

Maximus of Tyre

Whether Injuries Are To Be Returned

Translated by Thomas Taylor in *The Dissertations of Maximus Tyrius* (1805). Taylor's notes have been omitted and there are some changes to the wording and punctuation to facilitate easier reading. This document is in the public domain.

☞ platonick-philosophy.org ☞

Whether by justice, or by fraud oblique,
The earthly race of men, a loftier wall
Ascends, my mind is dubious.

You, O Pindar! dispute with yourself concerning fraud and justice, comparing gold with brass: for you were a poet, skilled in composing an ode for the choir, and celebrating the victories of tyrants in triumphal songs. Hence the objects of your attention were the measure of words, the harmony of verse, and the rhythm of figures. But the man with whom a choir, and an ode, and the pleasure resulting from verse, are in the same estimation as the sports of children, who is attentive to the measure, the rhythm, and the melody of his soul, and who endeavours that his actions and the rest of his life may be elegantly arranged, such a one will never be induced to doubt, whether by justice or not, men ascend a loftier wall; but he will thus say, changing your verse:

By justice, not by fraud oblique, ascends
The earthly race of men, a loftier wall.

Indeed justice is a thing inaccessible to fraud, in the same manner as heaven to the sons of Aloëus, who derived no advantage from placing Ossa on Olympus, and Olympus on Pelion, but they were as far distant from heaven as fraud is from justice. Hence justice belongs to the good, but fraud to the depraved. Justice is a genuine, but fraud an adulterated thing. Justice is strong, but fraud is imbecile; and the former is beneficial, but the latter not.

Will he, therefore, who is studious of justice, and who is fortified with this wall of Pindar, will he when injured return the injury? But what do I say? for it will not indeed be possible for such a one to be injured. For if to injure and to be injured are things of such a kind as to beat and to be beaten, to cut and to be cut, there is nothing dire in admitting that the same person may both be the agent and the patient of an injury. But if here the same person, by a communion of nature, receives both energy and passion, to injure and to be injured, will much more resemble seeing and being seen; (for that which participates of sight is visible, but not everything which is visible also sees) if this be the case, we should rather say, that to injure and to be injured resemble the confuting and the being confuted. For he confutes who knows the truth, and he is confuted who is ignorant of it. And as he cannot be confuted who knows the truth, and he cannot confute who is ignorant of it, so neither can to injure and to be

injured be the province of one and the same person.

Since, therefore, these do not pertain to the same but to different persons and a worthy is not the same with a depraved man, how shall we attribute the doing an injury to the depraved man, and the being injured to the worthy man? or shall we indeed attribute the doing an injury to the depraved character, while asserting that it is not yet manifest to which of these we shall attribute the being injured? But let us thus consider: An injury is the ablation of good: but what else is good than virtue? and virtue cannot be taken away. He, therefore, who possesses virtue cannot be injured; or the doing an injury is not an ablation of good. For no good can be taken away, nor ejected, nor can be captured, nor plundered. Be it so; that a worthy cannot be injured by a depraved man, because his good cannot be taken away. It remains, therefore, either that no one can be injured, or that the depraved must be injured by his like. But the depraved man is a partaker of no good; and an injury is the ablation of good. He, therefore, who has not that of which he can be deprived does not possess that in which he can be injured.

Or shall we say, that an injury is to be arranged, not according to the ablation of him who suffers the injury, but according to the intention of him who does it; and that the depraved man is injured by the depraved, though he does not possess good, and also the worthy by the depraved, although he possesses good which cannot be taken away? I admit this solution, which rather ascribes an injury to the dishonesty of the intention than to the success of the deed. for the law punishes as an adulterer, not only him who commits, but him who wishes to commit adultery; and as a housebreaker, him who attempts the deed, though he should be discovered before its perpetration; and as a traitor, him who intends to betray, though he should not execute his intention. The whole discourse, therefore, is brought to a proper conclusion. For the good man neither injures, nor is injured. He does not injure, indeed, through his will; he is not injured through his virtue. The depraved man injures, but is not injured: for he injures through his depravity, but is not injured, through his indigence of good. Farther still, if virtue alone, and nothing else, is good, the depraved man, in consequence of not possessing virtue, has not that in which he can be injured. But if, besides virtue, those things also are to be considered as good which pertain to the body, which externally arise from fortune, and depend on circumstances, if virtue is not present it is better that these should be absent; so that thus neither will a depraved man be injured, when deprived of some one of those things which he improperly uses. Hence he may injure, but he cannot be injured, since, according to our doctrine, the doing an injury consists of the will.

Thus then I say respecting the depraved man, that he wishes indeed, but is not able to do an injury, but being willing, he either seeks after one similar to or better than himself. But what will be done by the more excellent character? Will he return the injury to the depraved man? This man does not, however, possess anything in which he can suffer an injury: for he is depraved through the absence of good. Neither, therefore, can the man of intellect *in reality* injure the depraved man, because such a one has not anything which can be injured; *nor according to his will*, for being a worthy character, he is no more willing to do an injury than a piper is to play unskilfully on the pipe. In short, if to do an injury is base, it is also base to return an injury. For he who does an injury is not more depraved, because he begins it, but he by whom it is returned is equally unworthy. And if he who does an injury acts basely, he who compensates evil with evil acts no less basely, though he may perform the part of an avenger. For as he who returns a benefit to him by whom he had been previously benefited, acts no less well, though he was previously benefited; so he who returns an injury acts no less ill, though he was previously injured.

