

“*TOTAS PAGINAS COMMOVERE?*”
CICERO’S PRESENTATION OF STOIC ETHICS
IN *DE FINIBUS* BOOK III

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I hereby declare that this dissertation contains no materials accepted for any other degrees in any other institution or materials previously written and/or published by another person, unless otherwise noted.

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ABSTRACT

Cicero's *De finibus* is certainly one of our most important texts on ancient ethical theory, even if, in contrast to e.g. Aristotle's *Nicomachean Ethics*, its merits lie not so much in its originality or contribution *per se*, but rather in the wealth of invaluable information it provides on the Hellenistic ethical theories whose primary sources –the hundreds of ethical treatises written by the Greek philosophers– have been almost entirely lost to us. Cicero himself does not consider himself an original thinker, or even a professional philosopher; but he regards himself as a competent and intelligent expositor, in addition to being an unmatched stylist and a public person possessing sufficient *gravitas* and *auctoritas* to effectively promulgate Greek philosophy in Rome. This self-assessment has been mostly approved in scholarship on Hellenistic philosophy over the last three or four decades; although in recent years there has been an increasing awareness of the need to pay due heed to the various cultural and personal factors that informed Cicero's perception of the different doctrines and theories he discusses in his philosophical works.

My dissertation attempts to contribute to this trend by exploring Book III of Cicero's *De finibus*, as our central source for early Stoic ethics and as part of Cicero's philosophical work. The Stoics have presented us with the most radical development on the Socratic ethical legacy in Antiquity, by championing the view that virtue is the only intrinsic “good” required to live a happy life. The fullest account of their case for this position has come down to us in Cicero's presentation in *De finibus* III; but even this presentation is highly problematic in a way that has (as I see the matter) substantially contributed to the emergence of the extensive and highly fascinating recent debate over the right understanding of the “foundations” of Stoic ethics. In my dissertation I argue to the effect that this debate ought to be recast in terms of a renewed awareness of how *De finibus* III functions and interacts as part of *De finibus* as a whole –that is, renewed awareness of Cicero's presence behind the text as the author of *De finibus*, a complex essay on what Cicero perceives as the central problem in moral philosophy. In consequence of such an approach, I argue, we have to redraw the limitations of Cicero's report *as a testimony*; for, as I argue, Cicero views and

interprets the Stoic theory from an interpretive perspective that is liable to systematically distort the Stoic theory.

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ABBREVIATIONS

Frequently cited names and titles

<i>Acad.</i>	Cicero, <i>Academica</i>
<i>Ad Att.</i>	Cicero, <i>Epistulae ad Atticum</i>
<i>Ad fam.</i>	Cicero, <i>Epistulae Ad familiares</i>
<i>Adv. Colot.</i>	Plutarch, <i>Adversus Colotem</i>
<i>Brut.</i>	Cicero, <i>Brutus</i>
<i>Comm. not.</i>	Plutarch, <i>De communibus notiis</i>
<i>De div.</i>	Cicero, <i>De divinatione</i>
<i>De fin.</i>	Cicero, <i>De finibus bonorum et malorum</i>
<i>De inv.</i>	Cicero, <i>De inventione</i>
<i>DL</i>	Diogenes Laertius, <i>Lives of the Philosophers</i>
<i>De leg.</i>	Cicero, <i>De legibus</i>
<i>De off.</i>	Cicero, <i>De officiis</i>
<i>De orat.</i>	Cicero, <i>De oratore</i>
<i>De Re P.</i>	Cicero, <i>De Re Publica</i>
<i>De Stoic. rep.</i>	Plutarch, <i>De Stoicorum repugnantiis</i>
<i>Diss.</i>	Epictetus, <i>Dissertationes</i>
<i>Ecl.</i>	Stobaeus, <i>Eclogae</i>
<i>EE</i>	Aristotle, <i>Eudemian Ethics</i>
<i>Ep.</i>	Seneca, <i>Epistulae ad Lucilium</i>
<i>Hort.</i>	Cicero, <i>Hortensius</i>
<i>In Cat.</i>	Cicero, <i>In Catilinam</i>
<i>Inst.</i>	Lactantius, <i>Divine institutes</i>
<i>LS</i>	A. A. Long – D. Sedley, <i>The Hellenistic Philosophers</i> (LONG–SEADLEY 1987)
<i>Luc.</i>	Cicero, <i>Lucullus</i>
<i>M</i>	Sextus Empiricus, <i>Adversus Mathematicos</i>
<i>Nat. Hist.</i>	Pliny, <i>Historia Naturalis</i>
<i>NE</i>	Aristotle, <i>Nicomachean Ethics</i>
<i>ND</i>	Cicero, <i>De natura deorum</i>
<i>OCT</i>	Oxford Classical Texts

<i>Opt. Doctr.</i>	Galen, <i>De optima doctrina</i>
<i>Orat.</i>	Cicero, <i>Orator</i>
<i>Parad.</i>	Cicero, <i>Paradoxa Stoicorum</i>
<i>PE</i>	Eusebius, <i>Praeparatio Evangelica</i>
<i>Phil.</i>	Cicero, <i>Philippicae</i>
<i>PH</i>	Sextus Empiricus, <i>Pyrrhoniae hypotyposeis</i>
<i>PHP</i>	Galen, <i>De placitiis Hippocratis et Platonis</i>
<i>Pro Arch.</i>	Cicero, <i>Pro Archia poeta</i>
<i>Pro Clu.</i>	Cicero, <i>Pro Cluentio</i>
<i>Pro Sest.</i>	Cicero, <i>Pro Sestio</i>
<i>Pro Rab.</i>	Cicero, <i>Pro Rabirio Perduellionis Reo</i>
<i>Tusc.</i>	Cicero, <i>Tusculanae disputationes</i>
<i>Q. fr.</i>	Cicero, <i>Epistulae ad Quintum fratrem</i>
<i>Stob.</i>	Stobaeus
<i>SVF</i>	Hans von Arnim, <i>Stoicorum Veterum Fragmenta</i> (ARNIM 1903-5)
<i>Vit. Att.</i>	Cornelius Nepos, <i>Pomponii Attici Vita</i>
<i>W</i>	Wachsmuth

INTRODUCTION

Et ais, si una littera commota sit, fore tota ut labet disciplina. utrum igitur tibi litteram videor an totas paginas commovere? ut enim sit apud illos, id quod est a te laudatum, ordo rerum conservatus et omnia inter se apta et conexa –sic enim aiebas–, tamen persequi non debemus, si a falsis principiis profecta congruunt ipsa sibi et a proposito non aberrant.

This is Cicero’s response at *De finibus* IV 53 as character in the dialogue to the passionate eulogy of the Stoic ethical theory by the Stoic spokesman Cato (III 74), which culminated in the suggestion that the Stoic ethical system has such an incredibly systematic organisation, such a “firmly welded” deductive structure that “the removal of a single letter, like an interlocking piece, would cause the whole edifice to come tumbling down... not that there is anything here which could possibly be altered”.¹

When rhetorically asking, “what do you think: am I removing a letter, or whole pages?” Cicero seems to congratulate himself over the success of his refutation of the Stoic arguments, presented previously by Cato, for the thesis that virtue is the only good (48ff). For the sake of argument we may admit that the Stoic theory is so internally consistent as Cato heatedly depicted it (though Cicero has just pointed out that many Stoic arguments are in fact inconclusive); but even this would not by itself render it rationally compelling: if the premises of a formally valid reasoning are found

¹ *verum admirabilis compositio disciplinae incredibilisque rerum me traxit ordo; quem, per deos immortales! nonne miraris? quid enim aut in natura, qua nihil est aptius, nihil descriptius, aut in operibus manu factis tam compositum tamque compactum et coagmentatum inveniri potest? quid posterius priori non convenit? quid sequitur, quod non respondeat superiori? quid non sic aliud ex alio nequitur, ut, si ullam litteram moveris, labent omnia? nec tamen quicquam est, quod moveri possit.*

Unless otherwise indicated, all longer translations from *De finibus* are from Raphael Woolf’s translation (ANNAS 2001). The Latin text I use throughout is the OCT edition of *De finibus* (REYNOLDS 1998).

evidently false or highly controversial, the reasoning as a whole will fail to convince. Cicero believes to have shown that the Stoic theory is seriously deficient in this respect; he is confident that in this sense he has “removed” whole pages of the Stoic theory, and thus, if we take Cato’s previous claim seriously, the whole system must collapse as a house of cards.

But in another sense Cicero takes it for granted that he has not removed a single letter of the Stoic theory. His wholesale attack on Stoic ethics in Book IV is presented as his response to Cato’s elaborate exposition of the “whole system” (III 14: *totam rationem*) of Stoic ethics in Book III, and although this theory is admittedly complicated (cf. IV 1-2), Cicero is actually rather confident throughout that he has not misunderstood or misrepresented the Stoic theory at any point: his refutation is based on a thorough understanding of the whole elaborate argument from starting assumptions to ultimate corollaries. It is not in virtue of his unrivalled mastery of eloquence that Cicero wins the case (though he certainly considers his speech a rhetorical masterpiece), but rather owing to the firm support of “common sense, the facts of nature and truth herself” (55). His refutation is not merely a rhetorical victory; it is successful because the Stoic theory of the *summum bonum* is actually flawed –or this is how the issue is presented in *De finibus* IV. To be sure, in his parting remark Cato suggests that next time he is going to present his refutation of Cicero’s arguments. But as far as Cicero’s late *philosophica* are concerned, there is no next time: the Stoic theory presented in *De finibus* III does not get a second hearing (in **Part III** I shall argue that neither the end of *De finibus* V nor the fifth *Tusculan* represents or even raises the possibility of such a second hearing).

Most interpreters of Stoic ethics today would strongly disagree with this picture. They would contend that Cicero’s critique is based on an interpretation of earlier Stoic

ethics that misses or ignores crucial philosophical points, and in general conflates the Stoic theory with another theory with which it is not identical: the ethical theory of the “Old Academy” as understood and taught by Antiochus of Ascalon, whose ethical doctrine is being presented wholesale in *De finibus* V.² Indeed, ever since Nicolai Madvig’s definitive modern edition of *De finibus* the scholarly consensus has been that the criticism of the Stoic theory in *De finibus* IV was for the most part Antiochean.³ That is, the entire procedure of conflating the Stoic theory with the alleged “Old Academic” tradition, and criticizing it on this basis, came largely from Antiochus (admitting that Antiochus himself, who had been a member of the New Academy before his dogmatic turn, may have drawn on an Academic critical tradition).

However, when it comes to using Cicero’s *exposition* of Stoic ethics in *De finibus* III as a source for Stoic doctrine, this point has been generally neglected. It has been customarily presumed that Cicero’s criticism and refutation of the Stoic theory in Book IV *in propria persona* does not affect the accuracy of the account of the Stoic theory put into Cato’s mouth in Book III. This does not mean that *De finibus* III has been by and large taken to present an accurate account of the Stoic system. The general perception has rather been that *De finibus* III, although it provides our single most intelligent and continuous account of earlier Stoic ethics, is often tantalisingly sketchy and superficial on important points of detail. Indeed, a number of interpreters have argued to the effect that in presenting his account Cicero omits or misses a crucial philosophical point. But such observations and considerations have been rarely

² Cf. e.g. WHITE 1979: 164-165, STRIKER 1996: 269 and 288; ANNAS 2001: 91 n. 2, 3; 99-100 n. 20-21; GILL 2006: 167-173.

³ Madvig (MADVIG 1839: LXV) declared that both Books IV and V “*totos ab Antiocho esse*”.

connected with considerations about what we find in *De finibus* IV, or in *De finibus* (or in Cicero's late *philosophica*) at large.

Thus the prevailing view today is that Stoics ethics was “cosmological”; something that it definitely was not on Cato's account. Cato does believe that there are some ethical issues where the Stoics significantly argue against the backdrop of their cosmo-theological conception of universal nature as an all-pervading intelligent creating and governing force in the universe (see *De finibus* III 62ff); but as far as the central argument of his account is concerned –the argument for the thesis that the *summum bonum* that constitutes happiness consists in virtue alone– this cosmic perspective has no significant role to play.⁴ Many distinguished interpreters –the proponents of what I shall call, in **Part II**, the “cosmic” line of interpretation of Stoic ethics– have argued to the effect that this is a serious misrepresentation of Stoic ethics in *De finibus* III. But in this connection they have well-nigh nothing to say on Cicero's possible responsibility for this misrepresentation, let alone the fact that this misrepresentation (if it really is) clearly aligns *De finibus* III with *De finibus* IV and V: the cosmic perspective is clearly absent from both Antiochus' theory as presented in Book V, and Cicero's Antiochean criticism and refutation of the Stoic theory that, as I indicated above, seems to conflate the Stoic with the Antiochean theory.

Why is this so? In earlier times (from Madvig until some time after the end of the nineteenth century) the separation of *De finibus* III as a source from its proper context was encouraged and facilitated by a widely shared view of Cicero as a mechanic copier and weightless compiler.⁵ It was generally assumed that in writing the book Cicero had drawn on some original Stoic source, a different source, that is, than the

⁴ Cf. my remark on BOERI 2009 in Section II.4.2.1.

⁵ I shall say more on this view in Chapter I.1.

Antiochean source he used for *De finibus* IV and V. During the twentieth century this deprecating view of Cicero's intellectual contribution faded and gradually gave way to a more charitable assessment of Cicero's credentials as expositor of Hellenistic philosophy, which is quite generally held today. But the resolution to read *De finibus* III as a self-standing testimony has only strengthened.

I think that the basic challenge that perpetuates this tendency, crudely summarised, is the following: how can we both retain a relatively favourable view of Cicero's knowledge and presentation of Stoic ethics in *De finibus* III, and at the same time detach our interpretation of Stoic ethics from his Antiochean interpretation and refutation of it in Book IV? In other words, how can we reconcile the picture of Cicero as a fairly well-informed and dependable source on Stoic ethics, as far as *De finibus* III is concerned, with the tendentious misrepresentation of the Stoic theory presented by him in Book IV? The stake is high, as the once available vast amount of earlier Stoic ethical texts –together with the great bulk of Hellenistic philosophical texts in general– has been lost to us, and Cicero is our earliest and best known secondary source.

Today it is widely thought that the resolution to this puzzle lies in paying due attention to Cicero's professed pedagogical concerns in turning to philosophical writing in his late years, and/or his Academic sceptic approach to discussing philosophy.⁶ Such considerations are supposed to allow us to bracket Cicero's critical discussion of Stoic ethics in *De finibus* IV, by distancing the Cicero character –who is thought to wear an Antiochean hat in that Book–, from Cicero the author, who is also responsible for the positive account of Stoic ethics in Book III. Book III continues to be widely studied in isolation, virtually as a self-contained account. The answers to

⁶ I shall discuss this point in more detail in Chapter I.1.

the interpretive questions it raises about the true meaning of the Stoic theory presented are typically sought elsewhere, in other sources on early Stoic ethics; the resulting accounts of Stoic ethics are hypothetical reconstructions, patchworks made from various pieces –but *De finibus* III is always there as the source of some pivotal components.

My dissertation revolves around the modest proposal that this situation is odd and needs to be remedied. My argument, when stated in one sentence, may seem, on the one hand, unoriginal or trivial, and, on the other hand, naïve or outmoded. It may seem unoriginal, for I would like to argue that Cicero *does indeed remove whole pages* when presenting Stoic ethics in *De finibus* III; and as I have just pointed out, many recent interpretations of early Stoic ethical theory seem to entail this, although proponents of this line of interpretation typically fight shy of emphasising, or even of making explicit this corollary. So one might reasonably question whether hundreds of further pages are needed to show this.

Moreover, my attempt might seem naïve or outmoded; because I would like to argue that the clues to understanding how and why Cicero removes those pages from his presentation are to be sought in *De finibus* IV and V, or rather *De finibus* and the surrounding *philosophica* at large. I shall argue that Cicero's Academic scepticism notwithstanding *De finibus* IV can be viewed as representing his own views on Stoic ethics. Cicero does have a perspective on Stoic ethics that may rightly be called Antiochean; and in so far as this perspective seriously distorts Stoic ethics, this distortion does not leave his presentation of the theory in Book III untouched. But the idea that in ethics Cicero could not resist the charms of Antiochus' theory may seem to go against the now prevailing consensus that Cicero, in accordance with his consistent representation of himself in the late *philosophica*, was a lifelong intelligent

adherent of the Sceptic Academy, and as such is a fairly dependable expositor of the various Hellenistic doctrines and theories.

To begin with this latter charge, I certainly would not like to question the relevance or general adequacy of current considerations concerning Cicero's authorial intentions or his theoretical (Academic sceptic) approach to discussing philosophy. But I would like to argue that such considerations should not serve as a pretext for reading *De finibus* in an unreflected way. The assumption that Cicero, rather than being a mindless compiler or copier, had a real flair for philosophy and is a well-placed and competent expositor of Hellenistic ethical thought, does not release us from the burden of questioning the possible informing factors of his perception and understanding of the different philosophical doctrines and theories. One of these factors was certainly his Academic scepticism; but notwithstanding his attractive portrayal of his chosen tradition (especially in the *Lucullus*), we should not mistake him for an open-minded and objective enquirer, someone whose attitude relevantly prefigures our scholarly interest in understanding Hellenistic ethics, and who can therefore be relied upon as a useful ally in our quest for a proper grasp of Stoic ethical thought.

I hope that in **Part III** I shall be able to show convincingly that Cicero's scepticism – Academic scepticism as he understood and practiced it – was compatible with a rather strong commitment to some aspects of Antiochus' ethical thought. Cicero as Academic sceptic found that the Antiochean theory of the *summum bonum* in particular (as distinguished from Antiochus' ethics *tout court*)⁷ was the most plausible

⁷Cicero's phrase *summum/ultimum/extremum bonum* has no obvious equivalent in Greek ethical texts; cf. SEDLEY 1998: 146 (who opts for *to agathon*). Cicero is not entirely consequent in his usage of the term: sometimes he loosely equates it with the "end" (*finis*, cf. e.g. II 8), or "the happy life" (*beata vita*; cf. e.g. II 42); but in other cases he seems to mean by it the primary intrinsic good, or the combination

(“persuasive”) theory on the *summum bonum* available, and that as such it deserved his sceptic “approval”. Indeed, I shall argue that Cicero’s scepticism not only did not *ab ovo* prevent him from “approving” Antiochus’ theory of the *summum bonum* in this way, but that as an Academic sceptic he was actually susceptible to arrive at this result, for the good reason that some important features of that theory were devised with a view of winning an Academic sceptic’s approval. (On the other hand, this commitment did not prevent Cicero from finding other facets of Antiochus’ ethics underprovided or flawed, as he actually did in the case of Antiochus’ attempt to combine his conception of the *summum bonum* with the idea that virtue is sufficient for the happy life; –but even if he would have found the Antiochean theory convincing *tout court*, this presumably would not have compelled him to give up his formal sceptical distance.)

Moreover, Antiochus’ ethical doctrines involved much that Cicero did not even consider a matter of sceptical doubt –I mean his historical narrative of the development of philosophy after Socrates and Plato, its fragmentation into quarrelling sects, the composition of the “Old Academic” ethical system, the origins of the Stoic theory as a hereditary version of Old Academic ethics, and so on. Cicero could not but take the great bulk of these doctrines for granted, because Antiochus had great authority in such scholarly matters, and because what he said was for the most part in line with what Cicero had learned as a student of Philo of Larissa; that is to say, because even if Cicero’s Greek learning and intellectual background was exceptional among his peers, he nevertheless lacked an independent competence in such matters – or so I shall argue in **Part I**.

of the intrinsic goods, the attainment of which constitutes the end and makes our life happy. Thus he can say both that the Stoic *summum bonum* is virtue (see IV 28) and that it is “to live morally” (IV 45). In any case, I use the terms similarly to him.

I shall also try to reinforce, both in **Part I** and **III**, the need to be constantly aware of Cicero's Roman cultural identity (including his identity as an eminent Roman orator-politician, an optimate etc.) in appreciating his intellectual attitudes and responses to the exposure to Greek philosophy. In **Part I** I shall argue to the effect that it is against this backdrop that we should assess the value of his presentation of himself in the late *philosophica*, as well as the evidence in his earlier works and letters that are widely thought to substantiate this self-presentation. In **Part III** I shall argue in particular that this backdrop is pertinent to the right understanding of the specific slant Cicero seems to give to his Academic Sceptic tradition.

As to the other possible charge –the charge of unoriginality or triviality–, my argument does not repeat, or rely on, arguments already presented by proponents of the “cosmic” interpretation. Nor do I have anything to say directly in favour of this line of interpretation; although I believe that the kind of reappraisal of *De finibus* III as a testimony that I propound may provide indirect support for it by offering a viable way of understanding how and why, *if* the cosmic perspective was pivotal to the central argument for the Stoic ethical position, Cicero may have come to ignore it. Answering this question, I shall argue, is an important *desideratum* in the recent and still ongoing controversy about the “naturalistic foundations” of Stoic ethics, on which I will have more to say in **Part II**. Admittedly, the answer that I offer to this question may seem to compromise the value of *De finibus* III as a source for earlier Stoic ethics to an extent that no party in this controversy may be happy to welcome. But I am in the hope that the result of the kind of considerations I propound is not merely negative. I believe that in the long run these considerations are conducive to a more keen ability to distinguish in our sources between authentic Stoic doctrines and distorted interpretations of Stoic doctrines. Thus e.g. in the last chapter I shall argue

that the reformulation of the Stoic theory of *oikeiōsis* as a theory about congenital “self-love” that we find in *De finibus* III is probably a part of the procedure through which Cicero inadvertently distorts the Stoic theory by conflating it with the “Old Academic” theory, thereby facilitating its refutation in Book IV. Thus those interpreters who tend to use the notion of self-love interchangeably with the notion of *oikeiōsis* in discussing the Stoic theory do no less inadvertently perpetuate an old misunderstanding.

My text falls into two parts. In **Part I** I shall pave the way for my main argument by providing a general survey of our evidence on Cicero’s intellectual life during his political career, in order to see whether and how far his representation of himself in the late *philosophica* as someone who has always nurtured a real passion for philosophy, and has been studying it all his life in an open-minded Academic sceptic manner, is credible. I believe that this self-presentation is too readily taken at face value today. My conclusions are not meant fundamentally to undermine a favourable assessment of Cicero’s intellectual merits, but are meant to qualify this picture in important ways. To put it crudely, I shall argue to the effect that the deeply philosophical statesman whom we encounter in the late philosophical works is inevitably a *public persona*; Cicero may straightforwardly identify with it, but nevertheless it is a later development in his life; it developed gradually, mainly after Cicero’s consulship and simultaneously with the sinking and crisis of his political career; its continuity with Cicero the eager young student of rhetoric and oratory is probably a biographical fiction. Within this broader picture I shall point out details that are of particular importance for my concerns: that Cicero’s knowledge of Stoic ethics was probably always thoroughly informed by his Academic upbringing and, in

addition to that, Antiochus' teaching; and also that the established Academic sceptic whom we encounter in the late *philosophica* (first in the *Lucullus*) is probably also a later development (a point that we shall see more clearly when in **Part III** I present a more detailed account of Cicero's scepticism in the late *philosophica*).⁸

In **Part II** I shall focus on the account of Stoic ethics in *De finibus* III and the interpretive challenges it raises. I shall not only locate these problems within our wider concerns about the proper understanding of Stoic ethics, but also begin developing my argument about the desirability of approaching these interpretive problems from the specific perspective offered by the contextualisation of the account of Stoic ethics in *De finibus* III in *De finibus* as a whole. In presenting what I find the most crucial questions raised by the first section of the account I shall attempt to show how some of these problems can be explained away within the interpretive framework represented by *De finibus* as a whole, while others appear, within the same framework, even more pressing and irresolvable –significantly, these are the very problems that led many interpreters to set their eyes on other sources, and in particular the ones which seem to represent a substantial appeal to cosmic nature.

In the second half of this part (**II.4**) I shall further reinforce my case by comparing the two main recent lines of interpretation in respect of their treatment of *De finibus* III. As to the cosmic line of interpretation, I shall simply reiterate an argument presented by Julia Annas to the effect that *De finibus* III presents a methodological challenge that up until now has not been met by the proponents of the cosmic line of interpretation. More attention will be paid to the other line of interpretation, eminently championed by Annas herself. This line of interpretation can be described as making positive efforts to give justice to the account of Stoic ethics in *De finibus* III, by

⁸ For a more detailed plan of **Part I** see the end of Chapter **I.1**.

proposing interpretations on which the Stoic theory, as Cicero has Cato present it in *De finibus* III, actually does make sense: it is not deficient in such a way that this would call for help in the form of supplementing it with materials from elsewhere. If this line of interpretation would be successful this would neutralise my argument. However, I shall argue that even the most forceful and philosophically interesting version of this line of interpretation to date, Julia Annas' interpretation in her book *The Morality of Happiness* (and, with important qualifications, in subsequent papers by her), fails to convince me about this. I shall pursue Annas' reconstruction to a point where it seems to come dangerously close to Cicero's sceptical perspective; and I shall argue, mainly on historical grounds, that this is not a viable reconstruction.

In **Part III**, then, I shall turn again to *De finibus*. I shall interpret the work as a whole as a manifesto of Cicero's Academic sceptic view in ethics –an aporetic view, I shall argue, but one that is meant to demonstrate the credibility of Academic scepticism as the intellectual foundation of a Roman (optimatus) statesman's approach to the life of action. After this (in Chapter **III.2**) I shall turn to Cicero's presentation of Antiochus' theory in *De finibus* V and present my argument that Cicero's scepticism is compatible with, indeed prone to, a rather affirmative attitude towards Antiochus' theory of the *summum bonum* –and correspondingly to an Antiochean (mis)representation of Stoic ethics. To underline this last point I shall turn, in Chapter **III.3**, to the occurrence of the notion of self-love in *De finibus* III, and argue that this is most probably a thus far undetected instance of Cicero's susceptibility to conflate the Stoic theory with Antiochus' "Old Academic" version of it.

PART I

CICERO AS AN EXPOSITOR OF GREEK PHILOSOPHY

I.1 *Cicero as an expositor of Hellenistic philosophy: the old and the new consensus*

Cicero's most technical and theoretical work on ethics, *De finibus* forms part of a sequence of philosophical dialogues written in 46-44 BC, devised to cover the three main branches of philosophy: logic (*Academica*), ethics (*De finibus*, *Tusculan disputations*) and physics (*De natura deorum*, *De divinatione*, *De fato*) –the cycle originally commenced with the lost protreptic dialogue *Hortensius*. Cicero's programme of writing seems to have been developed underway: it probably started off (in late 46 BC) as a project for three books, *Hortensius*, *Catulus*, *Lucullus* –the latter two forming the first version of the *Academica*¹–, but the immediate success of the *Hortensius* in Cicero's circles (cf. *De fin.* I 2) apparently made Cicero change his plans and decide that the trilogy would be accompanied with further works, notably *De finibus*, which he wrote in May-June 45 BC, simultaneously with finishing the *Catulus* and the *Lucullus*, and beginning to ponder their reworking (which led to the second edition of the *Academica*, recast into four books).²

As he repeatedly declares in the prefaces he wrote in this period, his purpose is to expound philosophy to his fellow-citizens in Latin (*Acad.* I 3, *Tusc.* I 1, *ND* I 7; *De div.* II 1, 4) as the best way open to him, in his enforced retirement from public affairs under Caesar's dictatorship (*Luc.* 6; *Acad.* I 11; *Tusc.* I 1, II 1; *ND* I 7, *De div.* II 6-7),

¹ These three dialogues had the same protagonists, were set in the villas of the protagonists (Lucullus' villa in the *Hortensius*, Catulus' villa in the *Catulus* and Hortensius' villa in the *Lucullus*) and had similar dramatic dates; cf. GRIFFIN 1997; cf. also BRITAIN 2006: xi.

² The date and the progress of composition of the *Academica* and *De finibus* is made clear by a series of letters Cicero wrote to his publisher and editor Atticus from March to June 54. For more details see PHILLIPS 1986, and especially GRIFFIN 1997 and HUNT 1998: 10ff, which provide an excellent elucidation of the development of Cicero's plans and the reworking of the *Academica*. See further RAWSON 1975: 230-48, SCHMIDT 1978, SCHOFIELD 1986: 48-51, STEINMETZ 1990 and POWELL 1995: 7-11.

to keep up serving the commonwealth (*De div.* II 1: *consulere rei publica*; II 4: *munus rei publicae*) and benefitting (*prodesse*) his fellow-countrymen (*Luc.* 6; *Acad.* I 11; *De fin.* I 10; *Tusc.* I 5; *De div.* II 1, 7, *De off.* I 1).³ As we can see, Cicero does not seal off his intellectual and pedagogical concerns from his main vocation in life; to the contrary, he takes pains to tie his writing and philosophising in with his political activity. After the Ides of March he will openly declare that the greatest benefit that philosophical enlightenment can render to the commonwealth lies in its positive effect on the outlook and morals of its prospective leaders⁴ –which, as he believes, would advance the re-establishment of a real “commonwealth”, the kind of ideal constitutional arrangement and government that he had envisioned in his major work on political theory, *De Re Publica*. This idea is present throughout the *philosophica* written under Caesar’s dictatorship as a hidden spring running underground.⁵

³ Ever since his early *De inventione*, which he probably wrote still as a schoolboy, “serving the state” and “benefitting his fellow-citizens” had been Cicero’s professed credo in public life (cf. *De inv.* I 1ff). –He also refers to his grief over the death of his beloved daughter Tullia in February of 45, to which he could not devise more effective alleviation than “grappling with the whole of philosophy” (*Acad.* I 11; *ND* I 9; on Tullia’s death see *Ad fam.* IV.5-6; VI.18.5; *Ad Att.* XII.21.5; XII.23.1 etc.). However, since by February the *Hortensius* had already been completed, the idea of taking up philosophical writing clearly antedated this “severe blow of fortune”. It may well have been an extra stimulus for Cicero to take refuge in reading and writing: his first reaction was the composition of his lost *Consolatio*, and in his contemporary letters he repeatedly reports that he is writing day and night as he cannot sleep (see *Ad Att.* XII.14.3, XII.28.2; *De div.* II 3, 22; *Tusc.* I 65, 76, 83, III 71, 76, IV 63). Tullia’s death may also have influenced his decision to change his original plans and embark on the grander plan; but his original reason for writing philosophy had more to do with considerations of how to adapt to the changed political circumstances. Actually this is what he himself seems to suggest: he says that “in the first place” he found that to expound philosophy was his duty in the interest of the commonwealth (*ND* I 7: *primum ipsius rei publicae causa philosophiam nostris hominibus explicandam putavi*; *De div.* II 6: *ac mihi quidem explicandae philosophiae causam adtulit casus gravis civitatis*); and alludes to the death of his daughter as a secondary and extra motive, enticing him to “grapple with the whole of philosophy” (*ND* I 9: *totam philosophiam pertractandam*), and to deal with “all of its parts” (*omnes eius partes*).

⁴ *De div.* II 4:

“For what greater or better service can I render to the commonwealth than to instruct and train the youth –especially in view of the fact that our young men have gone so far astray because of the present moral laxity that the utmost effort will be needed to hold them in check and direct them in the right way. Of course, I have no assurance –it could not even be expected– that they will all turn to these studies. Would that a few may! Though few, their activity may yet have a wide influence in the state.” (W. A. Falconer transl.)

⁵ Pace Klaus Bringmann (BRINGMANN 1971: esp. 189ff) I do not think that by presenting this reason in the preface of *De divinatione* II Cicero distorts his real motives for the earlier writings; my reasons for this are presented in the **Appendix A**.

The question that concerns me now, however, is how far Cicero was well-placed to perform the task he set for himself. Of course, he takes pains to establish his credentials as an expositor and advocate of Greek philosophy in Rome. On his view, what makes him especially eligible for the role is his unsurpassed mastery of Latin eloquence –the very profession to which he mainly owes his raise to political eminence.⁶ However, he does not want to suggest that eloquence can substitute for learning (to the contrary, in his work on rhetorical theory he contends that it is impossible to speak ornately and copiously without fully comprehending and mastering the subject we are talking about, and that therefore oratory requires a wide and thorough knowledge in various fields of learning including law, history and philosophy).⁷ Throughout his *oeuvre* he constantly presents himself as someone who from his early youth developed a serious attachment to Greek learning in general, and philosophy in particular.⁸ In the preface of *De natura deorum* he reinforces the seriousness of his engagement with philosophy by emphasising that he has embraced it not just as an intellectual pastime or a kind of spiritual support in times of crisis or distress⁹, but to live by it:

...my interest in philosophy is no sudden impulse, for from my early youth I have devoted no little attention and enthusiasm to studying it; and I was the most ardently philosophising when I least appeared to be doing so. (...) Moreover, if the injunctions of philosophy all have a bearing on how we

⁶ Cf. *Acad.* I 46 (on Carneades' expertise in every field of philosophy); *De fin.* I 6, *Tusc.* I 6-7, *De off.* I 1-3; in the latter passage he admits that the title "orator" is more justly assigned to him than that of "philosopher"; cf. further *Ad Att.* XIII.19.5. For an analysis of Cicero's conception of "rhetorical philosophy" see SMITH 1995; see further **Appendix A**, subsection 2).

⁷ Cf. esp. *De orat.* III 77-80.

⁸ Cf. e.g. *De orat.* I 2f; *De Re P.* I 7; *Brut.* 306, 315; *Acad.* I 11; *Tusc.* V 5; *De fat.* I 2-3, *De off.* I 4; cf. e.g. *Ad fam.* IV.4.4; XIII.1.2.

⁹ He does at times recommend philosophy as such a spiritual support in his late *philosophica*; indeed, sometimes he goes as far as suggesting that the whole *raison d'être* of philosophy lies in its promise to guarantee happiness to the wise and virtuous person (see *De fin.* II 86; III 11; V 86-87 –Piso speaking, the thesis is attributed to Theophrastus–; *Tusc.* V 1). In fact, in the political climate under Caesar's dictatorship the pessimistic talk of taking refuge in philosophy from "the various and acute afflictions" surrounding one "from every side" (*Tusc.* V 121) conveyed a scantily concealed political message (actually made rather explicit at *Brut.* 10ff, 266, 328-333, *Orat.* 128 and *Acad.* I 2). See further **Appendix A**, subsection 1).

live, I believe that both in public and private spheres I have put into practice the precepts recommended by reason and learning.¹⁰ (*ND* I 7-8 –P.G. Walsh transl., with minor modification)

In the same passage he also names his illustrious philosophical teachers: Philo, Diodotus, Antiochus, Posidonius. A bit later (*ND* I 11) he goes even further and suggests that his competence as expounder of philosophy is considerably enhanced by his adherence to the New Academy:

...if mastery of each individual system is a daunting task, how much more difficult is to master all of them! Yet this is what we have to do if in the interest of discovering the truth we decide to criticise and to support the views of each individual philosopher. I do not claim to have developed practiced ease in this great and difficult enterprise, but I can boast that I have made the attempt.¹¹ (*De Natura Deorum* I 11 –P. G. Walsh transl.)

It is in accordance with this that in Book I of *De finibus* Cicero expresses his confidence that Brutus, who is himself an expert in philosophy (cf. I 8), will find his exposition of the Epicurean theory (put into the mouth of Torquatus in the dialogue) no less accurate than that given by the school's own proponents; "for we wish to find the truth, not to refute anyone adversarially" (*De fin.* I 13; cf. *Luc.* 7). Within the dialogue he further reinforces his objectivity (I 28-9) and professes a good knowledge of Epicurus' system based on personal instruction by the leading Epicurean teachers Phaedrus and Zeno, both of whom he had heard in his youth (I 15-16 and ff).

¹⁰ *Nos autem nec subito coepimus philosophari nec mediocrem a primo tempore aetatis in eo studio operam curamque consumpsimus, et cum minime videbamus tum maxime philosophabamur... et si omnia philosophiae praecepta referuntur ad vitam, arbitramur nos et publicis et privatis in rebus ea praestitisse quae ratio et doctrina praescripserit.*

The claim clearly has a political subtext: Cicero probably takes it to be amply warranted by his former work on political theory, *De Re Publica*, in which he had attempted to show that his ideal combination of Roman practical wisdom and philosophical learning (as exemplified by the character Scipio in the dialogue) entails a rationally grounded commitment to the traditional Republican government (dominated by the Senate) –which had been his declared policy since his consulship. See further my discussion in **Appendix A**, subsection 3).

¹¹ *nam si singulas disciplinas percipere magnum est, quanto maius omnis; quod facere is necesse est quibus propositum est veri reperiendi causa et contra omnes philosophos et pro omnibus dicere. cuius rei tantae tamque difficilis facultatem consecutum esse me non profiteor, secutum esse prae me fero.*

But he takes no less pains to indicate his well-versedness in Stoic ethics. In the preface of Book I (6) he claims to have read (*legimus*, referring minimally to Cicero and Brutus) works by, among others, Diogenes, Antipater, Mnesarchus, Panaetius and Posidonius, and reveals his personal tie with Posidonius (*familiarum nostrum Posidonium*, cf. *Tusc.* II 61, *ND* I 7, 123, II 88 –at *Brutus* 309 and *Lucullus* 115 he had already named his other Stoic tutor Diodotus; Cf. *Tusc.* V 113, *ND* I 7). Moreover, in the preface of Book III (6) he emphasises again that Brutus’ erudition in philosophy (and in ethics in particular) serves as a guarantee of the accuracy of his presentation. He further reinforces his commitment to accuracy by casting of Cato Uticensis as the Stoic spokesman, portrayed as spending his leisure time in Lucullus’ library “surrounded with by Stoic works” (III 5: *multim circumfusum Stoicorum libris*)–, and later congratulated by Cicero as interlocutor in the dialogue for the accuracy and lucidity of his presentation (IV 1: *ista exposuisti ... dilucide*; also 14: *quamquam a te, Cato, diligenter est explicatum finis hic bonorum et quis a Stoicis et quem ad modum diceretur*).

Despite this self-presentation the modern scholarly approach to reading and interpreting the philosophical material in Cicero’s late *philosophica* was for a long period guided by a deprecating view of Cicero’s intellectual merits. On this view, which prevailed in the second half of the nineteenth century and survived well into the twentieth century, the philosophical treatises written at an incredibly high pace in 45-4 are, for the most part, patchworks of paraphrases and passages from original Greek sources in translation; in them Cicero simply reproduces arguments found in his Greek sources, adapting them to a Roman cultural context by putting them into the mouths of illustrious Roman characters, and adding the flourishes of his oratory

(including the frequent insertion of illustrations from Roman and Greek history and poetry).¹²

This view finds some support in Cicero's own remarks. At *De natura deorum* I 6-7 he indirectly admits that during his public career his philosophical engagement had been virtually invisible –although he explains that this was because he kept it private and never allowed it to detract from his public work.¹³ At *De officiis* II 3-4 (cf. also *Academica* I 11) he says that although he had been immersed in philosophical studies at a young age, afterwards, when he begun to serve in high political offices and devoted himself completely to public service, he had only as much time for philosophy as remained after dealing with friends and government matters, all of which, however, was spent in reading.¹⁴

However, the most often cited passage in this connection is his self-deprecatory remark in a letter to Atticus, written in 45 May (*Ad Att.* XII.52.3): ἀπόγραφα *sunt, minore labore fiunt; verba tantum adferro quin us abundo* –“they are transcripts; they do not give me much trouble. I only supply the words, of which I have plenty”. This passage –often read in conjunction with Cicero's other methodological remarks at *De*

¹² Cf. e.g. GRIFFIN 1992: 719ff; STRIKER 1995: 57-58.

¹³ In his works Cicero is consistent about holding that philosophising and writing are acceptable only as activities of a Roman Statesman's *otium*: cf. e.g. *De Re P.* I 7-8, *Luc.* 6, *Acad.* I 11, *Tusc.* I 1, *De div.* II 7.

¹⁴ At *Tusculans* I 1 Cicero seems to go even further and confess that although these studies (*studia*) had never been out of his mind (*retenta animo*), they were neglected at times (*remissa temporibus*), and have been resumed after a long interval (*longo intervallo intermissa revocavi*). I tend to think, however, that this passage should be read and understood in conjunction with what Cicero says in *Ad fam.* IX.1, a letter to Terentius Varro around the end of the year 47 BC, and with *Brutus* 11-19. These two passages show that Cicero is ready to admit a lapse in his scholarly and literary activities during the tumultuous years of the civil war, lasting until the consolidation of his situation and his return to Rome from Brundisium in late 47 (cf. *Ad fam.* XIV.20, 23; *Ad Att.* XII.1). In fact the lapse may have began earlier, in 51-50, when Cicero's tasks as proconsul in Cilicia most probably prevented him from protracted studies and work. That is, the “long interval” of abstention from studies mentioned at *Tusculans* I 1 (during which, however, his studies “had never been out of his mind”) may well refer to the gap between his first and second main period of composition, roughly from 51 to 46 BC; so it cannot be cited to undermine Cicero's other claims to the effect that for the most part of his political career he kept his philosophical interests alive to the extent allowed by his *negotia*.

fin. I 6 and *De off.* I 5-6, and his frequent references to his sources¹⁵ – has been standardly cited as evidence on Cicero’s method of composition.

The picture suggested by this passage is further fortified by alleged sings of the epitomist’s activity: “doxographical” passages which curiously echo other doxographical sources that we still possess, or outlines of philosophical doctrines which are so sketchy and perfunctory that one may reasonably begin to suspect that Cicero did not (or did not care to) fully comprehend the argument that he was translating or paraphrasing.¹⁶ A particularly strong apparent indication of Cicero’s mechanical reliance on his sources is presented by the apparent discrepancies between the account of Stoic ethics in *De finibus* III and the critique of the theory presented in Book IV, first emphasised by Rudolph Hirzel.¹⁷

Importantly, however, it was against a backdrop of suspicions about the encumbering or attenuating effects of Cicero’s political life on his intellectuality that this view of Cicero’s method of composition gained its real power. It is not coincidental that the picture of Cicero the “compiler” first emerged in Germany in the nineteenth century, alongside a drastic demotion of Cicero the politician from his pedestal as a

¹⁵ See esp. *Luc.* 11-12 and 102, *Ad Att.* XIII.19.5; XIII.18; 13.1, 19.5; XVI.11.4; *De off.* III 8 and 34, cf. I 159.

¹⁶ There are several instances of these phenomena in *De finibus* Book III. For example, the account of the Stoic notion of *officium* (=Greek *kathēkon*) at III 58 is similar to the ones we find in our more doxographical sources, at Stobaeus II 58,13ff, and at DL VII 108, especially in respect of being question-beggingly perfunctory: a duty is an action that has a rational explanation or justification (*eius facti probabiliter ratio reddi posit =eulogon apologian ekhei, hosa logos hairai poinein*); but as to the nature and content of the rational reasons underwriting such actions all the three sources are silent. For Cicero’s haphazard use of doxographical material in the *Lucullus* see BRITAIN 2006: 69, n. 178.

¹⁷ HIRZEL 1882: II, 620; cf. also e.g. THIAUCOURT 1885: 91-102; LÖRCHER 1911: 120-121. Cato’s exposition, as we shall see later (Chapter II.2), is presented as a rejoinder to the criticism, raised by Cicero, that the Stoic theory fails to establish a stable position between the Peripatetic position (characterised by the three classes of goods) and the position attributed to Aristo, on which the indifference of everything beyond virtue and vice to happiness abolishes rational practical guidance. Cicero’s elaborate critique in Book IV in turn is meant to show that Cato’s elaboration has failed to evade that objection; but actually much of what Cato had to say on the issue (esp. 21-25, 33-34) is apparently ignored by Cicero. In Chapter II.3.2, subsection a) I shall argue that these discrepancies may be relatively easily explained away.

Republican hero and statesman. Its most devastating formulation is found in Theodor Mommsen's grandiose and extremely influential *The History of Rome* (Vol. III, first published in 1856), as part of his wholesale attack on the person and achievement of Cicero.¹⁸

Notably, Mommsen only threw together threads that were already present in contemporary scholarship. On the one hand, he was certainly influenced by the German historian Wilhelm Drumann, who in the fifth part of his *History of Rome* (first published in 1841) subjected Cicero's correspondence to a minute scrutiny in order to cull evidence regarding his ulterior motives, secret jealousies, hopes, fears,

¹⁸ Telling the story of the last decades of the Republic Mommsen draws an utterly repulsive picture of Cicero as "notoriously a political trimmer", a unscrupulous advocate, and a short-sighted reactionary opponent of Caesar's progressive centralism (see esp. MOMMSEN 1866: 169, cf. also 608); and in the last chapter of the work, presenting an overview of culture in republican Rome (Ch. 12: 'Religion, Culture, Literature and Art') he expressly takes this picture as the starting point for his disparaging assessment of Cicero's literary activities (*ibid.* 608). On Mommsen's verdict, Cicero's importance rests solely on his mastery of style, and "it is only as a stylist that he shows confidence in himself"; but the "grievous want" of his character shows through in every segment of his copious literary output (including his letters and speeches): in the character of an author he "stands quite as low as a statesman". In particular, as a writer of "artistic treatments of subjects of professional science" Cicero is "thoroughly a dabbler... by nature a journalist in the worst sense of the term –abounding, as he himself says, in words, poor beyond all conception in ideas". Indeed, it was this barrenness that made him such a prolific and many-sided writer: "it was pretty much a matter of indifference to what work he applied his hand... there was no department in which he could not with the help of a few books have rapidly got up by translation or compilation a readable essay" (609). Cicero's chief works, the *De oratore* and the *De Re Publica*, though their scientific groundwork belongs entirely to the Greeks, and many of the details are also directly borrowed from them, "possess some comparative originality", and are "not devoid of merit"; "they are no great works of art, but undoubtedly they are the works in which the excellences of the author are most, and his defects least, conspicuous" (611-12). With respect to Cicero's late period of philosophical composition, however, Mommsen shows no mercy:

"...the compiler... completely failed, when in the involuntary leisure of the last years of his life he applied himself to philosophy proper, and with equal peevishness and precipitation composed in a couple of months a philosophical library. The receipt was very simple. In rude imitation of the popular writings of Aristotle, in which the form of dialogue was employed chiefly for the setting forth and criticising of the different older systems, Cicero stitched together the Epicurean, Stoic, and Syncretist writings handling the same problem, as they came or were given to his hand, into a so-called dialogue. And all that he did on his own part was, to supply an introduction prefixed to the new book from the ample collection of prefaces for future works which he had beside him; to impart a certain popular character, inasmuch as he interwove Roman examples and references, and sometimes digressed to subjects irrelevant but more familiar to the writer and the reader, such as the treatment of the deportment of the orator in the *De Officiis*; and to exhibit that sort of bungling, which a man of letters, who has not attained to philosophic thinking or even to philosophic knowledge and who works rapidly and boldly, shows in the reproduction of dialectic trains of thought. In this way no doubt a multitude of thick tomes might very quickly come into existence –'They are copies,' wrote the author himself to a friend who wondered at his fertility; 'they give me little trouble, for I supply only the words and these I have in abundance.' Against this nothing further could be said; but any one who seeks classical productions in works so written can only be advised to study in literary matters a becoming silence." (612-613)

etc.¹⁹ On the other hand, already Johan Nicolai Madvig, whose edition of Cicero's *De finibus* in 1839 marks the beginning of a new era in the study of Cicero's philosophical writings (and in philological criticism in general), took Cicero's self-deprecatory remark at *Ad Atticum* XII.52.3 –or rather his reading of the remark²⁰– quite literally; indeed, he also took it for granted that in presenting a philosophical doctrine or theory Cicero habitually relied on a *single* authority²¹, thereby opening wide the door to source-analytical speculations.²²

Mommsen's treatment paradigmatically represents the kind of entanglement of Cicero's intellectual pursuits with his political life which Walter Nicgorski has aptly described as “a fabric of criticism in which is woven together an assessment of Cicero the man, the political leader, and the philosopher” (NICGORSKI 1978: 76). Within this fabric of criticism the facts of Cicero's personal and political life as they can be gathered from his correspondence and speeches have tended to become “the basis for evaluation and explanation of his philosophical writings” (*ibid.* 77). In general, the suspicion has been that Cicero's political involvement must have skewed or attenuated his philosophical pursuit, either because the latter suffered from its secondary place in Cicero's life, or because it was inevitably informed by his needs,

¹⁹ DRUMANN 1841: 206ff. Cf. e.g. DOUGLAS 1968: 4. For an early report of the perception of Drumann and Mommsen as “directly responsible for the succeeding long period during which Cicero was greatly undervalued not only as a public man but as an author” see CANTER 1912: 159ff. On Canter's diagnosis the previous “blind adulation” of Cicero was due partly to “the undoubted admiration felt for Cicero as a stylist”, the impeding influence of which is apparent already in the Renaissance, and partly to “the importance attached to Cicero's philosophical and political writings preceding and following the French revolution”. See also e.g. BOISSIER 1897: 23 and SLAUGHTER 1922.

²⁰ Cf. BARNES 1985: n.6.

²¹ Cf. BARNES 1985: n. 2.

²² MADVIG 1839: lxiv n. 2; cf. MANSFELD 1999: 19, n. 59. Madvig was also influenced by the overlaps between passages in Book I of Cicero's *De natura deorum* and newly discovered fragments of the Epicurean Philodemus' work *On piety*, preserved on Herculanean papyrus scrolls, which were so striking that the first editions of the Herculanean material identified the author as the Epicurean Phaedrus, mentioned as a source by Velleius in *ND* I; cf. MADVIG 1839: lxiv; HIRZEL 1877: 1, 5; cf. also GIGANTE 1995: 40-41). The hypothesis that Philodemus' work was one of Cicero's major sources for *ND* I seems tenable even today, see WALSH 1997: xxviii.

concerns and commitments as a Roman politician. On more hostile versions of the criticism, Cicero's philosophical work served as simply a rationalisation for his way of life and political courses, or a vehicle for his reckless and never-ending quest for influence –depending on how unfavourable our assessment is of Cicero's intellectual and/or moral shortcomings as a politician (cf. *ibid.* 77-79). The more disinclined we are to believe that Cicero was able to live up to his professed ideal of “serving” the commonwealth and his fellow-citizens, or did get it right, the more sceptical we become about the professed philosophical foundations of his approach to politics. Even on the mildest version of the criticism, however, Cicero's attitude to Greek philosophy was more superficial than his own assertions might suggest: as primarily an orator politician, he participated in philosophy only to the degree that he could, and probably had no time, use or aptitude for its more theoretical and technical aspects.

A further factor in the formation of the widespread scholarly perception of Cicero as a compiler or mechanic copier was a renewed scholarly interest, in the late nineteenth and early twentieth century, in reconstructing the doctrines and development of the Hellenistic philosophical schools. The idea that in presenting philosophical doctrines and arguments Cicero closely relied on Greek sources (and that he used as few sources as he could in working out a single theme) was found both appealing owing to the great need for using Cicero's texts as secondary sources, and plausible owing to a general view of Roman intellectual life as a transmitter of Greek thought rather than equal to it. It became a standard preoccupation to cull the dialogues for evidence on Cicero's sources; but for the most part source-critical inferences from such limited evidence as can be found in the *philosophica* are inconclusive unless one accepts in addition rather strong assumptions on Cicero's methods of composing, such as the

principle that Cicero habitually relied on a single source for a single topic.²³ Indeed, even by such questionable assumptions source-critical investigations have for the most part failed to produce decisive results for Cicero. In the rare cases where a long-standing and convincing consensus has been reached regarding Cicero's source(s) (such as in the case of *De officiis*) this is due to strong internal or external evidence.²⁴

Revisionist reactions to this approach also have a long history now, from Pierre Boyancé's seminal attack on *Quellenforschung* (BOYANCÉ 1936(=1970))²⁵, through A. E. Douglas' influential discussions (DOUGLAS 1965, 1968 (esp. 28-9), 1973), to more recent contributions by Jonathan Barnes, Miriam Griffin and many others.²⁶

Besides a growing awareness of the methodological problems with source-criticism as

²³ See the axioms of *Quellenforschung* as outlined and criticised by A. E. Douglas, DOUGLAS 1968: 28ff; cf. also BARNES 1985: 229, DYCK 1996: 18-19 and 2004: 50-51. A typical example of this kind of source-analysis is Rudolph Hirzel's (HIRZEL 1882) treatment of *De finibus* III. Hirzel first (*ibid.* 567ff) asks whether in writing the book Cicero relied on a single source, or he used a plurality of sources. He argues that the former must be the case, on the grounds that Cato's exposition represents a coherent and well thought out plan, which cannot be plausibly attributed to Cicero's authorship: „*Dass Cicero diesen Plan selbst entworfen habe, ist eine Annahme, die wohl allen denen, die seine philosophische Schifflerei kennen, fern liegt*“ (575). This conclusion, according to Hirzel, is further supported by Cato's short eulogy on the coherence and deductive structure of the Stoic system at *De fin.* III 74, and his frequent references to this structure throughout his speech (26, 33, 41, 50, 55), which clearly show that Cato does not consider himself the author of the plan he is following (575: *Hiernach hat der Darstellende den Zusammenhang in die Gedanken nicht erst hineingebracht sondern ihn bereits vorgefunden und sich daran gebunden*). Needless to say, these passages support Hirzel's conclusion only on the assumption that Cicero himself cannot himself be expected to produce a continuous account of the Stoic theory as he knows and understands it. After careful consideration Hirzel names Polemo as the probable source for the book (592ff). Another classical example of the old-fashioned source-critical approach to Cicero's work is THIAUCOURT 1885; see further e.g. von Arnim, *SVF*, I xxviii-xxix (who opts for a doxographical source); LÖRCHER 1911 (various Stoic authors, including Chrysippus and Diogenes); SCHÄFER 1934 (Antipater or a member of his school); PHILIPPSON 1939.

²⁴ Cf. DYCK 1996: 17-21 and 28; ATKINS–GRIFFIN 1991: xix-xxi. Even in the case of *De officiis* I-II, however, where we are on the firmest ground, it is difficult to tell just how dependent Cicero is on his source (namely Panaetius' three books 'On duties'), cf. ATKINS–GRIFFIN 1991: xxi and DYCK 1996: 20-21, who argues that a more moderate and reflective approach to source-criticism may come to the aid in this regard. For a more sceptical reading of *De officiis* I-II see LEFÈVRE 2001; see also the review by J. G. F. Powell, *Bryn Mawr Classical Review*, 2002.08.40.

²⁵ Boyancé was not the first to question the traditional view of Cicero's lack of originality, though; see e.g. Jules Martha's introduction to the Budé edition of *De finibus* (MARTHA 1928), and H. Rackham's favourable response in his review of the edition (RACKHAM 1930).

²⁶ BARNES 1985; STRIKER 1995; GRIFFIN 1992: 715-728; 1995; MANSFELD 1999: 13-16; for further recent contributions on Cicero and philosophy see the articles collected in FORTENBAUGH–STEINMETZ 1989; BARNES–GRIFFIN 1989 and 1997, POWELL 1995. Cf. further e.g. RAWSON 1975: Ch. 13; MACKENDRICK 1989; POWELL 1995: esp. 8-9, n. 20, DYCK 1996: 18ff, 2004: 50-51; WARDE 2006: 28.

traditionally practiced, and that a systematic investigation of Cicero's background, concerns and procedures in discussing Hellenistic philosophy is needed in order to make better use of him as a doxographical source, the re-evaluation of his intellectual contribution gained impetus also from a renewed scholarly interest, in the second half of the twentieth century, in the tradition to which he claims adherence in his late philosophical works: the tradition of Academic Scepticism.²⁷

Alongside these trends the mere habit of reading Cicero as a sourcebook –the habit of reading and interpreting Ciceronean passages as if they were primary sources on Hellenistic philosophy in Latin translation– long survived, and is not quite dead even today.²⁸ Partly, this may be due to the widespread use of authoritative sourcebooks such as von Arnim's *Stoicorum Veterum Fragmenta (SVF)* or –to mention a more recent example– Anthony Long's and David Sedley's excellent *The Hellenistic Philosophers (LS)*, which (their obvious merits notwithstanding) present a great number of extracts from Cicero as “testimonies” or “fragments”, virtually dismembering Cicero the writer.

But this methodologically questionable approach to Cicero's texts seems to me to receive further encouragement also from a false assurance generated by the new consensus which has been emerging in the last decades concerning Cicero's merits as an expositor and transmitter of Hellenistic thought. This consensus, crudely summarised, involves the following two claims.

First, practitioners of old-fashioned source-criticism have failed to pay due respect to the evidence presented by Cicero's own descriptions of his approach and procedures. On the one hand, as we have seen, Cicero's professed general aim in embarking on

²⁷ Cf. e.g. BRITAIN 2006: viii.

²⁸ Cf. e.g. STRIKER 1995: 57-58.

philosophical writing in the last years of his life was to put philosophy on display before a wider Roman audience, so as to advance the learning of his fellow citizens, and especially the politically ambitious youth. That is, he regarded himself a pedagogue and an interpreter of Greek wisdom rather than a professional philosopher. On the other hand, however, in the preface of *De finibus* I, where he gives a fairly clear statement of the nature and method of his philosophical writing in general, he insists that his works are not thoroughly derivative: they are contributions to the rich tradition of philosophical literature that are not devoid of interest in their own right. On this account (which has parallels in *Acad.* I 10 and *De off.* I 6, II 60, III 7), in “putting into Latin themes which philosophers have subtly treated in Greek” (*De fin.* I 1) Cicero “does not perform the task of a translator (*interpres*)” (I 6; cf. 7); he “preserves the views” of the philosophers whom “he considers sound” (*ibid.*: *tuemur ea, qua dicta sunt ab iis, quo probamus*²⁹), while adding his own “order of composition” and “judgement” (*nostrum iudicium et... scribendi ordinem adiungimus*), so his treatments are no less worthy of reading *per se* than any treatment by a Hellenistic philosopher is of the same subject that has already been covered by founders of his school (especially as they are “written with brilliance”).

