends, and if he falls victim to unduly severe pain or mutilation or incurable illness’ (ibid., 425).

⁵ Inwood, op. cit. (n. 1), 109–10; cf. F. Schauer, *Playing by the Rules: A Philosophical Examination of Rule-Based Decision-Making in Law and in Life* (1991).

⁶ Inwood, op. cit. (n. 1), 131.

made by my analysis of situation ethics in Valerius Maximus is that it bridges the gap between the popular ethical practices inferred by Morgan and Seneca's philosophical discussion as elucidated by Inwood, enabling us to make a strong claim about the presence of situation ethics as an ethical model across Roman culture, shared by popular and philosophical ethical systems, and between practical and theoretical ethics.⁷ Valerius Maximus' *Facta et Dicta Memorabilia* is a work aimed at the literate upper classes of Roman society, which endorses elite values; nevertheless, it is not a work which was intended exclusively for a philosophical readership or as a contribution to philosophical debates.⁸ My analysis therefore provides evidence that there was awareness *outside* philosophical discourse of situation ethics as an ethical model and of its implications and limitations. Furthermore, the author of the *Facta et Dicta Memorabilia* represents it as particularly pertinent to the reading and interpretation of *exempla*, and the application of *exempla* to one's moral development. Morgan's deductions about the principles underlying Roman popular ethics are therefore confirmed by my demonstration that they are systematically articulated in a non-philosophical work of practical ethics, in relation to *exempla*.

Once we have established that situation ethics was a framework shared across Roman culture in the first century A.D. both for moral decision-making and for the use of *exempla* in moral education, we can apply the same modern discussions of situation ethics and contextualism to ancient exemplarity as are currently applied to ancient moral reasoning, enabling us to appreciate in more nuanced fashion how *exempla* worked within Roman ethics. Here I take as a model Brad Inwood's application of the work of Frederick Schauer to the study of Stoic moral reasoning.⁹ *Exempla*, in their ethical (as opposed to rhetorical) guise, have usually been associated (at least implicitly) with a deductive model of ethical reasoning and with deontology, and they have been subject to similar criticisms as these ethical models.¹⁰ That is to say, they have been viewed as constituting an ethical medium that is prescriptive, dogmatic, and inflexible. They are also seen, as a result of these features, to be subject to failure, not least when the heroic deeds of outstanding individuals are inimitable by ordinary people, or when the deeds of long ago no longer seem relevant or practicable in the present climate.¹¹ My suggestion, which I will develop elsewhere, is that we see *exempla* as analogous to moral rules in Stoic reasoning, as discussed by Brad Inwood: we should understand them as subject to heuristic reading that applies the concept of situational variability. This provides a framework that promises to go some way towards explaining the ethical mechanisms by which Roman *exempla* retained their open-ended flexibility and

⁷ On the relationship between popular morality and philosophical theory in ancient Rome see further Morgan, op. cit. (n. 1), Appendix 3, 333–40, where she concludes that by and large these operate as discrete ethical systems. However, she also suggests that Stoic or Stoicizing writings such as those of Cicero and Seneca often bore a close relation to Roman upper-class *mores* (Morgan, op. cit. (n. 1), 335–6): Stoic ideas 'not only coincided conveniently with many of the traditional views of the Roman elite, but were adapting to them as they became more popular'. Moreover, in Morgan's analysis, *exempla* as an ethical medium are more closely associated with elite values than other forms (Morgan, op. cit. (n. 1), 128–9).

⁸ Morgan, op. cit. (n. 1), 125–30 and 159; see also R. Langlands, 'Reading for the moral in Valerius Maximus: the case of *severitas*', *Cambridge Classical Journal* 54 (2008), 160–87 for the *Facta et Dicta Memorabilia* as a work of practical ethics.

⁹ Inwood, op. cit. (n. 1), *passim*. Teresa Morgan's brief discussion of the work of Sayla Benhabib and Philippa Foot points the way towards further exciting avenues of study (Morgan, op. cit. (n. 1), 185–8).

¹⁰ On the latter see Inwood, op. cit. (n. 1), 107–9.

¹¹ cf. Montaigne, *Essais* III, 13, 1070: 'tout exemple cloche' ('every example is lame'). Further on the inadequacy of *exempla* in relation to a 'crisis of exemplarity' in the Renaissance, see the special edition of the *Journal of the History of Ideas* 59 (1998), especially F. Rigolot, 'The Renaissance crisis of exemplarity', 557–563. On modern criticisms of *exempla* as rigid and dogmatic see J. Allan Mitchell, *Ethics and Exemplary Narratives in Chaucer and Gower* (2004), Introduction, and Langlands, op. cit. (n. 8), 161–4 with further bibliography.

enduring moral relevance¹² at the same time as appearing to act as clear moral injunctions about how to behave.¹³

The article is divided into four sections. Section I provides an introduction to the concept of situation ethics, through analysis of an anecdote told by Valerius Maximus about Cato the Younger. Section II summarizes Cicero's ideas about situation ethics as outlined in *de Officiis*, including the exposition of the four-*personae* theory, where Cicero also makes use of Cato the Younger as an illustrative *exemplum*. This section also indicates how Cicero's precepts relate to his employment of *exempla* in that work. The next two sections provide analyses of two chapters in Valerius Maximus in which he explores the idea of situation ethics in relation to *fiducia* or 'confidence' (Section III) and *necessitas* or 'necessity' (Section IV). In this article I draw particular attention to the parallels between the ideas set out by Valerius Maximus and those set out in Cicero, *de Officiis*. It is generally thought that *de Officiis* — a work of pragmatic ethics designed to guide the élite Roman through his everyday life — was influential on the ethical thought of succeeding generations,¹⁴ and it seems likely that Valerius was aware of Cicero's work and that it informed his own discussion, providing him with a conceptual language for exploring these issues as they applied to the process of reading and learning from traditional *exempla*. I conclude with some preliminary thoughts about how the framework of situation ethics, as set out by Valerius Maximus and Cicero, might enhance our understanding of how Roman readers read *exempla* for moral guidance in their own lives.

I CATO AND THE IMPORTANCE OF PERSONA

In order to clarify what is meant by 'situational variability' and 'situation ethics', I start with discussion of an anecdote told by Valerius Maximus in chapter 6.2 of his *Memorable Words and Deeds* — a chapter devoted to the subject of freedom of speech and action. As Valerius says, by way of introduction to the story, we would hardly expect a chapter about *libertas* to omit mention of Cato — 'What then? Freedom without Cato? No more than Cato without freedom!' ('quid ergo? libertas sine Catone? non magis quam Cato sine libertate!', 6.2.5). However, the story that follows is not necessarily the one we might expect, since his most famous act of freedom was the suicide that liberated him from tyranny (which Cicero chooses to illustrate his four-*personae* theory, discussed in Section II below). That story of Cato's 'illustrious end' has already been told by Valerius at 3.2.14 (in a chapter on *fortitudo*), and alluded to admiringly at 4.6.5. Here, however, Valerius relates a story dating from earlier in his life, in 52 B.C., when Cato stood up to Pompey in court when the latter attempted to use his influence to get a guilty man acquitted:

For when he was sitting as judge in the case where the defendant was a guilty and infamous senator, and tablets had been brought forward which contained Pompey's praise of the man, which without a doubt would have been effective on behalf of the guilty party, he

¹² On this fundamental flexibility of *exempla* see J. Chaplin, *Livy's Exemplary History* (2000), M. B. Roller, 'Exemplarity in Roman culture: the cases of Horatius Cocles and Cloelia', *Classical Philology* 99 (2004), 1–56, and 'The exemplary past in Roman historiography and culture', in A. Feldherr (ed.), *The Cambridge Companion to Roman Historiography* (2009), 214–30.

¹³ See R. G. Mayer, 'Roman historical exempla in Seneca', in O. Reverdin and B. Grange, *Sénèque et le prose latine* (1991), 140–69, especially 165 for the way that Seneca himself attempts to theorize the function of *exempla* in Roman ethics.

¹⁴ On this see A. R. Dyck, *A Commentary on Cicero's de Officiis* (1996), 40–1 and P. G. Walsh, *Cicero, On Obligations (de officiis)* (2001), xxxiv.

removed them from the court, citing the law [Pompey's own] by which it was decreed that those of senatorial rank should not be permitted to avail themselves of such support.

nam cum in senatorem nocentem et infamem reum iudex sedisset, tabellaeque Cn. Pompeii laudationem eius continentes prolatae essent, procul dubio efficaces futurae pro noxio, summovit eas e quaestione legem recitando, qua cautum erat ne senatoribus tali auxilio uti liceret. (6.2.5)¹⁵

As so often in Valerius' abbreviated *exempla*, the full force of the story is only evident if you have just a little more information than Valerius gives in his text — hence my insertion in square brackets: the law to which Cato appeals here had been passed by Pompey himself.¹⁶ His challenge to Pompey's power has been mounted using Pompey's own law against him, in an act of witty defiance that should make a reader gasp in astonishment at his cheek. However, Valerius concludes the story by commenting that because this audacious deed was performed by *Cato* in particular, our response to it must be different from what it would have been had the deed been performed by someone else; we must interpret and evaluate the story differently and see the act as a manifestation of a different moral quality: 'The individual (*persona*) concerned removes any amazement from this act, for what would have seemed in another man audacity, in Cato is recognized as confidence', ('huic facto persona admirationem admittit: nam quae in alio audacia videretur, in Catone fiducia cognoscitur', 6.2.5). In someone else this act would have been a manifestation of the quality of *audacia*, which is not a commendable quality, but in this particular case it can be recognized as *fiducia*. So, in this case, an act performed by Cato is judged to be praiseworthy at least partly on the grounds that it was Cato who did it.