What end then will there be of evil? For if he who is injured returns the injury, evil will always pass and leap from one to another, and injury will receive injury. For by the same right by which you permit him who is injured to return the injury, vengeance returns again from the same to the same; for the just is equal to both. Do you see also by Zeus what you do in making justice consist from injuries? how far

too will this evil extent itself, and where will it stop? Do you not see that you excite an ever-flowing fountain of depravity; and that you are introducing a law which is the source of evil to all the earth? For this indeed was the leader of evils formerly to mankind. Through this, barbaric and Grecian fleets sailed into each others' lands, which they plundered and laid waste, making something past the pretext of the present injury. The Phœnicians force from Argos a royal maid¹; the Grecians from Colchis a barbaric virgin; and again the Phrygians from Peloponnesus a Laconic woman. You see a succession of evils, pretexts of wars, and a multiplication of injuries. Indeed nothing else destroyed Greece itself than an opinion of injury pervading to its neighbouring nations, together with restless rage, immortal anger, the love of vengeance, and the ignorance of justice.

If, indeed, those that injure others did but know that injustice itself is to those that act unjustly the greatest evil, and that it is an evil greater than war, the destruction of walls, the devastation of lands, and the subversion of tyranny, Greece would not have been filled with so many and such mighty evils. The Athenians besiege Potidæa. Suffer them to do so, O Lacedæmonian, they will soon repent the undertaking; do not partake of the infamy. But if you are pleased with the pretext, and come to Plataea, you will lose the neighbouring island Melus, you will lose the city Sicyon, with which you are in alliance. In taking one city you will subvert many. For as those who trust themselves to the sea for the sake of gain, sometimes acquire wealth with the greatest usury, so to those who yield to anger, the usury of calamity is mighty. And to the Athenians I say, you have captured Sphacteria, restore the captives to Sparta, and while you are fortunate be prudent. If you do not, you will keep the men, but you will lose your three-banked galleys. Lysander is fortunate about the Hellespont, and Sparta is great, but abstain from Thebes. If you do not, you will deplore the fortune in Leuctræ, and the calamity in Matinea.

O latent and unerring justice! Through this Socrates was not enraged with Aristophanes, nor indignant with Melitus, nor avenged himself on Anytus; but with a loud voice exclaimed, Anytus and Melitus may deprive me of life, but they cannot injure me; for it is not lawful for a good man to be injured by one depraved. This is the voice of justice, which, if adopted by all men, there would be no tragedies, nor dramatic scenes, nor many and all-various calamities. For as in the diseases of the body those that make gradual advances are the most dangerous, and require incessant attention, that the part which is not infected may be preserved; so when the principle of injustice falls in a house or city, it is requisite to stop the evil, if we intend to preserve that which remains. This subverted Pelopidas, this caused the Heraclidæ to perish, this destroyed the house of Cadmus, the Persians, the Macedonians, and the Greeks. O unceasing disease, and which for so many periods of time has infested the earth!

I will, indeed, dare to assert, that if there is a transcendancy of injury with respect to injury, he who takes vengeance on him who first does an injury is the most unjust of the two. For he who is led to do an injury through ignorance finds his punishment in the infamy of the deed; but he who returns an injury, by adopting unjust conduct, transfers infamy to himself. For as he who wrestles with one defiled with soot must also necessarily defile his own body, so he who contends with an unjust man, and thinks fit to be rolled as it were together with him, must necessarily partake of his depravity, and be replete with his defilement. When an athlete, therefore, engages with an athlete in an equal contest, and with equal ambition, I admit the strife; for I perceive in them a similar nature, a like care, and an equal desire of victory. But when a good contends with a depraved man, each does not make his entrance from the same palæstra, nor is exercised under the same master. Each has not learnt the same art, nor has been nourished in the same contests, nor aspires to the same crown, nor is a competitor for the same commendation. I lament the conflict, the contest is unequal. It is necessary that the depraved man should vanquish when contending in a stadium of this kind, in which the depraved are spectators, and the judges are unjust. For here the good man is without art and discipline, and is destitute of infidelity,

1 Io, the daughter of Inachus, the Phœnicians forced from Argos; and Jason forced Medea, and Paris Helen.

fraud, deception, and the other arts by which depravity is confirmed and strengthened: so that he will become ridiculous by attempting to return an injury, since he is neither by nature, nor art, nor manners, formed for unjust conduct.

But here some one may say, must a just man, on this account, bear reproach, calumny, and exile? Must he suffer the loss of his possessions, be cast into prison, be dishonoured, and condemned to die? What then? If boys, having established laws among themselves and a court of justice, should bring a man before their tribunal, and, if he appeared to them to have acted unjustly, should decree that he be dishonoured in the company of boys, and that his puerile possessions be fined, such as his dice and his playthings, what is it likely the man would do? Would he not deride the decrees and the punishments of such a court? Thus Socrates derided the Athenians, as making puerile decrees, and ordering a mortal man to be put to death. And in like manner every other good and just man will sincerely laugh when he sees himself earnestly attacked by the unjust, who think that they can accomplish something, and yet effect nothing. But if he should experience their contempt, he will exclaim, in the language of Achilles:

Zeus honours me, and favours my designs.²

If they should deprive him of his possessions, he will endure the loss as if playthings and dice were taken from him: and he will die as if he were deprived of life by a fever or the stone, without any indignation against his murderers.

2 Iliad ix 604.