As we can see, then, Cicero does not boast to be a particularly original thinker; nevertheless he insists that his work as a philosophical writer involves more than producing patchworks of translations or paraphrases: it involves, as Miriam Griffin has put it, “not just repeating the issues but really understanding them” (GRIFFIN 1992: 721). Even when he admits his reliance on a single main source, as in *De officiis* Books I and II (where he draws on Panaetius’ *Peri kathēkontōn*), he

²⁹ I assume that *probamus* does not refer to the kind of “approval” which is the aim of the Academic method of examining the dogmatic views (on which see my discussion in Chapter III.1); rather, it may refer to Cicero’s assessment of a dogmatic authority as source for a given school’s doctrine –note that *probamus* has persons, rather than views as its object here; note also the immediate context.

emphasises his relative independence in working up his material (*De off.* I 6). As to the alleged contrary evidence presented by *Ad Atticum* XII.52.3, we should altogether dismiss it on the grounds that (i) the textual corruption immediately preceding the quotation makes the reference uncertain, and that (ii) even by assuming that the remark refers to the *philosophica* in general, it may well represent Cicero's characteristic mock-modesty.³⁰

Second, *there is no good reason to discredit* Cicero's self-presentation as a competent expositor of philosophy. For from his works and letters we can gather a wealth of information on his intellectual background, his early and ongoing engagement with philosophy, his readings and his exchanges with other learned Romans and leading Greek intellectuals. On the basis of this evidence we can be fairly certain –or so the argument goes– that Cicero was well-placed to perform the task he set for himself. As Jonathan Barnes has put it:

...[he] had all the equipment, both mental and material, for doing what the *De finibus* claims he does. When, in his later years, Cicero turned to the writing of philosophy, he was dealing with a subject in which he was thoroughly versed. He had a lifetime's study behind him, a prodigious memory to rely upon, capacious libraries to aid him. He had no need to follow a single source or to resort to continuous translation or paraphrase. (BARNES 1985: 232)

I would like to record that I largely agree with this favourable assessment. Indeed, I think that as far as the first part of the above argument –the appeal to Cicero's own indications– is concerned, we could further augment it by pointing out Cicero's depiction of philosophical conversations between himself and his contemporaries in the dialogues. To be sure, the dialogues, as Cicero's own contemporary readers were supposed to know, are fictitious (see the famous reference to *mos dialogorum* at *Ad*

³⁰ For the dismissal *Ad Att.* XII.52.3 cf. DOUGLAS 1965: 136; BARNES 1985: n. 6; POWELL 1995: 8 n.20, WARDE 2006: 29 and n. 102. The importance of *De fin.* I 6 and *De off.* I 6 (*vis a vis* the alleged evidence of the *apographa* passage) has been noticed already by Jules Martha in his introduction to the Budé edition of *De finibus* (MARTHA 1928).

fam. IX. 8. 1; cf. also *De Or.* I 97; II 13; II 22; *De Re P.* I 15). But Cicero's main reason for rewriting the *Academica* was that, contrary to his own claim at *Lucullus* 4, his speakers in the original version, Hortensius, Catulus and Lucullus (all optimate aristocrats belonging to an elder generation³¹), were well known not to be up in the scholarly matters put into their mouths (*Ad Att.* XIII.12.3; 16.1; 19.3-5); and his brief discussion of the problem indirectly suggests that the same problem does not hold for the characters he chose in writing *De finibus*; indeed, we learn that his first idea was to recast the *Academica* with Cato and Brutus as his main interlocutors. The natural conjecture is that the conversations with Torquatus, Cato and Piso are meant to be more or less realistic; Cicero's choice of them as spokesmen (as well as his choice of Brutus as dedicatee, cf. I 8, III 6) is meant to underline his claim in the preface of book I that the expositions given by him are no less accurate than those given by the schools' own proponents (*De fin.* I 13).

In particular, it is realistic that Cato, whom Cicero portrays as spending his leisure in Lucullus' library surrounded by Stoic works, can expound "the whole system" in a continuous speech –that is, he is fully capable of recalling, selecting and arranging points of interest to him into a coherent account of the Stoic theory, because he is widely read in the Stoic authorities, has thoroughly absorbed them, and renews his knowledge by reading whenever he can in order to prevent it from getting rusty (as he was doing just before Cicero entered the library). The account of Stoic ethics that we get in *De finibus* III, Cicero wants his readers understand, is the kind of account that can be expected from such a person. At the same time, however, the readers are supposed to keep in mind that the actual author of the account is Cicero (cf. again I

³¹ Cicero's choices of famous Roman statesmen as speakers in his dialogues is no doubt part of his strategy to raise the status of philosophy (cf. STRIKER 1995: 53), but the political subtext is also significant.

13: *a nobis... expositam*), who, as *De finibus* I 6 suggests, is nearly as well versed in Stoic authorities as his character (cf. also his self-characterisation at *ND* I 11-12, where he suggest that an Academic sceptic is supposed to master all the dogmatic systems). Cicero's message, that is, is rather clear: his account of Stoic ethics is not a transcript; it is an account given by an educated Roman –and at that an Academic sceptic– who is well acquainted with the theory as presented by the School's own authorities, and has at least some of them at hand to look into when on particular points he needs guidance.

I would like to argue, however, that we should not take this consensus as a pretext for reading Cicero in a mechanical way, simply assuming that Cicero's accounts of various philosophical doctrines and theories are, in accordance with his own indications and promises, fairly dependable testimonies. This is neglecting one of the respectable considerations behind the reappraisal of Cicero's intellectual contribution: that in order to make better use of him as an important source on Hellenistic philosophy we have to learn more about his cultural and intellectual background, his perspective, motives and concerns in writing etc. Yet this is what often happens, particularly in the case of the account of Stoic ethics in *De finibus* III: passages of it are quoted and analysed as direct evidence on orthodox Stoic doctrine, virtually in the same way as if the obsolete view of Cicero as a clumsy transcriber would be still in force (only ignoring the question concerning Cicero's probable source).

This is all the more strange as in this particular case there is an alarming indication that there may be something wrong with Cicero's perspective. It is widely agreed that the criticism and refutation of the Stoic theory he presents in Book IV –through the character wearing his name in the dialogue– does seriously misrepresent the Stoic theory, by missing substantial philosophical points and conflating the Stoic theory

with what Cicero knows (through Antiochus' presentation) as the "Old Academic" tradition.³² This fact is habitually neglected when it comes to Stoic ethics and *De finibus* III; which warns me that in addition to blind reliance on Cicero's self-professed authority there are also some further factors at play here. If it is generally agreed that *De finibus* IV is strongly informed by an Antiochean perspective, but this is not thought of as compromising the value of *De finibus* III as a testimony on Stoic ethics, this must be due to some further assumptions to the effect that the interpretation and refutation of the Stoic theory in *De finibus* IV is not to be directly identified with Cicero's actual views.³³

Interpreters often stress Cicero's professed didactic concerns, suggesting that the whole dramatic machinery employed in the dialogues, including the Cicero characters figuring in them, serves to edify the readers –to introduce them into serious engagement with philosophical problems– rather than to persuade or influence them on any particular point or in any particular direction. In connection with this one may even argue that Cicero actually does not want his readers think that the case is closed: the refutation of the Stoic theory presented by the character wearing his name in the dialogue has failed to take into account some of the important points of Cato's account (such as 21-25, 33-4 etc.); so when at the end of Book IV (80) Cato indicates that he has more to say in response to Cicero's arguments, this is not hot air (rather, it is an invitation for the reader to dig deeper into the issue). Again, it is often assumed (often in conjunction with the above assumptions) that Cicero's Academic sceptic stance allows him to pursue and analyse such debates from an external point of view,

³² Cf. e.g. WHITE 1979: 164-165, STRIKER 1996: 269 and 288; ANNAS 2001: 91 n. 2, 3; 99-100 n. 20-21; GILL 2006: 167-173.

³³ The separation of *De finibus* III and IV is underwritten by the apparent discrepancies between Cato's exposition and Cicero's response, see my discussion above, and n. 17; on the outdated view of Cicero as mechanic copier this could be readily explained by the assumption that Cicero uses different sources for the two books: a Stoic treatise for Book III and Antiochean material for Books IV and V.

without compromising his objectivity and impartiality; his advocacy of the Antiochean theory in *De finibus* against the Stoics simply represents in a dramatised way his method of considering every debated point from both points of view (so if he wants to persuade his readers about anything this is the usefulness and preferability of the Academic approach).³⁴

In **Part II** and **III** I shall argue to the effect that such assumptions create a misguided feeling of security about Cicero's treatment of Stoic ethics in *De finibus* III. For the time being, however, I would like to re-examine the alleged justification of Cicero's self-presentation as a competent expositor of Greek philosophy in his former letters and works (the second point in my above summary of the new consensus). I shall argue that as far as this justification is concerned, we have reasons for some moderate scepticism: Cicero's own claims to the effect that he had a lifelong serious engagement with philosophy are less firmly supported by the biographical evidence than Boyancé (1936: see esp. n.3, 294-7) and his followers have held. In a way I would like to resurrect the suspicion that lay behind the old consensus of degrading Cicero to a mindless copier: that his intellectuality must to some extent have been

³⁴Annas' introduction to *De finibus* in ANNAS 2001 seems to me to provide an excellent illustration of the combination of such assumptions. According to Annas (xv) "in the works written at the end of his life he has a different aim; he is introducing the reader to philosophical engagement with the major positions that philosophers debate. (...) The most important function of the dialogue form is thus its epistemological one, the way it forces readers to think for themselves about the ideas being presented". Annas rightly notes that Cicero "does not pretend to be neutral himself"; nevertheless she (xvi-xvii) emphasizes that the Cicero character in the dialogues "is not to be straightforwardly identified with the author Marcus Tullius Cicero. 'Cicero' is the figure who shows us that the searcher for truth will take positions seriously, but always be open to the force of arguments against them". Moreover, Annas (xii) suggests that the fact that Cicero "appears to have gone back and forth on the arguments for and against the Stoic view all his life". Cf. also e.g. BRITAIN 2006: xi-xii: "Cicero's choice of the adversarial dialogue as the appropriate form for the exposition of philosophy to his fellow-citizens was at least partly influenced by his own philosophical position as an Academic sceptic. (...)The format of adversarial dialogue thus allows Cicero to introduce a range of philosophical views without compromising his stance as an Academic or imposing his own authority on the reader. Each side is subjected to a critical examination, and the debate is left unsettled by the interlocutors. One implication of this method is that Cicero takes both (or all) sides seriously and invites his readers to do the same. This means that we should be cautious in inferring Cicero's views directly from the arguments he presents as an interlocutor in the *Academica* (or elsewhere): the purpose of the dialogue is to investigate the arguments for *and* against ..., not to show that one side is right".

compromised by his political life. However, my aim in doing so is to make real the essential need to systematically reflect on the various determinants that impact on Cicero's project as a philosophical writer when we read his testimonies.

In the following chapters I shall provide a more or less comprehensive survey of Cicero's intellectual career up until his first period of literary composition. I shall raise some general worries about the value of the alleged evidence of his intellectual life during his political career, but throughout I shall keep an eye out for indications of his knowledge and perception of Stoic ethics in particular. For a start (Chapter **I.2**), I shall survey the evidence (provided by Cicero himself) on his philosophical schooling as a youth. Although during these formative years (from about 90 to 78) Cicero never lost sight of his ensuing career as an orator, his philosophical education seems to have been extraordinary by the standards of his day, which seems to lend support to his later claims to the effect that from his early youth on he developed a real zeal and flair for philosophy. However, I shall argue that as far as Cicero's knowledge of Stoic ethics is concerned, his later claims to have been taught by Diodotus and Posidonius in this period seem to give rise to some worries. Diodotus on the one hand is a rather shadowy figure, and we do not have any direct or indirect evidence that Cicero learned ethics from him. Posidonius in turn was the most famous Stoic philosopher of his time; but Cicero seems to be curiously unaware of his specific concerns and developments in ethics.

Second (Chapters **I.3-4**), I shall focus on the more than two decades that passed from Cicero's return to Rome from Asia in 78 BC to the beginning of his first period of literary composition in 56 BC. The great bulk of the evidence on Cicero's intellectual interests and pursuits in this period comes from his correspondence with Atticus (from 68 BC onwards). I shall argue to the effect that the picture emerging from this

evidence slightly interferes with Cicero's later self-presentation as a seriously intellectual person and a philosophically enlightened statesman throughout his life. Building on insights for which I mainly owe to Cynthia Damon's and Kathryn Welch's thought-provoking articles (DAMON 2008, WELCH 1996) I shall point out ways in which Cicero's probable pragmatic concerns –related to fostering his friendship with Atticus, and indeed to political manoeuvring– may compromise the value of his various references to intellectual (and especially philosophical) interests and pursuits in the letters from this period.

Third (Chapter **I.5**), I shall turn to Cicero's first period of literary composition. In this period Cicero clearly resurrected his intellectual life and made extensive research in writing his voluminous works on rhetorical and political theory (*De oratore*, *De Re Publica*, *De legibus*). But these works were evidently not the manifestations of purely scholarly or intellectual concerns; at least in part they were attempts to make use of the resources of Greek learning in developing Cicero's public persona as an optimate statesman.³⁵ Moreover, we have no positive evidence that his acquaintance with Stoic ethics considerably deepened in this period. Indeed, as I shall conclude, Cicero's views on Stoic ethics do not seem to undergo much development throughout his life: from the philosophical digression in his *Pro Murena* (surveyed in Chapter **I.4**) onwards he constantly upholds, with variations in emphasis and intonation, the same views: that (a) the rhetoric and content of Stoic ethics is unsuitable for a Roman public man, and (b) as a theory it represents an unsuccessful attempt to establish a more radical version of ethical moralism than represented by the Platonic–Aristotelian

³⁵ On a more positive note, they may be rightly regarded as the first serious attempt to develop, by adopting Greek intellectual traditions, a coherent optimate ideology; and one of Cicero's main concerns in developing this ideology seems to have been to diminish the distance between the values and concerns projected by the public self-presentation of the optimate elite and those actually informing their political practice.

tradition. While the latter view clearly owes to Antiochus of Ascalon's influence (and presumably to New Academic traditions that may have been known to Cicero independently of Antiochus' teaching but on which Antiochus also drew), the former is not Cicero's own invention either: it is Cicero's adaptation to his native political culture and ideology of a philosophical (perhaps also Academic) argument against the Stoics.

To be sure, there are aspects of Stoic ethics to which Cicero is more sympathetic –I mean the Stoic conception of the connection between virtue and social life, altruism, self-sacrifice, friendship etc., the natural foundations of law in right reason, and some related themes. But I shall argue that here as well Cicero's sympathy may be indebted to Antiochus' influence rather than his own independent judgement. At the end of the day, then, there is no sign that Cicero, either as an Academic sceptic or simply as an intellectual Roman, ever remained one to one with Stoic ethics, as he should have in order to become the unbiased interpreter and expositor that he claims to be in his late *philosophica*.

Finally, I shall also indicate a point that will become clearer when in **Part III** (Chapter **III.1**) I shall describe Cicero's presentation of his Academic scepticism in the *Lucullus* and also in *De finibus*: that the confident Academic sceptic whom we encounter in the late *philosophica* is not present in this form in the earlier works; even if we give heed to Woldemar Görler's forceful arguments to the effect that *De legibus* I is not written by an adherent of Antiochus' philosophy, but rather reveals Cicero's Academic leanings, it remains true that there is a discrepancy between Cicero's attitude to Academic scepticism in this work and in the late *philosophica* (see Chapter **I.5** end).

I.2 Cicero's philosophical education

First, then, a concession. In his writings Cicero is consistent about claiming that in his youth he devoted much enthusiasm and time to philosophical studies (cf. e.g. *Tusc.* V 5, *De div.* I 22; *De off.* II 4); and for all we know, the breadth and depth of the philosophical education that he received as a youth was indeed exceptional. He was exposed to distinguished teachers of all the major philosophical schools, and the great deal of time he spent in these studies seems to indicate a genuine enthusiasm.

In the intellectual autobiography of the *Brutus* (305-316) Cicero puts noticeable stress on his philosophical education.³⁶ To be sure, at the time of writing the *Brutus* –the first fruit of Cicero's retirement in 46 BC, written as a supplement to the three books of *De oratore*– Cicero was perhaps already contemplating the idea of resurrecting Cicero the philosopher; thus in principle there is a possibility that he overstates his philosophical education; but as Cicero himself indicates (at 307), Atticus' presence as an interlocutor in the dialogue serves as a guarantee of the accuracy of his account of his education (Atticus was an associate and often a co-student of Cicero in his formative years, and as a highly educated Roman himself he is a competent witness); and in any case, we have no better material to go on.

At *Brutus* 306 Cicero says:

³⁶ Another important autobiographical passage is *De oratore* II 1-5, where Cicero relates that his father was very active in promoting the education of him and his brother Quintus, and that on moving to Rome (in 96 BC) they, together with two cousins of them, were attended by the famous orator Lucius Crassus, in whose home they were “not only studying those subjects which attracted Crassus, but were being instructed by the teachers he made his friends”; cf. also *Orator* 146. For an account of Cicero's early education until approximately 88 BC see CORBEILL 2002.

At the same time [89-8 BC³⁷], when, owing to the Mithridatic War, Philo (the scholarch of the Academy) fled Athens with the Athenian *optimates*, and had arrived in Rome, stirred by an amazing enthusiasm for philosophy I gave my time wholly to him. The reason I spent so long in his study – although the variety and magnitude of the subjects themselves held me with great delight – was that the order of the law courts seemed to have disappeared for ever.³⁸ (Charles Brittain transl.)

To be sure, Cicero's acquaintance with philosophy did not start here: the first philosopher whose lectures he attended in Rome was probably the Epicurean Phaedrus (*Ad fam.* XIII.1.2; cf. *Ad Att.* XIII.39.2, XVI.7.4; *Phil.* V 13, *ND* I 93, *De fin.* I 16). And he certainly did not confine his attention to philosophy at this point; in the same year he also attended the lectures of the rhetorician Molo of Rhodes (see again *Brut.* 306), and by this time he had attached himself to Quintus Scaevola, a renowned expert in jurisprudence (*ibid.*). Apparently, from this time onwards he identified himself as an Academic Sceptic – at least he does so in his first rhetorical work, *De inventione* (II 9-10), presumably written sometimes in the 80's, at the same time promising that he will continue practicing the Academic method of searching for the truth for the rest of his life.³⁹ But his interest in the New Academy probably originated at least partly in his practical interest as a budding orator in Philo's renowned work in rhetorical theory.⁴⁰

³⁷ In the preceding line Cicero gave the year of Sulla's and Pompey's consulship.

³⁸ *eodemque tempore, cum princeps Academiae Philo cum Atheniensium optimatibus Mithridatico bello domo profugisset Romamque venisset, totum ei me tradidi admirabili quodam ad philosophiam studio concitatus; in quo hoc etiam commorabar adtentius –etsi rerum ipsarum varietas et magnitudo summa me delectatione retinebat –, sed tamen sublata iam esse in perpetuum ratio iudiciorum videbatur.*

³⁹ In *De or.* I 5 Cicero dismisses *De inventione* as an immature effort that “has slipped out of the notebooks of my boyhood”. The continuity of Cicero's adherence to Academic Scepticism has been recently questioned by John Glucker (GLUCKER 1988) and Peter Steinmetz (STEINMETZ 1989); they both argued that during his stay in Athens in 87 BC Cicero converted to Antiochus' Old Academy, and returned to the New Academy only some time in 45 BC, immediately before setting out to compose the *Academica* and *De finibus*. Their arguments have been forcefully countered by Woldemar Görler (GÖRLER 1995); see also GRIFFIN 1995: 334-5, which seems to have restored the traditional view, see e.g. Cf. ANNAS 2001: xv and n. 9; BRITTAİN 2007: xi n. 9. I shall return to the question concerning Cicero's lifelong scepticism in Chapter III.1.2.

⁴⁰ On Cicero's view the Academics and Peripatetics offered the best training in oratory: *De orat.* III 80, *Brut.* 120, 332.

Nevertheless in the preface of book I of *De inventione* he for the first time presents himself as being concerned about the advantage of his fellow-countrymen and the republic, and upholds the view that while wisdom (*sapientia*) without eloquence is of little use to states (*parum prodesse civitati*), eloquence without wisdom is often most mischievous, and never advantageous to them: someone who “neglecting the most virtuous and honourable studies of reason and duty” (*omissis rectissimis atue honestissimis studiis rationis et officii*) devotes all his attention to the practice of speaking is training himself to become useless for himself and mischievous to his country (*De inv.* I 1).

We should also keep in mind that Cicero’s formative years (as he himself emphasises) coincided with an extremely turbulent period of the Late Republic’s history, the Social War (91-88) and the ensuing years of constant upheaval, which led to open violence between the optimates and *populares* in 83-82, and to Sulla’s dictatorship (82-79). Thus it seems not unlikely that philosophy exerted great influence on the young Cicero, and that it remained a *per se* part of the “studies of every kind” with which he preoccupied himself “day and night” in the ensuing years (*Brutus* 308-9: *omni noctes et dies in omnium doctrinum meditatione versabar*)⁴¹, before he made his debut as pleader in the court, which he delayed up until “the re-establishment of the laws and courts of judicature”, and “the restoration of the commonwealth” under Sulla’s dictatorship (82-81 BC; cf. *Brutus* 311-2).⁴²

At any rate, it was during this period that Cicero employed the Stoic philosopher Diodotus as his personal preceptor, “particularly in logic”, but also in various other

⁴¹ In his rhetorical works Cicero constantly insists that the ideal orator be equipped with a comprehensive mastery of every “part” of learning; cf. e.g. *De orat.* I 5ff, II 5ff.

⁴² Cicero’s first published speech, delivered in a private case on behalf of P. Quinctius, dates from 81 BC, but at the beginning of the speech Cicero refers to other cases he had undertaken (probably in the same year); *Pro Quinctio* was perhaps the most significant among these first appearances in civil actions.

parts of learning (*Brutus* 309: *cum aliis rebus tum studiosissime in dialectica*). The philosopher took up residence in Cicero's household, where he remained until his death in 59, and in his later writings Cicero often mentions him on a par with his more illustrious philosophical teachers.⁴³ It is unclear whether Philo ever returned to Athens after the city's occupation by Sulla's forces in 86 BC; for all we know it is possible that he remained in Rome until his death in 84-3 BC –thus Cicero may possibly have enjoyed his teaching for 4 or 5 years.⁴⁴ If so, and if Cicero's characterisation of Academic scepticism as aiming at the mastery of all dogmatic philosophical systems in order to discover the truth reflects Philo's approach⁴⁵, then the breadth of the philosophical education Cicero received in these years must have been exceptional. As Philo's pupil he may probably have adopted at an early age a more open-minded and technical attitude to philosophy than was usual among his peers (cf. again his avowal at *De inventione* II 9-10; cf. *Lucullus* 8-9).

However this may have been, it is striking to realise how much time (probably over a decade) the young Cicero seems to have spent with protracted studies. Partly, as he himself suggests in the *Brutus*, this may have been due to the circumstances: the political disturbances in these years (which made Cicero's friend Pomponius –the later Atticus– leave Italy for Athens in 85) were everything but encouraging for launching a career in public speaking. Another reason was perhaps Cicero's characteristic penchant for extraordinary precaution and hesitation in the face of

⁴³ Cf. *Luc.* 115 (where he says that he listened to Diodotus from his boyhood (*a puero*)); *ND* I 7, *Tusc.* V 39, 113, *Ad Att.* II.20.6, *Ad fam.* IX.4.1 (where Cicero refers to Diodotus' views *peri dunatōn*), XIII.4.6.

⁴⁴ Cicero's philosophical and other pursuits were halted by a short military service under Gnaeus Pompeius Strabo in 89 and under Sulla in 88.

⁴⁵ At *ND* I 59 Cotta says that during his time in Athens (in the early 80's) he often heard Zeno of Sidon lecture: "in fact our teacher Philo, who used to call Zeno 'the Epicurean chorus-leader', himself encouraged me to attend [his lectures], doubtless so that after hearing the Epicurean doctrines expounded by the leader of their school, I would more readily appreciate how well Philo refuted them" (P.G. Walsh transl. –my amendment).

important decisions: he wanted to avoid any chance of making a less than successful first appearance (this is also suggested at *Brutus* 311).⁴⁶ But, if we are to believe Cicero's own frequent claims in his later writings and letters, a third reason may have been simply that he took great pleasure in learning (see e.g. the above quotation from the *Brutus: me delectatione retinebat*).

Moreover, Cicero's studies did not end in 82-81. He "had been two years at the bar" when in 79 BC he decided to travel abroad to undertake further rhetorical training (*Brutus* 314).⁴⁷ He remained abroad for two years, the first six months being spent in Athens in the company of Atticus, his brother Quintus, cousin Lucius and other young Romans. As we learn from the *Brutus*, in Athens Cicero's focus temporarily shifted back to philosophy:

When I came to Athens, I spent six months with Antiochus, the principal and most judicious philosopher of the old Academy; and under this most excellent teacher and scholar I renewed those philosophical studies which I had never ceased to cultivate and indeed improve from my earliest youth.⁴⁸ (*Brutus* 315)

Meanwhile he took lessons by the rhetorician Demetrius of Syria (*ibid.*), and renewed his acquaintance with the philosophy of the Garden, attending the lectures of the famous Epicureans Phaedrus (whom he already knew from Rome) and Zeno of Sidon.⁴⁹ From Athens he journeyed to Asian coastal cities, where he was attended by

⁴⁶ Cf. MAY 2002: 4.

⁴⁷ According to his own explanation (*Brutus* 313) Cicero needed this protracted holiday in order to recover from a serious illness of his lungs; Plutarch, however, (*Cicero* 3. 2-5) gives another explanation, suggesting that Cicero left Rome from fear of Sulla's wrath (by defending Roscius Cicero crossed the schemes of Sulla's confidant Chrysogonus). Importantly, travelling to east to get advanced training was not unusual in Cicero's time, cf. GRIFFIN 1989: 4-5. Even the quite unphilosophical Iulius Caesar, who launched his forensic career around 80 BC, at the age of 23, travelled to Rhodes in 75 BC, to study rhetoric with Molon (cf. Suetonius, *Iulius* 4).

⁴⁸ *Cum venissem Athenas, sex menses cum Antiocho veteris Academiae nobilissimo et prudentissimo philosopho fui studiumque philosophiae numquam intermissum a primaque adolescentia cultum et semper auctum hoc rursus summo auctore et doctore renovavi.*

Cf. *De fin.* V 1: "I had been listening, Brutus, as I often did, to a lecture by Atticus with Marcus Piso". For Antiochus of Ascalon, see further Chapter II.3, and the literature listed in note 27 to Chapter II.1.

⁴⁹ He does not mention this in the *Brutus*, cf. however *Acad.* I 46 and *De fin.* I 16.

principal rhetoricians (as we learn from *De Re P.* I 13, he also spent a couple of days with the Roman statesman Rutilius Rufus, pupil of Panaetius, who was spending his self-chosen exile in Smyrna), and finally to Rhodes, where he reunited with his former teacher in rhetoric Molon. But in Rhodes he also must have met the Stoic Posidonius, with whom he struck up a close friendship; though in the *Brutus* he curiously omits mentioning this encounter, in his later writings he constantly refers to Posidonius as one of his main philosophical teachers and friends.⁵⁰

Thus far, we can see that Cicero's Stoic connections included the otherwise unknown Diodotus, and Posidonius, the famous Stoic master in Rhodes. At first glance, this is a promising start; and those who stress Cicero's education and ongoing engagement with philosophy never forget to take notice of it. But we should not overestimate the significance of these connections.

As for the former, in the *Brutus* Cicero says that Diodotus had been his tutor "in various arts", but particularly in logic.⁵¹ This claim is confirmed by a letter (*Ad fam.* IX.4) written to Varro in 46 BC (the same year in which Cicero wrote the *Brutus*), which opens with a playful reference to the disagreement between Diodorus and Chrysippus *peri dunatōn*, and to "our teacher Diodotus", who "could not stomach" Diodorus' position. As Boyancé pointed out, the letter not only reveals Cicero's acquaintance with a technical argument concerning necessity and probability years before discussing it in his *De fato*, but also suggests that it may date back to the times

⁵⁰ Cf. *Hort. fr.* 18, *De fin.* I 6, *Tusc.* II 61, *ND* I 7, 123, II 88, *De div.* I 6, II 47; cf. also *Ad Att.* II.1.2. (written in 60 BC); see further Plutarch, *Cicero* 4. 5. It is possible that Cicero first met Posidonius when the latter served as an ambassador to Rome in 87-6 BC, cf. Plutarch, *Marius* 45.7, and *ND* I 123, where Cotta's reference to Posidonius as an acquaintance of himself, Balbus and Velleius may recall Posidonius' visit to Rome –if so, Cicero is forgetting that Cotta was in exile in 87-6BC.

⁵¹ As we can gather from Cicero's references at *Brutus* 114, 205f and *De orat.* III 78, Cicero was not the only orator who profited from study of Stoic dialectics.

when Cicero studied with Diodotus.⁵² If so, we can see, on the one hand, that Diodotus discussed some rather theoretical and technical issues with his student; on the other hand, however, the topics of necessity and possibility belongs to logic, which was the main subject Cicero studied with Diodotus (although Cicero's treatment in *De fato* reveals that he is fully conscious of the topic's relevance to metaphysical doctrines on fate and providence). Beyond this, we know nothing of Diodotus' views, and have no clues whatsoever to his possible influence on Cicero's comprehension of Stoic philosophy in general and ethics in particular.

With Posidonius, the situation is even worse. Cicero's ongoing contact with him is testified by a letter from 60 BC (*Ad Att.* II.1.2), in which Cicero relates to Atticus, in a boasting vain, that he had sent to Posidonius a copy of his memoir (*commentarii*) on his own consulship, asking him to write up more elaborately on the same topics, but that Posidonius refused to do so, answering tactfully that he was plain frightened off it (on Cicero's interpretation, because the work was so brilliantly written). Notably, the exchange reported in the letter has nothing to do with intellectual pursuits, not to mention technical philosophy. But it is rather obvious that in his late period of composition Cicero frequently consulted Posidonius' works in writing about topics relating to natural philosophy (viz. metaphysics and theology). It is widely thought that in writing *De natura deorum* Book II and *De divinatione* Book I Cicero extensively used Posidonius as his source;⁵³ and at *De fato* 5-7 he mentions Posidonius' treatment of the topics in a dismissive manner (though emphasising that he does not want to offend the memory of his master).

⁵² Cf. GRIFFIN 1995: 339-340; see also SHARPLES 1991: i, n. 6. Cicero refers to Diodorus Cronus' 'Master' argument, according to which the truth of a prediction necessarily involves the occurrence of the event predicted (and its falsity the impossibility of the occurrence) –the position he is going to adopt at *De fato* 12-20, in opposition to the view attributed to Chrysippus; cf. ALGRA et al. 1999: 86-92, 116-121.

⁵³ On *ND* II see e.g. WALSH 1997: xxix-xxx; on *De div.* I see e.g. WARDE 2006: 32ff.

More to our concerns, we do possess explicit testimony about his use of Posidonius – and/or some sort of outline of his work by Posidonius’ pupil Athenodorus– at the time of composing Book III of *De officiis*.⁵⁴ What is curious about this evidence, however, is that in 44 November, when Cicero in a letter reports to Atticus that the topics of conflicts between morality and expediency, which has been left undiscussed by Panaetius, has been later taken up by Posidonius in his work of the same title, he apparently has not yet read Posidonius’ work: he knows something of its content, but his knowledge is imprecise and indirect.⁵⁵ When he finally gets the book, he is disappointed about the brevity of Posidonius’ treatment of the problem (*De off.* III 8).

A second and even more alarming sign of Cicero’s general neglect of Posidonius’ ethical work is his apparent unawareness of Posidonius’ famous criticism of Chrysippus’ psychology, which is especially conspicuous when in *De finibus* III 35 and in the *Tusculan Disputations* III and IV (esp. IV 11ff) he expounds the orthodox Stoic theory of emotions.⁵⁶

The issue is complicated by the fact that our main source on Posidonius’ alleged unorthodoxy is Galen (*PHP* 4-5)⁵⁷, but his testimony, according to which Posidonius in his treatise *On Passions* rejected Chrysippus’ unitary conception of the soul and

⁵⁴ Cf. esp. DYCK 1996: 484ff; ATKINS–GRIFFIN 1991: xix-xxi. In a letter to Atticus (*Ad Att.* XVI.11.4) Cicero explains to his friend that the problem left undiscussed by Panaetius –namely the problem concerning the conflicts between morality and expediency– has been taken up by Posidonius, and that he both sent for Posidonius’ book (*liber*), and wrote to Athenodorus for an outline (*ta kephalaia*) of the work. He asks Atticus to give Athenodorus a reminder; but about a week later (*Ad Att.* XVI.14.4) he says that there is no occasion to whip Athenodorus: he has already sent a very good *hupomnēma* (presumably the summary of Posidonius’ book Cicero requested of him). Notably, at *De off.* III 63 and 89 he also refers to a work ‘On Duties’ by Posidonius’ other pupil Hecato. Finally, in the preface of *De officiis* III (8) he expresses his disappointment about the fact that Posidonius only briefly touches upon this subject *in quibusdam commentariis* (probably *commentarii* is here an equivalent for *libri*), especially as he himself states that there is no more urgent topics in the whole of philosophy. Despite this dismissive tone Andrew Dyck (*ibid.*) argues that Posidonius may have served as Cicero’s source for a fair amount of the first third of the Book. In fact, it seems likely that the very notion that Panaetius left this important issue undiscussed came from Posidonius.

⁵⁵ Cf. DYCK 1996: 485-6.

⁵⁶ Cf. STRIKER 1996: 259-60.

⁵⁷ Cf. also DL VII 103 and 128, on which see COOPER 1999: 450 n. 4.

returned to the Platonic tripartite model, has recently been questioned.⁵⁸ Proponents of such sceptical interpretations typically consider Cicero's silence about Posidonius' secession a signal fact⁵⁹ (by contrast, Cicero is well aware of Panaetius' digression from orthodoxy on divination, cf. *De div.* I 6). In fact, not only is Cicero quite unaware of Posidonius' unorthodoxy, but he also fails to draw a clear distinction between the Platonic–Aristotelian (part-based) and the Stoic (monistic) conception of the soul (which would be a prerequisite to realising Posidonius' secession): in presenting Stoic psychological doctrines he repeatedly uses a language evoking the part-based model (Cic. *De off.* I 101, 132, II 8; *Tusc.* IV 10–11). This is all the more striking in view of his acute awareness of closely related issues, like the question whether the emotions are to be erased altogether, as the Stoics hold, or only moderated as the Peripatetics contend (cf. e.g. *Tusc.* IV 41-2, 39, 57; *Acad.* I 38); or the question whether there are “non-rational” virtues that are separable from wisdom (the Platonic–Peripatetic view), or the virtues are inseparable (the Stoic position; cf. *Acad.* I 38).⁶⁰

If we accept the traditional (Galenic) view of Posidonius as an unorthodox Stoic –or adopt an interpretation on which he tried to forge an intermediary position between Chrysippus and Plato⁶¹–, Cicero's conflation of the two psychological models may be thought to be due to Posidonius' influence. If, however, we completely reject Posidonius' unorthodoxy⁶², we will have to argue e.g. that Cicero fails to see the crucial difference between Stoic and Platonic–Peripatetic moral psychology because

⁵⁸ FILLION-LAHILLE 1984, COOPER 1999 (=1998) and TIELEMAN 2003: 198ff, GILL 2006: 214-5.

⁵⁹ FILLION-LAHILLE 1984: 122-23; cf. 82-93; COOPER 1999 (=1998): 451 and n. 5; TIELEMAN 2003: 200; cf. 288ff.

⁶⁰ Cf. GILL 2006: 214-215.

⁶¹ This is the course taken by FILLION-LAHILLE 1984 and COOPER 1999 (=1998); cf. TIELEMAN 2003: 200.

⁶² This is Teun Tieleman's view, see TIELEMAN 2003: 2001ff.

his concerns are moral rather than psychological.⁶³ In any case, it seems that Cicero was not really well versed in Posidonius' work on the theory of emotions –which, as Galen reports, Posidonius regarded as the necessary foundation of moral theory (*PHP* 5.6.2; cf. 4.7.23-4)–: either he failed to take notice of Posidonius' criticism of Chrysippus, or he failed to take notice that, in agreement with Chrysippus, Posidonius argues for a unitary conception of the soul, as opposed to the Platonic–Aristotelian conception.⁶⁴

Nor do we find any palpable trace of Posidonius' views in Cicero's exposition of the Stoic theory of the *summum bonum* in *De finibus* III. At *PHP* 5.6.4-5 Galen reports that on Posidonius' explication of the Stoic thesis that the *telos* is living in agreement with nature, “the principal thing in happiness is being led in nothing by the nonrational and unhappy and godless [powers or parts(?)] of the soul”, while “the cause of the emotions, disagreement and the miserable life is failure to follow in everything the divinity in oneself, which is akin and similar in nature to the divinity that rules the whole cosmos”.⁶⁵ Similarly, according to Clement of Alexandria

⁶³ For the former view see INWOOD 1985: 120-121; for the latter see TIELEMAN 2003: 248-9 –both are mentioned by GILL 2006: 214, n. 36, together with a third explanation represented by LÉVY 1992: 472-80.

⁶⁴ GILL 2006: 214-5 proposes a solution that seems to be more sympathetic to Cicero: on his view in Cicero's time the contrast between the two models had not yet been clearly defined as an explicit issue of debate; it is only in Plutarch that the conflict becomes explicit for the first time. In the relevant passages Cicero draws on Panaetius and Posidonius, and his failure to highlight the difference is due to the fact that they too had not marked it as an issue; indeed, in the texts followed by Cicero Posidonius, unlike Chrysippus, may discuss explicitly the relation between Stoic doctrines and Platonic texts, translating Platonic ideas into Stoic form. But Gill's main evidence for this hypothesis is Cicero himself (though it also finds some support in Arius' account of the Stoic theory of emotions, and in Seneca's *De ira*, cf. GILL 2006: 215 and n. 37). Moreover, though Gill takes pains to explain why it is that the conflict between the different models first becomes explicit in Plutarch and Galen (2006: 216-219), he does not address what seems to me the more crucial question: how is it possible that the conflict remained latent for centuries, if, as Gill rightly points out, it is pertinent to such debates as e.g. the debate on whether the emotions should be moderated or extirpated (a question which, as we have seen, Cicero knew was a controversial issue)?

⁶⁵ τὸ δὴ τῶν παθῶν αἴτιον, τουτέστι τῆς τε ἀνομολογίας καὶ τοῦ κακοδαίμονος βίου, τὸ μὴ κατὰ πᾶν ἐπεσθαι τῷ ἐν αὐτῷ δαίμονι συγγενεῖ τε ὄντι καὶ τὴν ὁμοίαν φύσιν ἔχοντι τῷ τὸν ὅλον κόσμον διοικοῦντι (...) πρῶτόν ἐστιν ἐν αὐτῇ τὸ κατὰ μὴδὲν ἄγεσθαι ὑπὸ τοῦ ἀλόγου τε καὶ κακοδαίμονος καὶ ἀθέου τῆς ψυχῆς.

(*Stromateis* II.21.129.4-5, fr. 186 E-K) Posidonius' "definition" of the *telos* is: "to live contemplating the truth and order of the universe (*tōn holōn*) and helping in promoting it as far as we can, in no way led by the irrational part (*meros* (!)) of the soul".⁶⁶ These ideas are absent from Cicero's account. Not only does he not lay any stress on the importance of escaping the passions by resisting the irrational in us, but he also ignores the idea that leading an ideally rational life involves "contemplating the truth and arrangement of the universe" and "helping in promoting it" as far as we are able (which incidentally closely resembles Chrysippus' own words as quoted at DL VII 88). In short: as far as Cicero's general understanding of Stoic ethics is concerned, Posidonius' influence is imperceptible, which is somewhat disconcerting, given that Cicero frequently names Posidonius as one of his main philosophical teachers and friends.

⁶⁶ τὸ ζῆν θεωροῦντα τὴν τῶν ὅλων ἀλήθειαν καὶ τάξιν καὶ συγκατασκευάζοντα αὐτὴν κατὰ τὸ δυνατόν, κατὰ μηδὲν ἀγόμενον ὑπὸ τοῦ ἀλόγου μέρους τῆς ψυχῆς.

I.3 *From 78 to 59 BC: Cicero's intellectual life before his exile*

I.3.1 *Until the consulate: the raise of Cicero's career*

The ensuing fifteen years witnessed Cicero's remarkable raise to forensic and political eminence, the pinnacle of which was his election to the consulship in 63 BC, and his great success in uncovering and suppressing the Catilinarian conspiracy at the end of his consular year.⁶⁷ During this time he most probably had little opportunity to study (though Diodotus resided in his household throughout).

We have, however, some remarkable indications, in Cicero's surviving correspondence from this period, of his continuing enthusiasm for books and learning. In letters written to Atticus in 67-6 BC (*Ad Att.* I.1, I.4, I.7, I.9, I.10, I.11), the year when he was elected praetor, we find references to a newly built *gymnasium* on Cicero's estate at Tusculum which he keeps calling his "Academy" (cf. and *De div.* I 8; cf. also *De or.* I 98): he repeatedly asks Atticus to send him as soon as possible the marble statues that he had purchased in Greece for decorating the place.⁶⁸ In *Ad Atticum* I.4.3 he expresses his delight at the news that these statues include a Hermathena: "Hermes is a common sign to all gymnasia, and Minerva special to this

⁶⁷ For a good summary of Cicero's political career, including the declining years following his consulship, see FANTHAM 2004: Ch. 1; another useful survey of the evidence in his speeches and letters of his career is LINTOTT 2008: Parts C and D.

⁶⁸ Cicero refers to his Academy also at *Tusc.* II 9, III 7, where he suggests that in order to reach there he and his guests had to "stroll down" (*descendibus*); at *De divinatione* I 8 in turn we hear of his 'Lyceum', which, as he explains, is the name of his "upper *gymnasium*" (*superiori gymnasio nomen est*). The physical structure of these 'gymnasia' is unknown, but presumably they were parts of his villa –or rather perhaps, its peristyle gardens– meant to evoke the cultural ambience of the famous Athenian gymnasia and philosophical schools after which they were named (the physical structure of which is also barely known to us, see DILLON 2003: 3-16). Cf. also *De oratore* I 98: here Sulpicius playfully calls the site (presumably a garden) where the interlocutors are taking their afternoon stroll while talking (cf. *ibid.* 28) M. Antonius' "Tusculan *palaestra*" and "suburban *gymnasium*", and compares it to the Athenian Academy and Lyceum.

one”.⁶⁹ In *Ad Atticum* I.11.3 he finds it “astonishing” how the mere thought of the place raises his spirits even when he is not in it. In the same letters he repeatedly expresses his desire to buy a valuable library (*bibliotheca*) Atticus happened to have purchased in Greece: “if I ever [make it mine], I shall be the richest of millionaires and shan’t envy any man his manors and meadows” (*Ad Att.* I.4.3); “all my hopes of enjoying myself, when I retire, depend on your kindness” (I.7); “my boundless enthusiasm for them is commensurate with the loathing I feel for all else. You would never believe how changed for the worse you will find everything has been in the short time you have been away” (I.11.3). These passages clearly report an increasing longing for intellectual *otium* as a refuge from the frustrations and disillusionments suffered in political life, and are in line with Cicero’s later statement at *De Re Publica* I 7: “I had always been the sort of person who could achieve greater rewards from my leisure than other people because of the varied delights of the studies in which I had immersed myself from childhood” (cf. also *De or.* I 2). Philosophy is not mentioned explicitly in them, but the name Cicero gave to the *gymnasium* that was so dear to his heart seems to be indicative of the focus of his intellectual life.

⁶⁹ The Hermathena eventually arrived not long before the middle of July, 65: cf. *Ad Att.* I.1.5. Athenian schools were traditionally decorated with herms, as Hermes was associated with education of the youth. As to Athena, Cicero worshipped her as protector of the city, and regarded her as an ample symbol of his own dedication to the service of the Roman state: as he reports at *De legibus* II 42 (cf. *Ad fam.* XII.25.1; Plutarch, *Cicero* 31), when going in exile in 58 he took his own statue of Minerva from his home in Rome and placed it in the temple of Jupiter on the Capitol Hill. The ‘Hermathena’ referred to in the letters was probably a statue of Athena in the “herm portrait” format (that is, a head or bust placed on a herm as support) that came into fashion just around the time; cf. DILLON 2006: 30-31.

I.3.2 *The philosophical digression in Pro Murena (60-66)*

In his surviving forensic and political speeches alike Cicero as a rule avoids putting his Greek learning on display.⁷⁰ Yet two surviving forensic speeches from 63 and 62 – *Pro Murena* and *Pro Archia poeta* respectively– shed important light on it, provided we keep in mind that the views expressed by Cicero in a forensic speech can never be taken without any further ado to represent his real views and sentiments.⁷¹ From the two it is only the former that has a direct relevance to the estimation of Cicero’s philosophical background.⁷²

Servius Sulpicius Rufus, an unsuccessful candidate in the consular election for the next year, accused L. Licinius Murena, the consul elect, of *ambitus*, bribery in the election (under the *Lex Tullia*, a law passed in Cicero’s consulship: *Mur.* 3). Cato Uticensis (a tribune-designate at the time but already possessing considerable *auctoritas*, cf. 3, 13, 58ff) joined Sulpicius in the prosecution, while Cicero, with Lucullus and Crassus, undertook the defence. As can be gathered from Cicero’s response to Cato’s speech, Cato, who brought the full moral weight of his Stoic faith

⁷⁰ He feels necessary to adopt a reticent tone when he is discussing subjects with any kind of intellectual content –an indication of the hostility of typical upper-class citizens constituting the Roman juries (and, perhaps, of the passers-by constituting the *corona*) towards intellectuality in general and Greek culture in particular; cf. JOCELYN 1976: esp. 359f.; BERRY 2004: 302. At *De oratore* II 4 we learn that Antonius wished his audience think he was completely ignorant of Greek learning, while Crassus went as far as feigning contempt towards it (cf. further I 47, 102, 221, II 18).

⁷¹ Cf. esp. his manifesto as an advocate in *Pro Cluentio* 139.

⁷² *Pro Archia* is an oration presented in defence of Aulus Licinius Archias, a professional poet (and one of Cicero’s boyhood teachers: see *Pro Arch.* 1; cf. *De div.* I 79) accused of not being a Roman citizen – a crime of which he was certainly innocent. The speech begins with a legal advocacy regarding Archias’ entitlement to citizenship, but the greater part of it (12-30) consists in an encomium of literature (which Cicero presents in order to demonstrate that even if Archias were not a Roman citizen, he deserved to be one: 4a). Here Cicero openly avows his wide learning in the “liberal arts”, not merely as the source of the technical skills involved in his oratory (1), but also as based on the idea that “all branches of culture are woven together by a common bond and have certain kinship with one another” (2). His eulogy of literature is intellectually undemanding and is carefully devised to present Archias and his poetry in favourable light before the jurors. Its hub is that Greek historical poetry can do a great service to Rome: by celebrating the glorious achievements of Roman generals and statesmen it can, on the one hand, bolster Roman authority (note that Greek was the more commonly spoken language in the Empire); on the other hand it can convey and propagate patterns of excellence to imitate. –For the background of the trial, Cicero’s reasons for undertaking the defence and his defence strategy see BERRY 2004

and his ancestral tradition to bear in the case (cf. esp. 66-67; cf. 74), not only accused Murena of the specific charges (of paying the crowd who welcomed him back to Rome and who escorted him in his campaign, and also of giving voters banquets and free tickets to the games), but launched a wholesale attack against his person (cf. *Mur.* 13) and previous career. Moreover, he also reproached Cicero for defending him, pointing out that it did not accord with *severitas* for him, who had proposed the *Lex Tullia*, and in addition “had banished Catiline from the city by words”⁷³, to speak on behalf of Murena (3, 6).

In his defence speech Cicero brings all the dignity of his consular rank to bear to convince the jurors that his involvement (despite Murena’s evident guilt) was fully justified by the imminent danger of civil strife presented by Catiline and his allies, which requires both elected consuls in office at the start of the coming year, and that in the present circumstances the *iudices* too should follow his example and give priority to the question of political necessity over their worries about justice.⁷⁴ In order to neutralise Cato’s moral authority, whom he regards as “the foundation and strength of the whole prosecution” (58) –and to do this without being too offensive, since Cato was also an important political ally– he (60-66) launches a lampooning attack on Cato’s Stoicism (cf. 3), which prefigures his criticism of Stoic ethics in *De oratore* (III 65) and in *De finibus* (cf. esp. IV 21-22 and 55-6).⁷⁵

To put it shortly: Cicero argues that Cato’s intentions are always right and virtuous, thanks to his excellent “natural” moral endowment, but that they are sometimes slightly distorted by his Stoic *doctrina*, which is “little more harsh and severe than

⁷³ A reference to the *First Catilinarian*, which led Catiline to leave Rome under cover in the night of November 8.

⁷⁴ Cf. also *Pro Flacco* 98, *Ad Att.* II.1.8.

⁷⁵ For the speech in general, see LEEMAN 1982, ADAMIETZ 1989 and BERRY 2000: 59; for the philosophical passage see CRAIG 1986 and STEM 2006.

either truth or nature would permit” (60: *paulo asperior et durior quam aut veritas aut natura patitur* cf. *De fin.* IV 55-56), and require some gentle guidance and amendment. To be sure, the jurors might have found sympathy with Cato’s severe moral ideal, according to which, when it comes to justice, the wise man is never moved by either favour (*gratia*) or leniency (*miseriordia*) –that is, he never gives heed to partial interests or pardons a crime out of partiality⁷⁶– and (thus) always inflexibly holds on to his judgement (61-2). The jurors might have thought that these principles were in accord with the *mos maiorum*, but Cicero links Cato’s severity with Stoic views of which his audience is likely to disapprove: that every wrongdoing is equal, and that only the wise and virtuous person is beautiful, rich, a king and unerring, while everyone else is slave, exile, enemy and lunatic (cf. *De orat.* III 65; *Luc.* 137; *De fin.* IV 21-22).

The “harshness” of these doctrines, is, then, contrasted with the more venerable tradition going back to Plato and Aristotle, to which Cicero now claims adherence (though at the same time distancing himself from the whole issue by indicating that his adherence belongs to an earlier phase in his life):

Our philosophers –for I confess, Cato, that I, too, while in my youth and not confident in my natural ability, sought the support of learning– our philosophers, I say, descending from Plato and Aristotle, moderate and temperate men, say that favour does sometimes have weight with the wise man; that it is characteristic of a good man to feel pity; that there are distinct types of crimes and appropriately different penalties; that there is a place for forgiveness with the man of resolution; that even the wise man often holds opinions about what he does not know, that this man is sometimes angry, that he can be entreated or appeased, that he sometimes changes what he has said if it would be better to do so; that sometimes he changes his mind, for all the virtues are moderated by a certain mean.⁷⁷ (*Pro Murena* 63)

⁷⁶ For the Stoic aversion against leniency (*epieikeia*) and pardon (*suggnō mē* see *SVF* III 450-453; 637, 639, 640, 641, 643. For favour or gratitude, see my discussion below.

⁷⁷ *Nostri autem illi –fatebor enim, Cato, me quoque in adulescentia diffisum ingenio meo quaesisse adiumenta doctrinae– nostri, inquam, illi a Platone et Aristotele, moderati homines et temperati, aiunt apud sapientem valere aliquando gratiam; viri boni esse misereri; distincta genera esse*

Had fortune led Cato, endowed with his excellent natural disposition, to these teachers, he would have become a little more inclined to leniency, and would have adopted a more tactful and prudent course in the present situation.⁷⁸ Indeed, Cicero is generously willing to maintain that even Cato's own teachers "carried the boundary of duties somewhat further than is agreeable to nature, in order that, while we strain our souls to the ultimate limit [in an endeavour to live up to them], we do stand fast where we [actually] ought to" (65).⁷⁹

Actually, as one may observe at this point, Cicero is far from being objective in presenting the conflicting views. On the one hand, he fails to explain that the Stoics consider legal systems as more or less perfect embodiments of right reason; they hold that the virtue justice is a strictly rational disposition involving a constant conformity to right reason, and reject leniency (*epieikeia*) and partiality because, and in as much as, they represent deviations from what right reason would demand.⁸⁰ Moreover, he seems to misrepresent the Stoic *paradox* that all vices and wrongdoings are equal (cf. e.g. DL VII 120, Cicero, *Parad.* 3, 20-26), when he maintains that it abolishes all gradations among offences, considering all of them capital crimes, and thus putting the needless slaughter of a cock on a par with killing one's own father (61: *scelus... nefarium*, cf. 63: *distincta genera esse delictorum et disparis poenas*). To be sure, the

delictorum et disparis poenas; esse apud hominem constantem ignoscendi locum; ipsum sapientem saepe aliquid opinari quod nesciat, irasci non numquam, exorari eundem et placari, quod dixerit interdum, si ita rectius sit, mutare, de sententia decedere aliquando; omnis virtutes mediocritate quadam esse moderatas.

In translating the passage I have consulted D. H. Berry's translation (in BERRY 2000).

⁷⁸ *Prudentia* is conspicuously absent from the list of the virtues that Cicero is ready to grant to Cato (cf. 60 and 64); for this point see also CRAIG 1986: 246; GLUCKER 1988: 46; STEM 2006: 217-8.

⁷⁹ *Etenim isti ipsi mihi videntur vestri praeceptores et virtutis magistri finis officiorum paulo longius quam natura vellet protulisse ut, cum ad ultimum animo contendissemus, ibi tamen ubi oporteret consisteremus.* For the interpretation of the sentence see CRAIG 1986: 236.

⁸⁰ My description is meant to leave open the possibility that the wise juror might show mercy in particular cases when the imperfect laws governing the actual society in which he is bound to live predict a punishment that is more severe than the perfect and ideal law prescribed by right reason would allow. For the Stoic attitude towards mercy see RIST 1978: section III and NUSSBAUM 1995 (=1993): section V.

claim may be connected with the Stoic insistence that no crime should be pardoned without inflicting due punishment. But actually the Stoics did posit gradations among vices and wrongdoings (cf. esp. *De fin.* IV 56⁸¹, cf. 21-22). Though they perhaps abandoned the Aristotelian distinction between *adikēmata*, crimes from bad character, and *hamartēmata*, wrongdoings done from weakness of will with regard to some passion,⁸² they seem to have subscribed to the therapeutic conception of punishment⁸³, and correspondingly are likely to have regarded it important that each flaw receive its appropriate treatment.⁸⁴

On the other hand, Cicero certainly seems to misrepresent Platonic and Peripatetic ethics by suggesting that according to this camp “favour does sometimes have weight with the wise man” (*sapientem valere aliquando gratiam*); that it does become a good man to feel pity (*misereri*) or a resolute man to forgive (*esse hominem constantem ignoscendi locum*); or that even the wise man sometimes has only opinion to rely upon, and his judgements are sometimes influenced by anger, and later on, when he is pacified by entreaty, he will correct his opinion (63).

In the late *philosophica* we can find some clues to the origins of such claims. At *Lucullus* 135 Cicero criticises Antiochus of Ascalon for agreeing with the Stoics on the view that the wise person is never moved or disturbed by emotions (*permotiones = pathē*), first, on the ground that this is inconsistent with his view that the Old Academic theory of the *summum bonum* accepted other (bodily and external) goods

⁸¹ Here we learn that on Zeno’s doctrine (i) Plato is not in the same condition as Dionysius, since for him, even if he is not wise, there is still hope (that he will become wise and virtuous), and therefore it is better for him to stay alive; and that (ii) some wrongdoings transgress many aspects of one’s duty, while others only a few. But here Cicero seems to distort the Stoic doctrine in the other direction, suggesting that according to it some acts of wrongdoing can be tolerated (*esse tolerabilia*), which might seem to suggest that in such cases leniency is desirable.

⁸² Cf. NUSSBAUM 1995 (=1993): n. 32.

⁸³ Cf. e.g. *SVF* III 332.

⁸⁴ Cicero shows his awareness of this misrepresentation at *De fin.* IV 74, when he admits that in his speech he “played a little to the *corona*”.

and evils over and above what is honourable and shameful, and second, arguing that the Old Academics actually taught that nature gave the emotions like anger and pity to us for our advantage (e.g. pity to stimulate clemency, anger as a “whetstone of courage”); adding that there was a natural and appropriate measure or “mean-state” (*modus, mediocritas*) for all emotions. As a proof he mentions “the Old Academic Crantor’s work *On Grief*”, which “we have all read”, and which Panaetius advises (*praecipit*) to Quintus Tubero to learn by heart (possibly in an epistolary treatise addressed to him).⁸⁵ The same position is presented in the fourth *Tusculan* (IV 38-47; cf. III 22) with the important addition that the natural emotions are ineliminable, this time attributed to the Peripatetics, and criticised from a Stoicising point of view (and Crantor’s teaching on the inevitability and the usefulness of pain (*dolor*) is also mentioned in *Tusc.* III 12, 71; cf. also I 115).⁸⁶ Again, in the *Lucullus* (112-113; Cf. *De fin.* V 76) Cicero argues that, *pace* Antiochus’ Stoicising epistemology, the Peripatetics and Old Academics did actually admit that the wise person sometimes has opinions (this time he does not mention any source as evidence for this information).⁸⁷

To be sure, it is still difficult to see how the doctrine presented here by Cicero could allow for the claims attributed to the Platonic–Aristotelian tradition in *Pro murena*. For the only surviving explicit theory to which we can relate this doctrine is Aristotle’s theory of moral virtues as means in the *Nicomachean Ethics*. Among other

⁸⁵ Cicero is reported to have followed Crantor’s work in his *Consolatio* (Pliny, *Nat. Hist. praef.* 22; Jerome, *Ep.* 60. 5. Cicero refers to a treatise by Panaetius on the endurance of pain, dedicated to Quintus Tubero at *De fin.* IV 23 –notably, the quotations from Crantor at *Tusc.* III 12 and 71 are on the endurance of pain–; and “a letter to Tubero” (*epistola quadam, quae est ad Q. Tuberone*) at *Tusc.* IV 4.