The story illustrates clearly the importance of taking into account *persona* — the particular nature and characteristics of the individual performing it — when it comes to evaluating the moral significance of an action. This is also one of the key precepts set out in Cicero, *de Officiis*. There, however, the emphasis is on the moment at which a moral agent makes a moral choice, whether about a particular action or about the general direction of his life, and on the need to take into account what one knows about one's own *persona* when deciding which course of action is the most appropriate.¹⁷ Here, in the context of Valerius' collection of *exempla*, the issue of situational variability is approached from the perspective of the reader of *exempla*, who is scrutinizing and evaluating the actions of other people in order to learn from them how to live.¹⁸

If we read this anecdote looking for moral guidance for our own lives, the problem is this: if a necessary condition for an act being good is that it was done by Cato (or someone like Cato), how can it work as a moral *exemplum*? How could a morally aspiring Roman reader apply this *exemplum* to his or her own life? The context — his own *persona* — that lends Cato's act moral value is so specific that it can hardly offer straightforward guidance to readers about how to act in similar situations; it cannot be prescriptive about what behaviour is required and cannot invite straightforward imitation. This little passage neatly poses the perennial question of how readers of exemplary tales can go about applying morals derived from the extraordinary and particular deeds of heroes to their own ordinary lives, which is a central issue within the Roman moral system.¹⁹ Furthermore, as both Cicero and Valerius Maximus make plain,

¹⁵ All translations are my own, unless otherwise indicated.

¹⁶ Other versions of the story, where the defendant is named as Munatius Plancus, and emphasis is placed on the hypocrisy of Pompey's behaviour, can be found at Plut., *Cat. Min.* 48 and *Pomp.* 55.

¹⁷ See especially *de Off.* 1.93–153, discussed in more detail in Section II below.

¹⁸ For this 'reading for the moral' as an expectation of the reader of Valerius' work, see Langlands, *op. cit.* (n. 8) with Mitchell, *op. cit.* (n. 11).

¹⁹ For a discussion of this issue see Langlands, *op. cit.* (n. 8), especially 173–8, with further bibliography.

the circumstances that might affect the moral value of an act are manifold, and include, as well as the *persona* of the agent, the nature of the location in which it takes place and the particular historical setting or moment in time.

In her brief discussion of situation ethics in Roman popular morality, Teresa Morgan has pointed out that such sensitivity to context, whilst allowing the same moral values to be shared by people from very different walks of life, also posed its own problems for the moral agent engaged in decision-making: 'If popular ethics were like a giant jigsaw puzzle, how did each moral agent decide where he or she fitted in? How did the moral system, which we have been viewing as a whole, enable individuals to decide what was good or bad, necessary or useful for them to do? It is a vital question, because if what is good or bad for one depends on one's situation, then to miscalculate that situation is to court disaster.'²⁰

An examination of the way Valerius Maximus articulates similar ideas about situational variability to those found in *de Officiis* equips us with the tools to begin to answer this question. The four-*personae* framework outlined by Cicero, and the further precepts he sets out about other contingent factors that need to be taken into account when one is making moral choices, are applied by Valerius Maximus to the reading of *exempla* for moral ends. The Roman ethical system places a particular burden on readers of *exempla* as moral agents: in reading an *exemplum*, they need to understand the particular circumstances that made it the right act for that exemplary figure at that moment, and also to recognize to what extent it is appropriate for them to identify with that exemplary figure. Indeed, in any given situation, they need to recognize who they are, what the significant aspects of their own particular context are, and what action is therefore appropriate for them at that moment. An extremely important ethical skill, then, is that of being able to evaluate ethical context and understand how individual agents fit into this context. If ethical value is to a certain extent contingent on differences between individuals, it is very important that an individual understands how to situate himself within the ethical system. Before you act up with Pompey, you have to be sure that you really *are* Cato, otherwise you will end up looking like an idiot.

In this article I shall argue that Valerius Maximus is keen to impress this lesson upon the readers of his *exempla*, and that he does so in a sustained and nuanced fashion in two places in particular, which I shall analyse at length: chapter 3.7, whose subject is confidence in oneself (*fiducia sui*) and chapter 7.6 on *necessitas*. The anecdote about Cato's *fiducia* discussed above provides a good example of the way that Valerius is able to point out a knotty and important ethical issue in a straightforward fashion by citing a brief version of a well-worn exemplary tale. Valerius' project is part of a long tradition of addressing ethical issues through consideration of *exempla*, for example in the casuistic treatments of issues in practical ethics on which Cicero drew for *de Officiis*, such as those of Hecato, Panaetius and Posidonius, as well as in *de Officiis* itself, which has been described as displaying 'a sensitive regard for the way exemplary cases express the substance of moral dilemmas'.²¹

II SITUATION ETHICS IN CICERO, *DE OFFICIIS*

The most striking example of this is the extended treatment of the *exemplum* of Atilius Regulus towards the end of *de Officiis* Book 3 (3.99–115), which provides an attractive

²⁰ Morgan, op. cit. (n. 1), 185.

²¹ Mitchell, op. cit. (n. 11), 28; on *de Officiis* as a work which uses *exempla* as a springboard for ethical deliberation see further W. Olmstead, 'Exemplifying deliberation: Cicero's *de Officiis* and Machiavelli's Prince', in W. Jost and W. Olmsted (eds), *A Companion to Rhetoric and Rhetorical Criticism* (2004), 173–89.

demonstration of how a traditional tale of heroism can be taken as a starting point for complex ethical debate. Regulus can be seen as the archetypal hero of Cicero's work in that his decision to give himself up to torture and execution by the Carthaginians rather than allow himself to be exchanged for Carthaginian hostages is illustrative not merely of a variety of desirable qualities such as courage and patriotism, but also of the archetypal quality that *de Officiis* aims to inculcate in its reader in Book III, the ability to take the right moral decision (rather than the apparently expedient one) in a given situation.²²

Regulus' example is cited as illustration of the ability to discern when a course of action that on the face of it appears to be beneficial — in this case, staying in Rome with his family and maintaining his status in Roman society — is actually not so: 'When he arrived in Rome, he saw the appearance of benefit, but, as events relate, he judged it false' ('is cum Romam venisset, utilitatis speciem videbat, sed eam, ut res declarat, falsam iudicavit', 3.99). Once he has established Regulus as this model of ethical judgement, Cicero then goes on to demonstrate that the Regulus story itself is capable of different interpretations, and that there is a range of alternative ethical perspectives on Regulus' decision to leave his family and return to the Carthaginians. In sections 100–110 Cicero responds in detail to a series of objections to Regulus' decision posed by imaginary interlocutors, which are clearly reprising well-known arguments about the case, perhaps from declamatory exercises. Although he argues against them, the positions set out by these interlocutors are perfectly sensible and philosophically informed, and indicate ways that the *exemplum* might be used to think about issues such as the honourable versus the expedient, or the status of oaths sworn to the enemy.²³ This lengthy section demonstrates that a single bold *exemplum* is able to allow for considerable moral complexity. The meaning even of one of the most illustrious of Roman *exempla* is not necessarily straightforward; a heroic act is susceptible to different interpretations by different people. Above all, both the *exemplum* itself and Cicero's extended discussion of it illustrate the point that both interpreting *exempla* (as Cicero is interpreting Regulus' deed) and making ethical decisions (as Regulus has done in the story) are processes that require a great deal of care and fine judgement.

As far as situation ethics goes, Cicero is concerned throughout *de Officiis* to highlight that there are many factors that need to be borne in mind when deciding which action is appropriate in any given situation. These include external circumstances such as place and time, as well as a set of personal circumstances set out in his theory of the four *personae* (1.93–153). I shall turn to personal circumstances in a moment, but begin by outlining what Cicero says about external circumstances, both before and after his discussion of *personae*. In a discussion of justice he asserts that changing circumstances often transform the moral significance of an act: 'occasions (*tempora*) often arise when those things that seem to be most worthy of a just person, whom we would call a "good man", are utterly transformed and become the opposite' ('incidunt saepe tempora cum ea quae maxime videntur digna esse iusto homine eoque quem virum bonum

²² cf. C. Gill, 'The ancient self: issues and approaches', in P. Remes and J. Sihvola (eds), *Ancient Philosophy of the Self* (2008), 35–56, at 41, n. 24: 'Regulus is offered as an illustration of Cicero's overall project in *Off.* 3, that of helping ordinary well-motivated people (i.e., in principle, *anyone*) to discriminate between what is just and what is expedient (3.7–16, 99, 110, 115).'

²³ 3.100–10: e.g. "O stultum hominem", dixerit quispiam, "et repugnantem utilitati suae!" (3.100); 'At stulte, qui non modo non censuerit captivos remittendos, verum etiam dissuaserit' (3.101); "'quid est igitur", dixerit quis, "in iure iurando?" (3.102); 'addunt etiam ... addunt etiam ... haec fere contra Regulus' (3.103). Cf. C. Gill, 'Personhood and personality: the four-*personae* theory in Cicero *de Officiis* I', in *Oxford Studies in Ancient Philosophy* VI (1988), 169–99, at 198: Cicero 'engages in debate on behalf of [Regulus'] response, with imagined spokesmen for the more conventional and common-sense view that Regulus was acting with unnecessary moral rigour and against his own best interests'. The text of *de Officiis* used throughout is that of M. Winterbottom (ed.), *De Officiis* (2nd edn, 1996).

dicimus commutantur fiuntque contraria', 1.31); his examples are keeping a promise or repaying a loan, which may turn out to be the wrong thing to do in certain circumstances. 'Actions change with the circumstances, and the duty changes and is not always the same' ('ea cum tempore commutantur, commutatur officium et non semper est idem', 1.31).