⁸⁶ Cf. also *De off.* I 89. For an extensive discussion of Cicero’s treatment of the topics of emotions in *Tusc.* III and IV see GRAVER 2002: 163; TIELEMAN 2003: 245ff. On Crantor see also DILLON 2003: 216ff.

⁸⁷ *Pace* GLUCKER 1988: 46, n. 38, this does not count as a reference to Carneades’ brand of Scepticism, and as such a “place in our passage where the view of the Sceptic Academy is admitted and accepted”: rather, it represents an un-Antiochean view of the epistemology of the Old Academy, which may have formed a part of an Academic criticism of Antiochus’ dogmatic conversion.

things Aristotle says here that the virtuous person is “mild” (*praos*) and “lenient” (*epieikos*), and as such is ready to pardon (*suggnōmonikos esti*), or even to feel pity (*eleos*) about certain wrongdoings, namely when on considering the circumstances of the action he finds mitigating factors that exempt the agent from the blame usually attached to that type of action (such as when the action is involuntary owing to some conditions “that overstrain human nature, and that no one would endure”, or owing to the agent’s ignorance of some or other of the particular circumstances which the action consists in or is concerned with).⁸⁸ But such considerations do not seem to apply to Murena’s case (whereas in cases where they *were* relevant, the Stoics may have had no problem with giving heed to some of them). In any case, since the Platonists and the Peripatetics were also committed to a therapeutic and deterrent conception of punishment, the idea of letting Murena go without even a verbal admonition would hardly have won their approval.

Moreover, on Aristotle’s view the “mild” person does sometimes feel anger, but only “at the right things, toward the right people, in the right way, at the right time and for the right length of time”, as reason prescribes –if he errs at all, he errs more in the direction of deficiency (*NE IV 5, 1125b31ff*). That is, his anger is controlled by right reason; so at least as far as Aristotle’s theory is concerned, the conception of moral virtue as a mean does not seem to allow for the possibility that the wise man may later revise a judgement or decision he made under the influence of anger.

Finally, the idea that on the Platonic–Peripatetic view, as opposed to the Stoic view, favour or gratitude sometimes has weight with the wise person, seems to represent the same sort of misrepresentation as the claim that the Platonics and Peripatetics, unlike

⁸⁸ Cf. *NE III 1, 1109b32, 1110a24, 1111a2; IV 5, 1126a3; V 9, 1136a5; VI 11, 1143a19-24; VII 2, 1146a2, 6 1149b4, 7 1150b8; see IRWIN 1999: 341, glossary entry ‘pardon’.*

the Stoics, approve of leniency. In as much as considerations of personal favour or gratitude go against considerations of justice, the Stoics will no doubt discard the former: to use Cicero's own example (*Pro Murena* 62), if the publicans submit a petition to the Senate (requesting the revision of their tax contract), Stoic morality demands that in considering whether their request is just or lawful the senators should disregard considerations concerning past or future services or cooperation.⁸⁹ But in such situations the Peripatetics or the Platonists would certainly no less vehemently demand impartiality and unconditional respect for the laws; the fact that they allow for there being some non-moral goods, or that their theory does not demand the complete extirpation of emotions (but insists only on the right measure imposed by right reason) has nothing to do with their views on such conflicts. On the other hand, such conflicts apart the Stoics may have no problem with the idea that "favour may sometimes have weight with the wise men". For example, at *De officiis* I 47 Cicero, presumably drawing on Panaetius, says that there is no more necessary duty than requiting gratitude (*referenda gratia*).⁹⁰

To conclude, what we have here is the presentation of a philosophical issue that is oversimplified and tendentiously distorted so as to suit the needs of Cicero's case. But on the other hand, Cicero shows a acquaintance with ideas and themes that will resurface in his later philosophical works, including an Antiochean-inspired contrasting of Stoic with an allegedly unified Platonic–Peripatetic tradition, the strategy of compromising Stoic ethics by intimating that it presents an offence to the self-respect of Roman citizens, and, not the least, views that he will later uphold in arguing *against* Antiochus' presentation of the unified Old Academic–Peripatetic

⁸⁹ For Cicero's possible reliance on Panaetius here see DYCK 1996: 156ff.

⁹⁰ For a brief but useful overview of the tradition of philosophical discussion of benefits and gratitude see INWOOD 1995b: 241ff.

system –namely, that the Peripatetics and Old Academics did hold the view that the wise man sometimes has opinions, and the view that they did not agree with the Stoics on the doctrine of *apatheia*. Importantly, Cicero’s remark at *Lucullus* 135 may seem to raise the possibility that his knowledge of a non-Antiochean interpretation of the Platonic–Peripatetic views (including the theory of mean-states) owed to his acquaintance with a treatise by Crantor, which in turn may have owed to Panaetius’ influence (but this is perhaps a too far-fetched conjecture).⁹¹

I.3.3 *From 62 to 59: disillusionment and crisis*

After his consulship Cicero could have spent two or three years abroad as governor of a major province, before returning to resume his place in the senate as a *consularis* (ex-consul, normally exercising great authority in determining senatorial decisions), and to continue his forensic activities. This could have meant a life of “leisure combined with dignity” (Cicero’s ideal of *otium cum dignitate*⁹²), which would have afforded him to use the spring and summer recesses to return to one of his villas and devote his time to his beloved studies.

⁹¹ At any rate, the dramatic date of the *Lucullus*, in which Cicero declares that “we all have read” Crantor’s work, and where he refers to Panaetius’ advice to Tubero, is very close to the Murena trial: 62 or 61 BC.

⁹² *Pro Sestio* 98, *Ad fam.* I.9.21 (cf. also *ibid.* 23), and esp. *De orat.* I 1-2. The slogan was carefully chosen so as to have a double meaning. At *Ad fam.* I.9.21 and *De or.* I. 1 it denotes the condition of an individual; but at *Pro Sestio* 98 it is described as the end of optimate politics at large, which seeks the interest of “all the best men” (*optimus quisque*); cf. also e.g. *Ad fam.* V.21.2, where *honestum otium* is closely related to *consensus bonorum*; see also *De or.* I 30, where “pacified and tranquil societies” (*pacatae tranquillaeque civitates*) are described as being dominated by orator-politicians. See further LINTOTT 2008: 197-8.

Cicero chose a different course: from 62 to 59 he attempted to maintain his position in the front line of politics as a *princeps civitatis* (indeed, as he sometimes referred to himself in these years, a *dux* or *imperator togatus*⁹³), in order to secure and strengthen the “concord of the social classes” (his *concordia ordinum*, meaning a level of cooperation between the senators and the wealthy business class of *equites*) that he had forged as a consul in suppressing the Catilinarian conspiracy.⁹⁴ But already in 61 June he is entertaining the idea of following Atticus’ example and “philosophising” as an attractive alternative to care much about politics (*Ad Att.* I.16.13: *qua re, ut opinor, φιλοσοφητέον, id quod tu facis, et istos consulatus non flocci faciteon*; cf. 18.3: *nos philosophos*); and some of the letters written in the second half of this period report an ongoing longing towards intellectual *otium*, which apparently grew in proportion with Cicero’s disillusionment with the turn events took, especially after the formation of the unofficial coalition between Crassus, Caesar and Pompey in 60 BC (which he refused to join, cf. *Ad Att.* II.3.3-4).⁹⁵ These letters are also indicative of the ways Cicero’s intellectual life benefitted from his friendship with Atticus.

In May 60 (*Ad Att.* I.20.7; cf. II.1.12) Cicero informs Atticus of a gift of a collection of Greek and Latin books from his friend Paetus; as he adds, “...I have urgent necessity for the Greek works, which I suspect, and the Latin books, which I am sure, he left. Every day I seek further relaxation, in the time left me from my legal labours, in these studies.” In December (*Ad Att.* II.2.1-2) Cicero depicts himself with a huge heap of Dicaearchus’ books piled up at his feet (and reading his lost ‘Constitution of

⁹³ Cf. MAY 2002: 9, 148, 150.

⁹⁴ Cf. e.g. *Ad Att.* I.17.10, I.19.6; see further *Pro Clu.* 152; *Pro Rab.* 27, and *In Cat.* 4. 14-17 and 22, where Cicero extends the conception to the whole Roman populace, giving a list of the “orders” involved, including freedmen and even the slaves. A similar strategy is pursued later in *Pro Sest.*, where Cicero (re)defines the notion of true *optimates* so as to include all supporters of the senatorial regime, irrespectively of their social status.

⁹⁵ Cf. *Ad Att.* II.18-21 (June or July 59), especially II.21.1: “Why write to you in detail about the state? It is utterly lost”.

Pellene’), and makes a comparison between Dicaearchus and Procilius.⁹⁶ In another letter (II.3.4, December 60) he asks Atticus to bring him from his brother Quintus’ library Theophrastus’ treatise *On Love of Glory*; in the same letter (II.3.3) he describes his own actual political attitude (ὑπόστασιν *nostram ac πολιτείαν*) “in a Socratic fashion, giving both sides of the question, ending, however, as the Socratics do, with the view I prefer” (Σωκρατικῶς εἰς ἑκάτερον, *sed tamen ad extremum, ut illi solebant, τὴν ἀρέσκουσαν*)⁹⁷; and also refers, in a jocular vein, to the philosophical debate between the atomist (Epicurean) and the Platonist theory of vision (*ibid.* 2).⁹⁸

In April 59 (*Ad Att.* II.5.2), writing in a more pessimistic mode, lamenting his growing isolation and entertaining the idea of turning his back on politics altogether, he says:

That [the augurate] is the only bait with which they can lay a trap for me—what a fickle man I am! But why do these issues preoccupy me, when I am eager to abandon them, and to devote all my energy and attention to *philosophie*? This, I declare, is my intention. I only wish that I had done it from the outset. But now, having learnt by experience how empty are the pursuits I considered glorious, I plan to take account of all the Muses.⁹⁹ (transl. P. G. Walsh)

⁹⁶ Procilius was a contemporary historian, cf. Pliny, *Nat. Hist.* 8. 2. 2. 4.

⁹⁷ For a similar passage see *Ad Att.* VII.9.1-2; cf. also IX.4.3. According to GRIFFIN 1995: 335 this passage provides positive evidence that Cicero had not abandoned his Philonian position in these years. Cf. however *De oratore* III 80 etc. –see my discussion in **Appendix B**.

⁹⁸ According to the Epicurean theory sight results from the impact of images (εἰδώλων ἐμπτώσεισ), whereas the Platonist theory explains vision by assuming an “effusion” of rays (ἔκχυσις *radiorum*) from the eye. Cicero’s witticism is provoked by Atticus’ remark about the narrowness of the garden windows of Cicero’s newly built villa, and the response of Cicero’s architect Cyrus, to whom Cicero had formerly made the same remark, that greenery is less pleasant when viewed through broad windows. For the interpretation of the passage see KEYSER 1993.

⁹⁹ ...*quo quidem uno ego ab istis capi possum. Vide levitatem meam! sed quid ego haec, quae cupio deponere et toto animo atque omni cura φιλοσοφεῖν? sic, inquam, in animo est; vellem ab initio, nunc vero, quoniam quae putavi esse praeclara expertus sum quam essent inania, cum omnibus Musis rationem habere cogito.*

Cicero attained the augurate only several years later, in 53 BC.

Nonetheless (*ibid.* 3) he is eager to hear more about the political situation, so his theatrical outburst can hardly be taken seriously; and at any rate, it seems to suggest that Cicero has not as yet really immersed himself in intellectual pursuits (moreover, his former references to readings –Dicaearchus’ and Procilius’ historical/political works, and an ethical treatise by Theophrastus– fall short of indicating a systematic engagement with technical philosophy –but I shall return to this issue later).

Other letters from April provide evidence for an early (and abortive) attempt to turn to writing. In three letters written from Antium (*Ad Att.* II.4, II.6, II.7), where he spent the first half of April, he refers to Atticus’ earlier suggestion to write a geographical work; first (II.4) he reluctantly agrees (“I will try to satisfy you, but I promise nothing for certain; it is a difficult business”¹⁰⁰), but in *Ad Atticum* II.6 he expresses his doubt that he would be able to accomplish that project: the subject matter is controversial (Erathostenes is criticised by Serapion and Hipparchus), confoundingly hard to explain and monotonous. Instead of writing (at which his soul “repels utterly”) he rather enjoys himself with his books (of which he has “a jolly good lot at Antium” (the letter is written from Cicero’s villa there), and entertains writing a private memoir to Atticus’ ears only in the manner of Theopompus “or in an even bitterer vein”.¹⁰¹

In a further letter written from Tres Tavernae (underway to Formiae¹⁰²) on the 18th April (*Ad Att.* II.12) he reports that his material is increasing, but “everything is still in a state of ferment, like must in autumn”; when things have settled down, his writing will be more clarified. Whether the envisaged work is still the geographical work contemplated earlier is unclear; at any rate, Cicero refers to Dicaearchus again (“You

¹⁰⁰ In the same letter he thanks Atticus for having sent him a book by Serapion (presumably the geographer, cf. *Ad Att.* II.6, below), “though between you and me, I scarcely understood a thousandth part of it”.

¹⁰¹ In the same letter he first refers to his acquaintance with the Greek scholar Tyrannio, with whom he apparently discussed about the difficulty of writing geography.

¹⁰² For Cicero’s plans to spend the second half of April in Formiae see *Ad Att.* II.8; cf. also II.13.

are right about admiring [him]; he is a splendid fellow, and a far better patriot than any of these great men of ours to whom his name would certainly not apply”¹⁰³), and at the end of the letter has his son Marcus greet Atticus in Greek: “καὶ Κικέρων ὁ φιλόσοφος τὸν πολιτικὸν Τίτον ἀσπάζεται” –as Shackleton-Bayley suggests, “on the... principle of ‘like father, like son’”.¹⁰⁴ Moreover, a couple of days later (*Ad Att.* II.13) he relates that he was the only one in Formiae who could remain calm at hearing the scandalous news from Rome; “so follow my advise and let us do philosophy (*Quare, mihi crede, φιλοσοφῶμεν*). I can take my oath there is nothing like it”. Does he refer to a former suggestion to change the subject? In another letter from Formiae (*Ad Att.* II.14) he complains that his numerous visitors (especially a neighbour in Formiae, a certain C. Arrius, who has forborne to go to Rome, expressly with the purpose of spending his whole day “philosophising” with Cicero) prevent him from serious work: “and in spite of this am I to make good my promise ‘Let me attempt something great, requiring much thought and leisure?’” (*Ad Att.* II.14.2: *magnum quid... et multae cogitationis atque otii*).

Finally, in a letter written at the beginning of May 59 (*Ad Att.* II.16.3, still in Formiae) Cicero further develops the theme of turning away from politics (cf. also II.7.4) and taking refuge in his studies (without mentioning any definite plans):

But as things stand, I have firmly decided, since there is such disagreement between your friend Dicaearchus and my comrade Theophrastus, with your man preferring *la vie active* and mine *la vie contemplative*, that I shall be seen to fall in with both. I believe that I have done abundant justice to Dicaearchus, and now I am turning my attention to the other school, which not merely allows me to rest from my labours, but rebukes me for not having remained inactive all this time. So, my dear Titus, I

¹⁰³ Although Dicaearchus was famous for his geographical work (cf. *Ad Att.* VI.2, presumably referring to Dicaearchus’ *Descent into Trophonius*), the remark seems to allude to his political/historical works (the *Life of Greece* or the *Three-City dialogue* –the latter seems to have been a major inspiration for Cicero’s *De Re Publica*). For Cicero’s knowledge of Dicaearchus, see further *De leg.* III 14; *Tusc.* I 21, 24, 41, 51, 77; IV 71; *De off.* II 16; *Ad Att.* XIII.30, 31, 32, 33.

¹⁰⁴ Cf. however GÖRLER 2004: 162 n.7.

must devote myself to the studies of fair fame, and now at last return to the pursuits which I ought never to have abandoned.¹⁰⁵ (P. G. Walsh transl.)

But even if he did spend some time “with the muses” in the ensuing months this did not result in a scholarly work. The works Cicero *did* compose in the period between his consulship and exile were not the products of the kind of intellectual activity which could be rightly called “contemplative” in a Theophrastean sense. These works include his lost self-congratulatory poem on his consulship, *Consulatus suus*, written in 60 BC (cf. *Ad Att.* II.3.4), and his essay-letter to his brother Quintus written at the turn of 60 to 59 (*Q. Fr.* I.1), when the latter was propraetor in Asia. Both texts were part of the literary propaganda Cicero launched in the face of the gathering storms in 60.¹⁰⁶

These works, then, are testaments of how deeply Cicero was immersed in politics in the period. But they are important also because it is in these works that Cicero first openly presents himself as a passionate devotee of Greek learning and philosophy in particular, and indeed as a statesman whose achievement in politics has greatly benefitted from his philosophical education. In the second book of the poem, luckily quoted by Cicero himself in *De divinatione* I 17-22 (Fr. 2), Cicero describes himself in line with his later self-characterisation in *De Re Publica* I 7-8 (the Muse Urania is speaking):

¹⁰⁵ *nunc prorsus hoc statui ut, quoniam tanta controversia est Dicaearcho, familiari tuo, cum Theophrasto, amico meo, ut ille tuus τὸν πρακτικὸν βίον longe omnibus anteponat, hic autem τὸν θεωρητικόν, utrique a me mos gestus esse videatur. puto enim me Dicaearcho adfatim satis fecisse; respicio nunc ad hanc familiam quae mihi non modo ut requiescam permittit sed reprehendit quia non semper quierim. qua re incumbamus, o noster Tite, ad illa praeclara studia, et eo unde discedere non oportuit aliquando revertamur.*

¹⁰⁶ On the title and content of the poem see further COURTNEY 1993: 156ff. Cicero also wrote a memorial on his consulship in Greek (*Ad Att.* I.19.6, *Ad Att.* II.1.1), and apparently persuaded Atticus to write a similar work for him (cf. *Ad Att.* II.1.1; Nepos, *Vit. Att.* 18, 6). He also published his 12 consular speeches (*Ad Att.* II.1.3). For a useful account of the letter to Quintus and *Consulatus suus* see PLEZIA 1975 and 1983.

Those who joyfully occupied their leisure with noble studies understood these duties [i.e. the duties of piety] profoundly in their wise reflections, and in shady Academe or dazzling Lyceum poured out brilliant theories from their fertile genius. Your country set you, who had been snatched from these things in the first flower of your youth, in the midst of a burdensome place where manly virtues are exercised. Nevertheless, relieving your stressful worries in relaxation, the time that is not taken up by your country you have devoted to these pursuits and to us.¹⁰⁷ (transl. D. Wardle)

Again, at *Ad Quintum Fratrem* I.1.28-9, writing in a manner imitating the genre of letters of advice to rulers, he says:

... I say it without shame, especially as my life and record leaves no opening for my suspicion of indolence and frivolity: everything I have attained I owe to those studies and disciplines which have been handed down to us in the literature and teachings of Greece. Therefore, we may well be thought to owe a special duty to this people, over and above our common good faith which is due to all mankind; schooled by their precepts, we must wish to exhibit what we have learned before the eyes of our instructors.

The great Plato, a prince among thinkers and scholars, believed that commonwealths would only be happy, either when wise and learned men came to rule them or when those who ruled devoted all their energies to acquiring learning and wisdom. That is to say, he laid down that this combination of wisdom and power can bring welfare to communities. Perhaps there was a point in time when our commonwealth as a whole had such good fortune; at any rate your province surely has it today, with supreme power vested in one who from boyhood has given the greater part of his time and energy to the acquisition of learning, virtue and culture.¹⁰⁸ (transl. R. Shackleton-Bayley –with minor modifications)

¹⁰⁷ *Haec adeo penitus cura videre sagaci,
Otia qui studiis laeti tenere decoris,
Inque Academia umbrifera nitidoque Lyceo
Fuderunt claras fecundi pectoris artis.
E quibus ereptum primo iam a flore iuventae
Te patria in media virtutum mole locavit.
Tu tamen anxiferas curas quiete relaxans,
Quod patriae vacat, id studiis nobisque sacrasti.*

¹⁰⁸ *non enim me hoc iam dicere pudebit, praesertim in ea vita atque iis rebus gestis in quibus non potest residere inertiae aut levitatis ulla suspicio, nos ea quae consecuti simus iis studiis et artibus esse adeptos quae sint nobis Graeciae monumentis disciplinisque tradita. qua re praeter communem fidem quae omnibus debetur, praeterea nos isti hominum generi praecipue debere videmur ut, quorum praeceptis sumus eruditi, apud eos ipsos quod ab iis didicerimus velimus expromere.*

Atque ille quidem princeps ingeni et doctrinae Plato tum denique fore beatas res publicas putavit si aut docti ac sapientes homines eas regere coepissent aut ii qui regerent omne suum studium in doctrina et sapientia collocarent. hanc coniunctionem videlicet potestatis et sapientiae saluti censuit civitatibus esse posse. quod fortasse aliquando universae rei publicae nostrae, nunc quidem profecto isti provinciae contigit, ut is in ea summam potestatem haberet cui in doctrina, cui in virtute atque humanitate percipienda plurimum <positum> a pueritia studi fuisset et temporis.

These passages closely prefigure Cicero's self-presentation in his first great period of composition in 57-50; put together with the evidence presented by the letters to Atticus they suggest that Cicero was actually seriously contemplating the idea of launching a literary career and writing "something great, requiring much thought and leisure" (*Ad Att.* II.14.2). In what follows, however, I shall argue that the way this idea is often presented in the letters to Atticus (as intellectual self-fulfillment as opposed to political career) is basically misleading.

In fact, at the time of writing Cicero was well aware of the scandals of Quintus' governorship (cf. *Q.Fr.* I.2) that had already reached Rome, and could have been turned against him in a campaign, as he makes clear at *Q.Fr.* I.1.43. As Shackleton-Bailey (*ad loc.*) has pointed out, the clause '*quod fortasse aliquando universae rei publicae nostrae*' is a reference to Cicero's own consulship.

I. 4 *The picture emerging: Cicero at his most “pragmatic”*

Let us pause here and consider what we can actually make of the *data* surveyed in the last two sections. The great bulk of the evidence I have collected above is from Cicero’s letters to Atticus.¹⁰⁹ As we have seen, the theme of wishing for intellectual *otium*, especially as a response to the frustrations and disillusionments suffered in political life, is recurrent in the correspondence from the earliest surviving letters, written in 67 BC. Cicero gradually shifts about his attitude to politics: in the earliest passage he simply takes pleasure in the prospect of enjoying himself in his library when, having reached the appropriate age and honour, he eventually retires (I.7: *cum in otium venerimus*); in the last passage quoted (II.16.3, 59 May) he seems determined to withdraw from active politics and devote himself to his cherished studies. But throughout he is consistent about presenting himself as by nature a man of letters; and Atticus is apparently meant to take him seriously on this point. At first sight, then, these self-revelations are in line with, and lend support to, his later self-characterisations in his works (cf. e.g. *De Re P.* I 7, *De or.* I 2). On closer examination, however, we have some reason for scepticism.

To be sure, Atticus was a companion of Cicero’s from their youth (and, as Cicero himself emphasises at *Brutus* 307, a witness of his youthful education); throughout Cicero’s political career he remained his most intimate friend –a rare gift in a calculating and ruthlessly competitive political environment (cf. *De amic.* 64)–; his financial manager, confidential informant and counsellor (not to mention his active

¹⁰⁹ The earliest letters in the collection of Cicero’s letters to his friends (*Epistulae ad familiares*) date from 62 BC (*Ad fam.* V.1, 2, 5, 6, 7); but these reveal nothing about Cicero’s intellectual interests and pursuits, and the collection does not cover the next years.

role in encouraging Cicero's literary activity).¹¹⁰ Cicero's letters to him were not intended for publication; in them Cicero writes with an easy informality and an apparently uninhibited candour about his domestic affairs, reflections on leading personalities and contemporary political events, his activities, ambitions, plans, worries, etc.¹¹¹ Nevertheless it would be too naïve to take whatever Cicero says in these letters at face value, as unguarded revelation of his true self.

First, we should take into account the possible role that Cicero's recurrent (and sometimes rhetorically overstated) expressions of his fondness for Greek learning and his longing for intellectual *otium* may have played in fostering his friendship with Atticus. One may reasonably argue that these expressions, together with Cicero's occasional philosophical banter, frequent evocations of Greek and Latin poets and historians, and regular switches from Latin to Greek, are constitutive of a particular version of what Jon Hall has recently termed "affiliative politeness" (HALL 2009: 13ff): a complex stylistic strategy devised "to convey the existence of a special bond between him and his correspondent", namely "their shared cultural background and interests" (*ibid.*).¹¹²

Atticus certainly did exhibit the kind of unqualified fondness for Greek learning that Cicero so often professes in his letters to him (cf. esp. *Ad Att.* XII.6.2: "knowledge is

¹¹⁰ Cf. Shackleton-Bailey's description of their relationship, SHACKLETON-BAILEY 1965: esp. 12.

¹¹¹ The tone of his letters to other *intimi* is palpably less intimate; the candour with which he approaches Atticus is often emphasised by Cicero himself, cf. e.g. *Ad Att.* I.18.1; VIII.14.2.

¹¹² Hall refers to J. N. Adams' examination of "code-switching into Greek" in Cicero's letters (ADAMS 2003: 308ff). As Adams (*ibid.* 342-3) points out, "there was clearly a psychological dimension to Cicero's code-switching. Since at a time of crisis [viz. shortly before and during Cicero's exile, at the high point of the Civil War, or shortly after the death of Tullia] he seemed unable to contemplate switching into Greek, it is justifiable to treat his code-switching as contrived and artificial, and (as has been stressed repeatedly here) as a game played with Atticus. It would be obviously inappropriate to describe code-switching of this type as 'unmarked', or as something of which Cicero was unconscious". A similar strategy is apparent in Cicero's letters to other highly educated associates, especially Varro, Quintus Cicero and his secretary Tiro; but it is absent from a great many of other letters: Cicero can switch this mode off at once whenever he thinks that it would not fit the subject matter or would not please the addressee.

your desire, the only food of the mind” *scire enim vis, quo uno animus alitur* – commenting on a scholarly book by Tyrannio which Atticus praises; cf. also e.g. *Ad Att.* II.4.1, where Cicero has problems with digesting a geographic book by Serapio sent to him by Atticus). But despite their shared education (including studying law with Q. Mucius Scaevola, cf. *De legibus* I 13), similar social status and political outlook Atticus chose a course of life that was, at least on the surface, more in line with this orientation (actually, it was more in line with typical *equestrian* career lines). In 85 BC, presumably out of fear of the political upheavals that went on at the time in Rome, he sold his holdings in Italy and moved to Athens, where he immersed himself in a ‘Hellenic’ lifestyle –he even took upon himself the nickname ‘Atticus’ (cf. *De fin.* V 2). From his early youth he identified himself as an Epicurean (he had the Epicurean Phaedrus as his tutor, cf. *De fin. ibid.*, *De leg.* I 21-2, 53-4)¹¹³, and unlike many other Roman adherents of the Garden he was faithful to the school’s doctrines in keeping out of public life to the greatest extent possible¹¹⁴ –that is, avoiding an active political career.¹¹⁵

This difference both in their career and professed outlook on life seems to have presented an obstacle to their relationship with which neither of them was entirely comfortable. From Cicero’s frequent assurances that he finds Atticus’ choice of life

¹¹³ According to Shackleton-Bailey (SHACKLETON-BAILEY 1965: 8) Atticus “may be supposed to have professed... [his Epicureanism] partly to be in fashion and partly because as a devotee of things Hellenic he had to have a philosophy and Epicureanism suited him better than any other”; but the assumption that Atticus had such a “light-hearted” attitude towards philosophy (cf. GRIFFIN 1989: 12) is a mere guess. Atticus’ choice of adherence was certainly influenced by his tendencies, attitudes, tastes and experiences; but this does not mean that it was less than heartfelt.

¹¹⁴ On the Epicurean attitude to politics see e.g. FOWLER 1989.

¹¹⁵ The main sources for Atticus’ life are Cicero’s letters to him and a biography by Cornelius Nepos. For an extensive modern account of Atticus’ career as an equestrian businessman and his attitude to politics see PERLWITZ 1992; see also Shackleton-Bailey’s analysis of Atticus’ person and his relationship with Cicero in the introduction of the first volume of his translation and commentary of Cicero’s letters to Atticus (SHACKLETON-BAILEY 1965: 3ff). The view, ultimately based on Nepos’ biography, that Atticus was a politically inactive optimate, has recently been challenged by Kathryn E. Welch (WELCH 1996); her article sheds new light on Cicero’s and Atticus’ relationship –see my discussion below.

perfectly agreeable we can have an glimpse of Atticus' constant need to justify himself for his abstention from public life.¹¹⁶ On the other hand, Cicero visibly takes pains to persuade Atticus of his own enduring fondness for Greek culture and learning. In this context his occasional avowals that he intends to withdraw from politics into the *vita contemplativa* may be understood as indirect compliments to Atticus' choice of life (in which case Cicero tactfully disregards Atticus business activities, cf. esp. *Ad Att.* I.16.13: φιλοσοφητέον, *id quod tu facis*); but his less extreme encomia of the world of books and learning fit just as well within such a strategy.

Of course, it does not necessarily follow that Cicero is merely pretending to be the kind of intellectual person with whom he believes Atticus would be glad to associate (after all, he was ready to spend huge amounts of money to build and furnish with ornaments his "Academia", or to buy a valuable book collection). But it is psychologically possible that he overemphasises or overstates his intellectual interests, which should sharpen our focus on those passages in the correspondence which represent actual intellectual exchange between the two men and thus provide a more direct glance into Cicero's intellectual life. And it seems to me that a closer scrutiny of these passages does to some extent confirm our worries.

In a recent article Cynthia Damon has argued that "the Cicero we meet in the correspondence manifests a quite utilitarian attitude towards books", which can be contrasted with that of Atticus as emerging from the same letters: Cicero "reads to

¹¹⁶ Cf. WELCH 1996: 451 and n.9, *pace* SHACKLETON-BAILEY 1965: 5 (who is certainly right in pointing out that Atticus was not the only *eques* who preferred to keep out of offices). The best example (mentioned also by Welch) is *Ad Att.* I.17, where Cicero, taking pains to disentangle himself from the words his brother Quintus allegedly used about Atticus, writes: "I have never thought that there was any difference between you and me, except our choice of a career. A touch of ambition led me to seek for distinction, while another perfectly laudable motive (*minime reprehendenda ratio*) led you to honourable ease (*ad honestum otium*)."
Cf. also Nepos' discussion of charges against Atticus for his alleged indolence, *Vit. Att.* 15.4.

write, or to connect with contemporaries, or both” (DAMON 2008: 176-7). One of the cases when this difference comes out rather clearly is, according Damon, a late letter from 46 BC (*Ad Att.* XII.6.2), in which Cicero is “polite but clearly unenthusiastic” about a scholarly work by Tyrannio that Atticus has read and recommended to him. But even more obvious examples are provided by Cicero’s exchange with Atticus on the idea of writing in April 59.

Cicero, who by this time was struggling for his sinking political position, and had launched a literary propaganda campaign including the publication of a selection of his consular speeches, an encomiastic account of his consulship, and an epistle to his brother Quintus, is clearly unenthusiastic about Atticus’ suggestion that he should write geography (cf. esp. *Ad Att.* II.4 and 6). Indeed, at *Ad Atticum* II.4.1 he confesses that he has problems with digesting the book by Serapion that Atticus had sent to him (presumably as a source of inspiration and a literary model for the planned work). Only Dicaearchus’ historical and political work raises his interest (cf. *Ad Att.* II.2.1-2) –on which he will actually draw some years later in writing *De Re Publica*; and his praise of Dicaearchus’ patriotism at *Ad Atticum* II.12.4 may give a hint of his considerations regarding the possible use of Dicaearchus as a model and source for a work conveying his own political views and commitments.

It is important to take notice once again that in the propagandistic works written in the preceding period we can first witness the emergence of a motif that is absent from the earlier letters to Atticus, but that will become prominent in Cicero’s later works: in the passages which I have cited from them philosophy, and learning in general, is presented not merely as a relaxation from political activity, but also as an important constituent of its intellectual-moral basis (cf. e.g. *De orat.* I 1-2, *De Re P.* I 7-8). It is understandable that Cicero, who was contemplating the possibility of making his

intellectual side a part of his public persona, found little fantasy in writing geography, and was more impressed by the civic virtues displayed and promoted by Dicaearchus' writings. What is odd is rather Atticus' apparent failure to be helpful to his friend at this point. Was he misguided by Cicero's professions in preceding letters (*Ad Att.* II.5.2, April; II.7.4, May) of his intent to retire from politics and devote himself entirely to studies and writing? I think he was not, and there is more to the whole series of exchange in the spring of 59 than meets the eye.

Before turning to this, it is also worth noting how seldom properly philosophical topics emerge in these letters. Even when Cicero speaks specifically of "philosophy" and "philosophising" (first at *Ad Att.* I.16.13), he tends to use these terms rather loosely, as synonyms for intellectual activity in general, including e.g. reading history or geography.¹¹⁷ This is obviously the case at *Ad Atticum* II.5.2, where *toto animo atque omni cura φιλοσοφεῖν* is taken to be equivalent with *omnibus musis rationem habere* (cf. *Ad Att.* II.4.2, cf. also e.g. *Ad fam.* I.9.23), and in other cases (as in *Ad Att.* II.12, 13, 14 and 16) it is unclear whether Cicero speaks of philosophy in the narrow sense (i.e. exclusively comprising logic, physics and ethics). In fact, apart from the references to Dicaearchus and his historical/political works we find only a few references to particular philosophical works, doctrines or arguments (*Ad Att.* II.1.8, II.3.1-3, II.9.2, II.16.3), and only one of these, *Ad Atticum* II.3.4, does indicate a current interest in a philosophical work (namely Theophrastus' *On Love of Glory*); the

¹¹⁷ This usage was certainly encouraged by the range of subjects covered by Aristotle and the other Peripatetics (including Dicaearchus); cf. e.g. *De fin.* IV 3-7, V 9-12; *Acad.* I 19-33; *De div.* II 3-4. For Cicero's historical readings, see e.g. LINTOTT 2008: 298-300.

other four references may well simply represent his and Atticus' shared philosophical learning (though as we shall see, *Ad Att.* II.9.2 and II.16.3 may be related to II.3.4).¹¹⁸

Even in the case of *Ad Atticum* II.3.4, however, the context seems to suggest that Cicero's interest in Theophrastus' book was practical rather than intellectual: he hoped some sort of support from it in deliberating on his attitude towards Caesar's ongoing agrarian reforms –or rather, as I shall argue, in rationalising or defending it to Atticus. As he makes clear in the letter (*ibid.* 3), he had three options: (i) to oppose Caesar's bill in the Senate, or (ii) to remain indifferent and retire into one of his countryside villas, or else, (iii) to support the bill (*ibid.* 3). As he further explains (*ibid.* 4), the last of these three possibilities would have been the most expedient decision (for it would have won popularity among the plebs, cement his friendship with Caesar and Pompey, and reconcile him with his enemies, thus allowing him a peaceful old age). But the first alternative, though it involves “some struggle”, is “full of glory” (*sed plena laudis*), and Cicero insists that this weighs more heavily with him. He cites lines from his own poem on his consulship, in which Urania urges him to maintain the course to which he has aspired from early youth, and to increase his “fame and the praises of good men”¹¹⁹. These “aristocratically written” lines, Cicero assures his friend, still have a strong hold on him (*sed me κατακλείσθαι mea illa commovet*), and bind him to the credo taken from the *Iliad* (*Il.* XII 243): “the best, the only omen is defence of one's own native land”. The curious thing about this avowal

¹¹⁸ At *Ad Att.* II.1.8 Cicero complains that Cato often speaks and acts as if he would live in Plato's *Politeia*. He alludes to events that postdate the Murena affair, but his remark clearly has to do with his criticism of Cato's attitude to politics in *Pro Murena*. In *De Re Publica* Cicero will criticise Plato's political philosophy for its abstraction and impracticality; the allusion to his utopian Republic is a reference to the kind of high-minded but unrealistic philosophical approach to politics that he also condemns in the Stoics.

¹¹⁹ *interea cursus, quos prima a parte iuventae
quosque adeo consul virtute animoque petisti,
hos retine atque auge famam laudesque bonorum.*

is that we have no evidence that Cicero actually spoke against the bill; it seems that eventually he chose the second option, and kept out of the issue.¹²⁰

Against this background his request for Theophrastus' *Peri philotimias* at the end of the letter clearly gains special significance. Although the work itself has not survived, in view of Theophrastus' alleged last message to his pupils (preserved by Diogenes Laertius: DL V 40-41) and Cicero's references to him as an advocate of the contemplative life (*Ad Att.* II.16.3, cf. *De fin.* V 11) it seems to be a reasonable conjecture that in his *On Love of Glory* Theophrastus spoke against ambition as vain and futile (or at any rate he was widely perceived to have done so).¹²¹ In view of the discrepancy between Cicero's apparent willingness in the letter to attack the bill in the name of glory, and the likeliness that he never actually did so, the allusion to this particular treatise can hardly be a coincidence.¹²²

Now it would be too naïve to think that Cicero was about to oppose the agrarian law, as he seems to promise to Atticus in the letter, but then he looked into Theophrastus' book, and under the influence of Theophrastus' arguments he eventually changed his mind. Judging from the fact that Cicero knew that a copy of the treatise was available in his brother Quintus' library, his idea to consult the book was probably not a blind

¹²⁰ Cf. LINTOTT 2008: 166 and 168; cf. also *Ad Att.* II.16, on which see below. As Lintott emphasises, Cicero's former reactions to Flavius' bill, the bid of the Asiatic *publicani* (tax collectors) in 61 and Pompey's eastern settlement in 61-60 would have made it difficult for him to oppose Caesar's bill.

¹²¹ Similarly, Theophrastus was widely taken to have argued in his *On Happiness* and *Callisthenes* that virtue was not sufficient for happiness; cf. Cicero, *De fin.* V 85, *Tusc.* V 24-5; see further ANNAS 1993: 385ff. For our sources on Theophrastus' attitude to glory see FORTENBAUGH 1984: L31, L69, L79, L91, S20 (with the commentaries). Antiochus' "Aristotelian" conception of the relation between the active and the contemplative life is conveyed in *De fin.* V 11 and 57.

¹²² As we have seen in the previous section, at *Ad Att.* II.5.2 (April 59) he says that he has now "learned by experience how empty are those things I once thought glorious (*praeclara*)"; at II.9.2 (the same date) in turn he refers to the things "I have learned both from experience and from Theophrastus", apparently meaning the ups and downs of popularity and public opinion. Assuming that he is harking back to Theophrastus' *On Love of Glory*, it seems reasonable to conjecture that Theophrastus' argument in that work did rely on Aristotle's doctrine that since glory or honour (*timē*) reflects other people's judgement of one's worth, it depends more on those who give it than on the honoured person's actual merit, and therefore its single-minded pursuit is to be avoided; rather, we should realise that our real aim in seeking honour is virtue (cf. *NE* I 5, 1095b23-31).

guess. He knew more of the work than its mere title; indeed, it is not unlikely that he had read it before. It is equally likely that Atticus too had read Theophrastus' treatise, or at least knew its premise. Thus we can see that Cicero's request for this particular work right after reminding himself to his commitment to the course of action that would bring him glory was probably more than a harmless *post scriptum* note. It probably served as a warning to Atticus for their upcoming meeting at the feast of *Compitalia* that the case was far from being closed, and indeed that Cicero was actually contemplating the second course of action –that is withdrawal into *otium*–, which he eventually decided to take.

This interpretation is further supported by the fact that four or five months later, writing in reply to a letter by Atticus on Caesar's allotment of the Campanian land (a supplement to the agrarian law passed in January), Cicero has recourse to the same theme in order to express the same reluctance to intervene –only by this time his position is more explicit: what in last December was only a hint to the possible direction of his reasoning and self-justification, is now his final word on the issue (*Ad Att.* II.16.3, April or May 59, quoted in the previous section). By this time, he has firmly decided (*prorsus hoc statui*) that, seeing that there is such an endless controversy between Atticus' "intimate" (*familiari tuo*) Dicaearchus, who approves the practical life, and his own friend (*amico meo*) Theophrastus, who gives priority to the contemplative life, his policy must be to fall in with both; and since on his judgement he has already done abundant justice to Dicaearchus by his former public work (*puto enim me Dicaearcho adfatim satis fecisse*), now he is about to throw himself (*incumbamus*) "into those noble studies" (*ad illa praeclara studia*) which he ought never to have abandoned (on Theophrastus' view).

One cannot but take notice of the frivolity of Cicero's attitude towards the philosophical issue to which he is appealing. At first glance, the passage may seem to furnish indirect evidence for the view that Cicero maintained his Academic scepticism throughout his life: Cicero may seem to argue that since the arguments on both side are in balance, and we are not in the position to decide which view is correct, the best we can do is to try to reach an equilibrium of contemplation and action in our lives. But this position does not by itself provide rational guidance in deciding *when* it is time either to withdraw from practice or to give up contemplation in order to return into the political arena; moreover, one might reasonably object that such equilibrium would actually fail to do justice to any of the two opposing positions.

Again, in the previous lines (II.16.2) Cicero has made clear that in the actual case his reasons for not participating have nothing to do with philosophical considerations: they have to do with his fear from the alarming presence of Caesar's armies, but even more with the "ungratefulness of those men who are called 'good'" –that is, Atticus' optimate friends Hortensius, Lucullus, and others. Were he really to rouse himself to energy, he would certainly find some way to oppose Caesar and Pompey –or this is what he claims. So his reluctance is due more to his exasperation about the selfishness and disloyalty of his alleged supporters: he is not any more willing to risk his security and prestige in order to seek their favour.¹²³

Thus his "philosophical" rationalisation is rather weightless –and perhaps it was never meant to carry much weight. In a previous letter (*Ad Att.* II.14.1, April 59) he says ironically that he is getting so "sluggish" that he would rather spend his life in his present *otium* under despotism than participating in any struggle, however bright is

¹²³ For Cicero's disappointment about his optimate supporters see esp. *Ad Att.* I.18.6-7; I.19.6; I.20.2-3; II.1.6-7, II.9.1.

the prospect of success (*ego autem usque eo sum enervatus ut hoc otio quo nunc tabescimus malim ἐντυροαυνεῖσθαι quam cum optima spe dimicare*). The reference to the unending debate between Theophrastus and Dicaearchus represents but another rhetorical variation on the same theme; it is another way of expressing his reluctance to get himself involved.¹²⁴

This does not mean, however, that Cicero's use of a philosophical theme here is without any special practical significance. In order to see this we will have to take a step back and re-consider Cicero's and Atticus' relationship at the time. Those who stress the exceptional intimacy and candour of the relationship that unfolds from the letters to Atticus often assume that such lifelong friendship could only exist between the two men because Atticus, though mostly sharing Cicero's optimate views, was politically inactive. But this is taking Cicero's later praises of Atticus as his "other self" too seriously.¹²⁵ Kathryn E. Welch (WELCH 1996) has forcefully argued that this view of Atticus' character, based ultimately on Nepos' biography, is false, and Cicero knew better when he characterised Atticus as "a born politician", who nevertheless did not owe anybody anything (*Ad Att.* IV.6.1: *...nam tu quidem, etsi es natura πολιτικός, tamen nullam habes propriam servitatem...*).

In Athens Atticus –following a career path that was typical for wealthy equestrians– became a successful financier, and increased his inherited wealth to a point where, on the one hand, he naturally raised the interest of various members of the Roman

¹²⁴ To be sure, at *Ad Att.* II.5.2 and 9.2 he suggests in a less playful manner that the cause of his "sluggishness" is disillusionment over the vanity and unreliability of glory, which he has learned both "from experience" and from Theophrastus. Even here, however, Theophrastus' doctrine is an illustration or a source of confirmation rather than the basis of his judgement. Moreover, in the former passage Cicero admits that he still finds winning the augurship an attractive perspective, and in the next paragraph (II.5.3) he nonetheless asks Atticus to write to him more about political news; so his disillusionment and retirement is not to be taken entirely seriously.

¹²⁵ Cf. *Ad Att.* III.15, which he wrote from exile, begging Atticus for help, and intimating that Atticus as his other self shares the responsibility of his downfall.

political élite, and, on the other hand, he could not but take interest in being influential with them. According to Welch, in order to appreciate the unique insight that Atticus' character can give us into the transition from Republic to Empire, we have to learn to treat Atticus as an influential manager of money in the late Republic and to think about how bankers react to political situations. But this approach also provides the key to understanding certain facets of Cicero's correspondence with him. As Welch formulates it,

This is the essence of the problem: to address the character of Atticus the financier, who is interested in politics not from any ideological point of view but because he has a financial empire to protect and increase in an uncertain world; whose network of friends, particularly senators, was developed with this view in mind; that the 'pay-off' which senators received for their support of him in various crucial debates and decisions was constant protection of their own financial affairs in an increasingly unstable money market and access to investment in the East, where Atticus' importance is well documented and universally acknowledged, as well as his good word to important power brokers in Rome. In all, it is to see Atticus as not just the mediator *par excellence*, which he was, and sounding board for Cicero's thoughts¹²⁶, but as an active manipulator with his own interests to whom Cicero was tied, financially and politically as well as emotionally, with long reaching consequences. (WELCH 1996: 452-3)

Atticus seems to have played an important part in the success of Cicero's candidature for the consulship in 64 BC. In a brief letter from the summer of 65 Cicero asks Atticus to come home to Rome as soon as possible and do him the greatest service by helping to win over his (Atticus') "noble friends" (*tuos familiaris, nobilis homines*) – presumably meaning Hortensius, Lucullus and other senatorial associates of Atticus–

¹²⁶ One of the main functions of Cicero's extensive correspondence was no doubt that it provided him with sounding boards for his political deliberations and rhetoric. Robert Hariman (HARIMAN 1989: 146-7) has described this function: "As he tells us again and again, he writes to compose himself. He writes to others of his thoughts, fears, complaints, and plans, and eagerly awaits his readers' responses so that he may create the substance of his public identity, and also gain an internal composure, all through his artistic engagement with his interlocutor. His question, then, is What is Cicero to be? That is, how is he to comport himself –in all of his decisions, from selecting his place of residence to choosing his allies to concluding his next speech– in order to be the public figure he wishes to become? ... This question reveals the object of Cicero's letters, which is the articulation of a particular political style....Cicero's letters articulate a style I shall label the republican style, which is the style designed to maximize the political opportunities inherent to republican government." Nowhere else is this function of the letters as manifest and large-scale as in the collection of the letters to Atticus, and particularly in those written between Cicero's consulship and exile.

who, according to a current gossip, would oppose Cicero's consulship (*Ad Att.* I 2.2; cf. I.1.2).¹²⁷ Atticus did come home some months later, and –though this is not documented in our sources– probably served as an important mediator in the formation of the alliance between Cicero and the influential senatorial conservatives which was to lead to a marked shift in Cicero's political position (i.e. his transformation from a mitigated *popularis* into a defender of the *status quo* and leader of the opposition to agrarian and debt reforms, well documented in his surviving consular speeches).¹²⁸ Atticus was strongly supportive throughout Cicero's consular year; he went as far as appearing, for the first and last time in his life, in a public capacity, as leader of the loyal equestrians who cordoned the Capitol in the last days of 63 (*Ad Att.* II.1.7; cf. II.19.4).¹²⁹

That is, Atticus seems to have played an active role in the formation of Cicero's new political stance as creator and guardian of the *concordantia ordinum*; and the letters of 61-60 clearly show that he took pains to ensure that his friend remain faithful to this course even when the latter became increasingly disappointed, indeed worried, about the prospects of this policy. In particular, he did his best –by playing on and fostering Cicero's vanity as well as by making unwarranted promises¹³⁰– to discourage Cicero from establishing closer ties with Pompey¹³¹ or Caesar¹³², and to calm down his exasperation about the unreliability of Hortensius and other “good men”.¹³³ In doing

¹²⁷ For the background see e.g. LINTOTT 2008: 4-5, 129ff. WELCH 1996: 457.

¹²⁸ Cf. e.g. SHACKLETON-BAILEY 1965: 11-12; WELCH 1996: 457-8, 463.

¹²⁹ Cf. SHACKLETON-BAILEY 1965: 14; WELCH 1996: 462-3. As Welch points out, “this was only the tip of the iceberg compared to what he must have been doing behind the scenes”; and refers to Dio Cassius' (37.25.3-4) account of Atticus' activity.

¹³⁰ Cf. WELCH 1996: 460-1; 463.

¹³¹ Cf. *Ad Att.* I.16.11; I.17.10; I.19.3, 6; I.20.2-3; II.1.4.

¹³² Cf. esp. *Ad Att.* II.1.6.

¹³³ For Cicero's disillusionment about his optimate friends see esp. *Ad Att.* I.18.6-7; I.19.6; I.20.2-3; II.1.6-7. For Atticus' attitude to Cicero' policy after 63 see SHACKLETON-BAILEY 1965: 14ff; WELCH 1996: 457; 460-61, 463.

so he was everything but disinterested; nor was he particularly attentive to Cicero's interests.¹³⁴

Cicero in turn is likely to have been at least semi-aware that he was being manipulated. His letter to Atticus in late 61 (*Att.* I.17) shows that even though he could not openly express his doubts about Atticus, his brother Quintus probably had done this favour for him: thanks to his unpleasant remarks, Atticus now stood in need of “putting straight” and “clearing” himself and his character in Cicero's eyes (*ibid.* 7: *...eam partem epistulae tuae per quam te ac mores tuos mihi purgatos ac probatos esse voluisti*), and Cicero's tactful and generous answer (*ibid.* 5ff) suggests that the charges included Atticus' lack of loyalty to Cicero.¹³⁵

Yet Cicero was indebted to Atticus and his associates; so in March 60 he obediently opposed the Flavian bill, though in his report to Atticus he expressed his disillusionment about the behaviour of Atticus' optimate friends, and emphasised the risks he had to take, so as to justify his manoeuvring between Pompey and the optimates (*Ad Att.* I.19.4ff).¹³⁶ But by the end of the year the political situation had considerably changed. Atticus presumably encouraged him to join the forces of obstruction again (cf. *Ad Att.* II.1.6; 15.4); but with Caesar as consul elect, who expected Cicero's support for his agrarian bill, and virtually offered him membership in the forming new power-centre, Cicero's space for manoeuvring dramatically diminished.

¹³⁴ Cf. SHACKLETON-BAILEY 1965: 14; WELCH 1996: esp. 461; together with PERLWIZ 58.

¹³⁵ Later, during his exile and shortly afterwards, he repeatedly hinted that in his capacity as advisor Atticus performed less well than could have been expected, and thus contributed to his personal catastrophe; cf. *Ad Att.* III.15.4; IV.1.1; see further SHACKLETON-BAILEY 1965: 20ff and WELCH 1996: 458ff. Welch argues that the charge was far from being groundless. It is a signal fact that while Atticus refused to allow his friend the option of developing his association with Pompey, he ensured his own personal security by cultivating Theophanes of Mytilene, Pompey's chief advisor at the time (WELCH 1996: 461).

¹³⁶ On this event see e.g. LINTOTT 2008: 161-62.

Against this background we can see that his repeated appeal to Theophrastus in *Ad Atticum* II.3 and 16 forms part of a gradually developed evasive strategy. Cicero wants Atticus to understand that the best he can expect from him in this situation is not doing what expediency would dictate (that is, supporting Caesar’s bill), and that Atticus cannot blame him for having deserted his formerly adopted political stance and principles –partly because he has not (it is his alleged partners who have deserted him), but also because as someone who chose “honourable ease” (*Ad Att.* I.17.5: *honestum otium*) for himself Atticus is not in the position to reproach him for giving up ambition.

The development of the latter argument can be traced back to 61 June, when Cicero first expressed his willingness to follow Atticus’ example and “philosophise” instead of caring too much about unfavourable political events (*Ad Att.* I.16.13: *qua re, ut opinor, φιλοσοφητέον, id quod tu facis*; cf. 18.3: *nos philosophos*). In the meantime the roles have been reversed: Atticus has turned into a great fan of Dicaearchus, and a *politikos* (*Ad Att.* II.12.4, 59 April) –these are probably allusions to his ongoing political interests and his remarks encouraging Cicero to oppose “our leaders in injustice” (*ibid.*: *isti nostri ἀδικαίαρχοι*; a pun on Dicaearchus’ name)– while Cicero now claims to have become tired of struggling for political influence, and to have set his eyes on the tranquil life of study and writing (cf. also *Ad Att.* II.5.2). Indeed, as we can see from the letters of 59 April, he did retire to his countryside villas as if to write something. As far as we know, he did not write anything; at best he spent some time reading and contemplating new ways of using literature as a vehicle for furthering the propaganda that he had launched the previous year. And on the interpretation of the exchange between him and Atticus I am propounding, we can readily see why Atticus was so conspicuously negligent of Cicero’s actual concerns in advising him to write

geography. He could not but reluctantly accept Cicero's less than straightforward excuse for not cooperating, but he avenged himself by advising him to write geography, and even sending Cicero a dry geographical book, pretending that he took Cicero's professed intent to retire into study seriously.

I have argued to the effect that the evidence furnished by Cicero's letters to Atticus between 67 and 59 does not lend support to such strong claims as e.g. P. G. Walsh's in the introduction to his edition of Cicero's *De natura deorum* (WALSH 1997: xvii), that "philosophy from his earliest days had been the focus of his intellectual life". Nor do they confirm Cicero's own somewhat more moderate claims to the effect that while he was at the helm of the state he renewed his philosophical interests through reading when he could, to stop them from getting rusty (*Acad.* I 11: *animo haec inclusa habebam et ne obsolescerent renovabam cum licebat legendo*; cf. *ND* I 6-7, *De off.* II 3-4). Actually, the Cicero emerging from the letters seems to be much more pragmatically oriented. He uses his background in Greek learning to foster his friendship with Atticus (or, as in the case of the exchange in the spring of 59, to manipulate him), or to develop his public persona (in his propagandistic literary works of 60). Even when he turns to read, he is not particularly fond of philosophy proper; to the contrary, he prefers historical and political literature (the kind of literature that suits best his propagandistic concerns), and in the only case when he expresses his intent to look into an ethical treatise by Theophrastus we seem to have reason to doubt that he is led by a genuine need for intellectual-moral nourishment (rather, as we have seen, he seems to use Theophrastus as his shield in a mostly subtext controversy with Atticus). Again, the picture emerging from the correspondence is further corroborated by Cicero's tendentious and manipulative

presentation of the contrast between Academic–Peripatetic and Stoic ethics in *Pro Murena*, as part of his rhetorical strategy to undermine Cato’s *auctoritas*.

Finally, we should also take notice, once again, that in the letters between 67 and 59 philosophy, and intellectuality in general, figures as a contrast or alternative to political activity rather than (a part of) its basis. Cicero the philosophical statesman first emerges in the propagandistic works written in 60. Of course, it does not automatically follow that this persona is completely fictitious. But the relationship between this persona and the realities of Cicero’s life is at any event problematic; and the letters written to Atticus between 67 and 59 do not seem to constitute a firm biographical evidence fully to justify Cicero’s later self-presentation.¹³⁷ Cicero, as we have to realise, was a politician through-and-through; and the more we are aware of this fact, the more we tend to interpret virtually everything that he does (including writing rhetorical and philosophical works) or says (whether in his speeches, works or letters) as potentially motivated by, and calculated in accordance with, his concern to shape, establish and maintain his public persona (evaluated in terms of *dignitas*, *auctoritas*, *status* etc.), to position himself and to facilitate political connections – which were as crucial elements for success in public life in the Republican era as they are today. But even if we resist this pessimistic temptation, and do not let ourselves fully persuade by the sceptical view of his attitude to learning and books that I have

¹³⁷ Robert Hariman (HARIMAN 1989) warns us against conflating Cicero’s obsession with crafting his reputation as an embodiment of republican ethos with the “cynical obsession with image-making increasingly characteristic of modern electoral politics” (*ibid.* 157): “the constant chattering about reputation that we observe in the letters has no counterpart in contemporary political culture because he simultaneously is articulating a strong sense of shame. Whereas today reputation is understood as external to the individual –as a commodity that can be manipulated– in Cicero reputation means that one is essentially how one is thought of by others.” Hence Cicero’s striving for imitating republican virtue epitomises Alasdair McIntyre’s theory of social obligations in *After Virtue*. I have to tell that I have serious doubts about the plausibility of this kind of contrast between ancient Roman and modern political ethos (I tend to think that it strongly idealises the Roman practice), but even if it would hold, it would not rule out the psychological possibility that even a Republican statesman may fall short of his ideals, however strongly and earnestly he may strive to internalise them or to identify with them.

presented above, it should certainly confront us with the limitations of discerning, even in the letters to Atticus, the true self of our many-faced and mercurial lead character.