Later Cicero explains that particular contexts, locations and moments in time call for different forms of behaviour, and the difference between what is required can be so great that it is possible that behaviour that is appropriate in one setting might even be considered offensive in another. As one of the illustrations of his point that 'there is so much significance in both place and time' ('tanta vis est et loci et temporis', 1.144), Cicero cites an *exemplum* from Athenian history in which Pericles rebukes Sophocles for making an appreciative remark about a good-looking boy who walked past them while they were having a formal meeting as generals, telling him that as a general he ought to keep his eyes off the boys as well as his hands. Cicero comments: 'if he had made the same remark in the gymnasium, he wouldn't have attracted the criticism that was deserved here.'²⁴ Ogling young men is par for the course in the setting of the gymnasium, but unacceptable in a more formal setting; location is a determining factor. In Book 3 Cicero makes a similar point, but with more moral force: 'thus, many acts that seem to be morally good by their nature, become not morally good because of the occasions on which they are performed' ('sic multa, quae honesta natura videntur esse, temporibus fiunt non honesta', 3.95–6).

Meanwhile in 1.93–153 Cicero outlines and discusses the aspects of an individual's character and situation that need to be analysed, grasped and taken into account in moral decision-making; these he divides into four *personae* or rôles.²⁵ The first consists in the essential rôle common to everyone of being a human being (1.107), the second the specific nature and qualities with which an individual has been endowed (1.107), the third the various social attributes with which chance (*casus*) or circumstance (*tempus*) has endowed the individual, such as wealth and rank (1.115), and the fourth the rôle that he has chosen to take up in his life, such as the career of philosopher, lawyer or orator (1.115). All of these, taken together, form an interlocking framework within which an individual must make his moral choices. The first two *personae* are given by nature, and constitute the qualities that make a person human and then the qualities that make a person a distinct individual. The third *persona* is made up of the circumstances that chance has allocated to the person, such as wealth and birth. The fourth *persona* is the outcome of a choice that an individual must make about the path to follow in their own life, 'the most difficult decision of all' ('quae deliberatio est omnium difficillima', 1.117), the rôle they have chosen to play. This, as Cicero makes clear, will work best if it is made taking into account the natural strengths and

²⁴ 'Atqui hoc idem Sophocles si in athletarum probatione dixisset, iusta reprehensione caruisset' (1.144). Valerius Maximus tells this same story at 4.3.ext.1 and this has been identified as a passage where Valerius is drawing directly on Cicero, *de Officiis*. However, it is worth noting that there the story is used to make a different moral point, about Pericles' admirable sexual continence. My sense is that where Valerius is using exemplary material from *de Officiis*, he makes a point of giving it a different moral emphasis to indicate both his own independence and the flexibility of the material itself; for another example of this see also n. 55 below. For a list of passages where scholars have thought Valerius Maximus is drawing directly on Cicero, *de Officiis* see P. Fedeli (ed.), *M. Tulli Ciceronis de Officiis Libri Tres* (1965), xx. For some explicit comparisons between the two works see W. M. Bloomer, *Valerius Maximus and the Rhetoric of the New Nobility* (1992), 89 (*de Off.* 3.45 and Val. Max. 6.5.4), 128–31 (*de Off.* 1.40 and 3.86 and Val. Max. 6.5.1), 106 (*de Off.* 2.71 and Val. Max. 7.2.ext.9). See also Dyck, op. cit. (n. 14), 40–1 and Walsh, op. cit. (n. 14), xxxiv which describe Valerius Maximus as using Cicero's anecdotes rather than his ideas.

²⁵ On this four-*personae* theory, see Gill, op. cit. (n. 23) with Gill, op. cit. (n. 22), 36–45 and C. Gill, 'Particulars, selves and individuals in Stoic philosophy', in R. Sharples (ed.), *Particulars in Greek Philosophy. Philosophia Antiqua* 120 (2010), 127–45, especially 137–43.

weaknesses of the individual's second *persona* (as well as, naturally, the constraints imposed under the third *persona*).²⁶ In Cicero's account, there naturally occur many different kinds of individuals, and there is a great variation in ways of being good ('innumerabiles aliae dissimilitudines sunt naturae morumque, minime tamen vituperandorum', 1.109); he illustrates this claim by citing twenty-four well-known exemplary figures from Greek and Roman history who display sets of opposing characteristics which are nevertheless all laudable.²⁷ It is vital that in choosing one's life-path, as well as in decisions about individual actions, one is fully aware of one's own nature and takes this into account; this will make it easier to maintain the rôle one has chosen and ensure the moral consistency (*constantia*) that will make it easier to behave appropriately in any given situation: 'each person should hold onto his own characteristics, insofar as they are not flawed, but nevertheless belong to him, so that the *decorum* that we seek should be more easily retained' ('admodum autem tenenda sunt sua cuique, non vitiosa, sed tamen propria, quo facilius decorum illud, quod quaerimus, retineatur', 1.110). There is no point fighting your own nature by choosing a path to which you are ill suited and which you struggle to maintain; as far as possible the *personae* must be in harmony with one another.²⁸ In addition, different behaviour is appropriate for those at different stages of life (1.122) and for people of different backgrounds and status.

The range of different personal factors that need to be taken into account when making moral decisions, and the range of ways that these factors might interact to produce the specific context for any given moral decision, allow for a considerable range of possibilities of morally right behaviour. In any given circumstance for a particular individual, there should only be one act or decision that is 'just right'²⁹ for them, there and then. However, there may be a range of 'just right' possibilities that they must choose from according to their own particular contingencies. This allows for a considerable flexibility in Cicero's ethical model, which enables individuals to make choices about what behaviour is most appropriate for them, yet still stay true to the core Roman virtues. This moral flexibility is such that it is perfectly possible that in a given situation the act that is right for one person might be entirely wrong for another person, and entirely opposite responses are required by different people.³⁰ Here Cicero takes as his illustrative *exemplum* the suicide of Cato at Utica after his defeat by Julius Caesar, arguing that such action might have been seen as a vice (*vitium*) in other people who had found themselves in the same circumstances (*eadem causa*), whereas Cato, given the person he was, had to die: 'moriendum ... fuit' (1.112).

There has been considerable debate among scholars about the significance of this passage, and especially about what it can tell us about the concept of the 'individual' in Roman ethical thought and about Roman attitudes towards suicide.³¹ I follow

²⁶ As indeed will any decision about what action is absolutely appropriate: 'Haec igitur omnia, cum quaerimus quid deceat, complecti animo et cogitatione debemus' (1.117).

²⁷ cf. Gill, op. cit. (n. 23), 190: Cicero 'reflects a larger divergence in thinking about roles and role-playing'.

²⁸ 1.110: 'neque enim attinet naturae repugnare nec quicquam sequi quod adsequi non queas'; 1.119: 'nam cum in omnibus quae aguntur ex eo quo modo quisque natus est, ut supra dictum est, quid deceat exquirimus, tum in tota vita constituenda multo est eius rei cura maior adhibenda, ut constare in perpetuitate vitae possimus nobismet ipsis nec in ullo officio claudicare.'

²⁹ For this phrase, see Gill, op. cit. (n. 25), 137, citing M. Schofield, 'The fourth virtue', in W. Nicgorski (ed.), *Cicero's Practical Philosophy* (forthcoming); the English phrase 'just right' is useful because it incorporates the sense of appropriateness in addition to a sense of moral righteousness that is present in the ancient concept of *decorum*.

³⁰ 'Atque haec differentia naturarum tantam habet vim ut nonnumquam mortem sibi ipse consciscere alius debeat, alius in eadem causa non debeat' (*de Off.* 1.112).

³¹ For the continuing debate about the significance of this passage in understanding Roman attitudes towards the individual and the self, see Gill, op. cit. (n. 23); R. Sorabji, *Self: Ancient and Modern Insights about Individuality, Life and Death* (2006); Gill, op. cit. (n. 22); R. Sorabji, 'Graeco-Roman varieties of the self', in Remes and Sihvola,

Christopher Gill in reading this passage not as a comment on the uniqueness of Cato as a personality, but rather as a particularly striking illustration of the effective functioning of the four *personae* acting in concert in the person of Cato. Nature has endowed Cato with extraordinary *gravitas* (second *persona*), he has chosen to strengthen and develop this through his choice of life-path (fourth *persona*),³² and the happy correlation (*aequabilitas*) between all the different aspects of his nature contributed by each of the four *personae* has given him the ability to persevere with this *gravitas* in exceptional circumstances (*constantia*).³³ This perfect and productive harmony of the whole package of the four *personae* is what Gill calls the ‘structured wholeness’ of the individual.³⁴ If you make the right decisions about your way in life so that all *personae* are in harmony at an early stage, then in any given situation you have no need to start a new calculation from scratch about what moral action is required from you, but can simply act in consistency with the harmonious moral self that you have been developing over the course of your lifetime.

Cicero draws attention several times to the implications that this framework of situation ethics has for the Roman exemplary tradition of striving to emulate great figures of the past. We should imitate others and follow their example only if we are equipped by nature to do so: there is no point ‘pursuing something that you can’t reach’ (*sequi quod adsequi non queas*, 1.110) and ‘you cannot preserve [the *aequabilitas* of your whole life that *decorum* requires] if you imitate the nature of other people, ignoring your own nature’ (*quam conservare non possis si aliorum naturam imitans omittas tuam*, 1.111).³⁵ The implications of these statements are that we must be careful how we use *exempla*. Cicero first spells this out in relation to imitation of our own ancestors, whom we should usually strive to imitate, but not if ‘our own nature does not support us in being able to imitate them in some respect’ (*si natura non feret ut quaedam imitari possint*, 1.121). The same caveats are in place when it comes to using traditional *exempla* from history, which relate the deeds of truly exceptional individuals whose capabilities are likely to far exceed our own. The very specific circumstances and personal qualities that made the behaviour of exemplary figures right for them are unlikely to be present for the ordinary Roman moral agent, so mere imitation of their acts is likely to be inappropriate: ‘And no one should be led astray by this error, into judging that, because Socrates or Aristippus did or said something against custom or social convention, they too have the same licence’ (*nec quemquam hoc errore duci oportet, ut, si quid Socrates aut Aristippus contra morem consuetudinemque civilem fecerint locutive sint, idem sibi arbitretur licere*, 1.148).