I.5 *After the exile: Cicero the writer at work*

Cicero's public and private activities alike were halted when in early 58 BC he was sent into exile at the instigation of the hostile tribune Clodius Pulcher, for putting the Catilinarian conspirators he had uncovered as consul in 63 December to death without a trial¹³⁸; and although eighteen months later he was recalled, he was not able fully to restore his former standing as a leading politician. By his miscalculated motion in the Senate in early April of 56 about re-opening the debate on Caesar's Campanian land law he virtually precipitated the reunion of the triumvirs, and for the half-decade following the conference of Lucca (May 56) he remained without real influence.¹³⁹

However, his frustrating political impotence afforded him abundant leisure to fulfil his former promise to Atticus to write "something great". In letters of June 56 (*Ad Att.* IV.4a and 8; cf. also IV.5) Cicero refers to Tyrannio's services in rearranging (with the assistance of library slaves sent by Atticus) his library in Antium, to Cicero's considerable satisfaction (IV.8.2: "the house seems to have acquired a soul").¹⁴⁰ Later, in 54, he was to consult Tyrannio on the filling up of his brother Quintus' Greek library (*Q. Fr.* II.4.5 –as he remarks, he should be happy if Quintus' wishes would be

¹³⁸ The background of the sham surrounding Clodius' election to tribune remains unclear (cf. e.g. KASTER 2006: 6-7); but it is widely surmised that Caesar brought Clodius into play because he needed him to neutralise Cicero while he was abroad in Gaul; cf. e.g. FANTHAM 2004: 7, LINTOTT 2008: Ch. XII; KASTER 2006: 6-7. The letters written from exile to Atticus and other intimates show Cicero's deep depression and despair. As he writes to his brother Quintus from Thessalonica in June 59 (*Q. Fr.* I.3.5: "...I cannot continue in my present existence, for neither practical wisdom nor philosophical teaching is sufficiently strong to be able to endure such great sorrow."

¹³⁹ Cf. e.g. LINTOTT 2008: Ch. XIII. One of the last speeches Cicero delivered before he was practically silenced is his *Pro Sestio* (February 56); Cicero famously used the occasion to make a manifesto, for the last time, of his political credo –see further e.g. KASTER 2006. His letters from May 56 onwards show not only his awareness that he has lost his freedom of speech; even the option of silence is excluded, and Cicero is pressured to use his eloquence in Pompeius' and Caesar's interest; see esp. *Ad Att.* IV.5, discussed by FANTHAM 2004: 9ff. Cf. also *Ad fam.* I.8.3, II.9.21; *Ad Att.* IV.18.

¹⁴⁰ The library in Antium was probably not Cicero's only library, although it may have been the greatest (cf. *Ad Att.* II.6.1). In *De fin.* III 10 Cato calls Cicero "the owner of so many volumes". He originally employed Tyrannio as tutor of his and Quintus' sons, cf. *Q. Fr.* II.4.2. For Tyrannio, see BARNES 1997: 17ff (with further references) and BONNER 1977: 28ff.

carried out, especially as they are useful to him as well; cf. also III.5.6). At *Ad Atticum* IV.10.1 (April 55) he is “feasting on” Faustus Sulla’s library in Cumae; as he adds,

...upon my word the more I am deprived of other enjoyments and pleasures on account of my age and the state of the commonwealth, the more support and recreation do I find in literature, and I would rather be in that niche of yours under Aristotle’s statue than in their curule chair...¹⁴¹

In the next letter in the manuscript sequence (*Ad Att.* IV.11) he “is devouring literature” with the assistance of Atticus’ learned freedman, the “extraordinary” Dionysius (cf. also IV.8a, 11, 14; on the manumission of Dionysius see IV.15.1), and adds the philosophical tag “οὐδὲν γλυκύτερον ἢ πάντ' εἰδέναι”.¹⁴²

In a letter written early in 55 to Lentulus Spinther he already speaks of his intention to return, as the political situation allows, to literary activity (*Ad fam.* I.8.3: *ad nostra me studia referam litterarum*); and *Ad Atticum* IV.13, written in November 55, shows the completion of *De oratore*: apparently, Cicero stayed away from Rome the whole spring and summer working on it.¹⁴³ In February 54 he gives his opinion to Quintus on the Greek historians Callisthenes and Siculus (*Q. Fr.* II.12.3; on his opinion the latter is “almost a minor Thucydides”). In May 54 (*Ad Att.* IV.14.1) he asks Atticus to give him access to his library in Rome, because he wants to use passages from books there (especially from works of Varro) to “those I have in hand, which I hope will

¹⁴¹ *sed mehercule <ut> a ceteris oblectationibus deseror et voluptatibus cum propter aetatem t>um propter rem publicam, sic litteris sustentor et recreor maloque in illa tua sedecula quam habes sub imagine Aristotelis sedere quam in istorum sella curuli....*

Cicero refers to a decorated alcove in Atticus’ villa, perhaps in his famous Amaltheum.

¹⁴² On Cicero’s relationship with M. Pomponius Dionysius see BONNER 1977:30-31.

¹⁴³ Cf. FANTHAM 2004: 13. Cf. also *Ad fam.* I.9.23 (to L. Spinther, October 54), where he stresses that he is now withdrawing from oratory and “returning to the gentler Muses”, which now give him greater delight than others, as they have done since his youth; at the same time he reports the completion of *De oratore*, together with a poem in three books on his career, *De temporibus suis*. On the lost poem see HARRISON 1990. In a letter from 55 (*Ad fam.* V. 12) Cicero invites the amateur historian Luceius to compose a monograph on his consulship exile and restoration; but apparently the latter found some excuse to refuse writing the work, and Cicero eventually had to write it himself (on the letter see LINTOTT 2008: 215ff.

meet with your hearty approval”. In July 54 (*Ad Att.* IV.15.10) he asks Atticus to “beg and exhort” Dionysius to come as soon as possible “that he may continue the instruction of my Cicero and of myself as well”.¹⁴⁴ By July 54 (*Ad Att.* IV.16) he has certainly begun writing *De Re Publica* (cf. *Q. Fr.* II.13.1-2, written in May, where he mentions his *politika*), and although he complains that he has not got the leisure that the wideness and difficulty of the topic would require, by October or November of the same year he has finished two books (*Q. Fr.* III.5.1-2). As he writes to Atticus in October (*Att.* IV.18.2), describing his feelings about what he considers the loss of the Republic:

Many things bring me consolations without my forsaking my prestige. I turn back to the life which most accords with nature, that is, to literature and to my studies. The labour of pleading I mitigate by my delight in oratory. My house and my country estates give me pleasure. I remind myself, not of the heights from which I have fallen, but of the depths from which I have risen. So long as my brother and yourself are with me, these politicians can be consigned to perdition. I can delve into philosophy with you.¹⁴⁵ (P. G. Walsh transl. –with minor modification)

The rest of the history of the composition of *De Re Publica* is obscured by a gap in Cicero’s correspondence with Atticus between 54 and his departure to Cilicia in May 51. *Ad Quintum* III.5.1-2 shows, however, that Cicero’s original plan was to write a nine-book work, which would have had a preface for each book (as Aristotle did in his exoteric works, cf. *Ad Att.* IV.16) instead of alternate books, and that when a friend called Sallustius (not the historian) criticised him for setting the dialogue in 129 BC on the grounds that Cicero should be speaking in *propria persona*, he considered turning it into a dialogue with himself as the main character and his brother Quintus

¹⁴⁴ Dionysius probably could not come before the next year, cf. IV.18.5 and 19.2, written in October and November and V.3.3, May 53.

¹⁴⁵ *multa mihi dant solacia, nec tamen ego de meo statu demigro, quaeque vita maxime est ad naturam ad eam me refero, ad litteras et studia nostra. dicendi laborem delectatione oratoria consolor. domus me et rura nostra delectant. non recordor unde ceciderim sed unde surrexerim. fratrem mecum et te si habebō, per me isti pedibus trahantur; vobis ἐμφιλοσοφῆσαι possum.*

Cf. also *Q. Fr.* III.9.2.: “Literature and my favourite studies, along with the retirement of my country houses, and above all our two boys, furnish my enjoyments”.

as interlocutor. As the surviving parts of *De Re Publica* show, he eventually returned to the original setting, but in six books; and it seems plausible to surmise that at the same time he decided to add a contemporary pendant, which he most probably began to write simultaneously or immediately after he had finish *De Re Publica*. This is *De legibus*, which he apparently never finished (as we learn from *Ad fam.* VIII.1.4, *De Re Publica* was already in circulation at Cicero's departure for Cilicia in the spring of 51).¹⁴⁶

As we can see, in this period Cicero at last took seriously his own former avowals to resurrect his intellectual life, and had plenty of leisure and more than sufficient resource for study and research.¹⁴⁷ He had access to several libraries, including, over and above his own libraries, Atticus', Quintus' and the younger Sulla's libraries. To these we can certainly add the younger Lucullus' library in Tusculum, mentioned in *De finibus* III 7-10 (the dramatic date of the dialogue is 52 BC). Moreover, he was in close contact with eminent Greek scholars, including Tyrannio and Dionysius, whom he could frequently consult on various technical questions (Tyrannio is also well known for having worked on Sulla's library, where he reportedly came upon Aristotle's esoteric works).¹⁴⁸

¹⁴⁶ On the dating of the composition of *De legibus* see DYCK 2004: 5ff. Cicero may have been prevented from finishing the work by his unexpected posting to Cilicia, and the tumultuous times that ensued; on the other hand, after the hiatus of the civil war and the establishment of Caesar's dictatorship he may have found impossible to update it in any meaningful fashion (DYCK 2004: 10-11).

¹⁴⁷ Cicero's literary pursuits in this period also benefitted from the assistance of his young freedman and secretary Marcus Tullius Tiro: in a letter to him in May 53 (*Ad fam.* XVI.10) he refers to the works in progress as "my poor studies, or rather ours" (*litterulae meae sive nostrae*); he complains that they have been in a very bad shape owing to Tiro's illness, and urges him to recover so he can renew his "services to the Muses". For further indications of Tiro's involvement in Cicero's intellectual life cf. also *Ad Att.* VII.5; *Ad fam.* XVI.17, 18, 21, 22, 23.

¹⁴⁸ Cf. Strabo 13.1.54, Plutarch, *Sulla* 26; see further Jonathan Barnes' seminal discussion, BARNES 1997: 17ff. As Barnes (ibid. 18) rightly points out, Cicero's silence about any connection between Tyrannio and Aristotle suggests that Tyrannio did not get into Sulla's library until after Cicero's death. Notably, Cicero knew about esoteric works by Aristotle, and reports to have looked into them –not in

But what kind of books did Cicero read and discuss with his scholarly friends in this period? In the letters we hear mostly of Greek Historians (such as Callisthenes, Diodorus Siculus) and Varro (who, as we learn from *Academica* I 3, wrote on many subjects, except philosophy)¹⁴⁹; but the works themselves do testify to Cicero's philosophical reading. So in *De oratore*, the first fruit of this cycle of composition, Cicero shows keen awareness of the disciplinary debate between rhetoricians and philosophers which flamed up in the second half of the second century BC in Athens (cf. esp. I 45–47, 82–93, III 56–73).¹⁵⁰ Unsurprisingly, he is also acquainted with the classic Platonic texts which frequently surfaced in those debates (the *Gorgias* and the *Phaedrus*). Moreover, his quasi-historical account (III 56ff; cf. also I 42–43, 49, 55, III 139–40) of the original unity of eloquence and wisdom and of the development of their “rupture” from Socrates onwards –a more sophisticated version of the Greek cultural history he first presented at the beginning of *De inventione*– displays his general knowledge of the philosophical tradition, which probably owed something to contemporary literature “On sects” and “Successions” (*Peri haireseōn* and *Diadochai* –cf. esp. the idea that the Stoics are the successors of Antipater and the Cynics, III 62), but certainly also to Philo's and Antiochus' teaching (67: *nam Speusippus Platonis sororis filius et Xenocrates, qui Platonem audierat, et qui Xenocratem Polemo et Crantor, nihil ab Aristotele, qui una audierat Platonem, magno opere dissensit*).¹⁵¹

Yet even here some caution is in order. In Book II Cicero seems to congratulate himself on the sophisticated Aristotelianism of the rhetorical theory presented in that

Sulla's library, but in the library of Lucullus the Younger (*De fin.* III 7, 10; cf. V 12); cf. BARNES 1997: 48–9.

¹⁴⁹ At *Ad fam.* I.9.23 Cicero mentions Aristotle's popular dialogues as his literary models.

¹⁵⁰ Cf. e.g. WISSE 2002: 361ff, 375ff; FANTHAM 2004: 53, 58.

¹⁵¹ For a discussion of Cicero's history see FANTHAM 2004: 248ff.

book (the *technologia* referred to at *Ad Att.* IV.16.3); indeed, he seems to suggest that in developing it he had read and absorbed “the books in which... [Aristotle] expounded his own views on the art [of rhetoric]”, as well as the book in which he set out the systems of his predecessors (II 160, Antonius is speaking; cf. *ibid.* 152; see further *De inv.* II 6; *Ad fam.* I.9.23 and *Orat.* 114). But whether and to what extent his work actually shows a direct acquaintance with Aristotle’s rhetorical theory as we know it from our *Rhetoric* remains a controversial question. In his seminal article on the dissemination of Aristotle’s texts in Rome Jonathan Barnes has argued convincingly that our three-volume *Rhetoric* had been available in or before Cicero’s time, and that Cicero most probably refers to this work at *De oratore* II 160 (BARNES 1999: 50-53). Nevertheless at the end of the day Barnes has to admit that he finds no text or argument which firmly refutes the “orthodox” pessimistic conclusion that despite Cicero’s implicit pretension his knowledge of the content of Aristotle’s work is approximate and indirect, probably deriving from a handbook (*ibid.* 53-4).¹⁵²

De oratore provides an important test-case for the reliability of Cicero’s apparent indirect allusions to his Greek sources; for in this case we do possess the original Greek source with which to compare Cicero’s actual treatment. The negative or unconvincing result of this comparison should serve as a warning that Cicero’s philosophical learning, at any point of his career as a philosophical writer, may not be as thorough and comprehensive as he may suggest or seem to suggest. Here I cannot engage with all the difficulties and considerations relating to the question of Cicero’s sources in this cycle of composition. Rather, I would like to focus on the question

¹⁵² FANTHAM 2004: 161ff presents a more optimistic view. For recent versions of the “orthodox” view that Cicero knew the *Rhetoric* only from handbooks see e.g. FORTENBAUGH 1989: 43-6 and LONG 1995: esp. 55ff.

how far these works adumbrate the knowledge and understanding of Stoic ethics assumed and displayed in *De finibus* and the surrounding works.

At *De oratore* III 65-6 Cicero makes Crassus present against the Stoics an argument that further develops the criticism levelled against Cato in *Pro Murena* and foreshadows the objection he will raise *in propria persona* (that is, as character in the dialogue) at *De finibus* IV 21-22: that Stoicism cannot form the basis of a successful and principled political (oratorical) activity in the Roman Republic. Like *Pro Murena*, this passage too reveals Cicero's knowledge of the notorious Stoic "paradoxes" that all wrongdoing is equal, that only the wise man is free, that all who are not wise are madmen and slaves, etc.¹⁵³; but here Cicero adds the further information that according to the Stoics no one is actually wise (cf. *Tusc.* V 4). In the same passage Crassus harks back to Antonius' former (dismissive) report (I 83) of a Stoic argument (attributed to Mnesarchus) against the rhetoricians, which started from the premise that the virtues are "equal and on a par" (*esse inter se aequales et pares*), and therefore the one who possesses one virtue possesses all of them (*qui unam virtutem haberet omnes haberet*), and concluded that, since eloquence, as the science of speaking well, is supposed to be a virtue, real eloquence is an attribute of the wise man.¹⁵⁴ Finally, in the discussion of prose rhythm in book III we find an interesting digression (177-80) in which Cicero apparently adopts Stoic ideas in underlining his point about the convergence of aesthetic and functional value: from "the whole world and nature", which is accommodated to the general safety and well-being, through the

¹⁵³ Cf. DYCK 1996: 225, who suggests that Crassus "had poked a bit of gentle fun at the Stoic view of anger" when he says *Stoicos autem, quos minime improbo, dimitto tamen nec eos iratos vereor, quoniam omnino irasci nesciunt* (*De orat.* II 65).

¹⁵⁴ For Cicero's knowledge of the Stoic doctrine of the inter-entailment of the virtues see also *Acad.* II 38, *Tusc.* IV 30-31. Crassus –that is Cicero– is aware that the Stoic position offers a philosophical underpinning to the view that he has vaguely advanced at *De oratore* III 55: that real eloquence is inseparable from true wisdom, because in reality wisdom is the combined excellence of thinking and speaking well. The interpretation of Crassus' point at III 55 is controversial; cf. e.g. WISSE 2002: 392-3 and FANTHAM 2004: 247-8.

geocentric system of the cosmos and its orderly revolutions, to the living beings whose limbs and organs are all perfectly functional by design rather than chance (*arte, non casu*), everything demonstrates that in nature beauty and utility go hand in hand.

But these all presumably were commonplaces about the Stoics in Cicero's day; although Cicero mentions four Stoics by name (Chrysippus: I 50; Diogenes of Babylon: II 155, 157, 160; Mnesarchus: I 46, 83; Panaetius: I 45, 75, III 78), nothing in these passages requires us to assume that around the time of writing Cicero fostered a close acquaintance with any of these authors.¹⁵⁵ The teleological view of nature presented in book III, though doubtless Stoic in spirit, is not explicitly attributed to them; indeed, it may not derive from a Stoic source at all: for all we know, Cicero may have absorbed such ideas from Antiochus as well, and owing to his teaching he may have thought that they represent the Old Academic – Peripatetic – Stoic tradition at large (cf. his brief account of Antiochus' cosmology and theology at *Acad.* I 24-29; cf. *Luc.* 86-7, 118-121, 126-27; *De fin.* IV 11 note also that Antiochus wrote a work 'On gods': Plutarch, *Lucullus* 28. 8).¹⁵⁶

There is more to Cicero's criticism of Stoic ethics at *De oratore* III 65-6. Crassus says that Stoic thought "certainly contains much that is widely inconsistent with the orator whom we are forming" (*Sed nimirum est in his, quod ab hoc, quem instruimus oratore, valde abhorreat*). First, the Stoics claim that all who are not wise are "slaves,

¹⁵⁵ At *De oratore* II 157-9 we find the same criticism levelled against Stoic dialectic as at *Luc.* 91ff: that from a practical point of view it is of limited use because it teaches us how to discriminate between valid and invalid inferences, without teaching us how to distinguish true and false premises; and, indeed, that it creates an obstacle by ending up discovering various difficulties (such as the *sorites* and the liar paradox) which it cannot solve and which undermine even its own previous achievements (such as the principle of bivalence and the validity of *modus ponens*), so confronting us with the limitations of human reason. This is presumably one of the stock objections that the Academics traditionally levelled against the Stoics, so Cicero's knowledge of it may go back to his relationship with Philo. See further my discussion in Chapter III.1.3.

¹⁵⁶ As Woldemar Görler (GÖRLER 1995: 98-101) has argued, *De oratore* is also important because its structure prefigures the didactic use of the Academic method of *utramque parte dicere* which characterises Cicero's later dialogues such as *De finibus* and *De natura deorum*, and abounds in indications of Cicero's strong sympathy with Academic scepticism.

robbers, enemies, madmen”; yet they also maintain that no one is actually wise. But “it is utterly absurd to entrust [or expose] an assembly, a senate, or any body of men to someone who believes none of those present to be sane, to be a citizen or to be free” (*valde autem est absurdum ei contionem aut senatum aut ullum coetum hominum committere, cui nemo illorum, qui adsint, sanus, nemo civis, nemo liber esse videatur*). Then, after a remark that the Stoics’ oratorical style is *exile, inusitatum, abhorrens ab auribus vulgi, obscurum, inane, ieiunum* –a point to which Cicero returns repeatedly throughout his *oeuvre* (cf. *De orat.* I 43, 50, 83, II 159; *Stoic. Parad.* 2; *Brut.* 94, 113ff, 114; *De fin.* III 3, IV 6, 7)– he continues: “yet it is its approach that renders it [that is, the Stoic theory] completely inapplicable to common usage” (*ac tamen eius modi, quo uti ad vulgus nullo modo possit*); for the Stoics’ notions of good and bad, the power of honour and ignominy, reward and punishment, are so remote from those of their countrymen, and indeed of the rest of the world (*alia ... et bona et mala [etc.] videntur Stoicis et ceteris civibus vel potius gentibus*), that, quite independently of whether they are true, if we follow them, we will never be able to make a figure in eloquence (*nullam umquam rem dicendo expedire possimus*).

As it stands, the argument has an ambiguous character. Its second half clearly has a pragmatic slant, pointing out the *inexpediency* of Stoicism as the basis of successful oratorical practice. But the first part of the criticism may seem to have a moral overtone. In Ancient Rome (as well as in Ancient Athens), *addressing* an assembly, or any body of men, implicitly presupposed that the speaker regards the members of that body law-abiding citizens rather than criminals or slaves, reasonable persons rather than madmen. Slaves, lunatics and outlaws were completely excluded from the sphere of political activity: they were excluded from the audience of public oratory as such, because they were not members of the civic society proper. So to *think* that our

audience consists of slaves, lunatics and outlaws, and yet to address them as if they would be respectable citizens, is an inherently disingenuous act: Stoic faith is outright incompatible with respect for Roman law and institutions.¹⁵⁷

Importantly, on this interpretation Cicero's argument seems closely akin to the objection we find in Plutarch's *De Stoicorum Repugnantibus* 1033E-F. Here Plutarch blames the Stoics who participated in politics for contradicting their own doctrines:

For they hold offices, adjudicate, advise, legislate, reward and punish as if the habitats in which they meddle with politics were cities, those elected by lottery were senators and judges, those elected by vote were generals, and the things created by Cleisthenes, Lycurgus or Solon were laws –while they claim that these all were defective and senseless.¹⁵⁸

At 1034B Plutarch also blames Chrysippus for teaching in his treatise *On Oratory* that in addressing the public the wise person should speak *as if* wealth, fame and health were good things, thereby admitting that the Stoic doctrines are unsuited for social life and public affairs, as well as for the needs of practical activity.¹⁵⁹

This striking similarity between the two passages makes it likely that Cicero was not the inventor of the criticism he raises against the Stoics in *De oratore* and elsewhere: he drew on an existing tradition (which Plutarch too was to use later). His aversions against Stoicism, levelled from a specifically Roman (and optimate) point of view, were actually transposed from a Greek philosophical context. In the light of the bon-mot reported by Cicero at *Lucullus* 137 (which he read in Clitomachus, but was

¹⁵⁷ cf. also *De fin.* IV 21-22; *Parad. praef.*; for the legal and social status of slaves see CROOK–LINTOTT–RAWSON 1992: 493, 534-5; MORSTEIN-MARX–ROSENSTEIN 2006: 308-9, 314ff; for Cicero's diverse accounts of the composition of Roman society see *ibid.* 300ff.

¹⁵⁸ καὶ γὰρ ἄρχουσι καὶ δικάζουσι καὶ συμβουλεύουσι καὶ νομοθετοῦσι καὶ κολάζουσι καὶ τιμῶσιν, ὡς πόλεων μὲν οὐσῶν ἐν αἷς πολιτεύονται, βουλευτῶν δὲ καὶ δικαστῶν ἀεὶ τῶν λαγχανόντων, στρατηγῶν δὲ τῶν χειροτονουμένων, νόμων δὲ τῶν Κλεισθένης καὶ Λυκούργου καὶ Σόλωνος, οὓς φαύλους καὶ ἀνοήτους γεγενῆσθαι λέγουσιν.

¹⁵⁹ τοὺς λόγους αὐτῶν ἀνεξόδους εἶναι καὶ ἀπολιτεύτους καὶ τὰ δόγματα ταῖς χρεῖαις ἀνάρμοστα καὶ ταῖς πράξεσιν.

The conclusion resembles Cicero's reasoning in that it emphasises both the internal inconsistency and the impracticality of the Stoic approach to common affairs.

originally by Aulus Albinus, about Carneades' clever reply to his question when in 155 Carneades was in Rome as member of an Athenian commission) my guess is that the argument was part of an Academic tradition; and that it may have originated in the contest among Greek philosophical schools in the 2nd century BC to make a good first appearance in Rome.¹⁶⁰ For our present purposes, however, the significance point is that it further fortifies our suspicion that Cicero's knowledge and understanding of the Stoic doctrines which he criticises may have been indirect and derivative.

Let us turn now to the political works. Cicero suggests that his work on the subject is rooted mainly in the Peripatetic tradition (*De leg.* III 14, naming Aristotle, Theophrastus, Dicaearchus, and especially Demetrius of Phaleron, whom he was especially fond of because he considered him as a man similar to himself in ideally combining philosophical analysis with practical knowledge¹⁶¹). But the conceptions expounded in *De Re Publica* and *De legibus* concerning the naturalness of justice and law clearly are of Stoic provenience. This influence is most prominent in Cicero's account of the origin of law in *De legibus* I 16ff (see esp. 23, the idea that the cosmos is a common city for gods and humans, cf. *De fin.* III 64; see further *De Re P.* I 41, III 3, 39a, 38a, 33; V 5; for a further passage that shows Stoic influence see I 26-7).¹⁶² As to its immediate source or sources, however, we can only conjecture.¹⁶³

¹⁶⁰ Notably, the criticism is, strictly speaking, "dialectical": it consists in pointing out that the opponent is inconsistent. But Plutarch began the whole treatise with a moralising remark, pointing out that it is of utmost importance that the philosopher's way of life be in accordance with his principles.

¹⁶¹ For Demetrius, see also *De leg.* II 64-66, *De off.* II 61 (with reference to *De Re Publica*); *De off.* I 3.

¹⁶² John Dillon (DILLON 1977: 80) has argued that the discussion of natural law must be Antiochean, on the grounds that *De legibus* I "contains the characteristic mark of Antiochean presence, a survey of the doctrines of the Old Academy and Zeno's agreement with it" (cf. my discussion below). But this seems insufficient evidence; for a critical assessment of Dillon's approach to reconstructing Antiochus' philosophy see BARNES 1989: 63, n. 50.

¹⁶³ For a useful discussion of the difficulties relating to deducing the sources of *De Re Publica* see FREDE 1989: 77ff. For the various theories on the sources for *De legibus* I see DYCK 2004: 49ff.

At *De Re Publica* I 34 we are told that the political theory that Scipio is going to expound had crystallised through discussions with Panaetius in the presence of Polybius, “probably the two Greeks most experienced in public affairs”. This has often been taken as evidence that Cicero’s main sources in writing the book were Panaetius and Polybius; which does not necessarily mean, however, that he used a single work by Panaetius (at any rate, his main argument about the superiority of the mixed constitution clearly owes more to Polybius and to Peripatetic sources on whom Polybius himself also drew, including perhaps Dicaearchus and Theophrastus). Moreover, at *De legibus* III 13-4 Cicero, apparently intending to give the impression that he is well-versed in Stoic literature on political theory, refers to Diogenes of Babylon (Panaetius’ master) and Panaetius himself (“a great and singularly learned man”) as the only Stoics whose work on political theory is worth consideration (the earlier Stoics did write on the commonwealth, but their theories were abstract and impractical –the same criticism as levelled against Plato).¹⁶⁴ This repeated reference to Panaetius makes him the most obvious candidate for being the main inspiration behind Cicero’s Stoicising views; but I doubt that we can get much further here.

First, as we can see from the letters, in this period of composition Cicero spent considerable time with research. Moreover, his approach and procedure in writing *De Re Publica* and *De legibus* differed from that adopted during his later project of philosophical composition. Even Cicero’s most ruthless detractors admitted that, though the theoretical framework for his discussions in these works clearly was provided by Greek political theories, the result does not justify the assumption that in

¹⁶⁴ Cf. *De Re P.* III 12, where Chrysippus’ defence of justice is mentioned in a dismissive tone: *Nam ab Chrysippo nihil magnum nec magnificum desideravi, qui suo quodam more loquitur, ut omnia verborum momentis, non rerum ponderibus examinet* (note, however, that the judgement is meant to represent Carneades’ view). According to Plutarch, *De Stoic. rep.* 1033B, few have written so much about the state, obedience and governing, jurisprudence and oratory as Zeno, Cleanthes, and especially Chrysippus. For a recent discussion of early Stoic political theory see VOGT 2008. For Cicero’s views on Plato’s political theory see *De Re P.* II 3; 21-22, 52; IV 4-5c.

writing Cicero confined himself to a transcriber's or compiler's role.¹⁶⁵ Rather, what we find in these works is a kind of amalgam of various ideas and theories that makes it doubtful that he did follow any source very closely.¹⁶⁶

Second, as we have seen in the case of the apparent reference to Aristotle's *Rhetoric* in *De oratore*, in Cicero a reference to an authority does not necessarily entail that he has actually used that authority. Similarly, at *De Re Publica* III 12 Cicero refers to Aristotle's (lost) four books dialogue *On justice*, and at *De legibus* III 16 he praises Aristotle's pioneering work on political theory in general ("he illuminated the whole subject of civic affairs"). To these we may add that in the opening scene in *De finibus* III, set in 52 BC –at a time when he was probably still working on *De Re Publica* and/or *De legibus*– Cicero the character claims to have visited Lucullus' library in order to consult some esoteric treatises (*commentarii*) written by Aristotle. Nevertheless the scholarly consensus is that although in writing *De Re Publica* Cicero probably consulted some early Peripatetic sources (Theophrastus and/or Dicaearchus, whom he certainly read several years before embarking on writing, as his letters show), he is ignorant of basic elements of the political theory conveyed in Aristotle's *Politics*.¹⁶⁷ Thus his references to Panaetius cannot be automatically taken as indications that he used him as his direct source either.

¹⁶⁵ Cf. e.g. MOMMSEN 1866: 611-12, see note 18 above.

¹⁶⁶ Cf. FREDE 1989: 77-78.

¹⁶⁷ Cf. e.g. FREDE 1989: 81. As to the reference to Aristotle's *On justice*, Frede (*ibid.* 80) points out that even that work need not have been used directly, as the reference is contained in Philus' report of Carneades' speech against natural justice. On Cicero's knowledge of Aristotle see further BARNES 1997: 46ff. Cicero's relative ignorance of Aristotle is not surprising in view of his own remark at *Top.* I 3 that Aristotle was unfamiliar even to the philosophers themselves, apart from a very few. By contrast, Cicero's knowledge of Plato ("that god of ours": *Ad Att.* IV.16.3; cf. also e.g. *Ad fam.* I.9.12, 18) is much more manifest in these works. Cicero presumably got his first introduction to Plato from Philo, cf. *Acad.* I 46. For a list of Cicero's frequent references to Platonic texts, in *De Re Publica* and elsewhere, see LONG 1995: 44 and n.14; for an assessment of Cicero's knowledge of Plato's philosophy see *ibid.*: 44ff.

Third, the contrasting of Panaetius' more tolerable approach to political theory with the negligence and dullness of early Stoic doctrines parallels the contrast drawn in *De finibus* between Panaetius' "gentler" ethical doctrines and more lucid style on the one hand, and the "severity" and "tortured way of reasoning" characteristic of orthodox Stoic ethical theory on the other hand (*De fin.* III 3, IV 23, 79). In *De finibus* Cicero also stresses Panaetius' leaning towards the Academic and Peripatetic tradition (*ibid.*: *habuit in ore Platonem, Aristotelem, Xenocratem, Theophrastum, Dicaearchum, ut ipsius scripta declarant*; cf. *Luc.* 135); and we cannot fail to take notice how well all these observations on Panaetius' deviation from old-school Stoic orthodoxy sit with Antiochus' strategy of disparaging Stoic ethics as a deceptive and theoretically unsatisfactory variation on "Old Academic" ethics (cf. *De fin.* IV 23: "since Panaetius was himself a Stoic, those formulations of them [i.e. their theses that virtue is the only good and conventional evils like pain are indifferent] seem to me to stand condemned as worthless").¹⁶⁸ Thus it is not unlikely that Cicero's awareness of Panaetius' unorthodox tendencies –and his corresponding fondness of his writings– owed to Antiochus' instruction.¹⁶⁹

Fourth, what I have said about the teleological view of nature presented in *De oratore* III may, *mutatis mutandis*, apply here too. Cicero does not seem to think that the theory he is presenting is distinctively Stoic; to the contrary, at *De legibus* I 37-8 he indicates that the "principles" that he has posited for his ensuing discussion of law

¹⁶⁸ Cicero also knows about Panaetius' unorthodox doubts about divination, cf. *Luc.* 107, *De div.* I 6. Contrary to the apparent suggestion of *De fin.* IV 23 (cf. also DL VII 128) Cicero does not think that Panaetius actually abandoned the orthodox Stoic view that virtue is the only good: cf. *De off.* III 12, 18 and 34.

¹⁶⁹ Apparently, there was much more in Panaetius that Cicero the Roman aristocrat, orator and politician could find agreeable. He was himself an aristocrat, and a friend of Scipio Africanus, one of Cicero's heroes (he casted him as main character in *De Re Publica*). Moreover, he wrote to a Roman audience, and as *De officiis* I-II shows, he often used Roman historical *exempla*, a rhetorical element that Cicero himself was happy to apply. To these, he seems to have approved views which were of particular importance for Cicero; for example, he recommended that an advocate should be prepared to undertake the defence of persons whom he thought guilty (cf. *De off.* II 51).

represent the common Old Academic–Peripatetic–Stoic consensus (the consensus of all those who “believe that all right and honourable things are desirable on their own account”, as opposed to the Epicureans); and the *encomium* of philosophy at 58-62 is also written in an unmistakably Platonising vein. Indeed, at *De legibus* I 24-5 he palpably enmeshes Platonic ideas into his account, as if to demonstrate the broad consensus he is representing. Of course, it is not impossible that many Stoic or Stoicising elements in his account come from Panaetius –after all, we know from references in the late *philosophica* that Cicero read some works by Panaetius.¹⁷⁰ Indeed, it may well be possible that even the Platonizing passages come from, or are inspired by, Panaetius. But even if Cicero used Panaetius as a source, he took interest in him as a Stoic whose writings represented a return towards the Old Academic tradition.¹⁷¹ That is, he viewed and read him from an Antiochean perspective. On the other hand, if Antiochus himself wrote on the same subject, it is likely that he wrote in a vein which closely resembled the kind of syncretism that we find in Cicero here (cf. especially *De finibus* IV 11-12, together with e.g. *ibid.* 16-7, 19, II 45, V 38, 65). Indeed, some have found it safer to describe the theory of natural law in *De legibus* I as an amalgam of Platonic and Stoic elements inspired by Antiochean tenets.¹⁷²

Finally, there is more to *De legibus* I than its Stoicising theory of natural law. Much of what Cicero says in Book I on the philosophical controversy on the *summum bonum* closely prefigures his more elaborate treatment of the same subject in *De finibus*. In the “digression” at *De legibus* I 52-57 Cicero presents, as his own, the

¹⁷⁰ In addition to Panaetius’ *Peri tou kathēkontos* Cicero refers also to his *De dolore patiendo*, dedicated to Quintus Tubero (*De fin.* IV 23, cf. *Luc.* 135), and a letter, also to Tubero (*Tusc.* IV 4). In writing *De officiis* Cicero also looked into Hecato’s work *On Duties*, also dedicated to Tubero (*De off.* III 63).

¹⁷¹ Cicero may have found sympathy with Panaetius’ works also because they were written to a Roman audience (so much so that Panaetius sometimes used Roman historical *exempla*, a rhetorical flourish which Cicero himself is fond of using, cf. *De off.* II 76).

¹⁷² Cf. GÖRLER 1995: 86.

same Antiochean view as in *De finibus* III-IV: that the Old Academy (Speusippus, Xenocrates, Polemo) and the Peripatos agreed in substance (55, 37-9; as we have seen, Cicero first hinted at this point at *Pro Murena* 63 and at *De oratore* III 67), and that the Stoic theory of the *summum bonum* is but a verbal variant on the Old Academic theory (53-54). On the other hand, Cicero hints at his dissent from Antiochus (54: *cui tamen adsentiar in omnibus necne, mox uidero*), and emphasises that his intended role in the debate of the two schools is that of an arbitrator (*arbitrus*: 53, 55; cf. *Tusc.* V 120). Moreover, elsewhere he has Atticus refer to his habit of following his own judgement (36: *et scilicet tua libertas disserendi amissa est, aut tu is es, qui in disputando non suum iudicium sequare, sed auctoritatem aliorum pareas*).¹⁷³ That is, the rudiments of the major argument of *De finibus* III-V are presented already several years before its composition; and Cicero indicates that his thoughts on this weighty issue are not new (cf. Quintus at 56: *nam ista quidem magna diiudicatio est, ut ex te ipso saepe cognoui*).¹⁷⁴

But the point I would like to emphasise here is that in this work Cicero's understanding of the Stoic theory of the *summum bonum* is virtually the same as in *De finibus* IV; and there is nothing in the context that would occasion the perception that Cicero's view as character is not to be identified with the view of Cicero as author of

¹⁷³ Cf. GÖRLER 1995: 103, who considers this a "massive indication of Cicero's basically sceptical attitude".

¹⁷⁴ Even Quintus (*De leg.* I 56) describes the difference between the Stoic and the Old Academic *summum bonum* in a way that resembles Piso's account in *De finibus* V 19-20.

Many scholars have argued for a later dating of *De legibus* I, partly on the ground that it shows an engagement with the problem of the *summum bonum* and Antiochus' views, but partly also because the Stoic (?) argument of Book I clearly stands apart from the rest of *De legibus*; indeed, the connection between the Stoic underpinnings of justice in Book I and the extensive discussion of particular laws which ensues in Books II and III is problematic in ways which Cicero never cares or dares to address (for the strain between *De leg.* I and II-III see e.g. Cf. ZETZEL 1999: xxiii-xxiv; DYCK 2004: 238; for a discussion of the theory of the separate composition of Book I, first formulated by Richard Reitzenstein in 1894, see DYCK *ibid.*: 5-6, 239ff). The most recent version of the theory has been presented by SCHMIDT 2001. The majority view nevertheless is that the whole of *De legibus* has been conceived and written in conjunction with *De Re Publica*, and that part of the reason why Cicero never finished it may have been that he himself found the result unsatisfactory.

the work. Cicero the character has made it clear, in 54, that although on this point he agrees with Antiochus, this *is* his own view: the Stoic theory is but a verbal variant on the Old Academic theory. From the point of view of his indications in the late *philosophica* that the core of the Antiochean criticism of Stoic ethics actually goes back to Carneades¹⁷⁵, this may be read (in line with Woldemar Görler's arguments in GÖRLER) as a further indication of Cicero's Academic sceptical leaning in this work. But actually the Academic sceptics have been requested to stay away from the discussion in the famous passage at I 53. In line with the characterisation of Academic scepticism in *De oratore* III¹⁷⁶, Cicero depicts Academic scepticism as a destructive power; even if he does not openly disavow his Academic upbringing, he does not seem to see the possibility of reconciling an Academic stance with endorsing positive views (on the natural foundations of law, the intrinsic value of virtue etc.). In this respect he is rather unlike the Academic Cicero of the *Lucullus* and *De finibus*, who, as we shall see in **Part III**, forcefully contends that his Academic sceptic stance enables him to “approve” what he finds “persuasive” (cf. e.g. *De fin.* V 76; I shall return to this point in Chapter **III.1.2**; see also **Appendix B**).

¹⁷⁵ See Chapter **II.3**, esp. note 47.

¹⁷⁶ On this see further Chapter **III.1.2**, note 51 and **Appendix B**.

I.6 Conclusion

It is high time to draw some threads together. In this part I hope to have shown, basically, two things. First, that not every aspect of Cicero's self-presentation in his late *philosophica* can be taken at face value. In particular, the suggestion that throughout his political career philosophy formed an integral part of the intellectual-moral underpinnings of his political activity does not seem to be unequivocally warranted by the available evidence. Before Cicero's first period of composition we can trace no conscious and serious effort to use Greek philosophy either in articulating political goals or ideals, or in determining his political *modus operandi*. The single case when Cicero professes an actual interest in a philosophical (ethical) treatise proper (Theophrastus' *On Love of Glory*) does not stand closer scrutiny: it proves to be –or so I argue– part of a rhetorical strategy the proper understanding of which requires us to delve deeper into the complex relationship between Cicero and his correspondent. Again, the idea of writing philosophy does not occur naturally as a substitute to political activity. Rather, Cicero the philosophical statesman, political theorist and writer emerges from various and protracted considerations and attempts to put to use his wide background in Greek learning in re-establishing or improving his public persona in the face of sinking political influence. *De Re Publica* is a grandiose statement of Cicero's political ideal –indeed the first systematic attempt to create a coherent and attractive optimate ideology (and to do this by combining the resources of Roman traditions with those of Greek learning). Obviously, much energy and research went into its writing. But I find it difficult to view it as the culmination of a lifelong continuous intellectual effort to establish worthy and philosophically warranted goals for political activity.

Second, I hope to have shown that although Cicero's Greek learning was certainly wide and, in some fields, thorough, we have reasons not to overestimate the depth of his scholarship. In particular, his knowledge of Stoic ethics may not have been based either on protracted instruction by Stoic teachers, or on extensive solitary readings of original Greek sources (as the boasting remark at *De fin.* I 6 may seem to suggest). From the earliest surviving reference (in *Pro Murena*) onwards his view of Stoic ethics is marked by a set of characteristic judgements: that the style and the way of reasoning characteristic to the earlier Stoic authorities was dry and joyless; that their ethical tenets are harsh and unsuitable to Roman values and political practice; that they are less worthy descendants of a great unified Platonic–Aristotelian tradition, who actually uphold the same views as their predecessors but present them in a deceptive format. On the other hand, as we have seen, he has a tendency to present, in an approving manner, Stoic-sounding views on the origins of law and human civilisation in the rational divine government of the whole world, but habitually failing to attribute them to the Stoics, indeed conflating them with the Platonic–Aristotelian tradition. All this seems to suggest that, notwithstanding his remarks on traditional school authority as an impediment to rational enquiry in the late *philosophica* (esp. *Luc.* 8-9), Cicero's perception of Stoic ethics was one-sidedly informed by the Academic sceptic tradition, and, in addition to this, by the doctrines of Antiochus of Ascalon –whose teaching apparently had much in common with what Cicero may have learned from his Academic master Philo (on this I shall say more in **Part III**).

This is not to say that Cicero had no direct acquaintance with Stoic ethical texts at all. As we have seen, it is likely that he read at least some works by Panaetius on particular subjects; and we may generously assume that his remarks about the style of

the earlier Stoics (as well as his appreciation of their contribution to political theory in *De legibus*) have some direct experience behind them. But it seems an inevitable conclusion that his basic understanding of Stoic ethics owed to Philo's and Antiochus' instruction rather than to his own serious engagement with the classic Stoic literature.

In **Part II** I shall build on this result in surveying some crucial interpretive problems presented by *De finibus* III as a source for Stoic ethics, and in developing the idea that Cicero's presentation is skewed in a way that facilitates Cicero's criticism of the Stoic theory in Book IV and, through this, the overall (sceptical) conclusion conveyed by *De finibus* as a whole (which I shall explore in turn in **Part III**).

PART II

THE ACCOUNT OF STOIC ETHICS IN *DE FINIBUS* BOOK III:

PROBLEMS AND SOLUTIONS

II.1 *The “problem” of Stoic ethics*

In Antiquity the Stoics were most famous for having endorsed a set of provokingly counter-intuitive ethical tenets, some of which, as Cicero (*Parad. praef.* 4) reports, even they themselves called *paradoxa*, thereby admitting that they were “startling and contrary to common opinion” (*admirabilia contraque opinionem omnium*; cf. *De fin.* IV 74). The most fundamental among these were the theses concerning the relation of virtue and happiness:

- 1) Virtue is self-sufficient for happiness, [because]
- 2) Only the fine (*to kalon –honestum*, “morality” in Cicero’s translation) is good.

It is in connection with these two theses that we can understand the further claim which, though it is not counted among the notorious “paradoxes” in our sources, fits well into our list:

- 3) The *telos* of human action –that is happiness– consists in, or is identical to, the virtuous life (*huparkhei en tōi / ison esti tōi kat’ aretēn zēn*).¹

These interrelated theses –to cut a long explanation short– claim that the only thing that by its own intrinsic worth renders a human life “happy” –that is complete, ideal, fully successful, worthwhile etc.– is “virtue”: the perfection and excellence of the rational soul (for the sake of simplicity I take it that “the fine” denotes the singular

¹ For 1) and 2) see *SVF* III 29-37 and 49-67; for 3) see *DL* VII 87 (*SVF* III 4), *Stobaeus* II 77-78 W (*SVF* III 16).

value attached to virtue, which emanates, as it were, on the things –actions and works– springing from virtue).²

This view of happiness obviously contradicts some basic intuitions on the happy life (both ancient and modern intuitions, admitting that there are some significant and typical differences between ancient and modern views of happiness). First (A), as a correlate of theses 1-3 we get the further paradox claim that

- 4) Everything beyond virtue and vice is indifferent (*adiaphoron*) with respect to happiness.

The ideally wise and virtuous person is happy irrespective of whether she or anyone else (including her intimate friends, spouse and children) enjoys good health or is struck with incurable and painful disabilities or diseases; is a free citizen or a defenceless slave whose life and possessions are entirely at her owner's mercy; lives a flourishing life in peace and prosperity or is ruthlessly persecuted, tortured, killed, etc. But this ideal might reasonably seem both (i) *unrealistic*, that is, psychologically implausible (because it is unclear whether a normal human being is capable of such a level of detachment)³ and (ii) *undesirable* or indeed abhorrent (because such detachment seems to go against values that we normally attach to the positive aspect of humanity, such as compassion, mutual love and care among relatives and so on).

Second (B), the ethical position emerging from theses 1-3 seems to be analogous to the hedonist position upheld by the Epicureans in attributing a singular intrinsic value to a single object (in this case to virtue). But experience shows that the corresponding

² I described virtue as the “perfection or excellence of the rational soul”, but Stoic ontology does not admit such items: according to them virtue is “a soul which has been fashioned to achieve consistency in the whole of life” (DL VII 89), that is, a bodily entity; see further the material collected in LS 61, cf. the discussion of Stoic ontology and metaphysics in LS 44-45; see further BRUNSCHWIG 1994 (=1988).

³ For example, in *Tusc.* IV 43-6 Cicero presents the Peripatetic doctrine that emotions are natural and as such on the one hand *ineradicable* (*evelli penitus dicant nec posse esse*), but on the other hand also useful endowments, if we manage to find the right measure in them; and Cicero's interlocutor finds that the Peripatetics obviously “say something” (*mihi vero dicere aliquid [videntur]*).

hedonist thesis, according to which pleasure is the only good (and pain is the only evil) is intuitively much more evident and plausible. (i) Virtue, as the Stoics understand it, is inherently intellectual: it consists in the perfection of the rational human soul, and is identical to “wisdom”. But many people are accustomed to think of rationality as advantageous in a merely instrumental sense: as an excellent means to secure what we really need or desire in life. Moreover, (ii) the Stoics maintain that the perfection or excellence of the rational human soul in some way incorporates the specifically “moral” virtues as well: the wise person is also just, brave, temperate etc. And most people are reluctant to call the moral virtues unequivocally or unconditionally “advantageous”, even in a merely instrumental sense. It is rather widely thought that in some circumstances (or even for the most time) it may be in our interest to be just, temperate etc., but those who consider the norms of morality unconditionally binding fare less well in life than those who are capable of “flexible detachment” from these norms when the circumstances so require or allow.

It is not surprising, then, that at some point even Chrysippus himself felt bound to admit that “the things we say may seem like fictions (*plasmata*) owing to their immense greatness and beauty, and not to be in accord with the human being and human nature” (Plutarch, *De Stoic. rep.* 1041F; from Book III of Chrysippus’ *On Justice*).⁴ The question is, of course, what rationally compelling or plausible arguments the Stoics have to offer in order to persuade us (and themselves) that these and other intuitive objections notwithstanding their position does represent the single right view in ethics.

⁴ 'διὸ καὶ διὰ τὴν ὑπερβολὴν τοῦ τε μεγέθους καὶ τοῦ κάλλους πλάσμασι δοκοῦμεν ὅμοια λέγειν καὶ οὐ κατὰ τὸν ἄνθρωπον καὶ τὴν ἀνθρωπίνην φύσιν.'

In the preface of *De Paradoxa Stoicorum* Cicero gives the frustrating answer that the Stoics “scarcely prove” these tenets even in the solitude of their own school (3: *vix in gymnasiis et in otio... probant*). And such explicit arguments as can be found in our sources for the position are indeed bafflingly scarce and feeble. Here is a representative selection:

In his work ‘On the Fine’ Chrysippus presents the following arguments as prove that only what is fine is good: “whatever is good is worthy of choice; whatever is worthy of choice is pleasing; whatever is pleasing is praiseworthy; whatever is praiseworthy is fine”. And again: “whatever is good is welcome; whatever is welcome is revered; whatever is revered is fine”.⁵ (Plutarch, *De Stoic. rep.* 1039C)

In his ‘Against Plato’, blaming Plato for thinking fit to allow health a place among the goods, Chrysippus says: “we dissolve not only justice, magnanimity, temperance, but all the other virtues as well if we allow either pleasure or health, or anything else that is not fine, a place among the goods”.⁶ (*ibid.* 1040D)

At all events we are ashamed of our bad conduct as if we knew that only the fine is good.⁷ (DL VII 127)

“For –as he [Hecato in the second book of his *On Goods*] says– if magnanimity is self-sufficient to raise us far above everything, and if it is but part of virtue, than too virtue will be self-sufficient for happiness, despising all things that seem troublesome”.⁸ (*ibid.* 128)

And so on and so forth.⁹ Over and above such puzzling arguments we find the puzzling claims that the Stoic theory “is most in harmony with life and connects best with the innate preconceptions” (Plutarch, *De Stoic. rep.* 1041E, quotation from

⁵ καὶ μὴν ἐν τῷ περὶ Καλοῦ πρὸς ἀπόδειξιν τοῦμόνον τὸ καλὸν ἀγαθὸν εἶναι τοιούτοις λόγοις κέχρηται· 'τὸ ἀγαθὸν αἰρετόν, τὸ δ' αἰρετόν ἀρεστόν, τὸ δ' ἀρεστόν ἐπαινετόν, τὸ δ' ἐπαινετόν καλόν' καὶ πάλιν· 'τὸ ἀγαθὸν χαρτόν, τὸ δὲ χαρτόν σεμνόν, τὸ δὲ σεμνόν καλόν.'

⁶ ἐν δὲ τοῖς πρὸς Πλάτωνα κατηγορῶν αὐτοῦ δοκοῦντος ἀγαθὸν ἀπολιπεῖν τὴν ὑγίειαν, οὐ μόνον τὴν δικαιοσύνην φησὶν ἀλλὰ καὶ τὴν μεγαλοψυχίαν ἀναιρεῖσθαι καὶ τὴν σωφροσύνην καὶ τὰς ἄλλας ἀρετὰς ἀπάσας, ἂν ἢ τὴν ἡδονὴν ἢ τὴν ὑγίειαν ἢ τι τῶν ἄλλων, ὃ μὴ καλόν ἐστιν, ἀγαθὸν ἀπολίπωμεν.

⁷ αἰσχυρόμεθα γοῦν ἐφ' οἷς κακῶς πράττομεν, ὡς ἂν μόνον τὸ καλὸν εἰδότες ἀγαθόν.

⁸ "εἰ γάρ," φησὶν, "αὐτάρκης ἐστὶν ἢ μεγαλοψυχία πρὸς τὸ πάντων ὑπεράνω ποιεῖν, ἔστι δὲ μέρος τῆς ἀρετῆς, αὐτάρκης ἐστὶ καὶ ἡ ἀρετὴ πρὸς εὐδαιμονίαν καταφρονοῦσα καὶ τῶν δοκούντων ὀχληρῶν."

⁹ Cf. e.g. DL VII 102-103, discussed by Julia Annas at ANNAS 1993: 389-390.

Chrysippus), or that “the idea of something just and good arises naturally” (DL VII 53)¹⁰, accompanied by vague explanations of how the natural emergence of our notion of the good would come about (Cicero, *De fin.* III 33-4: through the mental process of *collatio rationis*; Seneca, *Ep.* 120, 3-5: *observation plus rerum saepe factarum inter se conlatio, per analogiam*).¹¹ As we have just seen, the Stoics were fully aware of the kinds of objections that immediately awaited their assertions; but in view of these objections their arguments seem startlingly unsatisfactory and inappropriate; they do not seem to represent the kind of focused and philosophically interesting effort to present the compelling and respectable insights behind the admittedly puzzling tenets that we would expect from serious thinkers (indeed, in some cases we may have the feeling that the alleged proofs are meant to increase the audience’s bafflement and exasperation rather than placate them and satisfy their curiosity).

Before we lose interest in Stoic ethics as a serious theory, an important glimmer of hope presents itself. In some of our sources the claim I presented as thesis 3) above is juxtaposed with another specification of the *telos* of human action (cf. esp. DL VII 87, Stob. II 78, 1-6 W):

- 5) The *telos* is living in agreement with nature (*homologoumenōs tēi phusei zēn*).

Indeed, according to Stobaeus’ report (*ibid.*) living virtuously or according to virtue (*kat’ aretēn zēn*) is “equivalent” or “identical” (*ison esti*) to living in agreement with nature. Moreover, two of the three major sources on Stoic ethics that have come down

¹⁰ Τὸν περὶ ἀγαθῶν καὶ κακῶν λόγον, ὃν αὐτὸς εἰσάγει καὶ δοκιμάζει, συμφωνότατον εἶναί φησι τῷ βίῳ καμάλιστα τῶν ἐμφύτων ἄπτεσθαι προλήψεων.
...φυσικῶς δὲ νοεῖται δίκαιόν τι καὶ ἀγαθόν...

¹¹ For honesty’s sake, I have to note here that Seneca’s account seems to represent the condensed outline of an analytic derivation of the self-sufficiency thesis purely from the notion of virtue, understood as involving perfect internal consistence. A similar pattern seems to emerge at DL VII 89. Again, as I shall try to show in Chapter II.4.2, Section II.4.2.3, Plutarch’s *De Stoic. rep.* 1040D, *Lucullus* 138-40 and *De fin.* III 29 seem to hang together and represent an attempt to show that the reflective concept of virtue requires that virtue alone be counted as a good.

to us –namely Diogenes Laertius’ account in his *Vitae* and Cicero’s account in *De finibus* Book III– commences with some sort of explication of the latter formula, starting from the famous topics of *oikeiōsis*; and Hierocles’ fragmentary *Ēthikē Stoicheiosis* seems to represent the same pattern.¹²

To this, as we shall see, Cicero’s account strongly suggests that this arrangement is anything but incidental: the function of the first section of the account is laying the foundations for the whole theory. Thus at III 26 Cato says “let us see how evidently the following points follow from what I have just laid down” (*videamus nunc, quam sint praeclare illa his, quae iam posui, consequentia*); he then first introduces the “living in agreement with nature” formula, and goes on by adding as a corollary that “all who are wise necessarily live happy, perfect and blessed lives” (*necessario sequitur omnes sapientes semper feliciter, absolute, fortunate vivere*), and further, that “morality is the only good” (adding that the latter claim “contains” (*continet*) not only the whole theory (*disciplina*) but our entire life).¹³ These indications, taken together with the fact that the structure of Cicero’s account has some parallels with the first paragraphs of Diogenes Laertius’ doxography and the surviving fragments of Hierocles’ work, gave raise to the traditional view that the Stoics “grounded” their ethics in some sense on their theory of *oikeiōsis*.¹⁴

¹² This structure is curiously unparalleled in Stobaeus’ account; on this see INWOOD 1995: 654-5, who holds that this absence may be due to a philosophically motivated reworking of Stoic ethics (with reference to the papers of David Hahn and A. A. Long). ANNAS 1995: 606 in turn suggests that it may be due to the fact that “the passage came down to us in a mutilated state”. See further the comparison of the two kinds of account in SCHOFIELD 2003.

¹³ Cf. esp. STRIKER 1996b (=1991): 225-6 and LONG 1996: 139. As Long emphasises, at the end of his exposition Cato gives voice to his amazement over the coherence and the strictly deductive building of the Stoics theory, in which “conclusion unfailingly follows from premise, later development from initial idea” (74: *quid posterius priori non convenit? quid sequitur, quod non respondeat superiori*).

¹⁴ Already Max Pohlenz, whose pioneering work in the field of Stoic ethics exerted great influence in English speaking scholarship, appraised the doctrine of *oikeiōsis* as “der Ausgangspunkt wie der feste Grund der Stoischen Ethik” (POHLENZ 1940: 11, for a brief summary of Pohlenz’ interpretation, see WHITE 1979). S. G. Pembroke, whose 1971 article is still one of the most frequently cited introductions to the topics, was less specific about the precise function of the doctrine, but went even

Apparently, then, the Stoics treated their paradoxical theses concerning the relationship between virtue and happiness as corollaries or consequences of the “living in agreement with nature” formula. In this case, if we can unfold the implications of this formula, and the philosophical reasons the Stoics had for believing that this formula provides a right and relevant answer to the question concerning the *telos* of human life, we may at the same time uncover or reconstruct a substantial and philosophically interesting argument for their paradoxical tenets.¹⁵ I take it that this, in a nutshell, is the informing idea behind most modern attempts to get Stoic ethics right. The expectation to find here the “naturalistic foundations” of Stoic ethics has been certainly fortified by further factors, including familiarity with modern notions of naturalism in ethics, and perhaps also the general assumption, deriving partly from extensive discussions of Plato’s and Aristotle’s ethical thought, that an important aspect of the Ancient philosophical project at large was to ground ethics in a metaphysical structure.¹⁶

further in assessing its significance, suggesting that “*oikeiōsis* was a central idea of Stoic thinking from the start” and that “the ancient tag about Chrysippus could fairly be transferred from the school’s history to its doctrine: if there had been no *oikeiōsis*, there would have been no Stoa”. Again, Brad Inwood, focussing on the DL version of the doctrine of *oikeiōsis* argued that “Chrysippus wanted to make good his point about orientation because his entire system of ethics would be founded on it” (INWOOD 1985: 194). The list can be further extended; see e.g. Long and Sedley in LS Vol. I, p. 351, and Brad Inwood’s discussion of Stoic ethics in ALGRA et al. 1999: Ch. 21. Striker (STRIKER 1996a (=1983): 295) is more cautious when she suggests that *oikeiōsis* “was probably not the foundation of Stoic ethics”; nevertheless she thinks that it was an important part of “a system designed, it seems, to support the central thesis of Stoic ethics, that happiness for man consists in a life of virtue”. The other extreme is represented by Brink (BRINK 1956: 112-3), who admits that the theory of *oikeiōsis* was an important part of Stoic ethics, but emphasises that “the fundamental principles of Stoicism may be stated without recourse to *oikeiōsis*” (141), and that the argument from *oikeiōsis* is “not identical with the fundamental Zenonian axiom; it is no more than a mode of arguing this axiom” (142), namely the identity of the good, reasonable and natural. Annas in turn explicitly denies that the theory of *oikeiōsis* played a foundational role in the theory (cf. ANNAS 1993: Ch. 5, esp. 169).

¹⁵ In addition to this, the “living in agreement with nature” formula may help to understand the Stoics’ reasons for holding the further paradox view that although everything beyond virtue and vice is “indifferent” with regard to happiness, some of these things, namely those which “are in accordance with nature” (*kata phusin*), nevertheless have “value” (*axia*) and are “preferable” (*proēgmena*), and thus they are objects of rational pursuit (while their contraries are to be avoided).

¹⁶ Cf. e.g. Richard Kraut’s remark (KRAUT 1995: 922): “according to these philosophers (speaking about Plato and Plotinus) ethics is not an autonomous discipline, but can be understood only when it is based on a transformed conception of reality”; see also ANNAS 1995: 608.

However, this is also where the extensive recent debate concerning the “naturalism” or the “foundations” of Stoic ethics takes its origin. For although both accounts which commence with an explication of the “living in agreement with nature” formula have numerous interpretive problems, it is pretty clear that they give utterly different content to the concept. To put it very shortly, on Cicero’s account “living in agreement with nature” consists in a perfectly rational (“consistent”) procedure of pursuing what is “natural” to us, i.e. befits our nature, and of rejecting what is contrary to nature, while the single ultimate, genuine object of our choice is the internal rational consistency of our selecting procedure itself. In Diogenes Laertius in turn, though the connotation of internal consistency is not absent (cf. esp. 89), “agreement” emerges as a relation between our individual rational souls and the all-pervading and divine cosmic reason the active aspect of which is denoted as ‘universal nature’ (87-9: *hē tou holou/tōn holōn/koinē phusis*, identified with *ho koinos nomos hosper esti ho orthos logos dia pantōn erchomenos, ho autos ōn tōi Dii, kathēgemon toutōi tēs tōn ontōn dioikēseōs, tōn holōn dioikētos*).

Now of the two accounts of Stoic ethics Cicero’s is obviously the more dominant. For one thing, it is by far the more continuous, discursive and intelligent account. To this, Cicero is our earliest and, at the same time, most well-known source.¹⁷ As we have seen in **Part I**, we know much of the dates and circumstances of his literary

¹⁷ This remains true even if we take into account that Diogenes Laertius and Stobaeus –who wrote in the 3d and the 4th century AD respectively– appear to draw on much earlier sources, probably dating back to the 1st century BC. In fact, the numerous overlaps between the two texts (on which see e.g. ANNAS 1999) seem to indicate a common source, which, accepting the widely shared view that the account preserved in Stobaeus is to be attributed to Augustus’ court philosopher Arius Didymus, who flourished in the late 1st century BC, ought to be dated back into that century. (For a seminal discussion of Stobaeus’ account see LONG 1983. The traditional identification of Arius Didymus the doxographer with Arius the court philosopher has been challenged by Tryggve Göransson (GÖRANSSON 1995), but I tend to agree with Brad Inwood (see INWOOD 1996) and others who have found his arguments on this point less than compelling). In addition to this the latest Stoic authorities cited in Diogenes’ account (often with reference to book titles) are Posidonius, Hecaton and Athenodorus, all of whom flourished in the first half of the first century BC (the latest Stoics referred to in Stobaeus’ text are Archedemus, Diogenes and Antipater, all of whom flourished in the 2nd century).

composition, his approach to philosophical writing, his cultural and intellectual background, etc. To be sure, the assessment of Cicero's intellectual merits has considerably altered over the twentieth century, but his appraisal as a source and transmitter of Hellenistic thought has been favourable throughout: on the old consensus, because he was considered a weightless transcriber and epitomist who mechanically drew on his Greek sources; on the new consensus, because he is being regarded as a well-prepared, intelligent and unbiased philosophical writer.

An optimistic view of Cicero's presentation of Stoic ethics is further encouraged by Cicero's own frequent indications of the seriousness of his approach to the subject. *De finibus* is beyond doubt Cicero's most technical and theoretical work in ethics. The need for a serious approach is stressed at I 12, where Cicero declares that "nothing in life is more worth investigating than philosophy in general, and the question raised in this work in particular". Correspondingly, seeing that there is "violent disagreement on these matters among the most learned philosophers" (*ibid.*) Cicero sets out to give a fairly comprehensive discussion of the question of the highest goods and evils, investigating "not only the views with which I agree, but those of each of the philosophical schools individually" (*ibid.*).¹⁸ This means a discussion in three dialogues, over five books, of the three ethical theories that were most vivid and influential at the time: those of Epicurus (Books I-II), the Stoics (Books III-IV), and Antiochus of Ascalon (Book V).

Importantly, in presenting these theories Cicero aims at explicating not only "what" the philosophers thought, but also "why" they thought it (cf. II 3 –in connection with the Epicurean theory as presented in Book I); that is, instead of doxographical outlines

¹⁸ *nos autem hanc omnem quaestionem de finibus bonorum et malorum fere a nobis explicatam esse his litteris arbitramur, in quibus, quantum potuimus, non modo quid nobis probaretur, sed etiam quid a singulis philosophiae disciplinis diceretur, persecuti sumus.*

he wishes to present the entire theories (cf. also *De fin.* III 14: *totam Zenonis Stoicorumque sententiam*), giving specific emphasis to the theoretical framework and the arguments behind the theses.¹⁹

To be sure, Cicero writes as an Academic Sceptic, but he is convinced that this does not detract from the reliability of his presentation of the dogmatic theories: to the contrary; as he remarks to Brutus (the addressee of the whole work) in the preface of Book I, “you will find that the exposition [of the Epicurean theory] given by me is no less accurate than that given by the school’s own proponents. For we (i.e. Academics) wish to find the truth, not refute anyone adversarially” (I 13: *quam a nobis sic intelleges expositam, ut ab ipsis, qui eam disciplinam probant, non soleat accuratius explicari; verum enim invenire volumus, non tamquam adversarium aliquem convincere*; cf. *Lucullus* 7-9; 65-66, etc.; *ND* I 11). He reinforces this confident claim by using as mouthpieces for the three theories contemporaries whose adherence to the three theories under discussion was widely known: Lucius Manlius Torquatus, Marcus Porcius Cato (Cato the Younger) and Marcus Pupius Piso respectively –that is, men who, unlike Lucullus or Catulus in the first version of the *Academica*, can be expected to give competent presentations of the theories they represent.²⁰ Moreover, he indicates his credentials as an expositor by referring to his Epicurean teachers at *De finibus* I 16, and to his well-versedness in Stoic literature and his ties with Posidonius at *De finibus* I 6. Again, the presence of Brutus as addressee of the work serves as a guarantee of the seriousness and accuracy of Cicero’s treatment (cf. I 8, III 6).

¹⁹ Cf. STRIKER 1995: 59-60.

²⁰ For Cicero’s choice of characters see *Ad Att.* XIII.12.3; 16.1; 19.3-5; cf. my discussion in Chapter **I.1** and note 31 of that chapter.

Cicero's account of the Stoic theory in Book III in particular displays Cicero's firm grasp of much technical detail (often well attested in other sources, such as e.g. Cicero's account of *kathēkonta*) as well as the terminology of the Stoic theory – indeed, Cicero effortlessly puts his scholarship to use in giving a slightly comic, though still respectful portrayal of Cato's personality, presenting him as someone whose style is rendered somewhat graceless and pedantic by his painstaking precision and rigorousness in expounding the Stoic doctrine.²¹ At IV 1 and 14 Cicero –speaking as *persona* in the dialogue– re-confirms the reliability of the account by congratulating Cato on the accuracy and lucidity of his presentation. Again, the exposition has a fairly explicit and self-consciously presented argumentative structure, the first section of which, starting with the Stoic idea of *oikeiōsis* and culminating in the Stoic *telos*-formula, is, as I have already indicated, importantly paralleled in the less explicit structure of the first paragraphs of Diogenes Laertius' presentation (and in the fragmentary remains of Hierocles' *Ēthikē Stoicheiōsis*). This encourages the assumption that Cicero's exposition follows a standard Stoic pattern. It has been suggested that the common paradigm to which both sources adhere may go back to Chrysippus himself, whose work *On ends* is systematically used by the author of DL's account.²²

Moreover, Cicero repeatedly refers to Diogenes of Babylon by name (III 33, 49 and 57 (together with Chrysippus)), and it is now generally agreed that the archer simile at III 22 originates with Diogenes' pupil and successor Antipater, who introduced it as part of his defence of Stoic ethics against the criticisms of Carneades, head of the

²¹ For Cicero's portrayal of Cato see also ANNAS 2001, xvi and p. 69, n. 6.

²² See INWOOD 1985: 188 and n. 25 (with reference to Dyroff).

Sceptic Academy around the middle of the 2nd century BC.²³ These passages gave rise to speculations that Cicero's main source in writing the book may have been a single treatise written in Diogenes' or Antipater's Stoa, perhaps by Antipater himself.²⁴ But even if we abandon the "one closely followed source" hypothesis as groundless, these passages may seem to provide further support for regarding Cicero's account as firmly rooted in mainstream and orthodox Stoic tradition.

To be sure, there are disturbing features of *De finibus* III. More than the expositions of the Epicurean and the Antiochean theories in Book I and V, this book shows signs of hasty composition –indeed, of Cicero's struggling with the arrangement of his material.²⁵ At points the account gets sketchy or condensed to the point of obscurity (owing either to Cicero's negligence or to the fact that the source he was using for the topics –perhaps a doxographic outline– was already sketchy enough). But in assessing these flaws we have to take into consideration, first, the extremely high speed at which Cicero wrote, and second, the fact that in writing his late *philosophica* his focus was on the creation and propagation of a new Roman philosophical language and style. This is not to deny that he had important messages to convey (e.g. that Epicureanism is utterly untenable, and correspondingly, that the theories which attach immense intrinsic value to virtue and morality ought to be cultivated). But as Gisela Striker (STRIKER 1995: 58-59) has rightly pointed out, Cicero "could not possibly

²³ Cf. e.g. LS ch. 64; *De fin.* III 22 is cited there together with *De fin.* V 16-20 as evidence on the debate between Carneades and Antipater.

²⁴ See PEMBROKE 1971: 120 (with reference to previous literature).

²⁵ To mention some examples, already at III 18 we find a paragraph that has been bracketed in the OCT edition as it has no relevance to the context. From 26 to 50 the argumentative structure of the exposition becomes rather obscure. 32 is again bracketed in the OCT due to its irrelevance to the context, but 33-5 is also pretty out of place. The *reductio* begun at 31 is rather badly organised and incomplete; and at 44, arguing that the Stoics and the Peripatetics hold different views, Cato makes the striking assertion that "we think differently; whether rightly or wrongly is a question to be considered later", which is rather out of place at this point of the exposition, as every argument to the effect that the Stoics are right and the Peripatetics are wrong has already been presented. For a more detailed survey of the structure of the exposition see Chapter II.2 below.

foresee that all the works, not only of his own teachers, but of their Hellenistic predecessors as well, would be lost... he assumed that a reader whose curiosity had been awakened by his outline would easily be able to pursue particular points of detail by getting the relevant Greek books”.²⁶

The real problem with Cicero’s account is that although it provides a sort of elucidation of the Stoic conception of the *telos* as living in agreement with nature, it seems to fall short of presenting the kind of substantial argument for the thesis that we are looking for.

In fact, if we read the book in its proper context, that is as part of *De finibus* as a whole, this does not come as a surprise: for this result is in accordance with the critique of the Stoic theory presented by Cicero as the opponent of Stoic ethics in Book IV. In this book Cicero is generally agreed to align himself with Antiochus of Ascalon, the hero of Book V.²⁷ He argues that the Stoic theory represents an unsuccessful attempt to develop on the theory inherited from the Old Academy so as to reach the radical conclusion that morality is the only good etc. The Stoics, Cicero wants to show, do not have any substantial and compelling argument to provide for their diversion from the Old Academic position. This circumstance has been obscured by the widespread practice in modern scholarship of reading and interpreting Cicero’s account of Stoic ethics in isolation from the rest of *De finibus*, as a self-contained unit.

²⁶ At *Ad Att.* XIII.13.1 Cicero boasts that the second version of his *Academica* turned out so well that “it has no equal in its kind even among the Greeks” (*libri quidem ita exierunt, nisi forte me communis φιλαυτία decipit, ut in tali genere ne apud Graecos quidem simile quicquam*). But the qualification *in tali genere* renders the passage compatible with the idea that Cicero wrote in the “popular” or “introductory” genre. Moreover, Cicero clearly considered the eloquence of his works his most valuable contribution: cf. e.g. *De fin.* I 6, *Ad Att.* XIII.19.5).

²⁷ For the person and philosophy of Antiochus of Ascalon, see DILLON 1977 and 2003; GLUCKER 1978; BARNES 1989; TARRANT 1985; ANNAS 1993 (Ch. 6 and 20.3); STRIKER 1997; SEDLEY 2002.

Consequently, two main lines of interpretation have emerged. As Julia Annas has noticed in a recent article, “there is something of a division between those who think that the key text to expound Stoic ethics is Cicero *De finibus* III, which does not present Stoic ethics via cosmic nature, and those who foreground Diogenes Laertius VII 85-89, which does” (ANNAS 2007: 85). But as we shall see, this observation needs qualification. Actually both lines of interpretation greatly rely on *De finibus* III; it is not much of an overstatement to say that the actual divide is between those who argue that the account found *De finibus* III is as it stands deficient or incomplete (either because Cicero missed a crucial philosophical point or because for some reason he left it implicit), and that in order to reconstruct the Stoic theory proper we have to supplement Cicero’s presentation in terms of the cosmic perspective found in Diogenes Laertius’ much more sketchy and incomplete account; and those who want to give justice to Cicero and argue to the effect that he actually provides a largely correct account of the Stoic theory which can be understood without supplementing it in virtue of other sources (at the same time attempting to show that the theory so understood is a philosophically interesting one).

In what follows I shall argue that neither line of interpretation gives satisfactory account of Cicero’s presentation of Stoic ethics; in order to get over this debate first we have to take one step back and re-consider our approach to *De finibus* III as a testimony. First (in Chapter **II.2**), I shall provide an outline of the account of Stoic ethics in *De finibus* III. Next (Chapter **II.3**), I shall survey the basic interpretive problems attached to the first section of the account which contains the account proper of the *summum bonum* as living in agreement with nature.

For economy’s sake, I will at the same time begin developing the idea that placing back *De finibus* III into its proper context –that is *De finibus* as a whole– makes an

important difference here. I shall argue that Cicero does indirectly offer solutions to some of the interpretive problems raised by the account, but does this in such a way that the solutions suggested render some other interpretive problems even more serious and irresolvable. To put it briefly: Cicero's treatment of the subject in *De finibus* prompts a largely Academic–Antiochean reading of the Stoic theory, which in turn culminates in its demolition as lacking compelling or even attractive rational support. This analysis serves as a forerunner to my main argument in **Part III**.

Third (Chapter **II.4.1**), I shall briefly consider the “cosmic” approach and point out that this line of interpretation is generally attenuated by a methodological problem: the difficulty presented by the practice of using Cicero's account as a raw material for reconstructing the Stoic theory and freely supplementing or combining it with other materials, without paying attention to the fact that it is obviously meant to provide a *full* account of the Stoic theory by its author.

Finally (Chapter **II.4.2**), I shall discuss the most attractive and influential attempt to date to present a viable alternative to the “cosmic” interpretations. This is Julia Annas' interpretation in her famous and much discussed book *The Morality of Happiness* (ANNAS 1993). This interpretation represents a philosophically interesting attempt to give justice to Cicero's presentation, but I shall argue that in the end it fails to convince. Annas attempts, partly on the basis of a reading of *De finibus* III, to show how the central Stoic thesis that virtue is the only self-sufficient good was actually grounded within Stoic ethics. But her explanation approaches a conclusion that, on my assessment, borders on Cicero's deprecating sceptic view of the “dogmatic” theories, and lacks credibility on historical grounds. Annas argues to the effect that the Stoic theory principally relied on an appeal to the distinctive value of virtue (which we can understand as the ancient counterpart to appeals in modern

moral theories (e.g. in Kant) to the distinctive nature of moral reasons), as to an ungrounded first principle, or rather a fundamental ethical *phenomenon* or *datum* for which the appropriate ethical theory has to account rather than seeking its further foundations. I shall argue that this description of the Stoic theory does not seem to sit well with considerations concerning the actual development of the Stoic theory in its historical context.²⁸

²⁸ In fact, I find also the comparison with Kant's moral theory rather problematic; for it seems to me that the idea that to Kant the distinctive nature of moral reasons is a fundamental phenomenon, and he develops a moral theory that accounts for this phenomenon rather than grounds it, presupposes a certain interpretation of Kant's moral theory, and one which I find difficult to accommodate with Kant's explicit aims and purposes in the *Grundlegung* as I know and understand it. To be sure, it is often argued that between writing the *Grundlegung* and the *Kritik der Practischen Vernunft* Kant basically changed his mind about the fundamental issue in moral philosophy; and Annas' claim may take the latter work as representing Kant's settled view. But I still find it tempting to describe Kant's moral theory at large (including the version of it presented in the *Kritik der Pracischen Vernunft*) as an attempt to give justice to our sound moral intuitions by grounding them in the overall revisionary conception of human rationality and its relation to reality that constitutes the essence of Kant's "critical" philosophy. However, since the interpretation of Kant's philosophy is beyond my competence, I shall set aside such worries in my treatment.

II.2 *An outline of De finibus III 16-26*

As I indicated above, the first section of Cicero's account contains an explication of the Stoic conception of the *summum bonum*, which commences with the famous theme of *oikeiōsis*, on which Cicero is one of our most important sources, and culminates in the "living in agreement with nature" formula. Before focusing on this section, however, it will be worthwhile to give a brief overview of the general structure of the whole account, and to indicate how the first section relates to the rest of the exposition.

Here is a tentative outline of the major points of Cato's speech:

- 16 Starting point: the thesis that a living being is from birth "concerned with itself, and takes care to preserve itself"
- 16-18 Six (?) arguments for the thesis (one of them bracketed in the OCT)
- 19 First digression: on the appropriate style for presenting the theory
- 20 The relation between naturalness, value and appropriate action
- 21 An account of human rational development, culminating in discovery and location of "the good" in "consistency" and "morality"
- 22 Consequence: the "first natural objects" are the objects of appropriate actions, but their attainment is not a part of our ultimate good
- 22-25 Five (?) arguments in response to the objection that the Stoic account establishes two ends instead of one
- 26 Formulation of the Stoic view of the *summum bonum* as "living in agreement with nature" and its basic implications: the thesis that morality is the only good and that it suffices for happiness
- 27-29 Three (?) arguments in favour of these implications
- 30-31 An application of the *Carneadea divisio* to eliminate other positions, including (i) those which locate the *summum bonum* in some non-moral good (such as pleasure, the absence of pain or the "first natural objects"); and (ii) those which locate the *summum bonum* in "the mind and in virtue", but do away with the notion of choosing between things according to naturalness/contrariness to nature

- 32 An argument of uncertain purpose to the effect that virtuous actions are judged right independently of their outcome (bracketed in the OCT)
- 33-4 The notion of “the good”, acquired through “rational inference”, is the notion of a supreme value that is a matter of kind, not a matter of degree
- 35 A brief account of the emotions
- 36-39 Return to the *divisio*: further arguments against views which separate the supreme good from morality (category (i) above)
- 40 Second digression: on the Latin rendition of the Stoic terminology
- 41-48 Comparison of the Stoic and the Peripatetic conception of the *summum bonum*: respects in which they are not identical
- 49 The relevance of material goods to happiness (this may actually still belong to the previous comparison)
- 50-54 An account of the ranking between indifferents, starting from a repetition of the rejection of theories which do away with choice among indifferents (at 31; category (ii)); the notion of “preferred” things and its relation to “good”
- 55 Division of goods into “constitutive” and “productive” (and both); wisdom is both
- 56 Division of “advantageous” (=“preferred”) things into things that are advantageous *per se* and things that are advantageous instrumentally (and those which are both)
- 57 Reputation: the orthodox doctrine is that it is advantageous only instrumentally
- 58-61 Further elaboration of the idea that appropriate actions aim at the attainment of indifferent things
- 60-61 The Stoic attitude to death
- 62 The naturalness of parental love
- 63-66 The naturalness of sociability, justice and benevolence (including the view that the whole universe is governed by divine will is a city for men and gods)
- 67 Animals excluded from the community
- 67 No problem with private property
- 68 The wise man’s attitude to politics, procreation, family
- 69 The distinction between “benefits” and “losses” on the one hand and “conveniences” and “inconveniences” on the other hand; the distribution of the latter need not be equal
- 70 Friendship
- 71 The wise person’s attitude towards justice
- 72-3 The ethical relevance of the other parts of philosophy: logic and physics are virtues

There is much that the above outline does not reveal. First, it is important to note that Cato's purported aim is to present the "whole Stoic system" (*De fin.* III 14: *totam Zenonis Stoicorumque sententiam*; cf. e.g. I 13: *Epicuri ratio... Epicuri sententia de voluptate*) in a continuous exposition. But the introductory conversation between Cato and Cicero (10-14) makes it clear that Cato's speech also has a specific focus: it is meant (a) to highlight and argue the point that the Stoic theory is not merely a verbal variation on the Peripatetic (Old Academic) theory as Antiochus (and before him Carneades) claimed, but establishes a significantly different position; and at the same time (b) to show that on rational grounds this position is preferable to the Peripatetic one. To meet the first challenge Cato must show both that (i) the Stoic theory does not collapse into the position attributed to Aristo –that is, it does not abolish any rational criteria for choosing between the objects classified as indifferents–, and that (ii) in escaping that trap it does not collapse into the Peripatetic (Old Academic) position either. In order to meet the second challenge Cato must show that (iii) the Stoics have compelling reasons to depart from the Peripatetic (Old Academic) position (for a more detailed account of the initial challenge see Chapter **II.3.2** below).

Cato takes pains to indicate that the presentation follows a standard and logical order. Within this order the function of the first section presenting the Stoic account of the *summum bonum* (16-26) is not so much different from the function of Aristotle's provisional account of his conception "the good". It serves as an "outline" (*perigraphē*) or a sketch laid down, the details of which can be "filled in" later. At III 26 Cato marks the end of this section by inviting his interlocutor to consider "how evidently the following points flow from what I have just laid down" (*quam sint praeclare illa his, quae iam posui, consequentia*). However, it is insufficient to say

simply that from 26 onwards Cato draws out the theoretical implications and corollaries of the account of the *summum bonum* given in 16-26.²⁹

The remainder of Cato's account falls into two vaguely demarcated parts, which can be distinguished by the different concerns which prevail in them. In the second part, which commences at 22, Cato proceeds in a markedly defensive and argumentative manner. This argumentative section has a rather complex, indeed muddled structure, and is interspersed with more "doxographic" digressions which are either utterly out of place in their context (32 is even bracketed in the OCT edition), or are presented as digressions (see Cato's brief discussion of the notion of "good" at 33-34), or are vaguely related to the point under discussion (see esp. 49; cf. also 39).

(i) First (22-25), Cato counters the possible objection that the Stoics actually introduce two ends instead of one. (ii) Second (26-29), he draws out the thesis that morality is the only good, and presents a set of arguments in support of it. (iii) Third, in 30-31, he introduces a version of what we know as the *Carneadea divisio*³⁰, and presents a sketchy *reductio* of the viable ethical positions, (i) eliminating any position that locates the *summum bonum* in anything distinct from virtue, and (ii) those theories which do locate the *summum bonum* "in the mind and virtue", but do away with practical guidance in terms of choosing among other objects with respect to naturalness/being contrary to nature –this category includes the position elsewhere (12, 50) attributed to Aristo, the New Academic position and (presumably, cf. II 35, V 23) Erillus' view.³¹ (iv) At 32 this procedure is interrupted by an abrupt shift to a

²⁹ Cf. ANNAS 2001: 73 n. 14.

³⁰ For the *Carneadea divisio* see further Chapter III.2; for further literature see n. 67 to that chapter.

³¹ Aristo of Chios (one of Zeno's pupils) was famous for arguing against Zeno's classification of indifferents (see LS 59 and IOPPOLO 1980 and FORTENBAUGH-WHITE 2006); Cato, virtually adopting Antiochus' procedure (who in turn apparently drew on a Carneadean tradition, see Chapters II.3 –esp. n. 47– and III.2), eliminates him on the ground that his theory does not conform to the basic requirement that an ethical theory ought to provide practical guidance (cf. *De fin.* II 35, 43; III 12, 50;

topics that one cannot but think would fit better somewhere else (perhaps as a supplement to 25 or to 39 –the passage is bracketed in the OCT). Next (32-33) comes a brief doxographic account of the Stoic notion of “good” and of emotions (34) which are also rather out of place here and their relevance is not clearly indicated. (v) At 36 Cato seems to return to the *reductio*, presenting further and more elaborate arguments for eliminating those positions which separate *the summum bonum* from morality that is, for the thesis that morality has an intrinsic value (34-38; at 39 he once again presents a technical detail without much significance to the point under discussion). (vi) After a brief interlude (40) Cato turns to the original charge that the Stoic position is a verbal variant on the Peripatetic one: he (41-50) points out significant differences in the consequences of the two views (including that the Peripatetics must hold that virtue is not sufficient for happiness, and that they have to adopt an additive view of happiness). As to whether these points of difference are meant to tell in favour of the Stoic position (which the completion of the *reductio* of other possible positions would require), Cato’s presentation is rather vague (at 44 and 48 sub fin. He seems to suggest that they are not).

Without going into details I would like to take notice that the great bulk of the argumentative material presented in these sections eminently represents the kind of disappointing arguments that, as I explained in the previous chapter, motivated the search for the “foundations” of Stoic ethics. Even apart from their value, however, the arguments in question seem to presuppose a characteristically “dialectical” context; that is, for the most part they seem to be responses to objections and objections to different positions; and they do not seem to rely on deeply theoretical presuppositions

IV 43, 47, etc.; V 23; 73; see further my discussion of the *Carneadea divisio* in Chapter III.2). Erillus was another unorthodox Stoic in Aristo’s generation (cf. esp. *De fin.* II 43; see further IOPPOLO 1985).

that the opponents would be likely not to accept.³² This may also contribute to an expectation or demand that the Stoics should provide something more “substantive”: the considerations and arguments in virtue of which the Stoics arrived at and established their distinctive position on the *telos* in the first place, prior to entering into dialectical debates with others.

Finally (vii), at 50 Cato turns to “expounding the principle of ranking” among indifferents. Apparently, he wishes to further reinforce the point that he made rather sloppily earlier, that the position attributed to Aristo –and any position that does away with the natural / contrary to nature distinction as the principle of choosing between indifferents, and thus abolishes practical guidance– is to be eliminated as “absurd”. And the following pages actually seem to contain some arguments to this effect (esp. 53-54, 58-61) –although for the most part these arguments are difficult to make any sense of. The same goes for his further elaboration (at 58-61) of the idea that appropriate actions aim at the attainment of indifferent (but natural) objects. But an increasing amount of “doxographic” material is enmeshed into the account (51-52: the origin of the term *proēgmenon*; 55: the division of “goods” into *telika* and *poētika*; 60-61: the Stoic view on suicide). And from 62 onwards the discussion cannot be said to be “argumentative” in the sense it had been for the most part previously. This is not to say that in this section we find no arguments at all; but the arguments simply serve to establish specific points in a non-confrontative manner (cf. e.g. 62, 63, 65), and the doctrines presented –on the naturalness of social life, altruism, benevolence, justice and friendship– have no direct bearing on Cato’s main argument. On the whole, the passage represents a pedantic concern for making the account of the Stoic theory complete. At 74 Cato himself seems to recognise this when he observes “I am being

³² For the notion of “dialectical” reasoning in Stoic ethical theorising see esp. IRWIN 1986: 208-9 and n. 4, BRUNSCHWIG 1991: 90-1, 94-5; ANNAS 1993: 163.

carried beyond the scope of my original plan” (*longius provectum quam proposita ratio postulare*). The speech is then closed by an eulogy of the marvellous organisation and structure of the Stoic system (74), and of the glorious ideal of the wise and happy man, who alone is rich, beautiful, free, etc. (75-6).

We can now turn to the details of the first section of Cato’s speech (III 16-26). As I suggested earlier, even those who “foreground” the passage in Diogenes Laertius, typically begin by focussing on this passage,³³ expecting to find here the central argument for the Stoic thesis concerning the *telos*. In the previous chapter I have already mentioned what I take to be the main motivations underlying this expectation. As I have told there, apart from (i) the disappointing appearance of the explicit arguments that can be found in our sources for the central Stoic ethical tenets, (ii) the sources which connect the “living according to virtue” formula with the “living in agreement” formula, and (iii) the parallels between some of our surviving accounts of the Stoic theory (including *De finibus* III), the idea that the Stoics did in some sense ground their theory in their conception of *oikeiōsis* is encouraged by Cicero’s own indications in this section to the effect that the section has a strict argumentative structure (16: *hinc enim est ordiendum*, “since this is where we should start”; 20: *quibus congruere debent quae sequuntur*, “it is with these [the natural principles] that what follows must cohere”; end especially 26: *Videamus nunc, quam sint praeclare illa his, quae iam posui, consequentia* “let us now see how evidently the following points flow from what I have just laid down”).

³³ See esp. STRIKER 1996b (=1991): 224 (cf. ENGBERG-PEDERSEN 1986: 158-9); COOPER 1999 (=1996): 434ff; FREDE 1999: 72-3.

The passage starts with a psychological thesis concerning the congenital inclinations of animals (including new-born humans) (16), and culminates in the ethical thesis that the *summum bonum*, i.e. the *telos* of human life, is “to live consistently and harmoniously with nature” (26: *convenienter congruenterque naturae vivere*). Before turning to the main interpretive problems raised by the passage, I shall give a more detailed outline of its structure and content.

1) *De fin.* III 16-17: the psychology of animal motivations.

The psychological thesis concerning animal motivations is one of the surviving versions of the Stoic doctrine of *oikeiōsis* (the other main source for the doctrine is found at DL VII 85):

They [i.e. the Stoics] hold ... that every animal, as soon as it is born, is attached to itself, and is led to preserve itself and to love its own constitution and those things which preserve its constitution, whereas it is alienated from its destruction and those things which appear to lead to destruction.³⁴ (*De fin.* III 16)

On this thesis every animal (including humans) has from birth on a fundamental and non-derivative inclination to preserve itself, which manifests itself in particular impulses to attain or secure those objects (broadly construed) that are preservative of the animal’s *status* (literally “state”, cf. also 20, *in naturae statu* –generally regarded as Cicero’s translation of the Stoic term *sustasis*, “constitution”, cf. esp. DL VII 85), and to escape those objects which threaten it with harm or destruction. Cato does not consider this thesis self-evident; he takes pains to establish it with arguments (16-18),

³⁴ *Placet his ... simulatque natum sit animal ipsum sibi conciliari et commendari ad se conservandum et ad suum statum eaque, quae conservantia sint eius status, diligenda, alienari autem ab interitu iisque rebus, quae interitum videantur adferre.*

Unless otherwise indicated, all passages from *De finibus* are taken from the Raphael Woolf’s translation (in ANNAS 2001). The Latin text used is the OCT edition of *De finibus* (REYNOLDS 1998).

in marked opposition with the alternative claim that (as the readers might remember) formed the starting-point of Epicurus' theory as presented in *De finibus* I-II, that animals are from birth hedonistically motivated (cf. esp. I 30 and II 31). For the sake of brevity I omit discussing these arguments in detail now³⁵; the only one of them that has a direct bearing on my present concerns is the one at 17-18, according to which truth, knowledge and science are considered valuable in their own right or for their own sake, which can be seen in the case of infants who can be observed to take delight in learning and discovering things when there is no ulterior motive (i.e. the acquired knowledge has no advantage in hedonistic terms) –I shall briefly return to this argument in Chapter **II.3.1**.

2) *De fin.* III 20: shift from psychological to normative/evaluative claims.

As Cato emphasises, this point-of-departure is far from being accidental: “this is where one should start” (III 16: *hinc enim est ordiendum*), for it is with these “starting-points of nature” that what follows must cohere (20: *principiis naturae ...quibus congruere debent quae sequuntur*).³⁶ The first thing that follows is a division (*sequitur autem haec prima divisio*) that is as noteworthy as is mysterious. Whatever “is in accordance with nature” –i.e. is the proper object of a natural impulse– or brings about something that is, is “valuable” (*aestimabile*) or “worthy of value” (*habeat dignum aestimatione*, where ‘*aestimatio*’ stands for the Greek term *axia*; cf. DL VII 105, Stob. II 88, 10ff), and as such is “worthy of selection” (*selectionem dignum propterea sit* –*selectio* is Cicero’s translation of *ekklisis*) and “to be adopted for its

³⁵ I shall return to the first and the second argument in Chapter **III.3**; for further discussion see e.g. ENGBERG-PEDERSEN 1986: 150ff; BRUNSCHWIG 1986: 128ff.

³⁶ For a similar claim see Stob. *Ecl.* II 79 (LS 58C): Ποιεῖσθαι δὲ λέγουσι τὸν περὶ τούτων λόγον <ἀπὸ> τῶν πρώτων κατὰ φύσιν καὶ παρὰ φύσιν.

own sake” (*propter se sumendum* –perhaps Cicero’s rendition of *kath’ hauton lēpton*, cf. Stob. II 82, 20-21 (LS 58C), 83,1-6); on the other hand, whatever is contrary to nature is “non-valuable” (*inaestimabile*) and “to be rejected” (*reiciendum*).³⁷

“With these established” (*inistiis ita igitur constitutis*), Cato continues, it also follows that the attainment of these objects is a “duty” or “appropriate action” (*officium* – Cicero’s standard term for the Greek *kathēkon*): “the first duty (*primum officium*) is to preserve oneself in one’s natural constitution, the next is to take (*teneat*) what is in accordance with nature and to reject the opposite”. As he further elaborates later (22), appropriate actions “originate from nature’s starting-points, and so the former must be directed towards the latter”, i.e. “they are all aimed at the attainment of the natural principles” (22: *cum vero illa, quae officia esse dixi, proficiscantur ab inistiis naturae, necesse est ea ad haec referri, ut recte dici possit omnia officia eo referri, ut adipiscamur principia naturae*).

This shift from “is” to “ought” –that is, from factual/psychological to evaluative/normative claims– is by no means self-explanatory, and we shall have to come back to it later. As it stands, the passage is a typical example of Cato’s scrupulous care for telling the story in the Stoics’ own terms, and his claims concerning the relation between “value”, “things according to nature” and “appropriate action” are in line with our meagre independent evidence on the Stoic doctrine of “value” and “appropriate action”.³⁸ Later, at III 50 Cato shall return to the

³⁷ *sequitur autem haec prima divisio: Aestimabile esse dicunt –sic enim, ut opinor, appellemus– id, quod aut ipsum secundum naturam sit aut tale quid efficiat, ut selectione dignum propterea sit, quod aliquod pondus habeat dignum aestimatione, quam illi ἀξιόν vocant, contraque inaestimabile, quod sit superiori contrarium. inistiis igitur ita constitutis, ut ea, quae secundum naturam sunt, ipsa propter se sumenda sint contrariaque item reicienda...*

³⁸ Cf. the material presented in LS 58 and 59; cf. esp. Chrysippus, quoted by Plutarch (*On common conceptions* 1069E (SVF III 491)): “What am I to begin from, and what am I to take as the foundation (*arkhē*) of proper function and the material of virtue, if I pass over nature and what accords with nature?”

question of evaluation of indifferent things (with respect to their relation to nature: 53) and appropriate actions (58ff); but as we shall see, neither these passages nor our other evidence provides much help in understanding what is actually going on in III 20: why the mere fact that x is “in accordance with nature” or is the object of a natural impulse would entail that x has “value”, is “worthy of selection”, or that its attainment is an “appropriate action”. –Later, in Chapter **II.3.2** I shall argue that the Antiochean interpretation of the Stoic theory conveyed in Books IV and V (and foreshadowed already in Book II) suggests an explanation for this; but that in view of our independent evidence on the Stoic theory of human psychology of motivation this explanation is hardly correct.

3) *De fin.* III 20-22: intellectual development and recognition of “the good”.

In the next move Cato turns to explain how the emergence and development of *reason*, the distinguishing feature of humans, affects and transforms this congenital motivational set. I quote this complicated passage in full:

(20) ...the initial “appropriate action” (this is what I call the Greek *kathēkon*) is to preserve oneself in one’s natural constitution. The next is to take what is in accordance with nature and to reject its opposite. Once this method of selection (and likewise rejection) has been discovered, selection then goes hand in hand with appropriate action. Then such selection becomes continuous, and, finally, stable and in agreement with nature. At this point that which can truly be said to be good first appears and is recognized for what it is.

(21) A human being’s earliest concern is for what is in accordance with nature. But as soon as one has gained some understanding, or rather “conception” (what the Stoic call *ennoia*), and sees the order and as it were concordance in the things which one ought to do, one then values this concordance much more highly than those first objects of affection. Hence through learning and reason one concludes that this is the place to find the supreme human good, that good which is to be sought and praised on its own account. This good lies in what the Stoics call *homologia*. Let us use the term “agreement” if you approve. Herein lies that good, namely moral action and morality itself, at which

everything else ought to be directed. Though it is a later development, it is none the less the only thing to be sought in virtue of its own power and worth, whereas none of the primary objects of nature is to be sought on its own account.

(22) What I have called “appropriate actions” originate from nature’s starting-points, and so the former must be directed towards the latter. Thus it may rightly be said that all appropriate actions are aimed at our attaining the natural principles. It does not mean, however, that this attainment is our ultimate good, since moral action is not included among our original natural attachments. Rather, such action is a consequence and a later development, as I said. But it is too in accordance with nature and, to a far greater extent than all the earlier objects, stimulates our pursuit.³⁹ (*De finibus* III 20-22)

The developmental process described by Cato involves several successive stages.

- i) First we “discover” (*invenire*) the principle of selection (*selectio*) described in the earlier passage, that is, the principle that things in accordance with nature are valuable etc., their contraries are and thus their attainment is an “appropriate action”,
- ii) –and once this has happened our selecting activity then “goes hand in hand with appropriate action” (*sequitur deinceps cum officio selectio*).
- iii) Next, our selecting activity comes to be “continuous” (*perpetua*), “consistent” (*constants*), and finally “in agreement with nature” (*consentaneaue naturae*).
- iv) It is at this point that one begins to understand (*intellegi*) “what it is (*quid sit*) that can truly be said to be good” (20). At a certain stage of one’s intellectual development –“as soon as one has gained some understanding (*intellegentiam*) or ‘conception’ (*notio* –Cato’s translation of the

³⁹ (20) (...) *primum est officium (id enim appello καθήκον), ut se conservet in naturae statu, deinceps ut ea teneat, quae secundum naturam sint, pellatque contraria. qua inventa selectione et item reiectione sequitur deinceps cum officio selectio, deinde ea perpetua, tum ad extremum constans consentaneaue naturae, in qua primum inesse incipit et intellegi, quid sit, quod vere bonum possit dici.*

(21) *prima est enim conciliation hominis ad ea, quae sunt secundum naturam. simul autem cepit intellegentiam vel notionem potius, quam appellant έννοιαν illi, viditque rerum agendarum ordinem et, ut ita dicam, concordiam, multo eam pluris aestimavit quam omnia illa, quae prima dilexerat, atque ita cognitione et ratione collegit, ut statueret in eo collocatum summum illud hominis per se laudandum et expetendum bonum, quod cum positum sit in eo, quod όμολογίαν Stoici, nos appellemus convenientiam, si placet, cum igitur in eo sit id bonum, quo omnia referenda sint, honeste facta ipsumque honestum, quod solum in bonis ducitur, quamquam post oritur, tamen id solum vi sua et dignitate expetendum est; eorum autem, quae sunt prima naturae, propter se nihil est expetendum.*

(22) *vero illa, quae officia esse dixi, proficiscantur ab initiis naturae, necesse est ea ad haec referri, ut recte dici possit omnia officia eo referri, ut adipiscamur principia naturae, nec tamen ut hoc sit bonorum ultimum, propterea quod non inest in primis naturae conciliationibus honesta actio; consequens enim est et post oritur, ut dixi. est tamen ea secundum naturam multoque nos ad se expetendam magis hortatur quam superiora omnia.*

Greek term *ennoia*)”⁴⁰ – one recognises (*vidit*) this very internal rational order and concordance of one’s choices and actions (*rerum agendarum ordinem et... concordiam*) as a further practical object in its own right, over and above the immediate objects of our desires and choices (21);

- v) –and once one has recognised this object, one values (*aestimavit*) it far higher than those first objects of affection (*quae prima dilixerat*).
- vi) “Hence” (or perhaps rather “and in this way”: *atque ita*), through “learning and reasoning” (*cognitione et ratione*), one concludes (*collegit*) that “it is in *this*” –that is, presumably, the aforementioned rational order and concordance of our choices and actions– that the good ought to be located (*ut statueret in eo collocatum summum illud...bonum*) (21). This good “is located in” or “lies in” (*positum sit in eo... in eo sit*) what the Stoics called *homologia*, agreement or concordance –Cato opts for the term *convenientia* as its Latin rendition–, and can be further specified as “moral action and morality itself” (*honeste facta ipsumque honestum = Gr. to kalon*, “the fine” or “the honourable”).⁴¹
- vii) The good that we have grasped in this way is the only good that is “to be sought on its own account” (*propter se expetendum*; perhaps Cicero’s translation of (*di’ hautō*) *haireton*, cf. DL VII 89, SVF III 121, 131 and III 91) or “in virtue of its own power and worth” (*vi sua et dignitate*), and it is to this that “everything else ought to be referred” (*quo omnia referenda sint*). Thus as a consequence we also realise that the “first objects of nature” (*quae sunt prima nature*; also *initia/principia naturae*), i.e. the former objects of our natural inclinations, are actually not “to be sought on their own account” (21 *sub fin*). But this, as Cato further (22) explains, does not mean that we cease to pursue these objects. Since appropriate actions “originate” (*proficiscantur*) from these first objects of nature, the former *necessarily* must be directed to the latter (*necesse est ea ad haec referri*). Thus in our choices and actions we keep on aiming at their attainment (*adipiscere*) –that is, keep on performing “appropriate actions”. The difference is that our actual end in doing so is no longer this attainment itself; rather, we keep on performing appropriate actions for the sake of *morality*, which is “a consequence and a later development”.

⁴⁰ Pace Gisela Striker (STRIKER 1996a (1983): 289) and Michael Frede (FREDE 1999: 73) I take it that Cicero is here talking about the acquisition of concepts in general, rather than about the grasp of the notion of the good referred to at 20 *sub fin*. –see also ENGBERG-PEDERSEN 1986: 157.

⁴¹ As we can see, the very difficult sentence in 21 involves four items: “internal order and concordance of what one ought to do”, “agreement”, “moral action” and “morality itself” respectively; but Cato’s elaboration does not make sufficiently clear the relations that hold among these items –notably, the situation is further complicated in 23, where the good is virtually further identified with “wisdom” (*sapientia*) or “perfect reason” (*perfecta ratio*).

4) *De fin.* III 26: conclusion –the Stoic *telos*-formula.

After some further elucidation (22-25: arguments in response to the objection that the Stoics introduce two ends instead of one), the account of natural intellectual/moral evolution culminates in the Stoic thesis that the *telos* of human life is “to live in accordance with nature” (26: *congruenter naturae convenienterque vivere* –Cicero’s translation of the Greek formula *homologoumenōs tē(i) phusei zēn*). To Cato the implications of this definition are sufficiently elucidated by the previous account and are further specified a bit later in terms of a formula the first part of which Diogenes Laertius attributes to Chrysippus himself: “to live applying one’s knowledge of the natural order, selecting what accords with nature and rejecting what is contrary” (31: *vivere scientiam adhibentem earum rerum, quae natura eveniant, seligentem quae secundum naturam et quae contra naturam sint reicientem*; cf. DL 87). To live in accordance with nature, that is, is to live performing all appropriate actions in a maximally ordered and consistent way, such that this manifests our ultimate end, “morality”.

II. 3 *Problems with Cato's account*

As I suggested in Chapter II.1, even those interpreters who foreground the parallel passage in Diogenes Laertius typically begin by focussing on the first section of Cato's speech, expecting to find here an account of the Stoics' central argument for their thesis concerning the *telos* of human life. As I explained there, this expectation is aroused partly by the general bafflement and disappointment felt about the explicit arguments presented in our sources for the central theses that virtue is self-sufficient for happiness, the fine is the only good, etc. –Notably, the arguments presented in the second (argumentative) part of Cicero's account are no exception: for example, as explicit proof that *honestum* is the only good Cato at III 27 presents a version of the Chrysippian syllogism which has been preserved by Plutarch (quoted as example in Chapter II.1); and the two arguments that follow in 28 and 29 are not much more promising either (and nor are the other arguments that seem to have a bearing on the issue, see e.g. the arguments at 23-25).

Moreover, as I also indicated earlier, the idea that the missing theoretical “foundations” of Stoic ethics are to be sought here is encouraged by the way in which the thesis that the *telos* is living according to virtue is juxtaposed in some of the sources (in Diogenes Laertius and in Stobaeus) with the thesis that the *telos* is living in agreement with nature, and also by the fact that the first sections of two other accounts of Stoic ethics (Diogenes Laertius and Hierocles), up to the introduction of the “living in agreement” formula, follow a roughly similar pattern.

Partly, however, these expectations are certainly encouraged by Cato's (that is, Cicero's) own indications to the effect that his exposition follows a definite plan, and

has a strict deductive structure: at 16, “since this is where we should start” (*hinc enim est ordiendum*); at 20, “it is with these [the “natural principles” (*principia/initia naturae/naturalia*)] that what follows must cohere” (*quibus congruere debent quae sequuntur*); and especially at 26, “let us now see how evidently the following points flow from what I have just laid down” (*Videamus nunc, quam sint praeclare illa his, quae iam posui, consequentia*).⁴²

What I would like to point out and emphasise now is that these indications fit in well with, and are considerably reinforced by, the wider context of Cato’s account in *De finibus*. Throughout the work (see esp. Book II, 33-4, 38, 45-48; Book III, 10-14; Book IV, 16-19, 24-26, 32, 44-45, 57-60) Cicero –speaking as a character in the dialogues– endorses the view that the Stoic position should be understood as a departure from an alleged common “Old Academic”–early Peripatetic tradition, a tradition associated with the names of Xenocrates, Polemo and Aristotle. These philosophers, Cicero maintains, unanimously held the following views:

- (a) every living being, including humans, is motivated to act by a single ultimate source of motivation, its congenital self-love;
- (b) self-love motivates one to preserve oneself;
- (c) self-preservation implies not only a care for one’s protection from danger or harm, but also a care for maintaining oneself in “the best possible condition according to nature”, that is, a concern for the actualisation of the powers and excellences inherent in the natural constitution of one’s constituents parts;
- (d) prudence or practical wisdom is an art subordinated to this independently given concern (being “nature’s companion and helper”);

⁴² Cf. esp. STRIKER 1996b (=1991): 225-6. As Long (LONG 1996: 139) emphasises, at the end of his exposition Cato gives voice to his amazement over the coherence and the strictly deductive building of the Stoics theory, in which “conclusion unfailingly follows from premise, later development from initial idea” (74: *quid posterius priori non convenit? quid sequitur, quod non respondeat superiori*). See further 39, 41, 48.

- (e) therefore the *telos* of human life (that is the practical object which constitutes the governing principle or reference point for rational agency) is “to live in accordance with nature”, which consists in the attainment of all of the objects which are either (i) constitutive of the fulfilment of one’s natural desires (such as bodily health, beauty, and intellectual/moral excellence), or (ii) are conducive to this (such as a modicum of external assets).
- (f) Finally, prudence qua practical reason and the art of life must apply this *telos* as the single ultimate reference point or principle in offering us a systematic practical guidance in life (i.e. prescribing “appropriate actions”).

Cicero’s view, then, is that the “ancients” did ground their theory on an explicit and coherent argument that deduced the *summum bonum* from a consideration of the “primary natural objects”.⁴³ Indeed, the *Carneadea divisio* introduced first in Book II (34) and elaborated in Book V (16ff) strongly suggests the view that this derivation of the *summum bonum* from the natural principles is common to eudaemonist ethical theories in general (the Antiochean spokesman Piso is speaking):

It is almost universally agreed that what practical reason is concerned with and wants to attain must be something that is well suited and adapted to our nature, something that is attractive in itself and capable of arousing our desire (what the Greeks call *hormē*). There is less agreement, however, on what it is which moves us in this way and is the natural object of our desire from the moment we are born. In fact it is at precisely this point of inquiry into the supreme good that philosophical controversy rages. The origin of the whole dispute about the highest goods and evils, and the question of what among them is ultimate and final, is to be found by asking what the basic natural attachments are.⁴⁴ (*De finibus* V 17)

Cicero himself (this time speaking in his authorial voice) seems implicitly to subscribe to this view when in the preface of Book I he introduces the subject of his work:

⁴³ For the notion of *prima secundum naturam* (cf. esp. *De fin.* V 18) see esp. INWOOD 1985: App. 1.

⁴⁴ *constitit autem fere inter omnes id, in quo prudentia versaretur et quod assequi vellet, aptum et accommodatum naturae esse oportere et tale, ut ipsum per se invitaret et alliceret appetitum animi, quem ὄρμην Graeci vocant. quid autem sit, quod ita moveat itaque a natura in primo ortu appetatur, non constat, deque eo est inter philosophos, cum summum bonum exquiritur, omnis dissensio. totius enim quaestionis eius, quae habetur de finibus bonorum et malorum, cum quaeritur, in his quid sit extremum et ultimum, fons reperiendus est, in quo sint prima invitamenta naturae;*

what is the end, what is the ultimate and final goal, to which all our deliberations on living well and acting rightly should be directed? What does nature pursue as the highest good to be sought, what does she shun as the greatest evil?⁴⁵ (*De finibus* I 11)

Again, at *De finibus* II 34 (speaking again as character) he reinforces that the fact that we originally love ourselves and consequently seek nature's primary attributes "must provide the basis for any theory of goods and evils" (*atque ab isto capito fluere necesse est omnem rationem bonorum et malorum*); and the claim is supported by the fact that Epicurus' theory, as presented and criticised in Books I and II does seem to conform to the general pattern thus assumed (although, as Cicero argues, it is misguided because on Epicurus' view the primary natural objects of pursuit include kinetic pleasures, while Epicurus' *summum bonum* consists in static pleasure –which is not a pleasure at all).

As for the Stoics, in Book IV Cicero, speaking as Cato's opponent in the dialogue, contends that as far as its starting points and background assumptions are concerned, the Stoic theory is in line with the Old Academic–Peripatetic tradition (cf. esp. IV 2-3, 14, 15, 19, 24, 25-26, 45 etc). It is only at the point when the Stoics declare morality to be the only good, and everything else to be indifferent, that they go off the original track (without any substantial reason or justification), without however providing satisfactory theoretical grounds for their dissent. As Cicero rhetorically asks Cato at IV 26,

...tell us how you start from the same principles but manage to end up with the supreme good of "living morally" (since that is what "living virtuously" or "living in harmony with nature" is). How and where did you suddenly abandon the body and all those things that are in accordance with nature but

⁴⁵ *qui sit finis, quid extremum, quid ultimum, quo sint omnia bene vivendi recteque faciendi consilia referenda, quid sequatur natura ut summum ex rebus expetendis, quid fugiat ut extremum malorum?*

not in our power, finally discarding appropriate action itself? How is it that so many of the things originally commended by nature are suddenly forsaken by wisdom?⁴⁶

On Cicero's verdict, as stated already at IV 3, Zeno had no good reason (*causa*) to dissent from his teacher Polemo and his predecessors Speusippus, Aristotle and Xenocrates (cf. also 19).

Now, there it is generally agreed that the direct source of all these views is Antiochus of Ascalon, one of Cicero's former philosophical teachers and friends (cf. Chapter I.2), who, as can be seen from Cicero's discussions of his ethical theory in *De finibus* V and elsewhere (*Lucullus* 131-139, *Acad.* I, 19-23, 35-39, 43, *Tusc.* V 21-2), presented his ethical theory as a recovery of the Old Academic–early Peripatetic ethical heritage, at the same time vehemently criticising the Stoics for distorting this tradition (see *Acad.* I, 35-39; cf. *De fin.* III 10-14; IV 2ff etc.; V 22, 88), and producing a theory that on closer scrutiny collapses into a deceptive verbal variation on the Old Academic theory.⁴⁷

In the following chapters and in **Part III** I shall discuss Cicero's presentation of Antiochus' ethics and his criticism of the Stoic theory in more detail. For the time being, I would like to emphasise that these views form part of the wider conceptual setting that surrounds the exposition of the Stoic theory in *De finibus* III, and, jointly with Cato's own indications, they clearly encourage the expectation that the account of the *summum bonum* –starting with *oikeiōsis* and ending with the account of the

⁴⁶ *Age nunc isti doceant... quonam modo ab isdem principiis profecti efficiatis, ut honeste vivere –id est enim vel e virtute vel naturae congruenter vivere– summum bonum sit, et quonam modo aut quo loco corpus subito deserueritis omniaque ea, quae, secundum naturam cum sint, absint a nostra potestate, ipsum denique officium. quaero igitur, quo modo hae tantae commendationes a natura profectae subito a sapientia relictæ sint.*

⁴⁷ At *De fin.* III 41 and *Tusc.* V 120 we learn that the claim that the Stoic-Peripatetic debate is merely verbal owes to Carneades. The criticism that the Stoic theory is a disguised restatement of the Old Academic theory is explicitly attributed to Antiochus at *De leg.* I 54, *Acad.* I 35ff, 43; *De fin.* V 74; *ND* I 16; for Antiochus' reliance on Carneades, see esp. *De fin.* V 16.

Stoic conception of the *telos*– will contain some sort of derivation of the latter from the former. Elsewhere, at *Lucullus* 131 Cicero is even more explicit: he claims that the Stoic *telos*, living honourably, is “derived from nature’s recommendation”, *ducatur a conciliatione naturae*. I tend to think that it is partly due to this Ciceronean influence that Max Pohlenz, who has been rightly criticised for failing to distinguish the Antiochean “Old Academic” and the Stoic theory from each other, first came to see in *oikeiōsis* the “foundation” of Stoic ethics,⁴⁸ a view which became rather influential in English language scholarship.⁴⁹

Notoriously, however, Cato’s account falls short of meeting these expectations. It seems to be meant to present some sort of elucidation of the meaning of the Stoic *telos*-formula, “living in agreement with nature”, but this elucidation is frustratingly sketchy: it seems to neglect or miss points that might be crucial for a proper understanding of the Stoic reasoning, let alone for reading it as an *argument* for the Stoic thesis on the *telos*.

Importantly, in view of the same Antiochean perspective that so strongly encourages the idea of seeking a substantial argument here, this disappointing result should not come as a surprise. Indeed, from this perspective, which is conveyed and reinforced throughout *De finibus*, the Stoic theory is perceived as essentially flawed. But interpreters of Stoic ethics habitually neglect the wider context when commenting on the presentation of Stoic ethics in *De finibus* III. As I suggested in Chapter I.1, on the old and outdated view of Cicero as a transcriber they could do so on the assumption

⁴⁸ Pohlenz (POHLENZ 1940: 11) calls *oikeiōsis* “der Ausgangspunkt wie der feste Grund der Stoischen Ethik” –cf. note 14 above. In the same book he repeatedly cites passages from *De finibus* V without any warning as evidence for claims on Stoic doctrine, for which he is criticised by WHITE 1979: 149, n. 29 (White refers to POHLENZ 1940: 95 as a typical example). For a brief summary of Pohlenz’ interpretation of Stoic ethics see WHITE 1979: 144-6 (with references to POHLENZ 1970 (=1948)); see further STRIKER 1996b (=1991): 227.