Cicero’s framework of sensitivity to situational variability, including the four-*personae* theory, allows general moral precepts to offer guidance which can be flexibly applied by the moral agent according to their own circumstances, both external and personal, rather than prescriptive rules about what should be done by any good person in any given set of circumstances.³⁶ As Inwood suggests, there are distinct similarities between the ideas we

op. cit. (n. 22), 13–34; Gill, op. cit. (n. 25); and A. Hobbs, ‘On Christopher Gill “Particulars, Selves and Individuals in Stoic Philosophy”’, in Sharples, op. cit. (n. 25), 147–55. On what it can tell us about Roman attitudes to death and self-killing, see T. Hill, *Ambitiosa Mors: Suicide and Self in Roman Thought and Literature* (2004), 67–71 and C. Edwards, *Death in Ancient Rome* (2007), 147–9.

³² 1.112: ‘Catonum cum incredibilem tribuisset natura gravitatem, eamque ipse perpetua constantia roboravisset, semperque in proposito susceptoque consilio permansisset ...’

³³ Gill, op. cit. (n. 23), 185; cf. Gill, op. cit. (n. 25), 141: ‘although consistency is the general goal for everyone, Cato is also presented as exceptional in the consistency with which he has maintained his natural disposition on a life-long basis.’ On which see Hobbs, op. cit. (n. 31), 153: ‘Gill is absolutely right to highlight the importance of *constantia* and *aequabilitas* in Stoic (and Stoic-Roman) thought as foundational organising concepts.’

³⁴ Gill, op. cit. (n. 25), 130.

³⁵ cf. Gill, op. cit. (n. 23), 178.

³⁶ Gill, op. cit. (n. 25), 137: ‘The four-*personae* theory is introduced as providing a co-ordinated set of reference points by which we can establish what is *decorum/prepon* (which we might translate as “just right”); see n. 29 above.’

find here and those found in Seneca's *Letters* 94 and 95 relating to the need for flexibility and situational variability.³⁷ However, Cicero makes it clear that the same situational sensitivity is required when it comes to reading *exempla* and applying them to one's own moral development and moral decision-making too.

An important corollary of all of this is that anyone who aspires to moral rightness and *decorum* needs to have a very clear grasp of his or her own strengths and weaknesses.³⁸ Throughout these passages Cicero uses the language of perception — seeming and recognizing — to evoke this process of moral judgement,³⁹ as does Valerius with the terms *videretur* and *cognoscitur* in 6.2.5 discussed above; both thereby highlight the fact that accurate perception of moral value both in oneself and in others is difficult as well as being of the utmost importance. Valerius' work will also offer the reading of *exempla* as one means of developing this self-knowledge, by measuring oneself against the exemplary figures of the past.

III CONFIDENCE (*FIDUCIA*) AND SITUATIONAL VARIABILITY

In the *exemplum* about Cato with which I began Section 1, the quality which one was able to recognize (*cognoscitur*) in Cato thanks to his particular *persona* was *fiducia* — confidence. This is a quality which demands, of course, a high degree of accurate self-knowledge, since misplaced confidence in oneself has the potential to be disastrous.⁴⁰ Valerius devotes chapter 3.7 to this quality of self-confidence, which follows a chapter (3.6) on the related subject of great men who exercise some licence in their behaviour and who break with convention, and is followed by chapter 3.8 on the very same quality — *constantia* (consistency) — which, for Cicero, is the key to bringing all the personal contingencies into harmony. My discussion will show that Valerius' *fiducia* (when conceived positively) is very closely related to moral consistency of the kind embodied, in Cicero's account, in Cato the Younger, since it involves a knowledge of one's strengths that enables one to forge ahead with implementing one's moral plans and decisions even in the face of adversity or the misgivings of others. It is also highly contingent on personal qualities and self-knowledge; as Cicero warns us in *de Officiis*, sometimes great men can get away with doing things that run counter to the agreed common morality, but these acts would be entirely inappropriate for others, and we should be careful not to be seduced into thinking that imitating them is the right course of action.⁴¹ This means that *exempla* must be read very carefully, and, as we shall see, in 3.7 Valerius Maximus makes this same point. However, he also provides scope through his examples and comments for a more detailed consideration of the implications of this precept for ethical decision-making.

Valerius introduces the material in this chapter with the claim that the examples he cites here will allow it 'to be understood how much self-confidence virtue is accustomed to have' ('illis autem, quae deinceps subnectam, quantam sui fiduciam [virtus] habere soleat cognoscitur', 3.7.pr.). The chapter begins by asserting, in other words, that confidence in oneself is a characteristic of *virtus* (moral worth). It concludes in similar fashion, after Valerius has related the twenty-seven tales that provide its exemplary meat, by reiterating the close connection between *fiducia* and moral rectitude, describing: '...the

³⁷ Inwood, op. cit. (n. 1), 110 and 123–30 for his discussion of *de Officiis* which focuses primarily on Book 3.

³⁸ 1.114: 'suum quisque igitur noscat ingenium acremque se et bonorum et vitiorum suorum iudicem praebeat.'

³⁹ In addition to the passages cited here, see the use of *videre* in *de Off.* 2.9 and 3.34.

⁴⁰ See Morgan, op. cit. (n. 1), 155, cited above.

⁴¹ *de Off.* 1.148.

open and spirited breast of good confidence' ('apertum et animosum bonae fiduciae pectus', 3.8.pr), and saying:

For nature has organized things in such a way that if someone is confident that he has embraced an endeavour properly and in the right frame of mind, if it has already been completed, he will defend it vehemently if someone criticizes it, and if it has not yet been completed and someone tries to prevent him, he will carry it out without any hesitation.

natura enim sic comparatum est ut quisquis se aliquid ordine ac recte mente complexum confidit, vel iam gestum, si obtrectetur, acriter tueatur, vel nondum editum, si interpelletur, sine ulla cunctatione ad effectum perducatur. (3.8.pr.)

Fiducia, then, is the quality that enables one to translate one's knowledge of one's own strengths and talents into the capacity to persevere with one's chosen path and stick to one's moral principles. It engenders the quality of *constantia* which is the subject of chapter 3.8, and which Cicero describes as the organizing principle of the four *personae* in a moral individual. We can already see this consistency in action in the long series of confident deeds listed in 3.7.1, which are all the actions of a single man, Scipio Africanus. His behaviour is described as 'so resolute' ('tam constantem', 3.7.1f),⁴² and Valerius comments on his ability repeatedly to enact virtues in his chosen field of excellence: 'I will not weary in relating over and over again the deeds of this man, since he was not wearied either by enacting virtues in the same way' ('non fatigabor eiusdem facta identidem referendo, quoniam ne ille quidem in consimili genere virtutes edendo fatigatus est', 3.7.1g).

In these opening *exempla*, as in the chapter prefaces cited above, *fiducia* is represented both as the consequence of virtue and as virtue's tool, enabling virtue to carry out its plans; in any case it is on the side of moral right (although, as we shall see, during the course of the chapter this close relationship between virtue and self-confidence is shown to be somewhat problematic). Valerius' authorial comment upon each of these *exempla* lays consistent emphasis on the beneficial effect of such confident acts. In the first story *fiducia* brings hope of safety and victory to the Roman people (3.7.1a), in the third it secures the end of the Second Punic War (3.7.1c), next it intimidates the enemy and crushes their spirits (3.7.1d; see also 3.7.5, 3.7.6), and procures justice for the falsely accused (3.7.1e; see also 3.7.1g, 3.7.7, 3.7.8, 3.7.9) and funds for the needy state (3.7.1f). Taken together, these early sections convey a coherent sense of the positive effect of self-confidence and what it can achieve. Valerius' comment on Scipio's bold prediction of his capture of Baria in 3.7.1b portrays confidence as aiming high, and reaching into the uncertain future to achieve its aims: 'Nothing is more noble spirited than this confidence, nothing more true than this prediction, nothing more effective than this swiftness, nothing more honourable than this honourableness' ('nihil hac fiducia generosius, nihil praedictione verius, nihil celeritate efficacius, nihil etiam dignitate dignius'). The chapter proceeds with eight more examples of the *fiducia* of Roman individuals, then two examples of the Senate's *fiducia* (3.7.10). A final Roman example featuring the poet Accius leads into the first group of five external examples devoted to the arts (3.7.11–3.7.ext.4), and then we return to public and military spheres with the examples of Epaminondas, Hannibal and King Cotys, rounded off with three spirited retorts from anonymous Spartans.

One motif that runs through the chapter is *fiducia*'s rôle in enabling people to stand up to the blows of Fortune, and even to turn misfortune to their advantage. This is implicit in

⁴² In labelling sections 1a, 1b etc. I follow here the numbering of the Loeb Classical Library edition of D. R. Shackleton Bailey (ed. and trans.), *Valerius Maximus: Memorable Doings and Sayings. Two Volumes* (2000) which differentiates more clearly between the individual exemplary anecdotes than the Teubner edition, J. Briscoe (ed.), *Valerii Maximi Facta et Dicta Memorabilia* (1998).

some of the early examples, but made explicit towards the end of the Roman section in 3.7.10b, where Valerius comments on the Senate's act in sending reinforcements to Spain: 'To behave like this in adversity — what is this other than to convert savage fortune, conquered by shame, into one's assistant?' ('ita se gerere in adversis rebus quid aliud est quam saevientem fortunam in adiutorium sui pudore victam convertere?', 3.7.10b). The closing examples of the foreign section also emphasize this: Epaminondas transforms his public humiliation into a source of honour and distinction (3.7.ext.5) and the lame Spartan turns his disability into an indication of bravery on the battlefield (3.7.ext.8). Antigenidas' advice to his unsuccessful pupil in the second foreign example also pits confidence against Fortune, and uses ill fortune as a spur. Antigenidas tells him to 'play for me and for the Muses' and to disregard the lack of popular enthusiasm for his flute playing:

Certainly, perfect art is not stripped of justified confidence merely because it lacks fortune's flattery, and it knows itself to be deserving of praise, and if it does not obtain praise from other people it turns to that received closer to home.

quia videlicet perfecta ars fortunae lenocinio defecta iusta fiducia non exiuit, quamque se scit laudem mereri, eam si ab aliis non impetrat, domestico tamen acceptam iudicio refert. (3.7.ext.2)

On the face of it, the chapter provides an optimistic demonstration of the power of the individual in the face of Fortune, which in fact cuts against the grain of Valerius' work where more usually, as in Roman popular morality generally, the power of Fortune is pre-eminent and mortals must resign themselves to it. Here we see the possibility of high-status individuals flourishing even as they depart from conventional moral guidelines.