⁴⁹ Cf. note 14 above.

that in writing *De finibus* III Cicero draw on some Stoic source, while in writing *De finibus* and IV and V (and perhaps also II) he drew, at least partly, on Antiochus (they often even named Antiochus' lost *Peri telōn* as the probable source).⁵⁰ I also noted there that on the current favourable view of Cicero as an expositor of Hellenistic philosophy this separation of *De finibus* III from its context seems to be due to additional assumptions to the effect that Cicero's views are not to be straightforwardly identified with the views he endorses as a character in *De finibus* IV or elsewhere.

But we have already seen, by the end of Chapter **I.5**, that this Antiochean view of the Stoic theory first occurs in *De legibus* I (as Cicero's own position), and also (in Chapter **I.3.2**) that Antiochus' presence is felt already in the *Pro Murena* (the contrast between Stoic ethics and an allegedly unified Platonic–Aristotelian tradition is certainly Antiochean). I concluded, in Part I, that, for all we know, Cicero's knowledge of Stoic ethics may have been *ab ovo* thoroughly informed by Academic traditions and by Antiochus' teaching (I also indicated that there may be considerable overlaps between the two). In my above discussion it also came out that Cicero seems to reveal an implicit agreement with the Antiochean perspective already when in first stating the topics discussed in the preface of *De finibus* I he takes it for granted that the *summum bonum* is something that “nature pursues” (*sequatur natura*); and also when speaking as the Academic spokesman in the *Lucullus* he declares that the Stoics' *telos* is “derived from nature's recommendation”, *ducatur a conciliatione naturae*.

In **Part III** I shall further argue that although Cicero does not subscribe to Antiochus' theory *tout court*, his Academic scepticism does not prevent him from –indeed, it does make him susceptible to– finding Antiochus' theory of the *summum bonum* the most plausible theory, and adopting much of Antiochus' narrative about the origins and

⁵⁰ Cf. Chapter **I.1**, notes 17 and 33.

development of the Stoic theory. Thus, I shall argue, the Antiochean views he endorses in *De finibus* II and IV are part of his Academic sceptic stance in ethics.

In this chapter I shall focus on the main interpretive problems raised by the first section of Cato's text. But at the same time I shall try to show how these interpretive problems come to interact with the wider context in which Cato's account is embedded, and also with each other, so as to virtually facilitate the largely Antiochean view of the Stoic theory conveyed by *De finibus* as a whole.

In particular, I shall consider four interpretive problems raised by *De finibus* III 16-26. First, in Chapter **II.3.1** I shall focus (a) on the question what Cato may mean by claiming that at a certain point of our intellectual development we come to recognise order and harmony of conduct as a highly valuable practical object, and (b) on the problem presented by his swift identification of "agreement" with "morality". Next, in Chapter **II.3.2**, I shall consider (a) the mysterious shift from appreciating "order and harmony" of conduct as a highly valuable object of pursuit to the "conclusion" that "agreement" or "morality" constitutes the single good (which renders all the other natural objects of pursuit indifferent), and (b) the claim that nevertheless the natural objects retain their value and thus this drastic change in our value system leaves the content of appropriate actions intact. In each case I shall consider the possible clues offered by Cato's speech to resolve the puzzles –to find that they are vague or otherwise deficient. I shall argue, however, that the first two problems can be relatively easily eliminated or explained away, if we accept the Antiochean interpretation of the Stoic theory endorsed by Cicero throughout *De finibus*; but that the same interpretation only makes the other two problems seem even more acute and irresolvable.

II.3.1 *Problems that have a solution*

In some cases, Cicero's negligence of particular points of detail in presenting the Stoic doctrine seems to be due to his largely Antiochean outlook: it seems that he sometimes makes Cato leave some philosophical point implicit because he believes that it is a logical corollary of the theoretical starting points and background assumptions that the Stoics share with the Old Academic–early Peripatetic tradition. In Book II (33-4, 44-8), speaking as a *persona* in the dialogue, Cicero had already given a brief but sympathetic account of Old Academic ethics, and at the beginning of Book III (10), still speaking as an advocate of this tradition, he had introduced the idea that the disagreement between the Stoic and the Peripatetic theories is merely verbal (cf. II 38; see further IV 2-4, 56-62, 68-74, 78; V 22); thus he can assume that a responsive reader who is willing to follow these guidelines will be able to reconstruct the missing links in Cato's reasoning by mapping it onto the Old Academic theory.

Let me illustrate this point with two examples, both of which come from the difficult sentence in III 21.

a)

When at III 21 we are told that at a certain point of their intellectual/moral development humans come to appreciate the internal order and consistency of rational activity as a highly valuable practical object in its own right (*...viditque rerum agendarum ordinem et, ut ita dicam, concordiam, multo eam pluris aestimavit quam omnia illa, quae prima dilexerat...*), we may well begin to wonder if this point is really as obvious as Cato seems to think. Are those readers with a more or less healthy

(although by all means incomplete) intellectual/moral development supposed to find this a familiar experience?

Thus far Cato has established only the starting point that we, like other animals, from birth value our own constitution, and recoil from destruction, and thus take care to preserve ourselves (adding only as we shall soon see, that we all consider truth and knowledge worthy of attainment in its own right). Thus the idea that the internal order and consistency of a selecting activity that aims at attaining objects that are in accordance with our nature (i.e. are contributive to self-preservation) and at escaping the objects that are contrary to our nature has immense *intrinsic* value might reasonably seem rather odd and alien. At this point it might seem more natural to think that this internal order and consistency is valuable only derivatively (instrumentally), because and in as much as it maximises the satisfaction of our natural desires.

Cicero, however, may well assume that by the time his readers get to this passage they have already ploughed through the arguments of Book II, in which he, criticising the Epicurean theory *in propria persona*, presented and endorsed views that on his view belong to the common ground between the Stoics and the Old Academics. Thus at II 33 he argued that, contrary to Epicurus' doctrine, the youth are motivated to act by their congenital self-love, which makes them wish to keep themselves and all their parts safe and sound, and that this entails a care for the respective excellences of their main constituents, the body and the soul (as well as of the parts of these). A bit later (45) he adds that the greatest difference between humans and other animals is that humans "are endowed by nature with reason and a sharp and vigorous intellect". In 46 then he continues as follows:

This same nature has implanted in us a desire to know the truth, a desire most manifest in our hours of leisure, when we are eager to discover even what goes on in the celestial sphere. From the early stages of this desire we are led on to love truth in general, namely everything that is trustworthy, open and consistent; and likewise to hate what is deceptive...⁵¹

Of course, on the Old Academic theory this “desire to know the truth” is not an independent motivation over and above the original inclination to preserve and perfect ourselves which springs from self-love. “Knowledge of the truth” can be viewed as a part or aspect of the specific excellence characterising the soul; thus our desire for it is but part of our concern for the soundness and perfection of our own parts. In Book III (17-18), then, we find Cato saying something considerably similar:

Now cognitions (which we may call graspings or perceivings, or, if these terms are disagreeable or obscure, “catalepses” from the Greek), we consider worth attaining in their own right, since they have within themselves an element that as it were enfolds and embrace the truth. This may be seen in the case of the young whom we can observe taking delight in having worked something out for themselves even when there is no ulterior motive. [18] We also believe that the sciences should be taken up for their own sake, firstly because what they contain are worthy of adoption, and secondly because they consist of cognitions and embrace an element established by reason and method. As for assenting to what is false, they [the Stoics] hold that of all the things that are against nature, this is the most repugnant to us.⁵²

Cato does not make it clear how these claims relate to the major point under discussion, namely that every living being “is from birth attached to itself and commended to preserve itself” (16); but a reader who has already worked her way through Book II (and is already familiar with the idea that the Stoics are in general

⁵¹ *et quoniam eadem natura cupiditatem ingenuit homini veri videndi, quod facillime apparet, cum vacui curis etiam quid in caelo fiat scire avemus, his initiis inducti omnia vera diligimus, id est fidelia, simplicia, constantia, tum vana, falsa, fallentia odimus...*

⁵² *Rerum autem cognitiones, quas vel comprehensiones vel perceptiones vel, si haec verba aut minus placent aut minus intelleguntur, katalepsis appellemus licet, eas igitur ipsas propter se adsciscendas arbitramur, quod habeant quiddam in se quasi complexum et continens veritatem. id autem in parvis intellegi potest, quos delectari videamus, etiamsi eorum nihil intersit, si quid ratione per se ipsi invenerint. [18] artis etiam ipsas propter se adsumendas putamus, cum quia sit in iis aliquid dignum adsumptione, tum quod constant ex cognitionibus et contineant quiddam in se ratione constitutum et via. a falsa autem adensione magis nos alienatos esse quam a ceteris rebus, quae sint contra naturam, arbitrantur.*

agreement with the Old Academics on the point of substance, hinted already at II 38 and repeated at III 10) may find it tempting to think that our natural fondness for truth and knowledge is introduced here as a specific manifestation of our natural self-love and of the consequent impulse towards self-preservation. On this interpretation the “things in accordance with nature” include not only those things which are conducive to one’s protection from harm and destruction, but also those things which are conducive to the perfection of one’s constituent parts; the various forms of knowledge (including individual “cognitions” as well as the “arts” or “sciences” made up by such cognitions) are among the things in accordance with nature simply because they are pertinent to the perfection of the human intellect.⁵³

Now this interpretation certainly would not win the approval of those modern interpreters (me included) who are keen on distinguishing the Stoic theory from both the Antiochean theory and the Antiochean description of the Stoic theory. I tend to think that such interpreters are right in pointing out that the Stoic theory does not actually follow this broadly “Aristotelian” pattern, sometimes termed as “self-realisationist” or “perfectionist”.⁵⁴ My point here is, however, that as far as Cicero’s presentation of the Stoic theory in *De finibus* III is concerned, we can detect a tendency to conflate the two theories, in line with the overall picture conveyed by *De finibus* as a whole (which of course presents a serious obstacle if the claim that the Stoic theory does not actually follow this pattern is largely based on *De finibus* III).

Notably, on such interpretation the passage can be taken as presenting a further argument in favour of the initial thesis: the observation of adolescents who apparently

⁵³ Cf. also *Luc.* 30-31, which obviously represents a close parallel of *De fin.* III 17-18, although in the former passage the Antiochean Lucullus is speaking.

⁵⁴ Cf. WHITE 1979: 146-7 etc. see further my comments in note 96 below and in Chapter III.2. See also e.g. STRIKER 1996a (=1983): 284-289, who speaks of an “argument from perfection”, and further (289ff) argues that this is not what we find in *De fin.* III 16-21; cf. also 226-7.

are fond of working out something for themselves, even when there is obviously no ulterior motive, offers good counter-examples to the claim that every living being is from birth hedonistically motivated.

Accepting this interpretation, we can also readily understand that when according to the Stoics we come to esteem the “order and concordance” of rational conduct, this is because this order and concordance displays the quality of being “established by reason and method” which characterises an “art” (see the above quotation: *contineant quiddam ratione constitutum et via*).⁵⁵ What we really come to desire is the art of life, or prudence, simply because as a part of our natural concern for self-preservation we desire the soundness and perfection of our rationality, and practical wisdom is part of the excellence that crowns the natural development of our rationality. In order to understand why we value this *above everything else* we only have to add that reason is by far our *most precious* constituent (cf. IV 4, 16, 19); it is for the same reason that “among the things that are contrary to nature assenting to what is false the *most* repugnant to us”.

This interpretation is further encouraged by Cicero’s claim in the introductory conversation (III 10) that the arguments of the Stoics and the Peripatetics (Old Academics) coincide, and there is an agreement between them on the point of substance (it is only that the Stoics dressed up the same ideas in a new terminology) – a point well-nigh envisaged by the Cicero of Book II at II 38. It is further confirmed by Cato’s explanatory remark (22) that although moral action is a later development, “*it too is in accordance with nature* and, to a far greater extent than the earlier

⁵⁵ For the meaning of *via* in this context see WHITE 1979: 158, n. 59.

objects, stimulates our pursuit”⁵⁶, as well as by his identification of the good (formerly identified with “agreement” and “morality” with “wisdom” and “perfect reason” at III 23. Again, this is how Cicero understands the Stoic theory in Book IV (cf. IV 4, 16, 19, 25, 32).⁵⁷

We should keep in mind, however, that the line of reasoning assumed by this interpretation is far from being explicit in Cato’s account. Cato does not make it clear how our fondness for truth and knowledge relates to our initial natural attachment; nor does he connect it to the claim that we come to value the “order and concordance” of our conduct; nor does he explain why and how we come to value the latter above everything else. My point is that Cicero may well make Cato neglect all these points because he assumes that an attentive reader who is able to recollect the arguments of Book II will be able to supply this line of reasoning.

b)

We may also find puzzling the effortless with which “the good”, which is told to consist or lie in “agreement”, is further specified as “moral action and morality itself” (III 21: *honeste facta ipsumque honestum*). It may seem natural to think that “agreement” in this context denotes the perfect internal rational order, concordance

⁵⁶ “*Consequens enim est et post oritur, ut dixi. est tamen ea secundum naturam multoque nos ad se expetendam magis hortatur quam superiora omnia*”; cf. also 59, where Cato assumes that the Stoic sage is no less led by self-love than the foolish. By contrast, see Cato’s brief account of the Stoic notion of “good” at 33-4, where he suggests that “the value of virtue is distinct: a matter of kind, not degree” (34: *alia est igitur propria aestimatio virtutis, quae genere, non crescendo valet*).

⁵⁷ Of course, the dramatic date of *De fin.* III-IV is a couple years earlier than the dramatic date of *De fin.* I-II (52 and 50 respectively). But even a reflective reader may find this reverse chronological order unproblematic: both dates belong to the period in which Cicero wrote and published *De Re Publica*; and the views endorsed by the two Ciceros can be readily viewed as compatible –only in the argument against the Epicureans in Book II he downplays the divide among the Stoics and the Old Academic–Peripatetic platform. What may trouble a reflective reader at this point is rather the permanent absence of the self-confident Academic sceptic Cicero who won the day in the *Lucullus*, the dramatic date of which is 62-1 BC. I shall say more on this issue in Chapter III.1.2.

and consistency which characterises wisdom and wise activity, to which the order and concordance of our present thought and conduct is but a vague precursor.⁵⁸ But what does this apparently *formal* feature of rationality have to do with “morality”? It is well possible that, similarly to what is often said in connection to Aristotle’s ethics, the ideal addressee of the Stoic theory is someone who has already come to appreciate on his/her own accord virtue or “morality” as one of the most important things in life (if not *the* most important one); but the relation between what is normally meant by “virtue” or “morality” on the one hand and “order and concordance” or “agreement” on the other hand would require further elucidation –all the more so, as the rational practical activity whose order or consistency Cato is talking about has self-preservation as its single objective.⁵⁹

The problem is only sharpened by the wider context. In criticising the Epicurean account of the virtues in Book II Cicero associates “morality” with such other notions as “fellowship” or “community” with others (II 45: *societas*), “rightness” and “praiseworthiness” (49: *rectum, laudabile*), justice (51: *iustitia*), “conscience” (54: *conscientia*), fairness, honesty (59: *aequitas, fides*), “righteousness” (71: *pietas*) and so on (cf. II 76), and it is only reasonable to assume that to most of Cicero’s contemporary Roman readers these connotations were as obvious and self-explanatory as they are to many of us today. But if this is so, one cannot but begin to wonder how the perfect organisation of our selection of the things in accordance with

⁵⁸ Cf. also III 45: “right conduct, as I say, consistency likewise, and goodness itself, which is found in harmony with nature, do not admit of cumulative enlargement”.

⁵⁹ Notably, at DL VII 100 “the fine” is defined in a rather abstract way as “that which has in full all the ‘numerical measures’ required by nature or has perfect proportion” (cf. *Tusc.* IV 30-31, where Cicero speaks of ‘*pulchritudo*’). Similarly, at DL VII 90 virtue is defined in non-moral terms, with reference only to its internal order and to how this renders it capable to make our life happy: “a harmonious disposition” (*diathesis homologoumenē*), i.e. “a soul made capable of bringing about the consistency of the whole life” (*psukhē pepoimenē pros homologian pantos tou biou*). But the mere appeal to such arbitrary and counter-intuitive definitions would not neutralise the problem.

nature –i.e. the things which are conducive to self-preservation– would be productive of these and similar other attitudes and character traits? At 25 Cato asserts that wisdom “embraces” (*complectitur*) justice; but someone reading Cato’s account in isolation might reasonably wonder how justice can come into play according to the Stoics at all. (As we have already seen, it is not until III 63 that we learn that parental care, sociability and altruism are also “natural” to us, such that the range of appropriate actions the order and concordance of which turns out to be the locus of our good comprises much more than what is normally meant by self-preservation).

However, a part of the difficulty dissolves if one pays sufficient attention to the views endorsed by Cicero the character in Book II. At II 33 Cicero makes it clear that the scope of the practical concerns borne out of our congenital self-love does not exhaust in a concern for avoiding personal harm and destruction; it also includes concern for the respective powers and excellences of one’s bodily and mental constituents. A bit later (45-7), in criticising the Epicurean conception of the moral virtues he presents “a picture of morality that is rounded and complete” (48: *expletam et perfectam formam honestatis*); and although this picture is actually sketchy and muddled rather than complete and lucid, it is quite clear that the doctrine on which Cicero draws establishes a close link between the perfection of our rational nature and the acquisition of the moral virtues.

First (i), Cicero claims that the same power of reason which enables us humans to calculate and plan the future, “comprehending the whole course of a subsequent life”, also “makes people want each others company... beginning with the bonds of affection between family and friends, we are prompted to move gradually further out and associate ourselves firstly with our fellow citizens and then with every person on earth” (45: *eademque ratio fecit hominem hominum adpetentem... ut profectus a*

caritate domesticorum ac suorum serpat longius et se implicet primum civium, deinde omnium mortalium societate atque). Again (ii), Cicero says that from the earliest stages of our natural desire to know the truth we are led on, not only to love everything that is “trustworthy, open and consistent”, but also to shun what is “false and deceptive, such as fraud, perjury, malice and injustice” (46: *...omnia vera diligimus, id est fidelia, simplicia, constantia, tum vana, falsa, fallentia odimus, ut fraudem, periurium, malitiam, iniuriam*). Third, (iii) our reason has an element in it that is lofty and noble, better suited to giving order than to taking them, and regards all human misfortune trivial (which Cicero apparently takes to be the source of courage). Finally (iv), Cicero says that each of the three moral qualities mentioned (presumably prudence, justice and courage) makes its contribution to a fourth one following on from them, namely “order and restraint” (temperance), which “dreads thoughtlessness, shrinks from harming anyone with an insolent word or deed, and is anxious not to do or say anything which may appear to lack in courage”.⁶⁰

Although the details are obscure, the chief point emerging from this passage is rather clear: on consideration the perfection and fulfilment of our rational nature involves the acquisition of the moral virtues. The moral virtues turn out to be parts of the overall excellence of our rational soul, and as such they have an intrinsic appeal to us as natural self-lovers whose chief concern is to preserve ourselves in the “most perfect condition according to nature”. Taking for granted, as Cicero does in Book IV, that the Stoics share these background assumptions, one may easily skip over Cato’s swift identification of the good, which is supposed to lie in “the order and concordance” of rational activity, or “agreement”, with morality.

⁶⁰ The same doctrine is touched upon in Book IV, 17-18 and is expounded in great detail in V 42-3, 48, 55ff (esp. 65-67).

Notably, by passing over this gap in Cato's account one may fail to take notice of a genuine difficulty (as Cicero himself apparently does; at any rate, he does not address it in his critique of the Stoic theory in Book IV). For even if according to the Stoics the range of what is natural to us extends to such things as parental affection, sociability, altruism –this is what we are told at III 62-7–, on their theory it does not follow that the attitudes and character traits that we normally associate with morality form a part or an aspect of our good. Our good, as Cato says, “lies in” (*positum sit in eo*) “agreement”, that is, as I indicated above, a formal feature of rationality and the rational organisation of our conduct –at any rate, *De fin.* III 20-22 does not provide us any clue as to what else ‘*convenientia*’ could denote in this context–; whereas the things in accordance with nature are “not to be sought on their own account” (21 *sub fin.*), and are “indifferent” (25), meaning that they are “intermediate” between good and evil, and as such have no bearing on our happiness. He who is wise and good, we are told at III 64, considers the welfare of all more than that of any particular individual, including himself. But acting on this principle in itself does not pertain to the “moral” quality of his activity; what renders his activity “moral” is perfect rational order and consistency with which it is executed. Nor does it pertain to his happiness; for the good lies in “agreement”, and giving precedence to the common advantage, though on consideration it is natural to us, is actually indifferent. By virtually identifying morality with “agreement” the Stoics seem to detach the notion from its everyday connotations; and by insisting that this alone is good and choiceworthy on its own account, they seem to deprive traditionally recognised moral attitudes and actions from their intrinsic worth.⁶¹

⁶¹ This interpretation is incidentally fortified by independent evidence on the Stoic notion of “the fine” or “the beautiful” (*to kalon*) in DL VII 99-100, which shows a tendency to associate this notion with “perfect proportion” rather than with any of the characteristics that are normally associated with

“morality” proper. The Stoics are well aware of the traditional view which vaguely connects “the fine” with “praiseworthiness” (*ibid.* 100); but they seem to insist that what renders an action praiseworthy is not that it done out of a sense of duty, displays genuine altruism etc., but rather the very fact that it displays the inherently valuable character peculiar to perfect reason (cf. also *De fin.* II 49-50, III 32; Seneca *Ep.* 120, 3-5, 8-11 (LS 60 E)).

II.3.2 *Problems that do not have solution*

Thus far I have argued that sometimes Cicero makes Cato skip a philosophical point or an important detail on the assumption that an attentive reader will be able to reconstruct the missing links in the argument along the guidelines offered by the Antiochean views endorsed by him as a character in Books II-IV. The wider context in which Cato's account is embedded suggests an interpretive framework for understanding the Stoic theory; and some of the gaps in Cato's reasoning virtually require the reader to make use of this framework, thus providing confirmation of its validity.

In other cases, however, the problems raised by Cato's account cannot be resolved in this way; to the contrary, viewing them in the same interpretive framework only makes things appear even worse. Cicero holds not only that the Stoics adopt the same basic principles and assumptions as the Old Academics and early Peripatetics, but also that they endorse ethical theses that are not consistent with these principles and assumptions, and hence lack sufficient rational support within the Stoic theory. These views constitute the focus of his critique of the Stoic theory in Book IV; but as I have already indicated in my overview of the overall structure of Book III (in Chapter II.2), Cicero is careful to present them right at the beginning of the dialogue (III 10-14).

The Stoics claim that

- a) morality is the only good, and correspondingly everything else –including the things in accordance with nature and the things contrary to nature– is “indifferent” with respect to one's end and happiness;

but they nevertheless insist that

- b) the difference between the things in accordance with nature and the things contrary to nature is pertinent to rational choice and deliberation: we do have reason to prefer and pursue the former, and reject the latter.

In maintaining (a) the Stoics diverge from the Old Academic–Early Peripatetic tradition, and line themselves up with philosophers like Pyrrho and Aristo (12).⁶² But they nevertheless try to retain an important aspect of the Old Academic theory by insisting on (b), which Aristo and Pyrrho are bound to reject. Cicero’s worry (III 13) is that these two claims cannot be consistently held: the Stoic theory is an abortive attempt to establish a stable position between the Old Academic conception of the *summum bonum* and the ethical radicalism represented by Pyrrho and Aristo. According to the elaborate argument that Cicero will expound in Book IV,

- (i) the Stoics fail to provide sufficient rational grounds for holding (a) (IV 26ff; the conclusion is drawn at 44: “Zeno had no good reason to depart from the teaching of his predecessors” on this point (*causa cur Zenoni non fuisset, quam ob rem a superiorum auctoritate discederet*));
- (ii) but once they have committed themselves to (a), the inconsistency of (a) and (b) prevents them from providing rational support to (b) (46-48; cf. further 40-42, 57-60, 68-72, 78).

In upholding (b) the Stoics only reveal their reliance on the Old Academic theory, from which they dissented by endorsing (a). Thus at the end of the day their theory cannot be taken seriously at all. Rather, as Cicero suggests right at III 10, it should be viewed as a merely verbal variant on the Old Academic theory: the Stoics actually agree with their predecessors in the point of substance, but pretend to have a substantial position of their own by using a misleading terminology.

I believe that we have sufficient evidence in Cicero that this line of criticism represents Antiochus’ argumentative strategy (cf. esp. *Acad.* I 35-37).⁶³ For the time

⁶² The problem with these philosophers is that they give away with practical guidance, cf. II 35, 43; III 31, 50; IV 43, 49, 60; V 23.

⁶³ See further note 47 above.

being, however, what I would like to emphasise is that this criticism is foreshadowed right at the beginning of Book III. In response to Cicero's criticism Cato determines to "expound the whole system of Zeno and the Stoics" (14: *totam Zenonis Stoicorumque sententiam*); nevertheless it is clear that the real challenge for his exposition is to show how the Stoics attempt to ground and reconcile these two conflicting theses – at any rate, Cicero maintains that this exposition "will be of great assistance in resolving the questions we are investigating" (namely the questions "if morality is the only good, what else will there be to pursue?" and "if vice is the only evil, what else will there be to be avoided?" –*ibid.*). Of course, in retrospect this expectation turns out to be a piece of irony on Cicero's part: Cato's account fails to provide a conclusive answer to these questions.

Let us now consider in some more detail Cato's treatment of the two challenged points ((a) and (b)), respectively, for they constitute not only the focus of Cicero's concern in *De finibus* III-IV but also the focus of much speculation in modern scholarship on *De finibus* III and Stoic ethics. I shall try to show that Cato's attempt to establish these points is rather insufficient even if considered in isolation, but that the Antiochean interpretation suggested by the wider context in *De finibus* and fortified by certain elements of Cato's exposition further sharpens the problem presented by them.

a)

As regards the thesis that morality is the only good, Cato insists that the appreciation of this point is a matter of natural (that is, sound) rational development. In his account of this developmental process (III 20-22) Cato emphasises that already our

recognition of the order and harmony of rational conduct as such has some intellectual development as its prerequisite (21: *simul autem cepit intellegentiam vel notionem potius...viditque... aestimavit...*), and that the shift from this to appreciating agreement/morality as the only genuine good is due to a further cognitive procedure: it is a *conclusion* reached through “learning and reasoning” (*cognitione et ratione collegit* –see also 20: *intellegit*; see further 25 *iudicet*, 33: *collatione rationis*; 75: *ratio docuerit*). However, Cato fails to provide us the details that would be so crucial for viewing the passage as an *argument proper* for the thesis.

For the real question emerging from the text is, as Brad Inwood (INWOOD 2005: 278) has recently put it: “if the notion of the good comes to us by a process of reasoning, as a rational inference, how is that process supposed to work?” How exactly –from what premises, through what train(s) of reasoning– is one supposed to come to this conclusion? It is only in terms of these details, if at all, that the Stoic thesis on the *summum bonum* could be *demonstrated* –that is, could be shown to be the *right* conclusion to draw. What Cato has given us here instead is, as Inwood (*ibid.*) says, a mere “description” or an “external view” of the Stoic view, and not any account of the substantial argument(s) underlying it.⁶⁴

In a later explanatory digression (III 33-4) Cato adds, first, that (i) the name of the kind of cognitive process through which we acquire the notion of the good (defined, following Diogenes of Babylon, as *quod esse natura absolutum*, “what is perfect by nature”; cf. IV 35, 37⁶⁵) is ‘*collatio rationis*’, “rational inference” (distinguished from

⁶⁴ For Inwood’s exposition of the problem see *ibid.* 278ff. The problem has been most clearly stated by Gisela Striker, STRIKER 1996a (=1983) and 1996b (=1991); see esp. 1996: 226 and 290-1; cf. the discussion of Troels Engberg-Pedersen (ENGBERG-PEDERSEN 1986: 158-160).

⁶⁵ Cf. DL VII 94, where the good is defined as “what is perfect (*teleion*) for a rational being *qua* rational”.

such other processes as *usus*, *coniunctio* and *similitudo*).⁶⁶ Moreover, he explains that (ii) by this process our mind “ascends” (*ascendit*) from those things which are in accordance with nature to the conception of the good, and that (iii) the value that we grasp in this way (the particular value which attaches to virtue, *propria aestimatio virtutis*) is *distinct (alia)*; a matter of kind rather than of degree (*quae genere, non crescendo valet*), such that its difference from the value of the things in accordance with nature cannot be construed in terms of addition (*accessio*), magnification (*creocere*) or comparison (*comparare*). But I tend to agree with Inwood (*ibid.* 278) that these details are too vague to be helpful in clearing up the mystery.

Admittedly, *if* it is found (through whatever procedure) that the value of virtue is *incommensurably* higher than the value of the things in accordance with nature, this seems to entail that these different values cannot be meaningfully added together or subtracted from each other; no such operation will produce a greater or lesser value than the value of virtue in itself.⁶⁷ Cato draws out this corollary at 42-45 in order to show that the dispute between the Stoics and the Peripatetics is substantial rather than verbal; his conclusion is that the value of the other things in accordance with nature is “unavoidably eclipsed, overwhelmed and destroyed by the splendour and grandeur of virtue”, “like the light of a lamp in the rays of the sun”, or “a penny added to the riches of Croesus” (45), so that when it comes to the happy life, their amount has no relevance at all (43: *certe minus ad beatam vitam pertinet multitudo...*).

However, without knowing from the inside the cognitive process or procedure through which we are supposed to acquire this concept, that is, knowing precisely

⁶⁶ “Inference” is the widespread translation of *collatio* in this context, although the standard meanings of the term are “bringing together” and “comparison” or “analogy” (*De fin.* III 33 is cited as a locus for the latter meaning in Lewis & Short). For a different reading of the passage see LS 60D.

⁶⁷ On this point see ANNAS 1993: 122, 392, 394.

what other concepts, assumptions and insights are involved and how the insight about the all-surpassing value of this good is derived from them, what reason do we have to believe that this is the case? And Cicero seems unaware of there being anything further that the Stoics have to say on this matter. In Book IV he can discard the above point rather easily, simply by appealing to our everyday ethical intuitions (29-31); on his verdict the Stoics simply “try to blind our mental vision with the dazzling splendour of virtue” (IV 37; cf. 42).

In *De finibus* III Cato adduces several further arguments in support of the thesis that morality is the only good (22-25 and 26ff). As I suggested earlier, these arguments have a disappointingly feeble appearance, and Cicero finds neither of them convincing.⁶⁸ But even if these arguments were more powerful, they do not seem to have any direct or obvious reference to the idea that at a certain point of our rational development we come to grasp the internal order of rational activity as a highly valuable practical object in its own right, and come to conclude that this “agreement” constitutes “morality”, our only genuine good.

Thus, at least as far as Cato’s account of the Stoic theory is considered, Cicero seems to be justified in pointing out (IV 44) that “Zeno had no good reason to depart from the teaching of his predecessors” on this point (*causa cur Zenoni non fuisset, quam ob rem a superiorum auctoritate discederet*; cf. IV 3, 14, 19, 26). The first section of Cato’s account does provide some sort of elucidation of the Stoic *telos*-formula. But

⁶⁸ At 40-41 he responds to Cato’s claim (III 10) that by adopting the view that anything except virtue is to be counted as good we “destroy morality itself, the very light of virtue, and dismantle virtue completely”. At IV 53-54 he responds to the more specific version of the claim (III 25, 29), that no one who considers pain (or anything else that is not moral) an evil can be really brave and magnanimous. At 48-52 he attacks the short and pointed syllogisms called “consequences”, which Cato is particularly fond of (III 26-28), arguing that they are ineffective, either (i) because they build on premises which the opponent are not compelled to concede, or (ii) because they build on accepted premises but are inconclusive. In Chapter II.4.2, Section II.4.2.3 I shall argue that the argument at 29 may have more to it than meets the eye.

to elucidate what the formula is meant to encompass is not to show that the thesis conveyed by that formula is true. Cato's account seems to fail to *justify* the Stoic thesis on the *summum bonum*, i.e. to *demonstrate* that this formula, so understood, does in fact provide us the *right* answer to the question concerning the end of human life –that is, it seems to fail to represent an argument proper for the Stoic position.

Notably, on the other hand, in Book IV Cicero puts much energy into pointing out that, given the starting-points and background assumptions the Stoics share with the Platonic–Aristotelian tradition, they *could not* have any valid rational grounds for holding this view (26-29, 32-43); as he vehemently says (38-9),

...when reason is acquired, such is its dominion that all the primary elements of nature fall under its guardianship. So reason never ceases to take care of all these elements placed under its charge. It has a duty to guide them for the whole of a lifetime. The inconsistency of the Stoics here causes me endless amazement. They determine that natural desire – what they call *hormē* – and appropriate action, and even virtue itself are all things that are in accordance with nature. Yet when they wish to arrive at the supreme good, they skip over everything else...⁶⁹

Even without the Antiochean perspective from which the Stoic theory is viewed throughout *De finibus* the Stoic position would seem ill-supported. But viewed from this perspective the gap in the reasoning appears even more conspicuous and unacceptable.

To be sure, there are certain passages in Cato's account which the Antiochean interpretation of the Stoic theory presented in Book IV seems to ignore; indeed, which seem to anticipate that criticism.⁷⁰ Such are e.g. Cato's claims to the effect that

⁶⁹ *cum autem assumpta ratio est, tanto in dominatu locatur, ut omnia illa prima naturae huius tutelae subiciantur. itaque non discedit ab eorum curatione, quibus praeposita vitam omnem debet gubernare, ut mirari satis istorum inconstantiam non possim. naturalem enim appetitionem, quam vocant ὄρμην, itemque officium, ipsam etiam virtutem tuentem volunt esse earum rerum, quae secundum naturam sunt. cum autem ad summum bonum volunt pervenire, transiliunt omnia...*

⁷⁰ I hinted at this apparent discrepancy between Book III and IV in Chapter I.1, see esp. n. 17 and 33 there.

“wisdom” is unlike other arts like medicine or navigation; it is rather like practicing arrow-shooting, or the performative arts (22-25, see also 32). But in the form Cato presents these points they seem more like mere claims (or at best “analogies that facilitate comprehension”, cf. 54) than arguments proper: they belong to the *demonstrandum* rather than to the *demonstrans*, and so Cicero may seem to be right in ignoring them. Again, at the end of the dialogue Cato insists that he has more to say in defence of the Stoic view (IV 80); but *De finibus* as a whole (or, for that matter, the whole set of Cicero’s late *philosophica*) does not give the impression that his promise has any substance.

b)

Let us now turn to Cicero’s other objection, that in so far as the Stoics hold the thesis that morality is the only good, and the other things that are in accordance with nature are indifferent, they cannot consistently hold that the difference between the things in accordance with nature and the things contrary to nature nevertheless is the standard for rational selection. How, if at all, does Cato attempt to fit the latter claim in with the former?

Cato’s immediate explanation of this point is tantalisingly cryptic: “since what I have called appropriate actions originate from nature’s starting points, the former necessarily must be directed to the latter; thus it may rightly be said that all appropriate actions are aimed at our attaining the natural principles” (22: *cum vero illa, quae officia esse dixi, proficiscantur ab initiis naturae, necesse est ea ad haec referri, ut recte dici possit omnia officia eo referri, ut adipiscamur principia naturae*; cf. 23, 60).

Later on in the book (III 50; cf. 31) Cato argues that if everything beyond virtue and vice would be completely indifferent, so that nothing would rank above anything else, “there would be no difference whatsoever between the things that pertain to the conduct of life, and so no method of choosing could be properly applied (*neque ullum dilectum adhereri oporteret*)”; thus “wisdom would have no role or function” (*neque ullum sapientiae munus aut opus inveniretur*). Admittedly, this seems to make some sense. Even if the good turns out to consist in “agreement” and “morality”, and can be further identified with “wisdom” or “perfect reason”, we should not forget that by “wisdom” we mean prudence or practical reason: reason as applied to the “materials” which make up a human life. As such wisdom must manifest itself in the perfect organisation, consistency and concordance of our practical activity; what it must produce is a perfectly coherent *conduct of life*. In order to perform this task wisdom must be able to provide the wise person with sufficient practical guidance: it must enable her to decide, in every possible circumstance, what is the right thing to do. To use the Stoics’ own terminology, wisdom must enable the wise person to infallibly decide which action is “appropriate” in the given circumstances, and to give “reasonable justification” for everything she does. This in turn requires, among other things, *some* criteria of evaluation, in virtue of which the wise person can discriminate and choose between the practical objects that she comes across as achievable for her through action.

In the light of such considerations we can perhaps understand Cato’s claims that every ethical theory which takes everything else beyond virtue and vice completely indifferent is “flawed” and “absurd” (30-31: *vitiosus, perabsurdus*). Moreover, this reasoning seems to be in line with the further argument, presented at III 59, that “it is evident that even those who are wise act in the sphere of intermediates, and so judge

such action to be appropriate action”. But from this it does not follow that the required criterion for practical deliberation should consist in “naturalness”, and naturalness alone.

At III 20 Cato associates value with the vague notion of “some importance” (*aliquod pondus*); and again, at 58, with “usefulness” (*quod usui possit esse*). Again, at 54 he offers a simile “to facilitate comprehension” of the distinction of being good and being preferable (*proēgmenon*). The simile is far from being illuminating, but suggests that the “preferable” indifferents, though do not form part of what the *telos* (happiness) essentially is, do in some sense contribute to its achievement (as the “knucklebone thrown so as to *land* upright contributes to the achievement of the end of throwing the knucklebone so as to *stand* upright”).⁷¹ But this idea is not further developed, and the crucial connection between naturalness and having value is left completely untouched. Finally, at 61 Cato, apparently drawing on Chrysippus, declares that “the primary objects of nature, whether they are in accordance with it or against, fall under the judgment of the wise person, and are as it were the subject and material of wisdom”.⁷² But here again the metaphor is unrevealing: it simply repeats the claims that “it is of the essence of virtue that one makes choices *among the things that are in accordance with nature*” (12: *virtutis hoc proprium sit, earum rerum, que ecundum naturam sint, habere delectum*), and that without the choice between what is in accordance with nature and what is against *no* selection would be possible, and so the virtue of practical wisdom would be inevitably “abolished” (12: *virtutem ipsam sustulerunt*; 31: *tollatur... prudentia*; cf. also II 43; see further III 61). To Cato, this is

⁷¹ Cf. ANNAS 2001: 82 n. 32.

⁷² Notably, the same metaphor, and the same puzzling brevity of inference occurs also in a quotation from Chrysippus himself: “what am I to begin from, and what am I to take as the foundation of proper function and the material of virtue (*arkhēn kathēkontos kai hulēn aretēs*) if I pass over nature and what accords with nature?” (Plutarch, *Comm. not.* 1069E (SVF III 491, LS 59A)).

all “perfectly obvious” (31: *perspicuous... quid autem apertius*). In fact, however, he has not provided an argument proper to this effect.⁷³

Thus we get back to the cryptic claim at 22 that since appropriate actions “originate” from nature’s starting points, “the former necessarily must be directed to the latter”. Does Cato have anything further to provide to make sense of this connection?

As we have seen, at III 20 Cato introduces a shift or inference from factual/psychological to evaluative/normative claims: the animal has natural impulses towards the objects that are in accordance with its nature; and these objects (as well as those things which are conducive to their attainment) are “valuable” (while their opposites are “non-valuable”), are “worthy of selection”, “are to be taken for their own sakes”, and thus are the objects of corresponding “appropriate actions”. This shift is by no means self-explanatory; and as we have seen, the other passages in *De finibus* III where Cato elaborates on the same point (12, 22, 31, 50-51, 58-59, 61) are not very helpful either.

We may slightly reduce the problem by considering the relation between the notions of “value” and “appropriate action”. On the one hand, it seems that the “appropriateness” of an action (as a normative value) is understood with reference to the normativity of practical rationality as such. As we learn much later, at III 58, an

⁷³ At this point one might perhaps argue that since the things “in accordance with nature” include those things which contribute to the sustenance of one’s life, while the things contrary to nature include those which threaten with harm or destruction, to do away with this distinction would soon lead to destruction; thus a way of life based on other criteria of evaluation and choice would be self-abolishing and as such contrary to reason. This may be part of the truth, but unfortunately, it does not entirely resolve the problem. For as it turns out much later (III 62ff), the class of “appropriate actions” includes much more than those actions which are conducive to mere self-preservation. Its range comprises e.g. caring for one’s offspring, for the precise reason that parental love for one’s offspring also arises naturally (62). But even if our love for our children is natural, why should this render taking care of one’s offspring preferable to not begetting children at all from the point of view of prudence? Again, Cato (63) argues that our tendency to form societies and to act altruistically is also natural; and in this case Cato infers not only that altruistic behaviour is preferable to selfishness, but also that we should even be prepared to die for our home-country.

“appropriate action” is *per definitionem* “an action such that, if it is done, a reasonable explanation could be given for its performance” (*quod ita factum est, ut eius facti probabilis ratio reddi possit*; cf. DL VII 107, Stob. II 85.13-15; *probabilis ratio* renders the Stoic phrase *eulogos apologismos/apologia*), “what reason demands to do” (*ut ratio postulet agere*; cf. DL VII 108: *hosa logos hairei poiein*), or “what is done with reason” (*ratione actum est*).

On the other hand, *x*’s being “valuable” implies or entails that it is “worthy of selection”, or that it is “to be taken”; and it seems natural to understand these phrases as indicating that we *have reason* to prefer *x* (over other objects), and that in certain cases or under certain circumstances we have sufficient reason to act in order to attain *x*. This reading would also explain the effortlessness with which Cato shifts from speaking about the value of the things in accordance with nature to speaking about the “appropriateness” of an action aiming at the attainment of such an object (cf. 20: “with the starting points thus established that the things in accordance with nature are to be taken for their own sake, while their contraries are to be rejected, the first proper function is...etc.” (*initiis igitur ita constitutis, ut ea, quae secundum naturam sunt, ipsa propter se sumenda sint contrariaque item reicienda, primum est officium...*)). Apparently, then, the “value” of a practical object and the “appropriateness” of an action directed at such an object are closely related; but their connection in itself is rather uninformative. Both values seem to derive from the normativity of practical reason. That an action is appropriate means that (in certain circumstances) we have sufficient reason to do it; and the practical object attained through such an action has value, i.e. it has something “useful” about it; which does not seem to imply anything

more than that we have some reason to attain that object (it is “worthy of selection” or “to be taken”).⁷⁴

In the light of these considerations Cato’s point at *De finibus* III 20 seems to boil down to the straightforward but uninformative statement that the things in accordance with nature are such that we have reason to pursue them (and that likewise the things that are contrary to nature are such that we have reason to reject and escape them). But if this is so, the real question is, what is it about the “natural” that renders it “valuable” from the point of view of practical reason –what reasons do we have for preferring things according to nature to things contrary to nature?⁷⁵

Cato’s account may seem to suggest that the answer to this question lies in the very nature and functioning of practical reason. As we have seen, according to Cato’s precursory discussion of the initial stages of our intellectual/moral development at III 20 the process begins when we come to “discover” (*invenire*) the principle of selection outlined previously; from this point our selecting activity “goes hand in hand with appropriate action”. After this our increasing rationality manifests itself in the increasingly well-organised and consistent execution of this selecting activity

⁷⁴ The situation is slightly complicated by the further distinction between valuable and “preferred” (*productum* –Cicero’s translation of the Greek *proēgmenon*). As Cato (III 51) explains, the latter is a subclass of the former: a “preferred” differs from merely valuable things in that “there is good reason to prefer them over other things” (*satis esse causae, quam ob rem quibusdam anteponantur* –this seems to be just another way of saying that “preferred” things have “much value”; cf. Stob. II 84,18ff (LS 58E): *echein pollēn axian*).

⁷⁵ Other discussions of the notion of value that we find in our sources are not very helpful here: they are uninformatively vague or simply presuppose the connection between value and naturalness. Thus at Stobaeus (II 83,10-84,6) where we are told that the primary sense of ‘value’ is “contribution” (*dosis*) and “merit *per se*” (*timē kath’ hautō*), and that Diogenes of Babylon further specified “contribution” as “the measure of a thing’s being in accordance with nature or of a thing’s being of use for nature” (*krisin einai, eph’ hoson kata phusin estin ē eph’ hoson chreian tēi phusei parechetai*). Again, at DL VII 105 we are told that the relevant definition of ‘value’ is “some intermediary power or utility contributive to the life according to nature” (*mesēn tina dunamin ē chreian sumballomenēn pros ton kata phusin bion* - cf. also *De fin.* III 58, where Cato seems to vaguely connect the notion of value with that of “usefulness” (58: *quod usui posit esse*); cf. also III 20. Moreover, both the DL and the Stobaeus passage mention a further approach to the meaning of value, which involved vague reference to the “appraisal of the expert” (*amoibē tou dokimastou*).

(characterised by the adjectives *perpetua*, *ad extremum constans*, *consentaneaue naturae*), presumably with the result that our activity becomes more and more efficient.

All this might seem to encourage us to think that, according to the Stoics, at these stages practical reason enters the picture as essentially a means or an instrument to maximise our success in attaining the things in accordance with nature (and in escaping the things which are contrary to nature). For modern readers this may call to mind a familiar conceptual model for understanding the matter. When we speak about the “instrumentality” of practical reason we often tend to conceive of this in a “Humean” manner, assuming that practical reason simply cannot be a source of motivation in its own right at all; our final ends and preferences are what they are not as a matter of rational deliberation, but rather as a matter of the desires that we happen to have, antecedently and independently of any rational consideration. It is by our pre-existing desires that we are pressed to act at all; and the only way reason can influence our actions is by working out and presenting to us practicable ways to satisfy these desires.⁷⁶ Thus practical reasons in general have a conditional form: “assuming (or given that) you want to attain x , you should do ϕ ”.

It might seem tempting to interpret the Stoic doctrine reported by Cato along these lines. On such an interpretation we could readily understand why it is that the things that are in accordance with nature have value, and thus are potential objects of appropriate actions: for on this interpretation it is obvious that the basic *evaluative fact* to which practical reason must conform is our antecedently and independently given source of motivation: our congenital and natural self-love. The things in

⁷⁶ This is more or less what the term “Humean” is taken to imply, for instance, in Bernard Williams’ seminal paper, ‘Internal and External Reasons’. The interpretation of Hume’s actual views on practical reason is a controversial issue; but this “instrumental” interpretation has been particularly influential.

accordance with nature, on this interpretation, are valuable for us precisely because their acquisition is conducive to the satisfaction of the natural impulses which spring from self-love and motivate us to do anything at all: namely the impulses to preserve ourselves and our constituent parts. This is our only reason for acquiring them, and it is with reference to this reason that the courses of action which are conducive to their acquisition can have “reasonable justification”.⁷⁷

Notably, this interpretation is fortified by Cicero’s comments and criticism in book IV. According to Cicero (IV 16, 19, 25, 32, 34-36, 39), the Stoics themselves must agree to the doctrine, originally instituted by the “Old Academics” and the early Peripatetics, that practical wisdom, as the “art of life” (*vivendi ars*), is a craft implemented to “assist” nature (16: *adiuvare*) as its “companion and helper” (*comes et adiutrix*) –by preserving what nature bestows and supplementing what she lacks (16), “as demanded by our primary natural desire” (25: *ut prima appetitio naturalis postulat*; cf. 32). Again, at IV 48 Cicero takes it as self-evident that no consideration of appropriateness can motivate us (*impellere*) *per se* to desire the things in accordance with nature; rather the other way around, it is the things in accordance with nature that (as a matter of our natural attachment) motivate (*commovere*) us to act by stirring our desire (and therefore our considerations of appropriateness must have reference to them). Again, in *De finibus* Book V Piso, in presenting the *Carneadea divisio* that, as he reports, Antiochus was also happy to apply, begins with the assumptions that (a) practical reason qua the art of living “has as its basis and starting point something external [to itself]”, and that (b) this object, “what it is

⁷⁷ To be sure, the “things in accordance with nature” are told “to be taken for their own sakes” (*propter se sumenda*). But this does not contradict the suggestion that they are to be taken because that they satisfy natural desires. Rather, the addition “for their own sakes” may mean simply that the things according to nature are the immediate objects of the natural desires, and as such they satisfy those desires by themselves, as opposed to those things which are not “in accordance with nature” themselves, but conduce to the attainment of such objects, and as such are “valuable” in a derivative way (cf. III 20).

concerned with and wants to attain, must be something that is well suited and adapted to nature” (16-17).

In short, Antiochus’ “Old Academic” ethical theory seems to assume a model of practical reason that is significantly similar to the familiar modern (Humean) conception; and according to Antiochus’ criticism the Stoic theory too presupposes the same model. As Cicero rhetorically asks at *De finibus* IV 19:

...I would love to know what reason Zeno had for dissenting from this ancient order, and what view of theirs he actually disagreed with... Surely not the view that the purpose of all arts is to meet some important natural requirement, so that the same principle must apply to the art of life?⁷⁸

Accepting this interpretation we can easily understand what Cato can possibly have in mind when he simply declares that the things in accordance with nature have value, are to be selected etc. (20); or when he repeatedly affirms that “appropriate action”, and thus “wisdom itself”, “originate from nature’s starting points” (22, 23: *proficiscantur ab initiis naturae*; cf. also 60).

But as we have seen in the previous section, this interpretation does not seem to leave room for the claim that as a matter of natural intellectual development we come to recognise that the only genuine good consists in “agreement”/“morality”, and that consequently none of our original natural attachments is to be sought on its own account (cf. 21: *propter se nihil est expetendum*). And if, –only for the sake of argument– we assume that this is the case (for example, we modify the starting assumptions in the way suggested by Cicero at IV 34), the same interpretation seems to go against the further claim that their indifference notwithstanding the objects that are in accordance with nature / contrary to nature retain their respective positive and

⁷⁸ ...scire cupio quae causa sit, cur Zeno ab hac antiqua constitutione desciverit, quidnam horum ab eo non sit probatum... an <quod>, cum omnium artium finis is esset, quem natura maxime quaereret, idem statui debere de totius arte vitae...

negative value, and hence this drastic change in our value system leaves the content of appropriate actions untouched (cf. 22, 50ff).

Before closing this section I would like to point out that there is something obviously wrong with this Antiochean interpretation of the Stoic theory, of which Cicero seems unaware. The thoroughly instrumental (“Humean”) view of practical reason suggested by its characterisation as “nature’s companion and helper” seems to be at odds with the well-documented Stoic doctrine that the *hēgemonikon*, “commanding part” of a fully developed human soul is rational through and through, such that, contrary to what Plato and Aristotle taught (and similarly to what Socrates taught according to Plato’s *Protagoras* (358D)), there are no non-rational sources of motivation in it: all of its motivations –including even the so-called passions or emotions (*pathē*)– are *rational*, in the sense that they are constituted by acts of assent to the appropriate kind of *rational* impressions (impressions which have cognitive, propositional content); namely, “impulsive impressions of what is appropriate, *ipso facto*” (Stob. II 86, 17-18 (LS 53Q): *phantasia hormētikē tou kathēkontos autothen*).⁷⁹

On this “cognitivist” doctrine, then, our development from the non-rational animals that we are at birth into rational agents is marked by a radical discontinuity: as we acquire reason our natural (non-rational) impulses cease to motivate us and come to be replaced by beliefs or judgements that are *per se* motivating.⁸⁰ In so far as we act rationally, we act for reasons rather than on instincts (the clause “there next comes

⁷⁹ See further Stob. *Ecl.* II 86-88 (SVF III 169, 173, 171); see also e.g. Plutarch, *De Stoic. rep.* 1037F (SVF III 175), where Chrysippus is reported to have defined impulse (*hormē*) as “reason prescriptive of action”. For the interpretation of the Stoic doctrine see e.g. BRENNAN 2003 and LONG 1999: 572, both of whom are in debt to Brad Inwood’s seminal discussion of Stoic moral psychology in INWOOD 1985; see also INWOOD 2005 Ch. 9. For a different reading of the phrase in Stobaeus see LS vol. II 318; cf. also LS 53R; FREDE 1999: 74-5. –The doctrine that emotions derive from opinion rather than our non-rational nature is well documented in Cicero: see *Acad.* I 39, 41; *De fin.* III 35; *Tusc.* III 24-5, IV 14, 22 (see further SVF III 379-85).

⁸⁰ This point is rightly emphasised by FREDE 1999: 74-5 and 91-2.

selection according to what is appropriate” (III 20: *sequitur deinceps cum officio selectio*) may well refer to this motivational shift, though Cicero seems to be unaware of its significance). Thus we may reasonably suspect that at the stage Cato is here talking about practical reason is not to be thought of as being subordinated to our natural impulses in the way outlined above, for the simple reason that at this stage we are no longer motivated by such natural impulses. We act only because we *judge* that this or that course of action would be “appropriate”, i.e. that we *have reason* to act in this way; and this reason cannot consist simply in the fact that the course of action in question is conducive to the satisfaction of an independently given desire. The value of the things in accordance with nature is not a matter of their contribution to the satisfaction of our natural desire for self-preservation; rather, it is a matter of our own value judgements. In view of this, the question is why, on what basis our commanding faculty attaches value to the things “in accordance with nature” (and negative value to the things contrary to nature)? Thus although Cato insists that appropriate actions, and so too wisdom itself, “originate” from the natural principles or starting points (cf. again 22 and 23), not even this point is as obvious as he (and Cicero) seems to think.

II.4 *The two main lines of interpretation: the “cosmic” versus the “heterodox”*

In the previous survey of the interpretive problems raised by *De finibus* III 20-22 I have already introduced and developed a major thread of my argument. Cicero’s work as a whole offers an interpretive framework for reading and understanding Cato’s account of the Stoic theory. This involves the views that the Stoic theory is but a variation on the alleged Old Academic–early Peripatetic theory; and that the Stoics fail to provide sufficient rational support for their dissent from the Old Academic conception of the *summum bonum*, which is the logical conclusion of the Old Academic theory, in favour of the thesis that the *summum bonum* consists in living virtuously alone. Some of the interpretive problems in Cato’s account, I have argued, invite an interpretation which adopts the first of these views; but if we accept this perspective, some other crucial points of Cato’s account will seem not only underprovided, but utterly unintelligible. In this way the gaps in Cato’s presentation seem to facilitate Cicero’s criticism of the theory in Book IV.

In **Part I** I tried to pave the way for this reading of *De finibus* by considering afresh the origins of this approach to Stoic ethics in the former history of Cicero’s intellectual life, and by raising some doubts about the overall optimistic view of Cicero’s competence as expositor of Hellenistic philosophy. In **Part III** I shall further corroborate this reading, by exploring how it is compatible with the view of Cicero’s standpoint as an Academic sceptic, and by pointing out a further, excessive instance in Cato’s account of a tendency to stress the affinity between the Stoic theory and its alleged Old Academic predecessor. Before this, however, I should like to overview the two major recent lines of interpretation that I mentioned at the outset. For the time

being my concern is not so much the question which of these lines of interpretation provides the more plausible account of Stoic ethics, but rather the more methodological question which of them represents the more adequate approach to Cicero as a source on Stoic ethics. I shall argue that neither line of interpretation is reassuring in this respect; which result is supposed to further facilitate comprehension of the desirability of reconsidering Cicero's authorial role here.

II.4.1 *The "cosmic" approach*

As I suggested there, both lines of interpretation greatly rely on Cicero's presentation of Stoic ethics in *De finibus* III; but they significantly differ in dealing with the interpretive problems raised by this text. Proponents of the more traditional and prominent approach often assume that the first section of Cato's account is meant to represent an argument for the Stoic position on the *telos* of human life –indeed, that it is meant to represent *the* substantial argument for this conception. However, the gaps in Cato's presentation lead them to think that in order to get this argument right Cato's reasoning must be *supplemented* by the theme of cosmic teleology that, while it is absent from Cicero's presentation (up until 62), apparently plays a prominent role in the parallel first section of the account found in Diogenes Laertius (DL VII 85-9). Before continuing, let me briefly expound the content of the latter passage, at the same time pointing out major points of divergence between it and the version presented by Cicero in *De finibus* III.

a)

Similarly to Cato's account in *De finibus* III, the DL passage commences with a brief account of the Stoic doctrine of *oikeiōsis*. However, the two versions significantly differ in points of detail. As we have seen, Cato (*De fin.* III 16) invokes “appropriation” as the psychological basis of the animal's fundamental inclination: the claim that the animal right at birth is “attached to itself” (*sibi conciliari*) is generally regarded as Cicero's Latin rendition of the Stoic claim that every animal is from birth “appropriated to itself” (*oikeiousthai pros heauto*; cf. esp. Plutarch, *De Stoic. rep.* 1038B; Alexander, *SVF* III 183, 185; Hierocles col. VI 52, VII 16, 48-50). A couple of lines later Cato further specifies this as “self-love” (*se diligere*), an emotive response to the animal's perception of itself.⁸¹

But the DL version suggests a different picture.⁸² In Chrysippus' doctrine, as presented here (VII 85), the notion of *oikeiōsis* emerged as denoting, first and foremost, a metaphysical fact: Nature's agency in determining the animal's motivational make-up –that she “appropriates the animal from the beginning” (*oikeiousēs auto tēs phuseōs ap' arkhēs*).⁸³ It is on this assumption, Chrysippus

⁸¹ Assuming that Hierocles' *Ēthikē Stoicheiōsis* strictly draws on old and orthodox Stoic doctrines and terminology, we may perhaps correlate this with the formulation that the animal right at birth “takes delight in the impression that it has received of itself” (col. VI 28-9: *euarestei tē(i) phantasia(i) hēn heautou eilēphen*), which on Hierocles' explanation is virtually the same as to say that “it is well pleased with itself” (col. VI 42-3: *aresein heautō(i)*).