However, this chapter does not simply proclaim that great men can break the rules. A common pattern in Valerius' chapters is that they start by building rather a clear and inspiring sense of a moral quality, often based on well-known and high-status heroic acts, and then proceed, in the latter part of a chapter, to give a sense of the ethical problems associated with that moral quality and the kind of ethical pitfalls the reader might like to look out for.⁴³ In this case, there is an increasing sense that breaking the rules is problematic and one needs to be very careful, in case one misjudges what is required by a situation.⁴⁴ The part of the chapter which particularly addresses itself to this, is that which spans the end of the Roman *exempla* and the beginning of the foreign section (3.7.11–3.7.ext.4), and which forms a short subsection in which every example is set in the field of the arts.

In this subsection, as I shall show, Valerius indicates the limits of *fiducia* and its proximity to the bad qualities of arrogance, contempt and insolence. The confident actions described are presented on the face of it as praiseworthy, but at the same time it is also made clear how close they come to wrongful behaviour, and indeed how difficult it can be to distinguish right from wrong. In particular, the section shows the same sensitivity to the requirements of individual circumstances that Cicero espouses in *de Officiis* and that Teresa Morgan identifies as a key feature of Roman popular morality. The key passage here is the *exemplum* of Accius in 3.7.11, which forms the link between the Roman political context that precedes it and the foreign artistic context that

⁴³ See Langlands, op. cit. (n. 8) for analysis of how this functions in Val. Max. 2.7 and 6.3 and R. Langlands, *Sexual Morality in Ancient Rome* (2006), ch. 3 on Val. Max. 6.1.

⁴⁴ The acts inspired by confidence involve breaking the rules: Scipio acts against the Senate's orders (*senatu vetante* 3.7.1c), tears up accounts in the Senate House (3.7.1e), and appears to act contrary to the law (3.7.1f). Daring, of course, always risks spilling into culpable rashness, as 3.7.5 reminds us: 'fiduciam non solum fortem sed paene etiam temerariam.' Moreover the rejection of Carthage's offer of help during the war against Pyrrhus might be seen as downright ungracious and highhanded (3.7.10).

comes next. Valerius introduces his deed as having a very different setting from the previous *exempla*, which related acts of the Senate during the Punic wars: ‘the transition from the Senate to the poet Accius is divided by a great space’ (‘magno spatio divisus est a senatu ad poetam Accium transitus’, 3.7.11). This phrase heightens the reader’s awareness of the significance of changing context. The story itself then enacts the principle that the evaluation of an act depends very closely on the specific setting in which it is performed. The setting here is the College of Poets. It is here that the poet Accius fails to show deference to his social superior Julius Caesar. Nonetheless this failure is judged to be condonable on two very specific grounds: (a) that it took place *in this very specific setting* and (b) that Accius’ estimation of his own literary superiority is accurate.

He never stood up to greet Julius Caesar when that most powerful and successful man entered the College of Poets, not because he was unaware of the latter’s great status, but because in comparison of the studies that they held in common he was confident that he was considerably the superior.

is Iulio Caesari, amplissimo ac florentissimo viro, in collegium poetarum venienti numquam adsurrexit, non maiestatis eius immemor sed quod in comparatione communium studiorum aliquanto se superiorem esse confideret. (3.7.11)

Accius was right because, there, in that particular place — *ibi* — he *was* the superior. ‘That is why he was not accused of insolence, because in that place the competition was between scrolls of poetry and not ancestral portraits’ (‘quapropter insolentiae crimine caruit, quia ibi voluminum non imaginum certamina exercebantur’, 3.7.11). However, the same act in any other setting would have been wrong. Valerius exonerates him from any charge of insolence, but, of course, the exoneration quite plainly raises the spectre of this *crimen insolentiae*, and suggests that outside the College of Poets it would have been entirely applicable. It is only in this particularly location and because of the specific literary standing of the person in question that such behaviour can be interpreted favourably.

In the following example, Euripides similarly ‘does not appear arrogant either’ (‘ne Euripides quidem Athenis adrogans visus est’, 3.7.ext.1) when he tells his audience that he is accustomed to teaching them, not learning from them. Valerius claims:

Certainly, confidence is praiseworthy when it measures its own worth against a reliable scale, arrogant only so far as to leave enough of a distance from contempt and insolence.

laudanda profecto fiducia est quae aestimationem sui certo pondere examinat, tantum sibi adrogans quantum a contemptu et insolentia distare satis est. (3.7.ext.1)

In this authorial comment a boundary is drawn between confidence in oneself and insolence (and here ‘contempt’ as well) and the formulation ‘far enough’ — *satis* — emphasizes the arbitrary nature of the line drawn between virtue and vice and one’s need to make a fine judgement about where that line should be drawn; the punning repetition of *adrogans* draws attention to this as well. The phrase *certo pondere* is particularly provocative: what is this ‘certain scale’ against which one must measure oneself? To be sure, Valerius offers no answer to this question — one that also preoccupied Seneca — about how one can tell whether one’s own moral judgements are accurate.⁴⁵ However, reading *exempla* is certainly one way to learn how one should measure and evaluate oneself, and an established *exemplum* might be posited as a ‘certain scale’ against which readers might measure themselves.

⁴⁵ Hill, *op. cit.* (n. 31), 157.

The significance of context for moral evaluation is also elaborated in this chapter in two further aspects, neither of which are flagged as explicitly as in the passages I have looked at so far. The first aspect is the presence or absence of the ‘greater good’ of the community as a broader setting for any act; this is of particular relevance to the highly structured value-system that Valerius’ work espouses, with its neat division of *exempla* into Roman and foreign — inclusive, yet at the same time distinctly Romano-centric. The second is the issue that exemplary acts may be evaluated in hindsight, when we already know their consequences, in a way that the acts which moral agents decide to perform cannot at the moment of decision; this disparity is an inherent problem in the exemplary process since it creates an obstacle to comparing one’s own situation to those of exemplary figures from history.

On the first issue, notice the dramatic shift in tone between the first Roman section containing the deeds of Scipio and the section dealing with examples from the arts that I have just discussed. In the first part of the chapter, the benefit of every act is described in terms of its benefit to the whole Roman community. In the ‘Arts’ section, there is no wider political or military context and the confidence serves no purpose beyond its own display.⁴⁶ Valerius introduces the second anecdote about Euripides in this section (at 3.7.ext.1b) by calling his behaviour *probabile* (laudable). However, Euripides’ reported conversation with Alcestis — a fellow playwright⁴⁷ — goes like this: Euripides first complains how slow his writing is going; Alcestis replies that he has been knocking out the lines with ease; Euripides responds, ‘But your lines will only last for three days, while mine shall last eternity’. The whole conversation seems entirely contrived to humiliate his fellow poet.⁴⁸ What is the ‘moral value’ of such confidence? What does it serve beyond itself?

Valerius explains that hindsight proves Euripides emphatically right to have such faith in his own genius: ‘Since the writings of the other man, with their productive speed, fell at the first hurdle of memory, while his own works, laboriously composed with halting pen, will be borne on the full sails of glory through all eternity’ (‘alterius enim fecundi cursus scripta intra primas memoriae metas corruerunt, alterius cunctante stilo elucubratum opus per omne aevi tempus plenis gloriae velis feretur’, 3.7.ext.1b). What happened next, as laid bare by hindsight, makes all the difference to our evaluation of Euripides’ ‘rightness’. At first reading, this is hardly comforting for the serious, ethically-minded reader of *exempla*, who is trying to work out how to translate an exemplary deed into guidance for their own behaviour. Hindsight may appear to make it easier to judge past actions — too easy in fact — but it is no help at all in assessing the rights and wrongs of decisions taken in the present, where the future consequences are unknown. Moreover, it runs counter to the message of many other Roman *exempla*, where good and brave men are punished for *not* following correct procedure *even when* their actions turn out to be highly beneficial to Rome.⁴⁹ In this section the overall thrust seems to be that the consequences justify the act.

⁴⁶ Indeed with the Phidias anecdote of 3.7.ext.4 the chapter seems to have lost its way entirely and conveys no moral message at all, since it picks up the theme of a visual artist taking lines from Homer as his inspiration, but without the self-referential boast of Zeus in the preceding *exemplum*.

⁴⁷ The name Alcestis is almost certainly an error; perhaps Acestor, a playwright contemporary with Euripides, is meant (see Shackleton Bailey op. cit. (n. 42), *ad loc.*).

⁴⁸ And as such may have some resonance with the earlier story of Rome’s rejection of Carthage’s offer of help in 3.7.10a, see n. 44 above.

⁴⁹ See especially the earlier chapter 2.7 on military discipline with discussion in Langlands, op. cit. (n. 8), 169–78. The contradictory moral guidelines found in different parts of Valerius’ work remind us that, for all his commentary upon ethics, Valerius is not attempting a consistent philosophical account of an ethical system; instead *exempla* provide *ad hoc* examples of ethical responses to difficult situations. However, it is also the case that these contradictions reflect moral tensions inherent in the Roman ethical system between the competing criteria for moral evaluation which are available to moral agents. On the deliberately controversial nature of *exempla*, see further Langlands, op. cit. (n. 8).

The phrase comparing two of Scipio's bold deeds early in the chapter summarizes this attitude concisely: 'no less spirited and no less successful' ('nec minus animosus minusve prosperus ...', 3.7.1b). That his actions are both bold and successful stands in this chapter as praise, and success is itself *grounds* for praise.

However, these examples are not to be read so much as telling us about the importance of literary talent or bold leadership but rather as having a nuanced message, which expands upon Cicero's Cato *exemplum*, about the way that great men manage the relationship between their natural characteristics and their moral choices. The reader is not invited to *imitate* Euripides' confidence in his own artistic genius, but to appreciate and emulate his ability to measure his own worth against a certain scale, know what behaviour is appropriate for him, and have the strength to maintain it consistently. In the terms of Cicero's four-*personae* theory, Euripides has made a good and well-informed choice of his fourth *persona* as a playwright, based on his literary talents that nature has given him in his second *persona*; this story shows that what really allows him to make the most of this choice is the confidence that enables him to persevere even when it is hard work, and to stand up for himself even at the risk of seeming rude and arrogant in front of a colleague; his behaviour will not necessarily make him a good person, but it makes him a good playwright and a consistent Euripides.⁵⁰

In the real world, however, ethical choices have uncertain outcomes and involve risk-taking. Unlike the actions of exemplary heroes, the decisions made by a reader in the here and now cannot be validated by the knowledge of what their consequences will be and whether their choice of life-path will prove successful. The chapter does not spell this out; nevertheless the story of Accius sounds a warning that it is often very hard to tell what the appropriate action is, and that you may be a hair's breadth away from making a damaging mistake. As Teresa Morgan has pointed out, a recurrent concern in Roman popular morality is that if you identify with the wrong person in an exemplary tale you can end up in hot water.⁵¹ But how do you know if you are a great man or not, or have what it takes to follow in the footsteps of a great man? In the story of Accius, the evaluation is taken out of the strictly moral sphere and into the artistic and the social spheres, as parallel situations in which such judgements are hard to make. In order to be sure he is making the right decision, Accius needs to be able to rate his literary worth accurately against that of Julius Caesar, and he needs to make an accurate judgement about how *that* will weigh against his relative social standing. Once again this is not merely a case of Accius deciding how to act in one particular setting; the context is his previous choice to develop his natural talents and become a poet, and his subsequent confidence in and commitment to that choice, all of which enables him to know that he is the superior of Julius Caesar. All this adds up to a set of generalizable precepts: to decide how to act in the Roman world you need a very fine moral and social sensibility,⁵² accurate self-knowledge and a knowledge of the moral scale against which you must measure yourself, and a commitment to your chosen path.

Another message about situational variability, in somewhat cruder form, rounds off the chapter. The last sentence briefly relates the pithy response of a Spartan who is being shown the impressive defensive walls of another man's town. He retorts that the walls

⁵⁰ It is clear that here we must understand ethics in a rather broad sense, rather strictly pertaining to the good and virtuous, as seems to be the case also in Cicero, *de Officiis*, on which see Gill, *op. cit.* (n. 23), 188–92. See also the idea of artistic talent as parallel to moral virtue in the case of Accius, below.

⁵¹ 'If we identify with the wrong character [in a moralizing narrative] or pick the wrong piece of advice, we are liable to suffer disastrously for it' (Morgan, *op. cit.* (n. 1), 188; see further 179–90).

⁵² See R. A. Kaster, *Emotion, Restraint, and Community in Ancient Rome* (2005) for an extremely interesting exploration of how this idea might have functioned in Roman culture; he provides extended discussion of the regulatory emotions of *verecundia*, *pudor*, *paenitentia*, *invidia* and *fastidium*. On *de Officiis* see pp. 17–18 with n. 11 on p. 154.

are ‘fine, if you built them for women; shameful, if you built them for men’ (‘si mulieribus istos comparastis, recte, si viris, turpiter’, 3.7.ext.8).⁵³ This brief quip deploys the old cliché of comparing men to women as a straightforward insult,⁵⁴ implying that only sissies build walls to protect themselves rather than relying on their own valour. However, by offering opposite evaluations of the act of building the walls if done for women (right) and for men (shameful), it reminds us of the need to exercise careful judgement about what can be expected of different kinds of individual. Now, we are clearly not supposed to conclude from this story that it is actually shameful to have walls protecting one’s city. The Spartan’s banter is triumphant, but the reader is not expected to swallow his line and believe that his stance on urban fortification is actually the more valid. Rather, the joke serves to round off the chapter with a reminder that moral acts look different from different perspectives. It is a clever witticism that requires one to look at a familiar situation from an unfamiliar angle and to give it thereby a new moral slant. It reminds us that considering a variety of moral perspectives and alternatives is the best way fully to understand the nuances of ethical issues.

IV NECESSITAS AND SITUATIONAL VARIABILITY

One of the points that Cicero makes about situational variability in the first book of *de Officiis* is that the circumstances brought about by *necessitas* (dire necessity) may have a radical effect on the moral evaluation of an act. His statement of this principle comes in a section where he is arguing that the mark of true wisdom is the ability to weigh up all the various alternatives in advance, so that you never have to say: ‘I hadn’t thought of that.’⁵⁵ The prudent person will not rule out the possibility that he may, in some circumstances, be required to act in a way that looks on the face of it as if it is wrong. Hurling oneself rashly into battle and fighting hand to hand with the enemy, for instance, is a bestial act (*simile beluarum*) and monstrous (*immane*) — but every now and then, in extreme circumstances, it is the right thing to do: ‘but when the occasion and necessity demand it, one must fight hand to hand, and death should be placed before slavery and shame’ (‘sed cum tempus necessitasque postulat, decertandum manu est et mors servituti turpitudinique anteponenda’, 1.81).⁵⁶ Cicero ends this book, on the other hand, by stressing that there are some acts that are so grotesque that they are never acceptable under any circumstances: ‘There are some acts that are so disgusting, some that are so transgressive, that a wise man would not undertake them even to save his country’ (‘sunt enim quaedam partim ita foeda, partim ita flagitiosa, ut ea ne conservandae quidem patriae causa sapiens facturus sit’, 1.159).⁵⁷ For Cicero, although one’s obligation to the community (*communitas*) and the patriotic obligation to defend and preserve one’s country are usually of paramount importance, they should not be placed above the obligations imposed by *moderatio* and *modestia* (1.159).

⁵³ See Plutarch, *Sayings of the Spartans* for the same one-liner attributed to a variety of Spartans. Valerius quite often rounds off his chapters with the sayings and deeds of anonymous Spartans: 3.2.ext.5; 4.1.ext.8; 4.5.ext.2; 4.6.ext.3; 6.4.ext.5.

⁵⁴ Again echoing the insulting responses of the Senate and of Euripides earlier in the chapter, see nn. 44 and 48 above.

⁵⁵ This famous idea that it is shameful to have to confess ‘non putaram’ also appears elsewhere in Valerius Maximus, at 7.2.2, where the sentiment is attributed to none other than Scipio Africanus.

⁵⁶ cf. 1.34–5 where this sentiment is also set out as a doctrine of Panaetius (see Dyck, op. cit. (n. 14), *ad loc.*) and also 2.56 which will be discussed below.

⁵⁷ Note the mention of the *sapiens* here. Dyck suggests this is an echo of his source Posidonius who may have been referring to the Stoic sage in his original discussion (Dyck, op. cit. (n. 14), *ad loc.*).

Cicero forbears to describe here the kinds of disgusting acts that might be included in this category, saying that Posidonius — who taught Cicero in Rhodes in 78 B.C. — has collected many examples of these, but that it would be shameful to repeat them. A wise man, Cicero tells us, would not want to perform such acts for the sake of his country, but neither would his country wish him to perform such acts on its behalf.⁵⁸ Cicero's refusal to specify any examples, and his apparently contradictory assertions about the shameful act of dancing in the forum (at 3.93), leave the reader of *de Officiis* unsure where the line is to be drawn when it comes to deciding which acts, precisely, are to be considered beyond the requirements of *modestia*. Valerius Maximus, however, in his chapter on *necessitas* (Val. Max. 7.6) brings together these unexplored and potentially conflicting precepts from Cicero, *de Officiis*, and through his choice of and comment upon *exempla*, goes a little further towards working through their ethical implications.

Necessitas in Valerius Maximus, like the external forces of *Natura* and *Fortuna*, is neither a virtue nor a vice, but a constraint upon human behaviour and an imposer of difficult circumstances. It is an impersonal force acting upon the lives of men with her 'bitterest laws and cruellest commands', as we see in Valerius' preface ('amarissimae leges et truculentissima imperia', 7.6.pr.).⁵⁹ In this chapter the reader is evidently not directed to imitate or to avoid the cited *exempla*, but rather to re-examine certain moral assumptions about right and wrong behaviour. *Necessitas* is most terrible and most horrific — the extremeness and the horror emphasized by Valerius' description of it as *abominandae* (7.6.pr) and *taeterrimae* (7.6.4) and by his assertion that the deeds that *necessitas* forces men to perform, and which he is about to relate, are *gravia* even to hear about, let alone to experience. This sensitivity to the effect of speaking and hearing about such things may remind us of Cicero's squeamishness about the list of terrible acts compiled by Posidonius, but, unlike Cicero, Valerius will go on to spell out certain acts that can have no moral justification; his chapter ends by expressing his horror at, and moral censure of, the ultimate abomination — killing and eating one's own children.