⁸² Τὴν δὲ πρώτην ὁρμὴν φασὶ τὸ ζῷον ἰσχεῖν ἐπὶ τὸ τηρεῖν ἑαυτὸ οἰκειούσης αὐτὸ τῆς φύσεως ἀπ' ἀρχῆς, καθά φησιν ὁ Χρύσιππος ἐν τῷ πρώτῳ Περὶ τελῶν πρῶτον οἰκεῖον λέγων εἶναι παντὶ ζῷῳ τὴν αὐτοῦ σύστασιν καὶ τὴν ταύτης συνείδησιν οὔτε γὰρ ἀλλοτριῶσαι εἰκὸς ἦν αὐτὸ <αὐτῷ> τὸ ζῷον οὔτε ποιήσασαν αὐτό, μήτ' ἀλλοτριῶσαι μήτ' [οὐκ] οἰκειῶσαι. ἀπολείπεται τοίνυν λέγειν συστησάμενην αὐτὸ οἰκειῶσαι πρὸς ἑαυτό· οὕτω γὰρ τὰ τε βλάπτοντα διωθεῖται καὶ τὰ οἰκεῖα προοίεται.

^ Ο δὲ λέγουσὶ τινεσπρὸς ἡδονὴν γίγνεσθαι τὴν πρώτην ὁρμὴν τοῖς ζῷοις ψεῦδος ἀποφαίνουσιν. ἐπιγένημα γὰρ φασιν, εἰ ἄρα ἔστιν, ἡδονὴν εἶναι ὅταν αὐτὴ καθ' αὐτὴν ἢ φύσις ἐπιζητήσασα τὰ ἐναρμόζοντα τῇ συστάσει ἀπολάβῃ· ὃν τρόπον ἀφιλαρύνεται τὰ ζῷα καὶ θάλλει τὰ φυτὰ

⁸³ In one of the manuscripts (F; adopted by von Arnim (*SVF* III 17)) we find the dativ *autō(i)* instead of *auto*; accepting this modification we would get “...because nature from the very outset comes to be

argued, that we can understand why the “first impulse” of the animal is towards self-preservation (rather than pleasure): it was Nature who “appropriated the animal”, and since Nature created the animal in order to exist and flourish, it was not likely (*eikos ēn*) either that she “alienated it [from itself]” or that she made it neither appropriated, nor alienated it; thus it remains that she appropriated it *to itself* (*oikeiōsai pros heauto*), with the result that it repels what is harmful (*ta blaptonta*) and goes for the things that are “appropriate” to it (*ta oikeia*), i.e. the things that are appropriate for its constitution (86: *ta enarmozonta tē(i) sustasei*). In a secondary way Chrysippus seems to have used the notion to signify, in an unspecified way, the psychological consequence of this metaphysical fact (saying that the animal “is appropriated to itself” cf. Plutarch, *De Stoic. Rep.* 1038B (SVF III 179, II 742; LS 57E)). But the middle-passive form of *oikeioō* he used in this connection could hardly be taken otherwise as being passive in force: Chrysippus, that is, never lost sight of the fact that the arrangement of the animal’s motivations is due to Nature’s agency (on a more specific psychological level the corresponding fact is that the animal’s “first impulse” is towards preserving itself etc.). In Cicero’s version this metaphysical dimension of the notion is entirely absent. Correspondingly, the thesis that animals have a natural impulse to preserve themselves is established on different grounds; for example, we find the odd argument that it could not happen that living beings would seek anything unless they had self-awareness and thereby self-love (an argument to which I shall return in Chapter III.3).

endeared to it [i.e. the animal]”. Some of the modern editions in turn conjecture the reflexive pronoun *hautō(i)* instead (authorised by Koraes, recommended by von Arnim, SVF III 178; see *apparatus* in the OCT edition by H. S. Long (1964), and the *Loeb* edition (1925 etc.) by R. D. Hicks; see further INWOOD 1985: 311 n.30). I follow Long and Sedley (LS 57A) in retaining the standard MSS text. I am not sure, however, that Long and Sedley (vol. I 351) are right in taking the statement, as the standard meaning of *oikeioō (tina)* would suggest, to refer to Nature’s “affectionate ownership” of the animal, which Nature then manifests by giving the animal this same disposition relative to itself.

b)

Again, the passage in Cicero's account dealing with natural intellectual/moral development and its impact on our congenital motivational make-up obviously ignores a point emphasised in the parallel passage in Diogenes Laertius' presentation (VII 86): that whatever change the emergence of reason makes in our motivational set, this is due to Nature's design and arrangement.⁸⁴ It was Nature who, while in the case of animals she superadded impulse whereby they are enabled to go for what is appropriate for them, endowed humans with reason "as a more complete form of government (*kata teleioteran prostasian*)", such that it supervenes (*epiginetai*) as "the craftsman of impulse (*technitēs tēs hormēs*)", and the natural life (*to kata phusin zēn*) for us comes to be the rational, reason-guided life (*to kata logon zēn*), rather than a life guided by impulse (*to kata hormēn dioikeisthai*). The point made here seems to be that if the rational commanding faculty with which Nature endowed us becomes fully developed and functions well –i.e. we attain the excellence towards which Nature guides us (*agei*, see 87)– it will take full command over our conduct; but living under its guidance we will nevertheless live the life that we are *meant* to live; a life that fully accords with Nature's intentions and design in creating us.⁸⁵ Living a rational life, always acting on the reasons presented to us by our own commanding faculty, we will at the same time act, on our own accord, in the way as Nature means us to act; the actions and activities dictated by our own reason will fully coincide with Nature's will.

⁸⁴ οὐδέν τε, φασί, διήλλαξεν ἡ φύσις ἐπὶ τῶν φυτῶν καὶ ἐπὶ τῶν ζώων ὅτι χωρὶς ὀρμῆς καὶ αἰσθήσεως κάκεῖνα οἰκονομεῖ καὶ ἐφ' ἡμῶν τινα φυτοειδῶς γίνεται. ἐκ περιπτοῦ δὲ τῆς ὀρμῆς τοῖς ζώοις ἐπιγενομένης ἢ συγχρώμενα πορεύεται πρὸς τὰ οἰκεῖα, τούτοις μὲν τὸ κατὰ φύσιν τῶν κατὰ τὴν ὀρμὴν διοικεῖσθαι τοῦ δὲ λόγου τοῖς λογικοῖς κατὰ τελειότεραν προστάσιαν δεδομένου, τὸ κατὰ λόγον ζῆν ὀρθῶς γίνεσθαι <τού>τοις κατὰ φύσιν· τεχνίτης γὰρ οὗτος ἐπιγίνεται τῆς ὀρμῆς.

⁸⁵ A faint echo of this passage is to be found at *De fin.* III 23-4.

c)

The argument then continues in 87-8 with a rather abrupt shift:

Therefore Zeno in his book ‘On the Nature of Man’ was the first to say that the end is living in agreement with nature, which is living in accordance with virtue. For nature leads us towards virtue. ...Further, living in accordance with virtue is equivalent to living in accordance with experience of what happens by nature, as Chrysippus says in his ‘On Ends’ book I: for our own natures are parts of the nature of the whole. Therefore, living in agreement with nature comes to be the end, that is, in accordance with both the nature of oneself and that of the whole, engaging in no activity wont to be forbidden by the common law, which is the right reason pervading everything and identical to Zeus, who is this ruler of the administration of existing things. And the virtue of the happy man and his good flow of life are just this: when everything is done in conformity with the concordance of each man’s guardian spirit with the will of the administrator of the whole.⁸⁶ (transl. Long and Sedley, with minor modifications)

The inferences signified by the *dioper* and *gar* connectives are far from being obvious. But it is clear that the elucidation of the Stoic *telos*-formula presented in this passage significantly differs from the one we have seen in *De finibus* III. In Cicero’s version “accordance” seems to denote the internal order and consistency characteristic to perfect reason and virtuous conduct born of perfect reason. A similar idea seems to occur at DL VII 89 as well, where we find the argument that “virtue is a consistent disposition, choice-worthy for its own sake”, and that “it is in this that happiness consists; for it is a soul which has been prepared to make the whole course of life

⁸⁶ Διόπερ πρῶτος ὁ Ζήνων ἐν τῷ Περὶ ἀνθρώπου φύσεως τέλος εἶπε τὸ ὁμολογουμένως τῇ φύσει ζῆν, ὅπερ ἐστὶ κατ’ ἀρετὴν ζῆν· ἄγει γὰρ πρὸς ταύτην ἡμᾶς ἡ φύσις. ὁμοίως δὲ καὶ Κλεάνθης ἐν τῷ Περὶ ἡδονῆς καὶ Ποσειδώνιος καὶ Ἑκάτων ἐν τοῖς Περὶ τελῶν πάλιν δ’ ἴσον ἐστὶ τὸ κατ’ ἀρετὴν ζῆν τῷ κατ’ ἐμπειρίαν τῶν φύσει συμβαινόντων ζῆν, ὡς φησι Χρυσίππος ἐν τῷ πρώτῳ Περὶ τελῶν μέρη γὰρ εἰσὶν αἱ ἡμέτεραι φύσεις τῆς τοῦ ὅλου. διόπερ τέλος γίνεται τὸ ἀκολουθῶν τῇ φύσει ζῆν, ὅπερ ἐστὶ κατὰ τε τὴν αὐτοῦ καὶ κατὰ τὴν τῶν ὅλων, οὐδὲν ἐνεργοῦντας ὧν ἀπαγορεύειν εἴωθεν ὁ νόμος ὁ κοινός, ὅσπερ ἐστὶν ὁ ὀρθὸς λόγος, διὰ πάντων ἐρχόμενος, ὁ αὐτὸς ὧν τῷ Διὶ καθηγεμόνι τούτῳ τῆς τῶν ὄντων διοικήσεως ὄντι εἶναι δ’ αὐτὸ τοῦτο τὴν τοῦ εὐδαίμονος ἀρετὴν καὶ εὐροίαν βίου, ὅταν πάντα πράττηται κατὰ τὴν συμφωνίαν τοῦ παρ’ ἐκάστῳ δαίμονος πρὸς τὴν τοῦ τῶν ὅλων διοικητοῦ βούλησιν

consistent”.⁸⁷ The idea here seems to be that there is a more or less obvious connection between the “consistency” of the conduct of one’s life and happiness, the preliminary definition of which was “the good flow of life” (*eurhoia biou*; cf. DL VII 86, Stob. *Ecl.* II 77, 16-27); thus virtue (i.e. perfect reason) has a singular appeal to us because, being itself a “consistent character”, it cannot fail to make the whole of life “consistent”, and thus to confer to us happiness.⁸⁸

However, according to DL VII 87-8 Chrysippus emphasised that the “virtuous life” towards which Nature guides us is a life in accordance with experience of what happens according to nature (*kat’ empeirian tōn phusei sumbainontōn zēn* –cf. *De fin.* III 31), precisely *because* our individual natures are parts of the nature of the whole (*merē gar eisin hai hēmeterai phuseis tēs tou holou*); therefore the *telos* is to live in accordance with both our own nature and that of the universe (*to akolouthōs tē(i) phusei zēn ... kata te tēn hautou kai kata tēn tōn holōn*), to live a life in which every action manifests the overall harmony (*sumphōnia*) between our *daimōn* [that is, presumably, our individual reason⁸⁹] and the will of “him who orders the universe”; such that no one of them violates the “common law, that is the right reason which pervades all things, and is identical to Zeus, lord and ruler of all there is”.

⁸⁷ Τὴν τ' ἀρετὴν διάθεσιν εἶναι ὁμολογουμένην· καὶ αὐτὴν δι' αὐτὴν εἶναι αἰρετήν, οὐ διὰ τινα φόβον ἢ ἐλπίδα ἢ τι τῶν ἕξωθεν· ἐν αὐτῇ τ' εἶναι τὴν εὐδαιμονίαν, ἅτ' οὐσὴ ψυχῆ πεποιημένη πρὸς τὴν ὁμολογίαν παντὸς τοῦ βίου.

Cf. also Stob. *Ecl.* II 75, 11ff (LS 63B), where we are told that Zeno’s original formula was simply “living in agreement” or “living in accordance with one concordant reason”; see also Stob. II 77, 16ff (LS 63A)

⁸⁸ Notably, in his recent book Tad Brennan (BRENNAN 2005: 138-141) has forcefully argued against the traditional approach to these passages: on his view it is a mistake to translate Zeno’s short-hand formula as “living consistently” rather than as “living in agreement with” (which would highlight the grammatical and conceptual incompleteness of the formula); accordingly, it is a mistake to translate the Stoic definition of virtue as “a consistent character” rather than “an agreeing character”.

⁸⁹ On the meaning of the term *daimōn* in this context see LS vol. II p. 391 and BETEGH 2003: 286-7, both of whom argue against John Rist’s interpretation of the passage at RIST 1969: 262ff.

According to the advocates of the “cosmic” approach, then, Cato’s account gives us a seriously misleading idea of what the Stoic conception of the *summum bonum* is; as I indicated earlier, they often begin by focussing on the first section of Cato’s exposition, and then argue that in order to reconstruct the Stoic theory proper we have to *supplement* it in terms of the material presented by the DL passage (or if this seems more appropriate, we have to *combine* the two account into one).⁹⁰ This interpretive strategy is most prominent in the contributions of Gisela Striker, John Cooper and Michael Frede.⁹¹ Their reconstructions differ in points of detail but they agree in holding that the reasoning that on Cato’s account is supposed to lead one to the conclusion that agreement/morality is the only good crucially involves an appreciation of the teleological and providential ordering of the universe by cosmic nature, and an understanding of man’s place in nature’s design.

Others, like Anthony Long, have attempted to diminish their reliance on Cicero’s text, and really to put Diogenes Laertius’ account into the forefront.⁹² But his interpretation is a good example of how difficult, virtually impossible, is to get rid of Cicero’s influence here. In a later postscript to his seminal article on the subject he openly reinforces that “Diogenes’ evidence is almost certainly our most authoritative testimony for the primary principles of Stoic ethics” (1996a (=1971): 153). But his very conception of the primary principles and the Stoics’ “deductive methodology” in ethics owes to a consideration of Cicero’s exposition, which he praises as “one of our most valuable sources” (*ibid.* 139). The aim of his article is to establish “that Nature in Stoicism is first and foremost a normative, evaluative, or if you will, a moral

⁹⁰ For the idea of supplementing Cicero, see STRIKER 1996b (=1991): 226.

⁹¹ See especially STRIKER 1996a (=1983) and 1996b (=1991); WHITE 1979, 1985; COOPER 1995, 1999 (=1996); FREDE 1999. Other representative scholars of this line of interpretation are LONG 1996a (=1971), 1996b (=1989); INWOOD 1985; BETEGH 2003; and most recently BOERI 2009.

⁹² LONG 1996a (=1971); see Annas’ remark at ANNAS 2007: 85, n. 56.

principle” (137), and that “the Stoics sought to demonstrate the *summum bonum* by inferring that this is the property of Nature” (141); so “Stoic moral theory is unintelligible when divorced from Nature” (150). Similar “foundationalist” claims are sometimes presented in other interpretations belonging to this family (see e.g. Gisela Striker’s conclusion that “the foundations of Stoic ethics are to be sought... in cosmology and theology”, STRIKER 1996: 231). But the very idea of speaking about “foundations” here seems to owe at least partly to Cicero’s way of presenting Stoic ethics.

Admittedly, this approach finds some independent support in other sources as well. Most prominently, we possess Chrysippus’ own words, preserved by Plutarch (*On Stoic self-contradictions* 1035C-D, quoted from Chrysippus’ ‘Physical Theses’):

There is no other or more appropriate way of approaching the theory of good and bad things or the virtues or happiness than from universal nature and from the administration of the world. (...) For the theory of good and bad things must be attached to these, since there is no other starting-point or reference for them that is better...⁹³ (transl. Long and Sedley)

Apparently, the way the DL passage introduces and explains the “living in agreement with nature” formula is in line with this claim; and proponents of the “cosmic” line of interpretation routinely cite it in substantiating their approach. However, as has been repeatedly pointed out by Julia Annas, the evidence presented by this passage is not as decisive as it may seem (see ANNAS 1993: 164; 2007: 77-84).

Again, the kind of foundationalism suggested by such claims as the ones that I quoted from Gisela Striker and Anthony Long above has been severely criticised by Julia

⁹³ 'οὐ γὰρ ἔστιν ἄλλως οὐδ' οἰκειότερον ἐπελθεῖν ἐπὶ τὸν τῶν ἀγαθῶν καὶ κακῶν λόγον οὐδ' ἐπὶ τὰς ἀρετὰς οὐδ' ἐπ' εὐδαιμονίαν, ἀλλ' <ἢ> ἀπὸ τῆς κοινῆς φύσεως καὶ ἀπὸ τῆς τοῦ κόσμου διοικήσεως. (...) δεῖ γὰρ τοῦτοις συνάψαι τὸν περὶ ἀγαθῶν καὶ κακῶν λόγον, οὐκ οὔσης ἄλλης ἀρχῆς αὐτῶν ἀμείνονος οὐδ' ἀναφορᾶς, οὐδ' ἄλλου τινὸς ἔνεκεν τῆς φυσικῆς θεωρίας παραληπτῆς οὔσης ἢ πρὸς τὴν περὶ ἀγαθῶν ἢ κακῶν διάστασιν.'

Annas on various grounds (see again ANNAS 1993: 159ff; 1995; 2007: 65ff); and a great part of her objections deserves serious consideration (although some of them seem to be off the point, since they attack an extremely robust kind of foundationalism which I find difficult to detect in the criticised interpretations).⁹⁴

For the time being, however, I would like to focus on a methodological objection that has also been pointed out by Annas (ANNAS 1995: 606-7); for it is this particular objection that has a direct bearing on the question of the adequacy of the approach of this interpretive line to Cicero's text. If this approach is correct, then, as Annas writes, "we face an unwelcome conclusion: either Cicero totally fails to understand Stoic ethics, or else he chooses for some reason radically to misrepresent it. Fortunately, neither is plausible".

Actually, John Cooper (COOPER 1997: 440 and n.32, cf. 1995: 594) suggested a third option as well: he argued that Cicero does in fact tacitly rely on the Stoic notion of cosmic teleology; but I tend to agree with Annas that this interpretation sits poorly with the actual passages cited by Cooper (ANNAS 1995: 606). Besides, it should seem rather implausible, given Cicero's authorial intentions in writing the book, that for some reason he omits any explicit reference to such a crucial point, running the risk of seriously misleading his readers. What reasons could he possibly have for doing that? As Gisela Striker (STRIKER 1995: 58-9) has pointed out, Cicero wrote what might today be called introductory surveys into the major fields of philosophy,

⁹⁴ For example, at ANNAS 2007: 67 Annas assumes that if the claim that physics is foundational for ethics is meant to imply "priority in content", this can only mean that "even to get right what the distinguishable subject-matter of ethics is we have to go through physics to define it", which is an unnecessarily harsh and unkind interpretation of the criticised position. – In his recent contribution Marcello Boeri (BOERI 2009: 174-6) gives heed to a more justified objection (ANNAS 2007: 69-70) based on the notion of Stoic philosophical "holism", according to which the different parts of the Stoic system are interrelated in a way that excludes the asymmetry suggested by foundationalist claims; correspondingly he abandons foundationalist claims, but points out that, on the other hand, the holistic conception of Stoic ethics seems to contribute to making the idea of cosmological ethics understandable.

and in composing his outlines of the various positions he could assume that his readers would easily be able to pursue particular points of detail simply by consulting the relevant Greek authorities. However, in this case even this charitable assumption seems too weak to dispel our doubts; for in this case it is not mere superficiality or lack of detail that keeps puzzling the interpreters; it is the complete lack of any explicit reference to what is taken to be a crucial philosophical point.

Again, in view of Cicero's authorial intentions, and his repeated indications of the earnestness and accuracy of his account, we can set aside the idea that he deliberately misrepresents the Stoic doctrine. It remains, then, that Cicero himself seriously misunderstands the Stoic ethical theory. This is the answer suggested by Gisela Striker's treatment (STRIKER 1996b). Striker presents the Cicero passage as "the source of the most influential standard account of Stoic ethics" (225); but she finds that although "Cicero apparently thinks that he has shown what the highest good is, and that it is living in agreement with nature... it is fairly clear that he has produced no such thing as an argument to show that the end is living in agreement with nature" (226). On her judgement (*ibid.*), Cicero's argument is "at best incomplete; at worst, it is a confusion"; and she opts for the worse alternative.⁹⁵ But this is not a *prima facie* plausible option either, if we adopt a more or less favourable view of Cicero's credentials as a thinker and/or as an expositor of Hellenistic philosophy. Was Cicero really unable to recognise such an obviously flawed argument for what it was? Was he not able to reflect on how and why the argument is deficient, and to compare his reconstruction with other sources available for him (or to discuss it with experts), in order to see whether it was really accurate and complete?

⁹⁵ Cf. also STRIKER 1996: 290-291, together with 230, where Striker attempts to explain the original function of the reasoning misrepresented by Cicero.

The question, then, is why Cicero was unable to see the significance of the cosmic perspective to the Stoic theory of the *summum bonum*, if it was significant; on what grounds did he believe that he has given a complete account of the Stoic theory, as he apparently did, if this was not the case? I would not like to follow Annas (*ibid.*) in her conclusion that this possibility cannot be plausibly maintained; but I think that to do so we cannot relegate the above question to a side remark: we have to systematically address Cicero's understanding of the theory he presents.⁹⁶ This is all the more important because Cicero's account is a virtually indispensable source for scholarly work on Stoic ethics; but the assumption that Cicero blatantly misrepresents a central aspect of the Stoic theory of the *summum bonum* casts a shadow on his presentation at

⁹⁶ I think that Nicholas White is largely on the right track in WHITE 1979 when he lays considerable emphasis on locating the account of the Stoic *summum bonum* within *De finibus* as a whole, and on marking it off from its Antiochean counterpart, by pointing out significant differences between them, and arguing that the former, unlike the latter, does not seem to represent a "self-realisationist" theory, but rather derives the *summum bonum* from the crucial but obscure step of appreciating "order and harmony" of conduct. Then he rightly points out that Cicero's critique in Book IV, which aligns with the Antiochean theory presented in Book V (*ibid.* 163-4), gives meagre attention to this crucial point, speculating that this neglect on Antiochus' part may partly be due to guile and a desire to make the Stoics look unoriginal and inept; but partly due to genuine misunderstanding, owing perhaps partly to Panaetius' work on Stoic ethics, which may have laid stress on the idea of the uniqueness of human (rational) nature and the *desirability of perfecting it*. I have greatly benefitted from this part of White's interpretation; but his ensuing attempt to reconstruct the development and content of the orthodox Chrysippian theory and to show how the doctrine presented in the Cicero passage fits in with it (either because it is Chrysippian or because it is a post-Chrysippian attempt to fill a gap in Chrysippus' account of intellectual development, cf. 169) lacks in acuteness and in many points of detail is misleading or is insufficiently argued. For example, White (174) refrains from speculating on Cleanthes' reasons for adopting the view that the ultimate end is living in accordance with the organised arrangement of the universe, without considering this as a means to living harmoniously without internal conflict, which had been the end established by Zeno (notably, this is a questionable interpretation of both Zeno's and Cleanthes' position). As a consequence his description of Chrysippus' subsequent development –the identification of following human nature and following universal nature as reported at DL VII 88-9, with the result that he presented following human nature as part of the *telos*– is not really informative or illuminating either. This in turn spoils White's conjecture that the ultimate source of the Antiochean misunderstanding of the Stoic theory may have been Chrysippus' complex position (cf. *ibid.* 176). On White's explanation Chrysippus' identification may have encouraged the slant Panaetius seems to have given to Stoic ethics, and on the other hand, may have opened the way for interpreters like Antiochus to downplay universal nature as redundant. However, both claim is difficult to accept if we are uncertain about the position that has been given a slant to by Panaetius or misrepresented by Antiochus. Was it really so easy to forget about the significance of the point that living in agreement with human nature was at the same time living in agreement with cosmic nature? Moreover, while White asks the question, whether the doctrine presented at *De finibus* III 20-22 was part of an orthodox Chrysippian theory (165), and he gives a positive answer to this question (179), he does not explicitly address the question why so much of the orthodox theory remains untold in *De finibus* III; thus his treatment of Cicero's text is deficient.

large: if he is wrong on this point, how can we assume that he is right on any other point on which we do not have direct and uncontroversial independent evidence?

In **Part III** I shall argue that by re-considering the role of *De finibus* III within the plan and argument of *De finibus* as a whole we can find a plausible answer to this question: Cicero's presentation of Stoic ethics may have been distorted by his Academics–Antiochean perspective on Stoic ethics (indeed I shall further argue, in Chapter **III.3**, that without appropriately recognising this we are liable to perpetuate some elements of Cicero's distortion, such as his conflation of the Stoic notion of *oikeiōsis* with Antiochus' Aristotelian conception of “self-love”). Before turning to this, however, I would like to consider the alternative possibility: that Cicero's presentation is, as Annas concludes, largely correct. In this case the challenge is to explain how the Stoic theory as presented by Cicero actually works: how is it supposed to change the initial bafflement or dislike over the Stoic tenets into a firm understanding and approval?

I shall devote considerably more space to considering this possibility; for as I indicated in the **Introduction**, if this line of interpretation would be successful, it would largely neutralise the considerations that I have presented in Chapter **II.3**: it would convince us that, whatever Cicero's actual views conveyed in *De finibus* as a whole are, he is an accurate and reliable expositor, whose account of Stoic ethics in *De finibus* III can be legitimately studied independently of its context.

II.4.2 The “heterodox” view: Julia Annas on Stoic ethics

I shall now consider in more detail what is in my estimation the most forceful and influential challenge to the “cosmic” interpretations to date. This is the interpretation propounded by Julia Annas, first in her much discussed book *The Morality of Happiness* (1993), and –with significant modifications– also in subsequent articles (ANNAS 1995, esp. pp.603-4, and 2007, esp. pp. 61-2).⁹⁷

II.4.2.1 Annas’ interpretation of Stoic ethics

The hub of Annas’ argument is the following:

[In the Stoic school]...ethics was taught first as a branch of philosophy in its own right; and the procedures at this stage do not appear to have been very different from Aristotle's. Chrysippus proceeded by 'articulating' ethical concepts, and by using 'dialectical' reasoning about ethics—reasoning, that is, which begins from what is commonly accepted rather than from theses previously established by philosophical arguments. Chrysippus defended the use of dialectical reasoning specifically within ethics, and collected huge numbers of ‘plausible’ premises for ethical theses. (...)

Ethics was not just studied as a subject in its own right, however. When the Stoic pupil finished his course with 'theology', it is clear that principles about God and cosmic nature were taken to provide a backing of some kind for what had previously been studied in isolation. (...) Thus there are two levels on which one studies ethics: first as a subject in its own right, with the proper kind of methodology, in which our intuitions are subjected to reflection and articulation, and theoretical concepts and distinctions are introduced which explain and make sense of our intuitions; and then later (if one advances that far) as a subject within Stoic philosophy as a whole. (p. 163-164)

⁹⁷ Another regularly mentioned (but less frequently discussed) attempt to understand the account presented in *De finibus* III as a relatively autonomous theory is to be found in ENGBERG-PEDERSEN 1986 (esp. 149-50) and 1990 (esp. 40-2); for critical remarks see ERSKINE 1992, TIELEMAN 1995 and LONG 1996: 154-5.

This two-level interpretation gives justice to Cicero's presentation of Stoic ethics in *De finibus* III by locating it on the first stage of ethical theorising, at the same time – as Annas has rightly emphasised in a recent article (ANNAS 2007: 85 and n. 56)–, also giving justice to the DL version of the theory, by locating it on the second level.

Indeed, it is clear that Annas' interpretation is partly grounded on a thorough reading of Cicero's presentation.⁹⁸ As Annas explains in her reply to John Cooper's criticism (1995: 604), it is at the first, dialectical stage of doing ethics that “argument with other schools has its place, since the Stoics are discussing matters of controversy between the different schools” (cf. 1993: 164 n. 20, 166). Cicero's *De finibus* in turn is “a systematic treatment of the arguments for and against a range of ethical theories. It is not introductory, or provisional; it presents the arguments that a serious person interested in discovering the best available ethical theory needs to be acquainted with” (*ibid.* 606; cf. 599, 605 n. 13, 608-9; cf. also 1993: 433). Moreover, Cicero is “an educated and intelligent person who is aware of the arguments on either side” (1993: 433), and, as some of his other philosophical works show, is “perfectly familiar with Stoic ideas about cosmic nature” (1995: 606). Yet in presenting the Stoic theory, and setting up the Stoic–Peripatetic debate on the relation of virtue to happiness, Cicero obviously does not think that cosmic nature is anywhere to the point. Indeed, he not only does not use cosmic nature to reach ethical conclusions; in paragraph 73 of Book III he explicitly indicates the relation, within Stoicism, between ethics and physics – namely, that the cosmic perspective comes in as a larger picture into which ethics is to be fitted before we completely understand it (for this interpretation of *De fin.* III 73 see 1993: 165-6; 1995: 606). The “nature” that plays a crucial role in the main

⁹⁸ Cf. ANNAS 1995: 606, where Annas readily admits that Cicero “gives us a presentation of Stoic ethics which... is similar to mine in my book, for the good reason that in writing the book I used it extensively”.

argument of Cicero's presentation is to be construed as human nature (cf. e.g. 1995: 601); thus the Stoic theory presented by Cicero eminently represents the kind of non-foundational and non-reductive "appeal to nature" that, on Annas' analysis, is a general feature of ancient ethical theories (cf. 167ff, 177; see further 135-141, 214ff – on the question in what sense this appeal to nature can be viewed as "justifying" or "giving support to" the ethical theses see esp. 136, 138, 217). Thus *De finibus* III presents a serious challenge for the "orthodox" interpretation. Since it is not plausible that Cicero would –either intentionally or unintentionally– crucially misrepresent the Stoic theory, we should accept that what we find in *De finibus* III is "a normal ancient presentation of Stoic ethics, different in kind from the metaphysically based discussions" (1995: 607).

Of course, there is more to Annas' two-level interpretation than this appeal to Cicero's way of presenting the theory in *De finibus* III. She has presented a battery of arguments, both theoretical and historical, to substantiate it in opposition to the traditional view and, in later articles (1995 and 2007), in response to various criticisms. These arguments have attracted much scholarly interest and gave impetus to the discussion, leading to more refined statements of the implications of the "orthodox" picture.⁹⁹ My present concern, however, is the adequacy of Annas' view of Cicero's account; and critical examinations of Annas' interpretation have little to say on this issue that is penetrating.

It has been argued, for example, that Cicero's argument does in fact rely tacitly on the idea of cosmic nature (cf. COOPER 1995: 439-40, esp. n. 32); but I tend to agree with Annas that the passages cited as evidence do not actually show this (ANNAS 1995:

⁹⁹ Various aspects of Annas' interpretation have been critically examined by INWOOD 1995, COOPER 1995, 1999 (=1996), BETEGH 2003, VOGT 2008: 94ff, BOERI 2009. The term "orthodox" is used in this connection by Annas at ANNAS 1995: 601.

606; cf. also 1993: 170 n. 46). A stronger version of this kind of complaint against Annas' picture occurs in Marcello Boeri's recent contribution (BOERI 2009: 186). As Boeri writes, "I fail to see that Cicero does not present Stoic ethics via cosmic nature in *De finibus*, as Annas insists. In Cicero's presentation of Stoic ethics there is at least one passage... where cosmic nature plays an important role", namely *De finibus* III 73 –the very passage quoted by Annas in support of her view on the role of physics in Stoic ethics. This passage, Boeri stresses, seems to show that physics for the Stoics concerns more than the mere understanding we can have of ethics; it seems to present physics as a necessary field of knowledge to deal with ethics, and to give some basic patterns for practical ethics.

However, as Boeri himself (*ibid.*) points out, the passage in question closely resembles the passages from Chrysippus' *On the gods* and *Physical tenets*, quoted by Plutarch at *De Stoicorum repugnantibus* 1035 C-D, and in her most recent contribution to the debate Annas has shown how relatively easily she can explain away such apparently irresistible passages (ANNAS 2007: 79). More important, even if the passage seems to allot a prominent role for physics in ethics, it can hardly be cited to show that Cicero does indeed, *pace* Annas, present Stoic ethics *via* cosmic nature. The Stoic theory, as presented by Cicero, centres on the issue of the relation between virtue and happiness; and Annas is right in pointing out that as far as this issue is concerned, cosmic nature is nowhere to the point. It plays an important role from *De finibus* III 62 onwards, where Cato turns to give a fuller account of the content and range of *officia*; and Cicero himself seems to think that this is where cosmic nature actually comes into play within the Stoic theory. At any rate –and especially in view of his response to the Stoic theory in Book IV– he clearly does not think that cosmic

nature significantly figures in the argument between the Stoics and the Peripatetics (and Old Academics) on the *summum bonum*.

In fact, this is what Cato says at *De finibus* III 73, as Boeri himself interprets it: that one who is about to live in agreement in nature must start from the government of the whole universe (*propterea quod, qui convenienter naturae victurus sit, ei proficiscendum est ab omni mundo atque ab eius procuratione*). That the *telos* consists in living in agreement with nature is already established; what is at stake now is the achievement of this goal. Boeri is right in pointing out (BOERI 2009: 190) that this passage presents physics as “a knowledge that contributes to our knowledge of the good”, if this means that knowledge of physics contributes to our understanding of what living in agreement with nature actually means or requires of us (that is, to our understanding of the content of virtue and virtuous activity). Indeed, in this sense physics may well be “a necessary field of knowledge to deal with ethics”, and Boeri may also be right (I believe he is right) in thinking that “it gives some basic patterns for practical ethics”. But Cato does not say anything here about knowing *that* the good consists in living in agreement with nature. Thus Annas seems entirely justified in saying as she does (2007: 85) that in *De finibus* III Stoic ethics is not presented via cosmic nature.

In what follows I would like to focus on an aspect of Annas’ interpretation that has not received much attention in subsequent discussions. This concerns the question how the Stoics actually established their counter-intuitive ethical positions *within* autonomous ethical discourse, as Annas views it. The question comes to prominence in Part IV of Annas’ book, which focuses on the debates among the philosophical schools on the place of virtue in happiness, and as far as I can see, the modifications

and developments of Annas' interpretation that she has presented in subsequent articles have left this part of her original argument intact.

I shall argue to the effect that while Annas considers it an advantage of her interpretation that it gives justice to Cicero's presentation of Stoic ethics, this cannot represent the right approach to the text. Similarly to Cicero, Annas considers the question how the Stoics could or did establish their central ethical tenets concerning exclusively within the confines of the Stoic–Peripatetic debate on the role of virtue in our life. Although from a historical point of view this is certainly an oversimplification of the issue, it may be justifiable from Annas' more theoretical and systematic perspective. But after surveying the debate she arrives at a disappointing conclusion that has a striking affinity to Cicero's sceptical view of the controversy of the “dogmatics” –indeed, as we shall see, she appeals to Cicero's perspective on the issue to justify her conclusion to the effect that within the conceptual framework of ancient eudaemonist ethics the Stoic–Peripatetic debate on relation between virtue and happiness has no satisfactory solution. This conclusion, I shall argue, is implausible; and if I am right, this result compromises not only Annas' interpretation of Stoic ethics, but also Cicero's presentation of it in *De finibus* III.

II.4.2.2 Annas' reconstruction of the core argument for the Stoic theses on virtue and happiness

Annas' claim, as we have seen, is that the Stoics conceived of ethics as a branch of philosophy that can be studied on its own right, independently of the other parts of

philosophy¹⁰⁰, and it is important to see how she understands this point. As Annas argues, on this level Stoic ethics was autonomous not only in respect of its *generic form* –that is the general eudaemonist conceptual framework which the Stoics shared with the other schools (including the notion of happiness as the final end, formal conditions for the final end etc.)–, but also in respect of its *specific content*, that is the distinctive and highly controversial positions occupied and defended *within* this framework, (including the views that our end, living happily, consists in, or is equivalent to, living virtuously, because virtue is the sole constituent of happiness, “the fine” being the only genuine good; and so on). Proceeding “dialectically” –that is, by arguing from “what is commonly agreed” and trying to forge, through debates with other developed positions, the theory that best answers our ethical intuitions– the Stoics were able, not only to present these views in a provisional or tentative manner, but also to establish them completely and conclusively, such that no subsequent appeal to cosmic nature could significantly augment or reinforce them.¹⁰¹ What we get from the wider perspective furnished by Stoic physics is “an increased understanding” or “a deepened grasp” of the ethical tenets. It “does not add any new theses, nor does it change or modify those we already know... by the time we get to appealing to cosmic nature the content of ethics is already established” (p. 165-6). Nor does it furnish any extra motive to consent to what we have already grasped on the first level. Though learning about cosmic nature may enable us “to feel more secure about our basic ethical judgements”, because when we acquire the cosmic perspective we acquire the thought that these judgements are “underwritten by cosmic nature”, this does not change the fact that, on Annas’ interpretation, it is possible to “become

¹⁰⁰ Cf. also ANNAS 1995: 600-601; 2007: 61

¹⁰¹ The former possibility –that dialectical discussion provided only a provisional delineation of the ethical theses– has been suggested by Jacques Brunschwig in a seminal article (BRUNSCHWIG 1991; cf. ANNAS 1993: 164 n. 20), to which Annas repeatedly admits her debt (ANNAS 1993:163, n. 14, 164 and n. 20; 1995: 604), cf. also BETEGH 2003: 275, n. 8.

convinced of the truth of Stoic ethical theory”, and indeed to “live by” it, without knowing anything about Stoic physics (cf. again *ibid.* 165-6; as far as I can see, the same view is endorsed also at 2007: 61, 65, 69-71).¹⁰²

But this brings us back to the initial problem that has turned scholarly attention towards the Stoic appeal to nature (cosmic or other) in the first place. As I indicated earlier (in Chapter II.1), such explicit arguments as can be found (in Cicero or elsewhere) in favour of the ethical theses that lie at the heart of Stoic ethics are bafflingly scarce and feeble; they may well be taken to belong to a “dialectical” level of discussing ethics, but they do not seem to represent a focussed and philosophically interesting attempt to ground those notoriously paradoxical tenets. This situation obviously presents a serious problem for Annas’ interpretation. How did the Stoics attempt to persuade –not to say rationally convince– themselves and others, within the purely “dialectical” mode of discussing ethics, about the truth of their views on the *summum bonum*?

Annas is apparently fully aware of the difficulty (cf. 1993: 388-391), and in chapter 19 of her book offers a solution to it that, on the one hand, considerably deepens the intimacy of her interpretation with Cicero’s account and, on the other hand, is interesting from a philosophical point of view. Surprisingly, this part of her argument has not received critical attention in the recent literature, although it is obviously of importance to the plausibility of her overall interpretation of Stoic ethics (perhaps this is partly because it occurs in another chapter of her book, in separation from her arguments against the “cosmic” foundationalist accounts).

¹⁰² It is worthwhile to take notice at this point that Annas’ interpretation of Stoic ethics forms a substantial part of her argument for the more general thesis that her book as a whole is meant to establish: that ancient ethics was largely independent from other branches of philosophy, such that the various different theories “can be studied in a relatively autonomous way” (ANNAS, 1993: 15)

Annas' strategy consists in two crucial moves. First, (A) she puts the Stoic theory against the backdrop of Aristotle's ethics, suggesting that the former is best understood as a critical response to the latter; second, (B) she appeals to a purported analogy (indeed affinity) between the Stoic perception of the distinctive value of virtue and more familiar modern sentiments about the essential difference between moral and non-moral reasons for action.

To begin with the former (A), commentators notoriously find it difficult to understand what Aristotle's precise view was on the role of the so-called external goods in the happiness of the virtuous agent. In her discussion of the issue (ANNAS 1993: 364-84, esp. 365 and 383-4; 85; cf. 423-4) Annas argues that this is because Aristotle actually fails to establish a single coherent view on this point. In developing his own ethical theory in the *NE* Aristotle attempts to make justice to our most important common sense intuitions on virtue and happiness, but our everyday beliefs are more in tension here than he is willing to realize. Reflecting on our intuitions on the nature of virtue Aristotle comes near to claiming that virtue is self-sufficient for happiness.¹⁰³ However, in the end he fights shy of fully embracing this idea, because he feels it necessary to pay heed to another widespread and deep-seated ethical intuition, which tends to associate happiness with worldly success, satisfaction or affluence, and hence finds it absurd to call a virtuous person happy if she suffers great misfortunes like

¹⁰³ For example, he argues that the fully virtuous person will take immense pleasure in being virtuous (will enjoy acting virtuously), even if it leads to serious disadvantages in terms of conventional goods, including suffering, disease or even death; thus he is not losing anything by her virtuous activity that could be balanced against the value of virtue, which seems to suggest that the external goods and evils do not really matter for him: they are, as it were, eclipsed by the splendour of virtue. Again, Aristotle contrasts the virtuous person with the merely continent or "enratic" person: the latter is able to act as a virtuous agent should but in order to do so she has to constantly repress her fears and desires. The fully virtuous person does not suffer from such motivational conflicts. She is wholly unified in motivation and deliberation; she does what virtue requires just for that reason, i.e. she does virtuous actions *for their own sakes*, without having to battle down counter-motivations. There is thus a sense in which virtue is the only aim of the virtuous person, which clearly draws Aristotle to the idea that happiness consists in virtuous activity alone (see esp. pp., 368-9, cf. p. 123).

poverty, disease or torture. Aristotle tries to combine these two tendencies within common sense, but the resulting position is inherently unstable, which on Annas' explanation led his successors to press the tensions in his view and to try to resolve the puzzle even at the cost of upholding views that at first sight seem counter-intuitive. Theophrastus, as we can see in Cicero (esp. *Tusc.* V 24-5; cf. also *De fin.* V 12, 77, 85-6, *Tusc.* V 85, *Acad.* I 33, 35), was later held responsible for introducing the standard "Peripatetic" position that since some external goods are also necessary for the happy life, but are not entirely in the power of the virtuous person, the inevitable conclusion is that even the virtuous person is not necessarily happy (cf. ANNAS 1993: 385-88). The Stoics in turn reply that Aristotle runs into deep trouble by giving in to the misguided intuition that external goods are necessary for happiness.

The Stoics' real defence here is attack. They hold that the Aristotelian (and later the Peripatetic) account of happiness, namely as virtuous activity together with an adequate supply of external goods, is fundamentally flawed; for it fails to recognize the difference of kind between the value of virtue and the value of other kinds of things. Once we recognize the nature of this difference, we shall see that thinking that external goods are also necessary constitutes making a fundamental mistake about what happiness is. The Stoics, in arguing that Aristotle's account of happiness is wrong, are in effect, though not in so many words, producing an argument that virtue alone is complete and self-sufficient, and thus competent to form our final end, without the addition of external goods. (p. 392)

According to Annas (392-4), this argumentative strategy "is seen most clearly" in Cicero's account of Stoic ethics in *De finibus* III. It consists in an appeal to a point that Aristotle and his successors fail to grasp fully: that the value of virtue *is different in kind* from the value of other things normally considered to be goods (cf. *De fin.* III 34: the good "is supremely valuable", but its value (*aestimatio*) is "a matter of kind, not degree": *genere, non crescendo valet*), such that they are in a way *incommensurable* –not in a way strong enough to prevent us from saying that virtue is

always more to be valued than the conventional goods (cf. *De fin.* III 45), but in a way strong enough to prevent us from adding or subtracting them on a single scale of goodness. No such “operation” will produce a greater or lesser amount of value than the value of virtue in itself. It is this essential difference and incommensurability that the Stoics express by claiming that virtue (or “the fine”) is the only good, while other valued things are “indifferent”. This does not mean that we have no more reason to go for health, wealth, family etc. than for their opposites (for the practice of virtue as a rational skill of living involves discrimination between “preferred” and “dispreferred” indifferents, and correspondingly some indifferents have “value”, and are “selected”); the claim that virtue is the only good simply marks the essential difference between the value of virtue and everything else (cf. pp. 392-4, see further pp. 121ff; 162, 167, 170; 427-8, 431). The consequences of this important insight, as Cato points out at *De fin.* III 41ff, include not only that, contrary to what Aristotle and Theophrastus believed, no loss in terms of conventional goods can ruin the virtuous person’s happiness, but also that (contrary to Antiochus’ revised “Old Academic” version of the Peripatetic position) no addition of conventional goods can *increase* the virtuous person’s happiness.¹⁰⁴ As Annas concludes,

If the Stoics are right, then, their account is recommended as an account of happiness by their arguments to show that they give a true account of virtue, unlike the Aristotelians. While Aristotle appears at first to give a more intuitively satisfactory account of happiness, his account must be rejected because, on reflection, it can be seen to give an unsatisfactory account of virtue and its relation to other valued things. And so, to reverse the argument, the Stoic theory, which gives a better account of this, must be accepted, despite its giving what seems at first like a less satisfactory account of happiness. We see, when we reflect on virtue, that we must reject the intuitions about happiness that Aristotle relied on. (ANNAS 1993: 394)

¹⁰⁴ The former of these consequences may seem to be a drawback, as it goes against the ethical intuition which Aristotle and Theophrastus felt so irresistible; but the second consequence should be welcome, because the additive view of happiness seems to compromise another basic intuition recognised by Aristotle: that happiness must be “complete” (cf. ANNAS 1993: 393; cf. 377-84).

As Annas emphasises, this is “the nearest that the Stoics get to an argument to show that virtue is complete and self-sufficient, and therefore an acceptable candidate for giving the content of happiness” (*ibid.*). On the other hand, the Stoics do not at any point produce an argument for the incommensurability claim itself, indeed, as Annas suggests, they *cannot* prove it (p. 432), because “no rational justification of this point is possible” (p. 169): they simply assume that “a developed rational attitude will in fact come to grasp” that virtue cannot be assessed against other kinds of things, but has a different kind of value. To use Annas’ own words, for the Stoics this is simply a “deep fact about the world... a *datum* for the theory to cope with, not a conclusion that it has to establish” (p. 169) –in this respect it is treated *on a par* with e.g. the assumption that we all have happiness as our ultimate end (cf. 396).

This may strike us as a rather strange and implausible twist in the story. How can the Stoics simply maintain that the distinctiveness of the value of virtue is accessible to every sufficiently reflective person, and as such counts among the basic and unequivocal intuitions from which a theory can claim support? It is at this point that Annas’ second strategic move (B) comes into play. As I indicated above, this consists in drawing an analogy between the Stoic conception of the distinct and incommensurable value of virtue and more familiar modern sentiments concerning the essential difference between *moral and non-moral reasons* (cf. Annas 1993: 115, 121-3, 169-170, 171-2, 185, 263, 398, 401, 407, 431-2, 448, 451). Indeed, this is more than a mere analogy, for Annas actually wants to say that the Stoics are in fact articulating, in a different way, the same deep perception that is (supposed to be) inherent in *our* intuitive notion of a moral reason (cf. 121, n. 245) –a claim that is incidentally central to the more general thesis endorsed by Annas in her book: that

ancient ethical theories are “theories of morality... in the same sense as Kant’s or Mill’s theories are” (452; cf. esp. 12, 14, 47-8, 120ff etc.).

Moral reasons have a special place in our deliberations: they “override” or “sweep aside” other considerations, rather than merely “outweigh” them. When I understand that a given course of action is immoral (e.g. is cowardly), this reason ideally stops the deliberation; to think that it is merely a consideration to be taken into account and weighed against the others is to misconceive what a moral reason is. According to Annas, “ancient theories think exactly the same way” about virtuous and vicious actions (121). The Stoics are not alone in this: Aristotle too argues in different ways that virtue has a special position in relation to the other goods (he says that the virtuous person takes pleasure in virtuous activity, and that virtue is a motivationally unified disposition, such that the virtuous person does not have to fight down counter-impulses in order to act as virtue requires), and “describes virtuous action in ways which bring it close to other modern characterizations of what is done for a moral reason” (123: the virtuous person does virtuous actions “for their own sakes”, and “for the sake of the fine”). But the Stoics make this point in the clearest and most uncompromising way when they declare that the fine is the only good (122).

Thus, far from being a baffling and alien move, their “insistence that the value of virtue and that of other kinds of things are not straightforwardly commensurable may seem one of most immediately accessible parts of their theory, for it is bound to seem to us like an insistence on the difference between moral and non-moral value” (410). The way they rely on this claim can be meaningfully compared to such modern moral theories as that of Kant (cf. esp. 1993: 432; cf. also 169, 171, 448-450). Admittedly, the Stoics do a much less thorough job than Kant “of examining the formal features of the reasoning which leads us to grasp the peculiar value of virtue”; as we can see at

De fin. III 21, they speak merely of the distinctive appeal of rational consistency (169-170, cf. 448-49).¹⁰⁵ But similarly to Kant, they simply assume that as a matter of the development of our rational powers we must inevitably come to grasp this difference (that is, grasp the “moral point of view”), and instead of trying to prove or rationally justify this point they rather develop a theory that “accounts for” it (169, 171, 432).

II.4 2.3 Some remarks on Annas’ solution

Before moving on I would like to add some remarks on Annas’ procedure. First, it is worth noticing that Annas’ first strategic move (A) –the idea that the Stoic position on the relation of virtue to happiness is to be construed within the context of a debate with the Aristotelian tradition– not only is supported by passages in Cicero’s account of the Stoic theory in *De finibus* III, but also is principally in line with (and is presumably informed by) Cicero’s way of looking at and positioning the Stoic theory. As we have already seen, Cicero’s official purpose in *De finibus* III is to expound the “whole system” of Stoic ethics (*De fin.* III 14: *totam rationem*); but from the introductory conversation between Cicero and Cato it comes out clearly that a major aim of the presentation is to give a clear statement of the Stoic position in the Stoic–Peripatetic (Old Academic) controversy on the *summum bonum*. Cato’s speech is provoked by Cicero’s charge that the Stoic theory is but a disingenuous verbal variant

¹⁰⁵ Instead, “they devote attention to a quite un-Kantian concern, the question of how we come to grasp the moral viewpoint, and tell a developmental story that culminates in this” (ANNAS 1993: 169). This is the kind of story that we find in the first section of Cicero’s account in *De finibus* III; and it eminently represents the “appeal to nature” that on Annas’ analysis was a general feature of ancient theories (cf. 169-172; see further 135-41, 214ff –on the question in what sense this appeal to nature can be viewed as “justifying” or “giving support to” the ethical theses see esp. 136, 138, 217).

on the Old Academic–Peripatetic system –thus Cato’s task is to show, first, that this is not the case (by pointing out the substantial differences in the positions upheld) and second, to show that the Stoic theory is preferable to the Old Academic–Peripatetic system (ideally by showing that wherever the Stoics think differently, they are rationally justified in doing so). This focus is also underwritten by Cicero’s critical examination and refutation of the Stoic theory in Book IV, as well as by the place of the dialogue between Cicero and Cato within the structure of the whole work (cf. also *De fin.* II 33-38, where Cicero’s remark foreshadows the debate), and by Cicero’s remarks in other works (cf. esp. *Luc.* 132-135, *De leg.* I 38, 54-5, *Tusc.* V 32 etc.).

This in itself is not a problem; especially since although Annas’ project is meant to be “a contribution to the history of ethics”, it is nevertheless formed and guided by “systematic and thematic” concerns (p. 3): Annas’ declared purpose is to find out “the intellectual structure of ancient ethics”, and not to write “a history of ancient ethics” proper (*ibid.*). Her account of Stoic ethics in the *Morality* is not purported to be a strictly historical reconstruction of the origins of the theory; rather, she seems to want to reconstruct an ideally developed version of it, and as she later (1995: 607-8) argues, Cicero’s account is likely to present us with just this: it represents “the end of a long process of improvement in the fire of debate and opposition” (cf. also 2007: 86).

It is also worth taking notice that, as far as I can see, Annas’ interpretation could find further support in other sources which Annas herself, for some reason, ignores. In Plutarch’s *De Stoicorum repugnantiis* (1040D = *SVF* III 157) we read:

In the books against Plato, blaming him for apparently admitting health as a good, he says: “we make away not only with justice, but also with greatness of soul, temperance, and all the other virtues, if we admit either pleasure, or health, or any one of the other things that are not fine, as goods”.¹⁰⁶

To be sure, the target of Chrysippus’ criticism is Plato, not Aristotle (Chrysippus is likely to be attacking the division of goods presented by Socrates in Book II of the *Republic*). This passage should warn us again that from a historical point of view Annas’ claim that “the Stoics” defended their view on the *summum bonum* by arguing against Aristotle is certainly an oversimplification of the matter. In fact, Cicero’s report at *Lucullus* 138-40 of the *divisio* of various positions on the *summum bonum* which Chrysippus used to apply in a dialectical context may suggest that to Chrysippus arguing against the Aristotelian position was of minor concern; he lay more emphasis on the debate with the hedonists.¹⁰⁷ But the position attributed here to Plato is virtually the same as the one standardly associated with the Peripatetics: that the *summum bonum* consists in a combination of virtue with other minor (bodily and external) goods –notably, a very similar argument is presented at *De finibus* III 10 *sub fin.*, as part of Cato’s objection against Cicero’s identification of the Stoic and the Peripatetic position: *quicquid enim praeter id, quod honestum sit, expetendum esse dixeris in bonisque numeraveris, et honestum ipsum quasi virtutis lumen extinxeris et virtutem penitus everteris* (“In saying that anything except virtue is to be sought, or counted as good, you destroy morality itself, the very light of virtue, and you dismantle virtue completely”). And in the quotation in Plutarch Chrysippus seems to

¹⁰⁶ ἐν δὲ τοῖς πρὸς Πλάτωνα κατηγορῶν αὐτοῦ δοκοῦντος ἀγαθὸν ἀπολιπεῖν τὴν ὑγίειαν, οὐ μόνον τὴν δικαιοσύνην φησὶν ἀλλὰ καὶ τὴν μεγαλοψυχίαν ἀναιρεῖσθαι καὶ τὴν σωφροσύνην καὶ τὰς ἄλλας ἀρετὰς ἀπάσας, ἂν ἢ τὴν ἡδονὴν ἢ τὴν ὑγίειαν ἢ τι τῶν ἄλλων, ὃ μὴ καλὸν ἐστίν, ἀγαθὸν ἀπολίπωμεν.

A couple of paragraphs earlier (1040A) Plutarch refers to a work ‘On justice, against Plato’ (*En de tois pros Platōna peri Dikaiosunēs*); whereas at 1038B, D and 1040B-D we hear of Chrysippus’ ‘On justice’.

¹⁰⁷ For a detailed discussion of the *Chrysippea divisio* and its place within Cicero’s thought see ALGRA 1997.

be arguing *from the nature of virtue*, in a similar vein as he is told elsewhere to have argued against the Epicurean subordination of virtue to pleasure:

If you follow pleasure, much of life is ruined, not least fellowship with the human race, love, friendship, justice, and the rest of the virtues, none of which can exist unless it is disinterested. A disposition driven to appropriate action by pleasure as if for profit isn't a virtue, but rather a deceptive imitation or simulation of virtue.¹⁰⁸ (*Lucullus* 140; transl. Charles Brittain)

This argument is presented by Cicero in the *Lucullus* (cf. also *De leg.* I 42, 48), but it has been identified as a verbatim quotation from Chrysippus by von Arnim (*SVF* III 21) and others, partly on the ground that in the previous sentence Cicero comments that to Chrysippus the choice between virtue and pleasure (as candidates for constituting the *summum bonum*) was “not much of a fight” (*non magna contentio*); the above argument seems to represent Chrysippus' reasons for thinking so. As we can see, the claim that we “make away with” or “ruin” virtue if we conceive of it as merely useful (as the Epicureans do), or combine it with other goods (as Plato and the Peripatetics do), is Chrysippus' idiosyncratic way of expressing that these views are incompatible with our views on the nature of virtue. And as to *why* the combination of virtue with any other good would “destroy” virtue or morality, at *De finibus* III 29 we find the following argument:

- (i) It “is a hypothesis that commands universal assent” (*positum et omnium adsensu adprobatum*) that no one who counts *x* as an evil can scorn or disregard *x*, and thus cannot fail to be afraid of *x*;
- (ii) “we also assume” (*adsumitur*) that “a brave and lofty spirit” has no respect or regard for any of the misfortunes that might befall a person;
- (iii) this being so, unless it is established that nothing besides what is immoral is evil, it follows that real bravery cannot exist.

¹⁰⁸ *alteram si sequare, multa ruunt et maxime communitas cum hominum genere, caritas amicitia iustitia reliquae virtutes, quarum esse nulla potest nisi erit gratuita; nam quae voluptate quasi mercede aliqua ad officium impellitur, ea non est virtus sed fallax imitatio simulatioque virtutis.*

Of course, the argument raises several questions, and needs reconstruction, but it clearly represents a variation on the claim that the goodness of other things is incompatible with our reflected conception of virtue. Moreover, we may find it tempting to interpret premise (ii) along the lines suggested by Annas' interpretation (at 1993: 121-122): as an appeal to the same moral perception that we also have when we realise that the fact that an action is e.g. cowardly should, if rightly understood, constitute a distinctive, uncompromising reason which overrides and sweeps aside other considerations, and thus stops the deliberation (indeed, Annas herself uses the example of cowardice to illuminate her point).