Cannibalism appears regularly in Stoic thought as a test case for exploring the universal applicability of moral rules and the doctrine of 'special circumstances'.⁶⁰ The point is that although one might assume that a rule such as the prohibition on eating human flesh would apply to everyone at all times, in fact even a rule such as this might be relaxed in very exceptional circumstances (and specifically for a Stoic sage).⁶¹ In this chapter Valerius also uses cannibalism — alongside stealing from temples, self-killing and self-mutilation, also themes used in Stoic debates about special circumstances⁶² — to represent generally

⁵⁸ 'Ea Posidonius conlegit permulta, sed ita taetra quaedam, ita obscena, ut dictu quoque videantur turpia. Haec igitur non suscipiet reipublica causa, ne respublica quidem pro se suscipi volet' (1.159).

⁵⁹ It is comparable in rôle to the whimsical Nature as depicted in Book 1 (1.8.ext.18), or elsewhere either a component of inescapable fate or bad *fortuna* leading to desperate circumstances (1.7.ext.4, 1.8.ext.10, 2.10.6, 4.3.7, 5.3.ext.3, 7.3.8, 7.6.1a, 8.1.absol.6, 9.8.2).

⁶⁰ cf. P. Vander Waerdt, 'Zeno's *Republic* and the origins of Natural Law', in P. Vander Waerdt (ed.), *The Socratic Movement* (1994), 272–308, at 300: 'I suggest that Zeno considered incest and cannibalism as test cases of moral prohibitions that might be thought to apply without exception. His argument in reply would be that there may indeed be certain special circumstances — namely when there is a divergence between the common nature and the individual nature — in which these practices would accord with nature.'

⁶¹ See Inwood, op. cit. (n. 1), 102 on cannibalism as something that a Stoic sage might consider in the right circumstances. In Juv., *Sat.* 15.93–109 the siege of Calagurris, described at Val. Max. 7.6.ext.3, is used as an example of the kind of mitigating circumstances where cannibalism might be acceptable. However, the claim in lines 106–7 that 'melius nos Zenonis praecepta monent' ('we know better because of Zeno's teachings') is best seen as an indication of the ignorance of the satirical speaker of the poem, who has misunderstood entirely the Stoic position (on this see R. McKim, 'Philosophers and cannibals: Juvenal's fifteenth satire', *Phoenix* 40 (1986), 58–71, especially 65–6). See also Ps.-Quint., *MD* 12; both texts have a lot of fun revelling in the horrors of cannibalism.

⁶² Diogenes Laertius 6.72–3 and cf. 7.109 on mutilation; 7.121 'on special circumstances'; 7.130 on the Stoic idea that a wise man will kill himself under certain circumstances.

unacceptable acts that might be rendered acceptable under certain circumstances. However, by the end of the chapter Valerius Maximus has shown, through a handful of stories about people who get this wrong with horrific consequences, that one needs to be very careful in assessing precisely what these circumstances might be.

As well as having the usual formal division into Roman and foreign *exempla*, Valerius' chapter may be thematically divided into two subsections; the first subsection (7.6.1–3) contains *exempla* set in the most desperate times of the Second Punic War, the second (7.6.4–7.6.ext.3) contains Roman *exempla* set during the Civil War and then foreign examples from three different siege situations. These two sections parallel one another, inviting comparison in such a way as to bring out the importance of context in establishing the moral value of the various acts they describe. Valerius makes this point explicitly, especially in the first of these subsections, but it is also emphasized by the very structure of the chapter. Each subsection has the same shape to it: the first *exempla* describe the unusual means resorted to when Rome was running out of supplies and manpower in military situations, and the final *exempla* of each section describe the terrible things resorted to by men driven by extremes of hunger during a siege situation. However, while the *exempla* in the first subsection are directed towards the defence and preservation of the Roman state, and towards the end of the section have a distinctly morally uplifting and exemplary effect,⁶³ the stories in the second subsection, set in the morally dubious Civil War era (7.6.4–6) and then in siege situations where the attacker is Rome (7.6.ext.1–3), are able to provide no such moral reassurance, and the figures in the final example are lower than beasts in their confusing of moral priorities.

Valerius draws attention to the parallels and contrasts between these subsections at the start of 7.6.4, which opens the second subsection with the first of the Civil War *exempla*. This subsection describes how during the Civil War between Marius and Sulla 'gold and silver temple ornaments were melted down so that the soldiers should not go unpaid' ('aurea atque argentea templorum ornamenta, ne militibus stipendia deessent, conflata sunt', 7.6.4). This echoes the *exemplum* at the start of the Punic War section, where a lack of resources results in the re-using of consecrated temple ornaments: 'Enemy spoils fixed to the temples and consecrated to the power of the gods were torn down to be used as weapons for the soldiers' ('spolia hostium adfixa templis, deorum numini consecrata, instrumento militiae futura convellerentur', 7.6.1b). There is perhaps an implicit contrast here between redeploying consecrated enemy spoils, which were after all created as weapons even if they now decorate a temple, and melting down temple ornaments to make coins for pay, which has a faint evocation of avarice about it. This makes the example set in the Civil War less morally palatable than the one set in the Punic War. However, Valerius makes the compromised moral context of the era explicit with his next sarcastic comment, suggesting that the Civil War period provided a very particular sort of context, which actually drained the virtue out of any acts that were performed at that time. He has introduced this section by describing it as a time (*tempus*) in which 'it was not that victory was sought for the republic, but that the republic was the prize for victory' ('non rei publicae victoria quaerebatur sed praemium victoriae res erat publica'),⁶⁴ and he now retorts: 'Since it was for an honourable cause that the immortal gods were despoiled — that both sides might sate their cruelty through the proscription of civilians!' ('digna enim causa erat, hinc an illi crudelitatem suam proscriptione civium satierent, ut di immortales spoliarentur!', 7.6.4). Finally, this Civil War section — and indeed the whole Roman part of the chapter — is rounded off

⁶³ 7.6.2: 'in propinquo situm Casilium, incolarum virtute clarum, perseverantis amicitiae pignore impios oculos verberavit.'

⁶⁴ cf. 7.6.1b for the Punic War described as a *tempus*, i.e. providing a particular temporal context: *temporis convenientia*.

by the claim that the imperial regime established by Augustus and under which Valerius is now writing⁶⁵ has brought to an end desperate times such as those described, which could just about excuse the desperate acts they engendered: ‘This most bitter of storms was driven away by the guardianship of Augustus, available in those days for the protection of the earth’ (*sed amarissimam tempestatem Augusti cura, tutelae tunc terrarum vacans, dispulit*, 7.6.6). *Necessitas* is thus sealed into discrete historical packets, suggesting that such circumstances do not pertain in contemporary Rome and there is no longer any excuse for atrocious acts.

The structure of the chapter, then, highlights the idea that different contexts, and especially different historical settings, lend a different moral significance to acts performed in them. The precepts that are explicitly stated in the first part of this chapter on *necessitas* also set out in detail the ideas about situational variability found in *de Officiis*. Extreme circumstances disrupt the natural order of things, meaning that quite different kinds of ethical rules apply.⁶⁶ In some cases one must turn aside from the glorious (*speciosa*) path to follow the safer (*tutiora*) path: ‘at times the noble spirit yields to utility and gives in to the powers of fortune, when, if you don’t choose the safer plan, following the glorious plan will get you struck down’ (*cedit ergo interdum generosus spiritus utilitati et fortunae viribus succumbit, ubi, nisi tutiora consilia legeris, speciosa sequenti concidendum est*, 7.6.1).⁶⁷ Acts performed under such circumstances look shameful if they are judged on their own merits, but viewed in context are seen to be appropriate responses to the situation: ‘These acts, if they are examined for themselves, look somewhat shameful, but if they are weighed against the forces of necessity they seem defensive action appropriate to the cruelty of the time’ (*quae si per se aspiciantur, aliquid ruboris habeant, si autem ad motis necessitatis viribus pondererentur, saevitiae temporis convenientia praesidia videantur*, 7.6.1). Acts that seem in themselves wretched and grim can actually be understood as manifestations of great and admirable virtue. Thus the recruitment of slaves, children, debtors and even convicted criminals to fight the enemy, or the refusal of the Senate to give support to its provincial allies in their hour of need, look like immoral deeds, especially where Rome does not fulfil her responsibilities at the helm of the empire. However, they are actually justified by the exigencies of the hour — the command of *necessitas*. In the same spirit of being brought to the most unworthy and undignified acts through necessity, the besieged inhabitants of Casilium are reduced to eating boiled leather from their shield straps (7.6.2). This *exemplum* may not have quite the same moral edge as the preceding ones, but it supports justificatory interpretations of the previous Roman *exempla*; the worthy people of Casilium were able to last out the siege because of eating the practically inedible, and likewise Rome was able reverse her fortunes and rise again to eminence through these measures that she had taken in this time of disaster. In context, all these measures are justifiable; the reader must use hindsight to make this judgement; at the time the moral agent making the decision to take such measures must rely on their own self-confidence to predict the outcome.

The final example in this series set in the Second Punic War (7.6.3) fits these precepts less well than the preceding *exempla*, and looks at first sight as if it has been appended because of its superficial similarities to 7.6.2. It took place ‘at the same time and during the same siege’ and also illustrates the effects of extreme hunger. However, it also introduces into the chapter the key theme of monetary inflation, which provides an analogy to the fluctuating

⁶⁵ His work is dedicated to the emperor Tiberius and was probably published c. A.D. 30.

⁶⁶ ‘quanta violentia est casus acerbi’, 7.6.1.

⁶⁷ In Valerius’ work being *speciosus* is usually something to aspire to, especially in a military context. See e.g. 2.7.1, 5, 6, 8 and 15; 3.7.1g, 10a and ext.5; 6.3.1b and 10a (and cf. 1.1.14; 3.2.7, 20, ext.4 on *fortitudo*; 3.5.1a). The term *generosus* also draws a particular contrast with chapter 3.7 (3.7.1a and ext.7); cf. 3.3.pr. on the generous spirit of *fortitudo* and *patientia*.

ethical value of acts. This theme alludes to Cicero, *de Officiis* 2.56 (on which see below) and is also picked up again a page or so later in Val. Max. 7.6.6, the final Roman example of the chapter.

Cicero's reference to the exorbitant price of basic necessities during times of crisis is made in a context where it forms a rather neat and complicated double comparison (*de Off.* 2.56). The first element of the comparison is the same precept of situational variability that we find in Valerius Maximus' chapter. At first sight it would seem absolutely unbelievable if people under siege paid a *mina* for a pint of water. However, if you reflect, *necessitas* makes it pardonable: 'If people who were besieged by an enemy were forced to buy a pint of water for a *mina*, at first this would seem incredible to us and everyone would be amazed, but when they thought about it, they would excuse it on grounds of necessity' ('qui ab hoste obsidentur, si emere aquae sextarium cogentur mina, hoc primo incredibile nobis videri omnesque mirari, sed cum adtenderint, veniam necessitati dare', Cic., *de Off.* 2.56). However, this is only a passing reference, made in the context of a discussion of extravagance, and is immediately compared to the situation in Cicero's own day where people likewise pay the most extraordinary prices for things, but out of pure extravagance rather than out of necessity, and what is more, the practice is so commonplace and widely accepted that it attracts no comment. The example of paying a *mina* for a pint of water is used to show that the value of goods changes with the context, just like the ethical value of behaviour. However, the comparison with his contemporary situation further suggests that changing contexts affect one's ability to evaluate behaviour effectively.⁶⁸

Valerius' story at 7.6.3 about the selling and eating of a rat in siege conditions then refocuses attention on the other moral aspect of inflation: the behaviour of those who take advantage of times of crisis for their own selfish gain. The *exemplum* combines the idea of the disgusting lengths to which the starving but faithful besieged are driven with another moral message: a warning for those who seek to profit from the desperation of others. For when prices inflate this is not merely a consequence of *necessitas*, but requires the willingness of people to exploit the situation in order to make money from their fellow human beings. At the end of this story, the man who sells the rat is in possession of two hundred denarii, yet he dies because he has allowed himself to be driven by avarice and has valued money more highly than his own life.⁶⁹ There is a strong warning here about the prioritization of two competing scales of value, and this sets up the reader for the ethical pay-off of the chapter that comes in the final *exemplum* (7.6.ext.3) where the people of Calagurris are berated for having misguidedly valued their own lives above those of their families.

The Roman section of the chapter, then, sets out the idea that extreme circumstances can drive men to extraordinary deeds which are to be interpreted differently from the way one would evaluate them under normal circumstances. Nevertheless, as in Cicero, *de Officiis* 1.159, this does not imply a limitless relativism, and the final *exempla* gathered in the foreign section of the chapter make it plain that there remain limits to what is acceptable. These foreign *exempla* express the idea that some acts are so degrading that not even the most extreme circumstances can excuse them, and that defeat or death (either at one's own hand or someone else's) should always be preferable. They set up situations in which apparently universal natural laws are pitted against one another: the injunction to preserve one's own life and protect one's city is in conflict with the injunction not to eat human flesh. There has once again been a distinct change of context at the start of this section; in

⁶⁸ Comparison of these two passages also strengthens the assimilation between the processes of making moral decisions and reading *exempla*.

⁶⁹ cf. Suet., *Galba* 7 for a similar tale of Galba's punishment of a soldier who sells part of his ration for an exorbitant price during a time of famine and is left to starve to death.

each of these examples of siege situation the besieging enemy is Roman, and so, from a Roman point of view, the potential for a morally redeeming context is severely diminished. The acts performed by the besieged men in order to preserve their lives and not to surrender either to death or to the enemy are disgusting. In a crescendo of grotesqueness, the Cretans drink their own urine (7.6.ext.1), Numantines survive by eating human flesh (7.6.ext.2), and the men of Calagurris go so far as to kill and eat their own wives and children, and preserve the flesh in salt (7.6.ext.3). Even of the first example, which seems comparatively mild, Valerius comments that the Cretans inflicted worse on themselves than their enemy would have done had they surrendered.⁷⁰ A similar comment is made of the captured Numantines found carrying human limbs about their persons: ‘necessity is no excuse in this case: because when people are allowed to die, there is no need to live in this way’ (‘nulla est in his necessitatis excusatio: nam quibus mori licuit, sic vivere necesse non fuit’, 7.6.ext.2). Of course, since in each case the enemy is Roman, defeat, even surrender, need scarcely be thought of as shameful at all by the Roman reader, and in addition, since history tells us that their cities were eventually captured, the barbaric act of cannibalism was in any case in vain. The Numantines are taken alive, but stripped of all human dignity, because they are caught in the act of shamefully prolonging life, and do not seem to have realized that it would have been better to die.⁷¹

One of the themes we trace in this part of the chapter is the gradual shedding of mitigating circumstances — specifically, a greater cause for which the generous spirit must pay the price to *necessitas*, and which can weigh on the other side when we are assessing an act that looks at first sight unethical. The climax of the chapter is the final example in which this point is driven home: the men of Calagurris survive by wilfully destroying the very families who should have been their principal reason for wishing to live and hold out against the siege.⁷² Valerius comments that these people have sunk lower than wild animals, since even for beasts females and children are more precious than life. Moreover the act of eating their own families sweeps away from under their feet the conventional motivation of a soldier risking his life on the battlefield. Valerius exclaims sarcastically: ‘This would inspire someone on the battlefield to fight bravely for the safety of wives and children!’ (‘en quam aliquis in acie hortaretur ut pro salute coniugum et liberorum fortiter dimicaret!’, 7.6.ext.3). The behaviour of the people in the foreign examples defeats its own purpose, since they have lost sight of what is truly valuable in life. The men of Calagurris have prioritized the injunction to preserve their own lives and protect their city over the injunction to protect their wives and children. In any case, for non-Romans the patriotic injunction is a weaker rule than it would have been for a city of Romans, since the principle of situational variability operates with respect to national difference, and, in addition, both hindsight and the cultural superiority of the Romans render their patriotism futile and misguided.

Valerius’ chapter engages with the ongoing Stoic debates about whether circumstances might justify acts such as suicide and cannibalism that are strongly prohibited under normal circumstances.⁷³ Valerius’ *exempla* bring into play the same motifs and ethical conflicts in his consideration of the implications of situation ethics. However, by the end

⁷⁰ ‘id passi sunt quod eos ne victor quidem pati coegisset.’ Note the implication that the enemy is honourable. Drinking urine perhaps might be counted as a form of self-mutilation of the kind usually not to be contemplated in Stoic doctrine.

⁷¹ This is a well-known example, told by Appian in *The Wars in Spain* 96–7. The Numantines are described as doing this terrible thing and then surrendering to Scipio with an expression of fear and misery on account of their consciousness of having eaten human flesh. See Florus 1.34 for a slightly different account in which they live for a while off corpses.

⁷² Another mention of this story, which clearly aroused Roman interest, is found at Juv., *Sat.* 15.93–109; cf. Orosius 5.23.14.

⁷³ Inwood, *op. cit.* (n. 1), 113.

of the chapter the moral message conveyed by his treatment of them is somewhat different from the Stoic idea that even the strongest prohibitions may on occasion be circumvented. Valerius' message seems to be in dialogue with this Stoic doctrine of exceptional circumstances, and to send a warning that, whilst allowing for situational variability, it is vitally important to adhere to certain core principles of humanity (such as protecting one's children), and that where principles are in conflict with one another, one must think very carefully about which should take priority or else risk going badly astray. Valerius uses the shocking stories of extreme behaviour which so intrigued the Romans in other contexts too⁷⁴ to explore the implications and limitations of situation ethics.

V CONCLUSION

I have argued that Valerius outlines ideas on situational variability as part of a meta-exemplary message about how to read *exempla* in a way that is sensitive to context, yet at the same time does not lose sight of key moral precepts. Analysis of Valerius' work allows us to appreciate that *exempla* need not be the instruments of a prescriptive, top-down moral system, providing enactments of virtue or vice to be simply imitated or avoided.⁷⁵ In the first place, Valerius uses them to explore broader ethical issues, including those relating to the ethical function of *exempla*. Moreover, even when they are viewed as enactments of virtue, *exempla* are to be understood, within a framework of situation ethics, not as prescriptive templates of behaviour, but as specific instances of virtuous action that have been brought about in response to the interaction between a web of contingent factors, including the various *personae* and rôles of the individual performing the deed, and factors such as place and time.

A reader and user of *exempla* must be clear, as Valerius emphasizes, that a moral choice or act which is appropriate for one particular person in one particular context may well not be the same one that is appropriate for another person in another context. Therefore one's assessment of an *exemplum* and one's decision about to what extent or in what aspects it is applicable to one's own life must be carried out with full awareness of a whole range of contingent factors. A reader must measure himself or herself against each *exemplum*: would he or she be capable of, and suited to, performing that deed in those circumstances? In addition, rather than necessarily representing the *only* right way for anyone to act in those or similar circumstances, an *exemplum* is one possible enactment of a good moral decision, given those circumstances. For the reader, it provides an opportunity to observe and assess the moral decision-making of an exemplary figure, as a means of learning about that process of decision-making.

Valerius Maximus' *exempla* convey messages about how to apply abstract virtues to particular cases. Understood within the framework of situation ethics articulated by both Cicero and Valerius Maximus, *exempla* can be seen as constituting a moral tool that goes some way towards providing a practical solution to the ethical problem of how to reconcile universal executive virtues with the need for situational sensitivity. By enacting the process of moral decision-making again and again in various different ways and different circumstances, a multiplicity of *exempla* — whether gathered in a collection such as the *Facta et Dicta Memorabilia*, or encountered over the course of a Roman life-time — teach a moral agent how to go about applying abstract virtues to their own specific cases.

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⁷⁴ See nn. 60 and 61 above.

⁷⁵ On this see further Langlands, *op. cit.* (n. 8).