II.4.2.4 A striking consequence of Annas' interpretation

Nevertheless I think that Annas' reconstruction raises a serious problem, and one that casts doubt on the adequacy of her reading of Cicero's account. As we have just seen, on Annas' explanation the "nearest that the Stoics get to an argument to show" that virtue is the only genuine constituent of happiness is an appeal to a deep intuition concerning the distinctive nature of the value of virtue, which on reflection implies that the value of virtue is incommensurable with the value of other things. But the Peripatetics, with Aristotle as their standard-bearer, appeal to another deep-rooted and widespread ethical intuition when they insist that it is "absurd to talk of happiness when someone meets great misfortunes and is virtuous, but dying on the wheel" (1993: 431). Thus at the bottom of the whole debate we find a crucial divide within our ethical intuitions; it is this divide that gets and keeps the whole debate going. As Annas herself (1993: 424; cf. 432) felicitously summarises the situation,

...it seems as though our common views themselves, the basis of the whole project, are deeply divided. Unreflectively, we associate happiness with success and with actual possession of affluence, worldly goods and success [sic.]. But the account of happiness which an ethical theory has to produce must satisfy people who have reflected on virtue and what its significance is in our lives. And to those who do this, it seems clear that worldly success is not the point at all, that what matters is being virtuous, being a moral person as we nowadays say, and that if this is what matters, one has all one needs for happiness even if one loses all the worldly goods. This second set of thoughts may not be found in the majority of people, who do not reflect on their lives and final ends. But they are found in the people who need a proper answer to the question, what their final end consists in, namely the thoughtful people who have chosen to reflect on their goals, and in particular on virtue and its significance in their lives. Thus, from the philosopher's point of view, the intuitions that must be satisfied are mixed, and pull in different directions.

Apparently, no theory can fully satisfy both sets of intuitions, for these are deeply incompatible with each other; at the end of the day one or other intuition will have to be discredited and abandoned as misguided. But which one? Do the opposing theories have anything further to offer, in terms of *rational reasons*, to facilitate the choice between them?

As we can see in the above quotation, Annas seems to suggest that the intuitions concerning virtue are accessible only to more reflective and thoughtful people. On her analysis this is underwritten by a feature of the general conceptual framework of ancient ethical theory which seems to favour the position endorsed by the Stoics (1993: 432-3):

They claim that only their theory does justice to our intuitions about the nature of morality. And it is easy to see how they would be able to claim that these are deeper and more important intuitions than the ones about happiness that Aristotle appeals to. For we have repeatedly seen how indefinite are ancient views of happiness, and the Stoics may reasonably have thought that they should give way before a theory which properly articulates our views about virtue. (...)

Thus, an ancient Stoic, faced by an opinion poll which showed that most people found Aristotle's theory more convincing, would simply reply that that was because most people gave too much uncritical weight to their intuitions about happiness, and that when they reflected on virtue they would come to see that only the Stoic theory answered to their considered intuitions about virtue.

In her book Annas argues that the ancient conception of *eudaimonia* is “an extremely weak and unspecific one” (as opposed to the notion of virtue which is complex and deep); it implies hardly anything more than “a positive view of one’s life”, and because of this suggestion of satisfaction and positive attitude towards one’s life “it tends to be associated, before we have reflected much, with the things that make most people satisfied with their lives”; that is, wealth, honour and the other results of worldly success (1993: 46). Nevertheless it remains a “flexible” notion which has to be, and can be, “modified when we understand the nature of the demands which virtue makes in our lives” (129; cf. 127, 331, 410-11, 426, 431, 453).

However, the single principal support for Annas’ general claim about the thin conception of happiness is the well-known passage in Aristotle’s *Nicomachean Ethics* (I 1095a17-26), which declares that everyone agrees on calling the final end *eudaimonia* but widely disagrees about what constitutes *eudaimonia*; as Brad Inwood has rightly pointed out, “no comparable *direct* evidence is adduced to show that any of the Hellenistic schools shared this notion” (INWOOD 1995: 651). Assuming that the ancient notion of *eudaimonia* was indeed such a thin and unspecific concept, we can see that the Stoics had an advantage over Aristotle. But it is unclear that it really was. Indeed, on Annas’ interpretation of Aristotle’s theory Aristotle himself failed to fully grasp the real significance of his own observation when he, unlike later the Stoics, gave heed to the common-sense intuition that the virtuous person cannot be happy on the wheel, thereby rendering his position on the relation of virtue and happiness unstable.

As far as I can see, the only *indirect* evidence that Annas can adduce to show that the alleged asymmetry between our intuitions about happiness and virtue did play a part in the Stoic–Peripatetic debate over the *summum bonum* is Cicero’s treatment of

Theophrastus in his ethical writings (1993: 385-88; 410-11, 412, 424; see esp. Cicero, *Acad.* I 33; *De fin.* V 12, 77, 85-6; *Tusc.* V 24-5, 85). As Annas points out, Cicero's references show that by the time he wrote the claim, by that time standardly associated with Theophrastus' name, that virtue is not sufficient to the happy life, was widely considered as outrageous and contemptible rather than intuitively evident or compelling. The reason for this, as Annas explains, was that "by Cicero's time this position was standardly set against the Stoic view, for which the value of virtue is not straightforwardly comparable with the value of other kinds of thing" (387). Thus we can see that the Stoics have at least won the first round:

they bring about a climate of thought in which, while an Aristotelian kind of theory is still seen as a possible option, Theophrastus is widely berated for defending the intuition that virtue is not sufficient for happiness. The Stoic arguments are sufficiently powerful that this is now seen, not as rock-solid common sense, as Aristotle saw it, but as highly vulnerable. Aristotelian theories henceforward need counter-arguments to defend themselves. The Stoics may not have convinced everyone, but they succeeded in shifting the terms of the debate. (1993: 411)

It should be noted, however, that when we actually look at the relevant passages in Cicero, it is difficult to decide why the Theophrastean position is actually found abhorrent: is it because it compromises our reflected intuitions concerning the distinctive value of virtue, or because it threatens with the possibility that our happiness may turn out not to be in our power (cf. esp. *De fin.* II 86, III 11, V 86-7; by contrast, cf. *Tusc.* V 1-5)? In her book Annas argues that in Ancient ethics the requirement that happiness should be in the agent's power is not "a formal demand prior to giving happiness content" (which would be "arbitrary in the extreme", as at the intuitive level happiness is obviously not up to me); rather, "the position that happiness lies in something internal to the agent and thus does not depend on actual success or achievement, is one which emerges as a result of the developments of theory" (428; cf.). But Cicero's treatment of the subject certainly does not show this.

On his view the whole aim and importance of philosophy lies in its promise to confer us the happy life (see esp. *De fin.* II 86, V 86-7); and I do not think that he was alone in thinking so (in the latter passage the view is attributed to Theophrastus).

A further consideration that, according to Annas, might have helped to the Stoics to feel more secure about their truth is that the Aristotelian conception of happiness (at least on a certain interpretation) fails to satisfy not only our reflected intuitions on virtue, but also our reflected intuitions on happiness *as our final end*. The idea that some bodily and external goods are necessary constituents of happiness seems to entail an “additive” model of happiness, on which the addition of more of these goods makes the already happy person even happier –but the view that happiness thus comes in gradations is at odds with the formal conditions which Aristotle has laid down in Book I of the *Nicomachean Ethics*, namely that our final end should be complete and self-sufficient (see ANNAS 1993: 393-5, cf. 381ff, 423, 427-8; cf. also 2007: 86). – Indeed, something like this objection is raised, though somewhat inchoately and without being attributed to the Stoics, by Cicero against the Antiochean version of the Peripatetic view at *De finibus* V 81 and at *Tusculans* V 23 and 50 (cf. also ANNAS 1993: 421-3; the “additive” view is referred to by Cato at *De finibus* III 43-44, but he does not seem to me to use it directly to attack the Peripatetics).

However, this dialectical advantage over the Peripatetics does not seem to constitute a decisive rational ground for adopting the Stoic position. For, as Annas explains, from this point onwards the debate becomes increasingly technical and complex. Every original choice and commitment –such as the decision that we should give credit to our reflected intuitions concerning the distinctive value of virtue rather than to our unrefined intuitions concerning the place of other valued things in the happy life– entails various problematic consequences and corollaries that our opponents will not

fail to point out. The Aristotelians will have to face, among others, the objection mentioned above, namely that their position implies an additive model of happiness, which is at odds with the initial condition of “completeness”. The Stoics in turn will have to face the objection that on their theory it is rational to pursue two goals instead of one; in response they can stress that virtue is a skill of living; but this gives rise to various further problems and so on (cf. ANNAS 1993: 395ff). In attempting to meet such objections each party will develop various arguments and counter-arguments; the resulting developed theories can be viewed as systematic attempts to track down and resolve the problems inherent in the positions taken (or rather in the cohering sets of such positions), and can be compared in respect of overall success. In this sense they can be said to constitute a kind of rational ground for assessing the original choices among the intuitions. (For this conception see esp. 217, 424-5, 431-2; 435).

Annas finds that “on theoretical grounds”, the Stoic theory is “clearly preferable to Aristotle’s position, and certainly to Antiochus” (424; cf. 124). However, on her assessment “we find a more interesting and viable answer in Arius” (423; cf. 415ff), that is, in the later version of the “Peripatetic” theory preserved in Stobaeus’ *Eclogae*. Nevertheless, when after surveying all the various Aristotelian responses to the Stoic challenge she asks the question, “how do we rationally make a choice” between the competing theories (ANNAS 1993: 424), she finds herself bound to answer:

By the time we have these alternatives before us... none of the theories answers directly to the original intuitions; all of them make moves which have to be defended both by theory and by intuition. (...) here we clearly see... the limits of ethical theory, at least of theory that aims to stand in a realistic relation to people's ethical views. Sometimes reflection serves to organize and unify our thoughts about an issue. But sometimes it reveals deep sources of division, and the more thorough the reflection, the more intractable the division appears. In the case of happiness, we find that *no* theory is satisfactory. Even one which is consistent, and well defended, finds a rival with equal advantage. We are led to reflect on the nature of our lives, and our search for happiness; but reflection delivers no one satisfactory answer. (*ibid.* 424-5)

It appears that the internal structure of ancient ethical theory proper, as described by Annas, simply cannot lead to a decisive conclusion here. On this model basing ethical claims is a matter of “overall holistic adjustment and interplay between theory and intuition”; it is more like searching for “a reflective equilibrium” than appealing to a more secure independent domain (1993: 217; cf. 177-8, 444). But in the final analysis this approach proves unsuccessful in determining the importance of virtue (morality) in our lives: the more refined and complex the competing theories become, the harder it appears to estimate their relative success in terms of the above standards. At some point choosing between them ceases to be a sensibly rational procedure; thus at the end of the day the theoretical debate only reinstates, in an even more intractable form, the *aporia* that originally prompted it.

To reinforce this striking conclusion Annas appeals once again, for the last time in this connection, to Cicero’s evidence:

The real problem is... that even on the level of reflection it is not clear whether the Stoics or Aristotelians are right. We can see this just from the indecisive result of centuries of discussion. Cicero in his philosophical works uses the Stoic theory to demolish the Aristotelian one and vice versa—not out of irresponsibility, but because he genuinely sees the difficulties on each side. Even to someone familiar with all the arguments and the different demands which the different theories make on our intuitions, it can seem unclear where the truth lies. (...)

Cicero is particularly interesting to us here, because in him we can see an educated and intelligent person, who is aware of the arguments on either side and of the considerations which either side considers to be convincing, and who finds it genuinely difficult to commit himself to either position. (...)

Cicero is always aware that, however personally committed he may be at any given time to a theory, it is still a *theory*, with arguments for and against. Each side is convincing in its appeal to intuitions, but both sides appeal to intuitions, and they seem to have equal force. For our unreflective views here seem to be divided against themselves, and the result of reflection is to make the difference sharper, rather than to resolve it without further question. And so the state of being convinced by a theory, and by the intuitions it appeals to, can never be the end of the story—at least, not to a reflective person, who will sooner or later rehearse the counter-arguments. (...)

So there is no bedrock here that can be used to decide between theories. Once we have started reflecting, we cannot go back. But reflection on the fundamental question of ethics—the determinate nature of our final end—leaves us with decisions still to make, arguments to decide between. (433-5)

II.4.2.5 *Objections to Annas' conclusion*

I find this an utterly perplexing and uncomfortable outcome. Practically, Annas' conclusion is that as far as the debate on the relation of virtue to happiness is concerned, the only position that in the final analysis proves to be rationally justified is the view that either position upheld in the debate lacks conclusive rational support – that is the Academic Sceptic position represented by Cicero.

Prima facie, it is alarming to see that Annas' ultimate assessment of the issue thus coincides with Cicero's. The fact that as historians we find someone a valuable source on a given doctrine or theory does not automatically entail that we must share that person's understanding and evaluation of that doctrine or theory; to the contrary, if we find that we are tending towards such conclusions, it seems reasonable to take a step back and consider the possibility that somehow or other our understanding of the issue has been distorted owing to our source's undesirable influence.

There is more to my worries than this general precaution. It seems to me that Annas' appeal to Cicero's evidence in support of her conclusion actually backfires, because it highlights the difficulty of reconciling Annas' picture of the nature of ancient ethical theory building and discussion with any plausible account of the various theories' historical development.

As we have seen, Annas has a markedly positive view of Cicero's intellectual credentials as an expositor of Hellenistic philosophical theories: he is an “intelligent”,

seriously “reflective” and “educated” person; someone who is familiar with *all* the relevant arguments on either side and with “the considerations which either side considers to be convincing” –this is what makes him an especially important witness. This picture is in line with Cicero’s self-presentation as an Academic Sceptic in his late works. To him, Academic scepticism is an unprejudiced search for the truth at any cost to one’s pre-established opinions and sentiments, which presupposes the mastery of all the philosophical systems, since it consists in a careful analysis and weighting of the considerations and arguments for and against the conflicting positions.

We may feel sympathy for the attitude so described; indeed, it may seem to have enough in common with our approach to make us view Cicero as a valuable ally in our scholarly and philosophical quest for a better understanding of the various ancient theories. However, the more readily we accept this positive view of Cicero, the more unavoidable it seems to acknowledge that the “dogmatic” philosophers whom he criticises, including the Stoics, are unlike him. They are convinced by the considerations and arguments which a sufficiently intelligent and reflective person, such as Cicero, does not find conclusive or rationally compelling. They are, as Cicero himself characterises them: short-sighted and doctrinaire in defending their tenets. Cloistered in their respective dogmatic systems, they are not in the position to recognise the intellectual shortcomings of their views; unable to live up to the standards of rationality which ideally ought to inform the whole philosophical enterprise, they rely more on school authority than on a thorough understanding of the problems pertaining to the positions they uphold (cf. esp. Cicero *Lucullus* 8-9). Are we to buy all this?

In her reply to Cooper's criticisms (ANNAS 1995: 608) Annas subscribes to the view that we should not: we should consider the Stoics "serious philosophers". Then, let us accept Annas' analysis of the Stoic–Peripatetic debate as prompted by and revolving around a deep divide within our intuitions concerning virtue and happiness. Let us accept, further, Annas' conclusion to the effect that ancient ethical theory building, as she understands and characterises it, reaches its limitations here, and none of the competing worked-out positions has conclusive rational support. How plausible is it that throughout "centuries of discussion" the participants themselves remain utterly ignorant of these facts, or that, although becoming aware that there is something unsatisfactory about the way their debates are developing, and that, as Annas puts it, "there is no bedrock here that can be used to decide between the theories" (1993: 435), they nevertheless continue in the same vein, without even trying to find such a bedrock, at least to their own satisfaction? How plausible is it in particular that the Stoics, between the school's founding and the first century BC, did not even try to find out anything better than "taking for granted" (cf. 1993: 432) what appeared to them the more compelling or important intuition, criticising those who fail to do justice to its implications, and dealing with the theoretical problems and objections that awaited their own conclusions?

I started by emphasising that in arguing against the "cosmic" interpretations of Stoic ethics in her book Annas maintains that it is possible, within the context of purely ethical debate, to "become convinced" of the truth of Stoic ethics, even when one is ignorant of Stoic physics (cf. again 1993: 165 and 166); as she has put it in her most recent contribution to the issue, "even the driest epitome forces us to accept" the Stoic conclusions, and Stoic ethics on its own is not too weak "to lead us to" the counterintuitive conclusions endorsed by the Stoics (2007: 70 and 71). But her final

assessment of the whole Stoic–Peripatetic debate seems to entail that such claims are not true without qualification: as Cicero’s example shows, a sufficiently reflective person will see that “however personally committed he may be at any given time to a theory... the state of being convinced by the theory, and the intuitions it appeals to, can never be the end of the story”.

Is it likely that philosophers who in their epistemology endorsed the possibility of certain knowledge, failed to reflect on the epistemic conditions of their ethical views – or that they did reflect on this issue but settled for the transient and subjective certainty that the kind of purely ethical (dialectical) discussion and theory building described by Annas can provide? What we would naturally expect is rather that each party in the debate makes considerable effort to develop a theoretical framework within which their choices between the different competing and incompatible intuitions can be shown to be rationally grounded. Thus the Stoics can be expected to try to show, at least to their own satisfaction, *why*, on what *rational grounds*, we ought to give credit to our intuitions concerning the distinctive nature of virtue rather than to our common sense views on the rôle of other valued things in the happy life. This is what the structure of the debate as described by Annas seems to require of them: to try to set the conflicting intuitions in a wider and intellectually compelling (or at any rate, attractive) perspective from which they can be better understood and judged, such that the former can be seen (or can be seen more clearly) to be correct, and the latter misguided.

At this point one might perhaps object that as Cicero’s remarks on Theophrastus’ position –that is the position standardly attributed to Theophrastus in his time– show, the Stoics won the first round; as Annas suggests, they succeeded in “shifting the terms of the debate” and bringing about a “climate of thought” in which the

Peripatetic position was no more an intuitively evident or attractive option. We may add to this that, for whatever reasons, after Lyco's death (226/5 or 225/4) the Peripatos by all appearance witnessed a rapid decline.¹⁰⁹ Could we not rescue the Stoics from the charge of unreflective dogmatism by saying that these events virtually left them without real opponents, which may reasonably have impeded the progress of their thought on the issue? –By no means. For if the Peripatetics failed to present a challenge that could have prompted the Stoics to reflect upon the epistemic grounds of their theory, the Academic Sceptics certainly did this favour for them.

First Arcesilaus, whom Chrysippus probably heard in Athens as a youth, launched a forceful attack against the Zenonian doctrine of cognition, denying that anything could be known, and he also applied the strategy of presenting equally balanced arguments on either side of the issues debated among the dogmatic schools, in order to encourage suspension of judgment (cf. esp. *Academica* I 45-46, Plutarch, *De Stoic. rep.* 1035F-1037C).¹¹⁰ No doubt, Chrysippus' large-scale reformulation of Stoicism was in part prompted by Arcesilaus' criticisms.¹¹¹ So he had every opportunity to reflect on the challenge this criticism presented to Stoic ethics.

As we can see from Plutarch' brief discussion of Chrysippus' ambivalent attitude towards the dialectical method of *pros ta enantia dialegesthai* (this is perhaps what Cicero translates as *in utramque partem disputare*), he argued that discussing the

¹⁰⁹ Cf. e.g. Cicero at *De fin.* V 13, who reports that already Strato (Theophrastus successor) was more a natural scientist than an ethical thinker; that Strato's successor Lyco had an "opulent style but rather threadbare content"; and that his successor Aristo was "refined and elegant", but his copious and polished works lack authority and weight. From this point onwards we know virtually nothing of the school's activity; up until Critolaus (scholarch by 155 BC, died around 118 BC) there is a gap in the ancient sources regarding the succession of scholarchs of the school, and under Diodorus of Tyre (Critolaus' student and successor as scholarch) the school virtually disappeared as an institution, until its resurrection by Cratippus of Pergamon in the first century BC. For the history of the school see e.g. LYNCH 1971.

¹¹⁰ Cf. e.g. Malcolm Schofield's discussion of Arcesilaus' philosophy in ALGRA et al. 1999: 324-331.

¹¹¹ Arcesilaus' main contemporary opponent in the Stoa was one of Chrysippus' teachers Aristo of Chios; Chrysippus' efforts aimed partly at correcting Aristo's –on his view– misguided attempts to revise and reinforce the Stoic system (cf. e.g. LS 59; see n. 31 above).

contrary views in an approving manner (*meta sunēgorias*) is useful to those who pursue suspension of judgment, but those who are interested in ascertaining knowledge (*epistēmē*), and especially knowledge that pertains to the conduct of life (*De Stoic. rep.* 1035F: ...*kath' hēn homologoumenōs biōsometha*; cf. 1036D, where the quotation is from Chrysippus' book *Peri biōn*) should avoid this, at least in a didactic context, when they are lecturing to pupils who have not yet fully comprehended the Stoic doctrines, in order not to confuse them and prevent them from cognition (*De Stoic. rep.* 1036D). Rather, they should address the contrary positions only when the discussion so requires, and “in a courtroom manner” (1035F: *kathaper kai en tois dikastēriois*), so as to “ruin their plausibility” (*ibid.*: *dialuontas autōn to pithanon*) and “to demonstrate their falsity by proof” (1036D: *met' endeixeōs tou hoti pseudē esti paratithesthai* –this latter formulation may be Plutarch's paraphrase).

This passage provides further evidence that Chrysippus did recognise the importance of dialectical arguments in philosophical discussion; but it also shows that he was aware of the potential dangers of surveying “contrarities of arguments” as the Academics did, and thus of the limitations of dialectical reasoning: he realised that if we give too much space to the contrary side in a debate (as a commitment to rationality and objectivity seems to demand), this is likely to shake our conviction about the truth of our views, especially at the earlier stages of the didactic process, when we are still novices. Third, it shows that he nevertheless upheld that the Stoic ethical tenets form part of a building of solid knowledge (*epistēmē*) and are objects of cognition (*katalēpsis*). Did he believe that this was a matter of reaching full mastery of the dialectically developed ethical theory? If he did, then, on Annas' (and Cicero's) final assessment of the Stoic–Peripatetic debate on the *summum bonum*, he was wrong

to do so. If he did not, this means that to him the real epistemic foundations of Stoic ethics (the foundations that turn a dialectically developed opinion into solid certainty) were to be sought elsewhere.

We should also take into account that Annas' account focuses on a single facet of the debate: the Stoic–Peripatetic controversy on the relation of virtue to happiness. But we know from Cicero (*Luc.* 138-40, cf. *De fin.* II 44) that in his dialectical discussions of ethics Chrysippus put more weight on the debate with the hedonists, arguing that on consideration the central issue in ethics is the choice between pleasure and virtue as candidates for constituting our final end. In this connection he argued that those who consider virtue important but subordinate it to pleasure as something that is choiceworthy merely for its usefulness (that is, the Epicureans) seriously misrepresent the real nature of virtue. But the Epicureans, as Cicero points out, responded that on their view those who harp on the immeasurable intrinsic value of virtue are simply talking nonsense –that is, they radically questioned the very intuitions to which the Stoics appealed. As we also know, the Stoics in return challenged the intuitive basis of Epicurean hedonism, arguing that natural animal (and infant) behaviour is not, as the Epicureans and the majority of people maintain, hedonistically motivated. But the ensuing lengthy debate “over the cradle”, as documented by Cicero, Diogenes Laertius, Seneca and Hierocles¹¹², does not seem to lead by itself to a decisive result; and even if the Stoic could be said to win –or if at any point they could convince themselves that they had won–, this would not in itself neutralise the Epicurean challenge against the ethical intuitions which they took to be so irresistible, for the simple reason that, as Cato puts in *De finibus* III, the discovery of “the good” which lies in morality is “a later development” (III 21) in the process of intellectual

¹¹² See Jacques Brunschwig' seminal article on the cradle argument (BRUNSCHWIG 1986).

maturation. Thus we can see that the Epicurean challenge may have provided a further opportunity for the Stoics to realise that their intuitions on the nature of virtue are in need of rational justification.

To sum up, it is implausible that the problematic nature of the dialectical debate on the place of virtue in happiness, as described by Annas –namely that it is bound to be indecisive–, is recognisable only from a retrospective and analytic point of view (that is, from Annas’ and Cicero’s perspective), whereas it remained imperceptible for the participants themselves throughout centuries of debate –unless, of course, we are willing to accept Cicero’s Academic condemnation of the dogmatics for being more keen on winning the argument or feeling secure about their convictions than on discovering the truth at whatever cost to their pre-established views.

II.4.2.6 Further remarks and conclusion

To these considerations I should like to add some further remarks. First, my above tentative description of how the philosophical debate is more likely to evolve is reminiscent of what we find in Plato’s *Republic*, and Plato’s work provides an excellent illustration for the general point I am trying to make here.

In the *Republic* the discussion commences with an extensive conversation on the place of justice in the happy life (or so I understand the issue raised in Book I), which brings onto surface a deep divide within our unreflected ethical intuitions. Importantly, Plato emphasises that this divide is not necessarily a divide between the intuitions of different groups of people. Glaucon and Adeimantus are good-natured and cultivated persons who are in the habit of thinking that virtue has preeminent

place in a worthy life; and yet it is they who request (in Book II) further investigation of the matter, obviously because they recognise that despite Socrates' dialectical treatment of the issue Thrasymachus still seems to say something: they still sense a disturbing strain within their own intuitions on virtue and happiness.¹¹³ Socrates' dialectics has only "sharpened the issue", as Annas would say. In the rest of the work, then, Plato has Socrates take on the challenge and, just as I suggested, develop a complex conceptual–theoretical framework, including elements of a revolutionary metaphysics, anthropology and psychology, decidedly in order to show that the cultivated intuitions on the role of justice are correct, and that the contrary intuitions are flawed. The work as a whole suggests that it is only when viewed from the perspective of a drastically revised perception of reality that the truth of our intuitions about virtue and justice can truly unfold. And importantly, the interlocutors have no problem with the turn the conversation takes: this is the kind of approach and answer that they expect and that satisfies them.¹¹⁴

¹¹³ It is worth while to take notice that the Epicurean challenge to the Stoic vision of virtue has something in common with the kind of "immoralist" challenge represented by Plato both in the *Republic* (through Thrasymachus' character) and in the *Gorgias* (where Callicles is mouthpiece of a version of the immoralist view). As Annas in her painfully brief discussion of the issue (ANNAS 1993: 48) summarises, this challenge consists in the suggestion that "to the extent that we do intuitively think of morality as central in our lives, we are wrong to do so. Perhaps this is a naive view, resting on certain kinds of illusion". Annas first (*ibid.* n. 3) suggests that this problem belongs more to Plato and the fifth century BC than to Aristotle and the Hellenistic philosophers: "in the authors on whom this book focuses this radical suggestion is not seen as posing a threatening challenge which it is a primary task of ethical theory to meet. The person who does not see the point of being moral is seen simply as someone with whom it is not profitable to argue about morality." I find this claim puzzling. The Epicureans, similarly to the Stoics, insist that virtue is both necessary and sufficient to happiness; but from the point of view of the Stoics (Aristotelians, Platonists) this clearly does not amount to "seeing the point of morality": they are immoralists in the sense that they obviously fail to see the intrinsic value in morality. Yet they clearly are not regarded as people with whom "it is not profitable to argue about morality". Moreover, in the next footnote (*ibid.* n. 4) Annas suggests, rather inconsequently, that in ancient ethics in general the immoralist challenge is "met by the appeal to human nature to ground morality".

¹¹⁴ At this point one may reasonably object that the kind of theory building I have outlined would just as well fail to lead to a decisive result. Suppose that I have recognised the divide within our ethical intuitions which lies beneath the ongoing philosophical controversy. Suppose that in order to bring the debate to a head I develop a complex explanatory framework in which I can hope convincingly to show that the intuitions which I endorse must be the correct ones, and also that the intuitions that are at odds with these are misguided. Suppose further that this explanatory framework incorporates metaphysical and theological concepts, ideas and theories, as e.g. Plato's explanatory framework in the *Republic*

To be sure, in comparison with the issue at stake in the *Republic* the question whether virtue is the single good that is self-sufficient for happiness, or is only the predominant good that is sufficient for happiness (or at any rate guarantees the closest possible approximation to happiness) may seem to be a relatively minor issue. The tension here within our ethical intuitions might seem to be less intolerable or pressing. But this clearly does not entail a demand that in resolving this issue we should not bring into play a wider perspective, but should stay within the boundaries of dialectical discussion and debate; nor does it follow that placing this issue into a wider perspective is useless or irrelevant to its solution.

Another relevant example here is Antiochus himself, whom Cicero presents as the most powerful champion of the Aristotelian position to date. Antiochus apparently did try to develop his theory along the lines I have suggested above, when he presented his “Old Academic” counterpart to the Stoics’ “developmental story”. As Annas (ANNAS 1993: 183-4) rightly observes, his account of natural human development, as presented in *De finibus* Book V, focuses on, and is fairly successful in, showing that our pre-philosophical intuitions concerning the role of bodily and external goods

obviously does. Even if my attempt can be said to be more or less successful, sooner or later my opponents are likely to follow my example: they will develop their own alternative explanatory frameworks to substantiate their contrary preferences. Thus at the end of the day our simultaneous efforts will simply extend the front-lines of the battle. Instead of conflicting views we will have complex conflicting explanatory frameworks, conflicting worldviews or overall conceptions of reality. That is, we will arrive at a situation in which, as Annas says, each ethical theory “is trapped inside its own larger theory... system clashes against system as a whole” (1995: 608). The question is, whether we are better off in this way: are we now in a better position to view our ethical position as *rationaly grounded* or justified? To be sure, our ethical position is now firmly rooted *within* our overall conception of reality; but does not the mere existence of alternative *Weltanschauungen* raise the threatening possibility that we may be fatally wrong about the way we think about the world? Do we have *rational* means to decide between the competing comprehensive visions of reality? –This is the question what Annas seems to raise at ANNAS 2007: 73, “foundations are, obviously, what ground something else, but the question will ultimately arise of what their own standing is”). Admittedly, this line of argument seems to lead to the conclusion that the end of the day the Skeptic wins out in the contest for rationality. But Plato’s example shows that the initial appeal of this kind of theory-building is nevertheless high and natural, and represents an obvious counter-example to Annas’ general claim that “worry about the need to ground ethics in something ‘deeper’ or more objective than ethics is not an ancient worry” (1995: 609).

in the happy life should be given due credit, and correspondingly, that the Stoic claims about the radical implications of the distinctive value of virtue for the theory of the *summum bonum* lack in plausibility:

Antiochus has been much berated for misunderstanding Stoic theory, and it is true that, especially in his arguments against it, he shows little effort to appreciate what motivates the sharp Stoic cutoff between virtue and other kinds of valuable things. From his own point of view, however, we can see why he had little patience with it. He starts from and stresses natural development, from given and unarguable beginning to rational and self-conscious end, and in this the Stoic gulf between kinds of values is awkward, and his alternative, which lessens the distance between moral and non-moral value, both smoother and more intuitive. Antiochus is quite right to see this as the crucial point if you stress nature as a basis for ethics, and his theory can be seen as a protest against both treating moral development as a continuously natural process and insisting on a sharp separation of moral from other value. He certainly puts his finger on a difficult point in Stoic ethics, and at the very least shows that this puts some strain on the use of nature. (1993: 185)

In another respect Antiochus' developmental account performs rather poorly: it does not succeed in convincing that nevertheless the value of virtue is so great that even among great misfortunes it can guarantee happiness. Antiochus' attempt to reconcile the conflicting ethical intuitions that lie at the heart of the issue seriously compromises the original (and Aristotelian) idea that we should construe happiness as our final end, with completeness as its most important formal condition; thus it is liable to collapse into the Theophrastean view (*ibid.*: 186; 422-423). But these complications do not change the fact that the main motivation behind Antiochus' developmental story is to create a compelling theoretical context which does justice to our original intuitions about the value of the non-moral goods.

To be sure, Antiochus' theory markedly does not involve a significant appeal to cosmic nature, or any other strong metaphysical, theological etc. presuppositions (I shall return to this point in Chapter III.2). In Chapter II.3 I have already mentioned some of its constituents: I pointed out that it incorporates, among other assumptions,

the “reason as the assistant of nature” view, a powerful view of practical rationality that, as I argued, has a notable analogy with more familiar modern conceptions of practical reason, in that it seems to reduce practical rationality to a tool for satisfying independently given “natural” needs and desires. But Antiochus’ argumentative framework also involves claims of a quasi-historical nature: he not only presents an attractive and plausible derivation of the *summum bonum* from our primary natural attachments (without appealing to cosmic nature), but also claims that his Stoic opponents, being unworthy heirs to the Old Academic tradition, actually share (or should share) the same assumptions and principles.

This brings me back to a point I touched upon a couple of paragraphs earlier. I pointed out that the fact that the distance between the Stoic and the Peripatetic position on virtue and happiness seems to be less significant than the distance between Socrates’ and Thrasymachus’ view in the *Republic* –or, for that matter, the distance between the Stoic and the Epicurean view–, does not entail that in the former case the wider philosophical perspective cannot help to settle the issue. However, the wider perspective may well seem redundant if we assume that the opponents otherwise share the same philosophical world-view. The fact that they hold the same views on, for example, the rational government of the world, and yet disagree on the relation between virtue and happiness might seem to show that this view is irrelevant to the matter. Of course, it is easy to see that this is an overhasty conclusion: it might well turn out, for example, that the shared cosmological, theological, etc. views are indeed relevant to the issue, and that the cause of the disagreement (at least partly) is that one side in the debate fails to grasp or misrepresents their relevant consequences or corollaries. Or, it might turn out that on closer consideration the opposing camps do

not hold exactly the same cosmological, theological etc. views, and this difference in their wider world-view has to do with their disagreement on virtue and happiness.

Yet I am tempted to think that this is how Antiochus and Cicero think about the Stoic–Peripatetic debate on the *summum bonum*. At any rate, we know for certain that on Antiochus’ view the Stoics adopted, with minor modifications, the Old Academic system of natural philosophy (cf. *Acad.* I 24-29 and 39, *De fin.* IV 11-12); and we have already seen (Chapters I.5 and 6) that in discussing subjects where Cicero does believe that the study of nature has a bearing on ethics –aspects of social life, justice and the origins of law in the rational government of the world by divine nature– he habitually conflates the Old Academic and the Stoic views (compare also e.g. III 73 and IV 11-12). –I will return to this point in Chapter III.2.

In the light of the above considerations Chrysippus’ claim that “there is no other or better way of approaching the account of the goods and evils, or virtue or happiness, than from common nature and the organisation of the universe” etc. seems to gain special significance –and so do Annas’ interpretive comments that learning about cosmic nature and seeing that our ethical views are “underwritten by cosmic nature” can enable us “to feel more secure about our basic ethical judgments” (1993: 165 and 166); or that, as she puts it in her most recent contribution to the issue, our ethical conclusions are “indeed strengthened when they are seen not independently, but in the context of and integrated with physical conclusions about Providence and the rational ordering of the world” (2007: 71; cf. also 61: “...studying just the ethical part of philosophy will not be adequate for a full understanding even of ethics”). Annas does not deny that the cosmic perspective may have such benefits. What she does deny is that these were needed in order to “become convinced” by the truth of Stoic ethics, since studying Stoic ethics proper (the ethical part of Stoic philosophy alone) can

achieve this without fail. But as we have seen, her own survey of the Stoic–Peripatetic debate on the *summum bonum* leads to the Ciceronean conclusion that a sufficiently reflective person cannot find that either side in the debate has decisive rational support. So why insist that what the cosmic perspective can add should be described as an increased or full “understanding” of the views we have established in ethics proper (cf. again 1993: 165), as opposed to any kind of *rational justification* or *underpinning* of them?

To use a distinction that Annas repeatedly applies in this connection (1993: 165-6, 2007: 67-71): I do not doubt that Stoic ethics proper, working dialectically, can give us an account of the basic *content* of Stoic ethics. But as far as the *motivation* to accept and to live by this account is concerned –and here we are speaking of distinctively *rational* reasons: the reasons to be convinced of its *truth* or *rightness*–, it seems to me that it cannot justifiably claim more than, as Jacques Brunschwig suggested in a seminal paper (BRUNSCHWIG 1991), a “provisional” status.¹¹⁵ In chapter 5 of her book Annas argues for the greater importance of this kind of account (cf. 1993: 164 n. 20); and in her later articles criticises those who, like John Cooper, fail to see that Stoic ethics proper (the ethical part of Stoic philosophy alone), as she describes it, has its own resources to lead us to the counterintuitive conclusions upheld by the Stoics (1995: 600-601, 604; 2007: 69-71). But in view of her own discussion and conclusions in chapters 18-21 of her book this kind of scepticism seems warranted.¹¹⁶

¹¹⁵ Cf. also ANNAS 1993: 164 n. 20, BETEGH 2003: 277-8.

¹¹⁶ Annas does not deny that in the later Stoic moralists, Marcus Aurelius and Epictetus “we do find cosmic nature used as a first principle within ethics” (1993: 175; cf. 160-162, 174); and in her later article (ANNAS 1995: 604 n. 13) she admits that it was a mistake to suggest that this was a late development: “since we have evidence of the cosmic approach in Chrysippus, it seems that the Stoics could at any time have chosen to present ethics either in the relatively independent way, or as part of the Stoic theory as a whole”. However, she revises again her view in ANNAS 2007: 67-68. Following

Finally, my closing remarks are meant to envisage a possible answer to the challenge posed by Annas' methodological objection against the "cosmic" interpretations (see Chapter II.4.1 above). If the Stoic conception of cosmic nature significantly figured in their theory of the *summum bonum*, and was pertinent, in particular, to their tenets concerning the singular value of virtue and its sufficiency for happiness, how come that all this escapes Cicero entirely? My closing remarks, and **Part II** as a whole, are meant to suggest that one possible reason for such fatal neglect might lie in the fact that Cicero goes along with Antiochus in thinking that the Stoics borrowed their natural philosophy from the Old Academics. This view may give rise to the impression that in their metaphysical conception of reality there are no differences that would be relevant to their disagreement in ethics. This is strongly underwritten by Antiochus' account of the *summum bonum* and his criticism of the Stoic theory, which decidedly avoids any significant reference to strong metaphysical, theological etc. presumptions; and explicitly asserts that the Stoics share the same starting points and principles. If Cicero accepts these Antiochean claims and suggestions, this arguably might create a blind-spot in his perception of the Stoic theory.

In the first two parts of my thesis I hope to have advanced this view of Cicero's presentation, in more than one ways. In **Part I** I offered some sceptical considerations to the effect that while Cicero was by no means a mere epitomist or transcriber, as the old consensus on the assessment of him as a source used to maintain, his knowledge of Stoic ethics may have been less direct and thorough than his self-presentation in the late *philosophica* might suggest, and also that the evidence points towards a strong Antiochean influence on his way of thinking about it, which foreshadows his treatment in *De finibus*. In **Part II** I focussed on *De finibus* Book III: I overviewed its

Christopher Gill she argues that what we find in Marcus or Epictetus "is more like mutual illumination between ethical and physical claims".

argumentative structure and in particular the major interpretive problems related to the account of the *summum bonum* presented in the first section of Cato's exposition. But throughout one of my main concerns was to show how Cato's exposition of Stoic ethics resonates with the overall picture of the central controversy in ethics projected by *De finibus* as a whole.

Finally, in Chapters **II.4.1** and **2** I considered the two main lines of interpretation of the Stoic theory, and argued that while the "cosmic" line of interpretation pays insufficient attention to Cicero's role as an expositor, Annas' heterodox interpretation, although it attempts to make the best out of Cicero's presentation of Stoic ethics in *De finibus* III, fails to persuade. This last result also brings, I believe, into appropriate focus the question that will occupy me in **Part III**: how does Cicero's Academic scepticism affect his perception and portrayal of Stoic ethics *vis-à-vis* Antiochus' Old Academic theory?

In **Part III** I shall first present an overview of Cicero's understanding of his Academic scepticism and his application of the Academic approach to ethics in *De finibus* (Chapter **III.I**). I shall argue that Cicero's scepticism does not prevent him from going along with much of what Antiochus has to say about Stoic ethics; indeed, it virtually conditions him for going along with Antiochus, for the good reason that Antiochus' dogmatic system has been strongly informed by his Academic past (Chapter **III.2**). To oversimplify a bit, Antiochus developed his system with a constant view on the long tradition of anti-dogmatic criticism which had entered his marrow through the long decades of his membership of the New Academy; in particular, he built into his ethical thought, and perhaps further developed, the Academic tradition of Carneades' criticism of the Stoic theory (as I have already indicated, the substantial identity of the Stoic and the Peripatetic view on virtue and

happiness seems to have been his idea). On consideration, then, it is far from surprising that Antiochus produces an ethical theory that the Academic sceptic Cicero finds much more plausible and well-grounded than the Stoic theory. Although, as we shall see, on the whole even this theory fails to win Cicero's sceptical approval (for it fails to establish a firm link between the Old Academic view on the *summum bonum* and the thesis that virtue is sufficient for happiness), this does not affect his agreement with Antiochus on the reasons for rejecting Stoic ethics.

Finally (in Chapter III.3) I shall adduce one further argument to show how thoroughly Cicero's perception of Stoic ethics has undergone to this Academic–Antiochean influence. I shall argue that the notion of self-love, as it occurs in Cato's account of Stoic ethics (most significantly at III 16 and 59), is actually an alien element in the presentation; it represents an outstanding example of Cicero's tendency to conflate the Stoic and the Antiochean "Old Academic" theory.

PART III

THE DIFFERENCE THAT THE CONTEXT MAKES

III. 1 *Cicero's sceptical approach*

Although *De finibus* consists of three dialogues, each dealing with a different ethical theory (*De finibus* I-II, III-IV and V, investigating the Epicurean, the Stoic and the Antiochean theories respectively), *De finibus* is a single integrated work on what Cicero considers the central question in philosophy: “what is the end, what is the ultimate and final goal, to which all our deliberations on living well and acting rightly should be directed?” (I 11). Cicero’s explicit aim is to give us a “more or less comprehensive discussion of the question of goods and evils”, investigating “not only the views with which I agree, but those of each of the philosophical schools individually” (12), and to do this in Latin, thereby contributing to the naturalisation of the philosophical tradition into his native culture.

But as we shall see, Cicero writes as an Academic sceptic. His intention is not simply to introduce the different theories one by one, placing them next to each other; rather, his aim is to bring out the basic points of debate between them¹, and to examine the weaknesses and the advantages of each theory in comparison to the others –that is, to involve his readers into the sceptic method of philosophical enquiry which, as he claims elsewhere, goes back to Socrates, has been revived by Arcesilaus, and perfected by Carneades.² This has important consequences to his interpretation and presentation of the different theories.

¹ This is explicitly stated at *De div.* II 2: *Cumque fundamentum esset philosophiae positum in finibus bonorum et malorum, perpuratus est is locus a nobis quinque libris, ut, quid a quoque, et quid contra quemque philosophum diceretur, intellegi posset.*

² *ND* I 11; on Antiochus’ revival of the Socratic method, see also *De fin.* II 2. At *De fin.* V 10 Piso claims that it was actually Aristotle who began the practice of presenting both sides of every argument, but he used it more constructively than Arcesilaus, with the purpose of not contradicting everything, but of revealing every point which could be made on either side –however, we must not forget that Piso

I shall begin by a brief review of Cicero's conception of Academic scepticism, as it unfolds in Cicero's main surviving discussion of epistemology, the *Lucullus* (the second book of the first version of this work). That the views of Cicero as an interlocutor in the second half of this dialogue (64-146) are pretty much in line with Cicero's actual stance is firmly confirmed by Cicero's general authorial claims in the preface of the work (7-9) and his references in later works to the *Academic books* – that is the four-book reworking of the *Catullus* and the *Lucullus*, of which we possess only the first half of the first book– as a clear and straightforward statement of his scepticism.³ As we shall see, the purpose of the Academic method as understood by Cicero is not merely to establish the conclusion that since each theory is equally vulnerable to objections, and in cases of debate the arguments on either side are of equal weight, we should not embrace any one of them, but should rather resort to the sceptical *epochē*, suspension of judgement. This was a prejudice the dogmatic opponents of Academic scepticism were happy to parrot: that they render everything unclear, leaving us with nothing to hold to. As we can see from Cicero's presentation of the debate in the *Lucullus*, this charge seriously compromised the acceptance of Academic scepticism in Rome. But on Cicero's understanding suspension of judgement is compatible with a more positive attitude towards philosophical enquiry; indeed it is the only appropriate starting-point for a truly rational and open-minded quest for the truth. I shall argue that *De finibus* as a whole, as opposed to the critical survey of dogmatic philosophy in *Lucullus* 116-46, is meant to represent this positive aspect of Cicero's scepticism.

is wearing an Antiochean hat here; thus his views on Academic scepticism are virtually the same as those of the Antiochean Lucullus in the *Lucullus*. cf. also *De orat.* III 80 and 107.

³ See *ND* I 6, 11-12, *De div.* II 1, *Tusc.* II 4; see also *Ad Att.* XIII.19.5: *mea causa*.

In the *Lucullus* (and presumably also in the *Academica*) Cicero presents himself as an adherent of Carneades' version of Academic scepticism, as this has been interpreted by Carneades' pupil Clitomachus.⁴ Importantly, in characterising Cicero's sceptical stance I do not ask whether he represents the Academic tradition correctly, or gives a specific personal slant to it (or perhaps outright misrepresents it). These questions concern our knowledge and understanding of the New Academic tradition, and although they have rightly attracted much scholarly interest in the last few decades, are beyond the scope of my present discussion. What concerns me here is Cicero's understanding of the aims and methods of *his* scepticism, and how this understanding informs his presentation of Hellenistic ethics in *De finibus*. The version of scepticism I shall attribute to Cicero is actually rather close to the kind of interpretation of New Academic scepticism that is usually termed "probabilist" or "fallibilist" (most often in a critical vein). However, I would not like to argue that this is the right interpretation of Carneades' or Clitomachus' scepticism. What I would like to contend is that this is how Cicero interprets his Academic tradition in the late *philosophica*.

This is important because such interpretations of the Carneadean–Clitomachean tradition have been forcefully criticised in the last decades by proponents of a more radical line of interpretation that, for the most part developing on a "dialectical" reading of Academic scepticism (originally propounded by Pierre Couissin (COUISSIN 1929)) rejects the view of the Carneadean criterion of *to pithanon* (*probabile* in Cicero's translation) as having anything to do with objective truth.⁵ On this line of interpretation Carneades did not consider the method of arguing on either side a rational method of approaching the truth; and I do not deny that, as far as

⁴ For his reliance on Clitomachus, see esp. *Luc.* 98ff.

⁵ For an excellent recent discussion of this debate see OBDRZALEK 2006 (for the relevant literature see n. 2 of that article). Obdrzalek herself argues forcefully for a fallibilist line of interpretation –which she terms "the strong interpretation".

Clitomachus' original interpretation of Carneades' scepticism (or indeed Carneades' original version of scepticism) is considered, this line of interpretation may represent the correct approach. But as far as Cicero is concerned, I find it rather clear that he understands his Clitomachean–Carneadean scepticism differently. Cicero's concern is to present Academic scepticism as an acceptable approach –if not the most appropriate approach– for a distinguished Roman politician to both Greek philosophy and the conduct of life; and the level of subjectivism represented by the now dominant line of interpretation would seriously compromise this goal (I shall return to this point in Chapter **III.1.2**).⁶

⁶ Most proponents of the dominant (non-fallibilist) line of interpretation actually agree with (and often indeed argue in favour of) this distinction between Carneadean–Clitomachean scepticism and Cicero's "probabilist" or "fallibilist" interpretation of it. I understand that at the *Symposium Hellenisticum* 2010 Charles Brittain has presented an approach to reading Cicero's *De finibus* that is similar to mine in respect of reading the work as an expression of Cicero's scepticism as it unfolds in the *Lucullus*; but it differs from my reading in attributing to Cicero a non-fallibilist Clitomachean–Carneadean stance. The above point about Cicero's concern as a Roman philosophical writer should provide a crucial argument, in addition to the arguments presented by others for the view of Cicero as a fallibilist of some sort, against such a reading.

III.1.1 Cicero's sceptical stance: an outline

As an Academic Sceptic, Cicero upholds the thesis that nothing is “apprehensible” (*percipi posse*)⁷, and therefore *we should not give assent (adsensio) to anything*⁸ – a view grounded on epistemological arguments against the Zenonian conception of a “cataleptic” or “cognitive” impression (*katalēptikē phantasia*) originated by Arcesilaus.⁹ But following Clitomachus’ interpretation of Carneades’ scepticism he also maintains that an Academic Sceptic is allowed to “approve” (*probare, adprobare*) in a loose sense, to “follow” (*sequi*) and to “use” (*uti*) what he finds the most “persuasive” (*probabile*) or “truth-like” (*veri simile*), in conducting his life as well as in philosophical enquiry and argument.¹⁰

It is in terms of this additional claim that Cicero’s Academic Sceptic can reject the two major objections raised against his position. First, it provides a respond to the charge of “inactivity” (*apraxia*), presented by the Stoics in respond to the Arcesilean attack against their epistemology, according to which if apprehension would be impossible no one would be able to act at all, or to act appropriately, since (a) one would know neither what the present situation is, nor what to do, and since (b) action

⁷ Cf. *Luc.* 40-42, 59, 68, 83; cf. 141. This is how Cicero paraphrases the Academic notion of *akatalēpsia*; see DL IX 61, Sextus, *PH* I 1; see further Galen, *Opt. Doctr.* 1 p. 42 K (p. 83, 16 M) and 2 p. 43 K (p. 85, 4-8 M); Eusebius, *PE* XIV 4, 15.

⁸ Cf. *Luc.* 59, 66-67, 78.

⁹ Zeno’s epistemological doctrine is set out in *Acad.* I 40-42; for Zeno’s definition of a “cataleptic” impression see *Luc.* 18, 77, 112-3, 144-5; cf. DL VII 46; Sextus, *M.* VII 244-5. For the Academic attack against the possibility of apprehension originated by Arcesilaus see *Luc.* 40-42, 45-58, 66, 76-8, 79-90; *Acad.* I 43-6, cf. also Sextus, *M.* VII 150-8, 402-10.

¹⁰ *Luc.* 8, 32-3, 35, 36, 59, 66, 78, 98-99, 102-4, 108, 110, 112-13; cf. 32-3, 59; see also *ND* I 12, *De fin.* V 76, and *Tusc.* II 6, 9; IV 7; V 11, 33; *Orat.* 237; Sextus, *M.* VII 435-8. Sextus’ (*PH* I 227-9) evidence suggests that Cicero’s term *probabile* renders the Greek *pithanon*. At *M.* VII 158 Sextus reports that according to Arcesilaus the suspension of assent is compatible with regulating our choice and action by the ‘reasonable’ (*eulogon*). *Secui* = *katakolouthein* (Sextus, *M.* VII 185) and *hepesthai* (*ibid.* 185, 187); *uti* = *chrēsthai* (*ibid.* 175) and *paralambanein* (185); *probare* = *peithesthai* (*PH* I 229-31).

requires impulse, and impulse depends on assent.¹¹ Second, to the objection that it would be overly inconsistent to say that the very claim that nothing is apprehensible is apprehensible –an objection which Antiochus was also happy to use against the Academics¹²– the Academic can answer that he adopts this thesis itself as a merely “persuasive” principle (28, 110; cf. *Acad.* I 45), a working hypothesis, as it were, adding that “even if anything is apprehensible, the very habit of assent is slippery and dangerous” (68; cf. *Acad.* I 45, *ND* I 1). For although the wise person (as the Stoics also agree) never holds mere opinions, but assents only to what is securely apprehended (57, 59, 145), we are not wise; so, since nothing is more abhorrent than assenting to falsehoods (66-68, 77 etc. *Acad.* I 45), for us it is better to restrain from all assent altogether.

In accordance with this set of sceptical views, Cicero believes that the sceptical method of investigating the dogmatic theories can be implemented in two modes or on two levels. In the first stage, it serves to justify and encourage the sceptical *epochē*, suspension of assent, in a *therapeutic* manner, by focussing on the *dissensions* which hold among the dogmatic theories in every field of philosophy. Presumably it is not meant to ground *epochē* by providing further theoretical underpinning for the stronger claim that apprehension is impossible, which was the conclusion of the Academic attack against the Stoic doctrine of cognitive impressions.¹³ Rather, it serves as an independent argument for the *epochē*-corollary in accordance with the less radical claim: even if we take aside the issue of cataleptic impressions and leave open the possibility that apprehension may be theoretically possible (as we must do in order to

¹¹ *Luc.* 32-39, 61-2, 99, 103-104, 107-9; cf. Plutarch, *Adv. Colot.* 1108D, 1122-24; DL IX 104. Cicero is our only source for the distinction between these two points cf. STRIKER 1980: esp. 63 ff.

¹² *Luc.* 28-29, 109-10; cf. also Lactantius, *Inst.* 5. 10-15 which, probably drawing on a lost section of the *Academica*, presses the argument against Arcesilaus in particular.

¹³ Cf. *De fin.* V 76, where Cicero claims that “there is only one thing that makes me deny the possibility of apprehension, and this is the Stoic’s definition of the faculty [i.e. the definition of a cognitive impression]”.

escape inconsistency), the interminable disagreements and debates among the dogmatic schools provide a “strong argument” (Cf. *ND* I 1: *magno argumento esse debeat*) that (a) no one of the existing philosophical schools is in the possession of the required objective criteria, and thus their positions are not based on genuine apprehension (otherwise how could they fail to be in overall agreement); and (b) even if any one of the existing philosophical views is in principle apprehensible, and the wise person is actually able to apprehend it, *we* at least are not in the position to rationally ground our choices and commitments.

As Cicero (*Acad.* I 44-5, cf. *De fin.* II 2) reports, this mode of practicing the sceptical method was characteristic to Arcesilaus: “by arguing against everyone’s views” (*contra omnia dicere*)” while refusing to give voice to his own views he led most of his interlocutors away from their own views; and he put particular stress on those cases when “arguments of equal strength were found for the opposing sides of the same subject”¹⁴, because these cases are the most useful for persuading the audience that in order to escape the fatal error of assenting to false opinions they should embrace the sceptical *epochē*.¹⁵

It is obviously in the same vein that Cicero surveys the dissensions among the dogmatic schools in the second part of his speech in the *Lucullus* (116-46), and also – focussing on physics in particular – in the introduction to *De natura deorum* (I 1-2). It

¹⁴ Cf. DL IV 28, according to which Arcesilaus was the first to suspend his assertions (*episkhōn tas apophaseis*) owing to the contrarities of arguments (*dia tas enantiotētas tōn logōn*); cf. Eusebius, *PE* XIV 4, 15; Galen, *Opt. doct.* 1. p. 40 K (p. 82, 1-5 M). On the relation between Arcesilaus’ arguments from *akatalēpsia* and arguments from contrarities of arguments see e.g. SCHOFFIELD 1999: 324-330.

¹⁵ Cf. *Luc.* 8-9, where Cicero suggests that adherents of dogmatic theories commit themselves to their views not on the basis of firm apprehension, but rather yielding to irrational external influences: they simply yield to authority at a young age, influenced by a friend or being captivated by the personal and rhetorical charm of a philosophical teacher.

is not in this manner, however, that he discusses the dogmatic ethical theories in *De finibus*.

For Cicero also believes that Arcesilaus' purpose in pursuing these investigations was not to render everything unclear, leaving us with nothing to hold to, as his dogmatic adversaries were happy to maintain¹⁶; even when he was attacking Zeno's conception of apprehension, he was led by a straightforward desire to discover the truth –only he put an extraordinary stress on the point that the wise man should not hold opinions, that is, should not give his assent to views that are not really apprehended (i.e. known) and thus might be false (*Luc.* 66, 76; *Acad.* I 45).¹⁷ He and his successors, most prominently Carneades, recommended the sceptic *epochē*, not as the end of all philosophical pursuit¹⁸, but rather as the appropriate starting point for a truly rational and free-minded search of the truth.¹⁹ This pursuit, though it does not promise to lead us to certain and infallible knowledge, does promise to save us from the fatal error of assenting to falsehoods, and offers us the rational prospect that by “following” what we find “persuasive” (*probabile*) or “truth-like” (*veri simile*) –or (in some cases) “perspicuous” (*perspicuum*), such that nothing contrary to its persuasiveness presents itself– we may hit upon the truth (though without knowing this for certain), or at least

¹⁶ *Luc.* 16, 26, 32, 54, 59, 61, 110; *Acad.* I 44-45; *ND* I 6; cf. also Plutarch, *De stoic. rep.* 1036A, Sextus, *PHI* I 1-4, 226-30.

¹⁷ At *Acad.* I 45 Cicero may seem to suggest that Arcesilaus' practice of “arguing against everyone's view” aimed solely at encouraging suspension of assent, in accordance with his conviction that “everything is hidden so deeply that nothing could be discerned or understood”, and that to assent without knowledge is the most shameful thing. But this description of Arcesilaus' scepticism seems to be misleading due to Cicero's pedagogical emphasis on the need to suspend judgement. The theme of “the obscurity of the things themselves and the weakness of our judgements” first occurs at *Luc.* 8, and here Cicero immediately adds “still, they [the earliest and most learned philosophers] didn't give up, and we won't abandon our enthusiasm for investigation owing to exhaustion”.

¹⁸ Cf. *De fin.* III 31, where the Stoic Cato charges the Academics with holding the “absurd” view that the *summum bonum* and the supreme *officium* of the wise person is to withhold assent to the appearances.

¹⁹ Cf. e.g. *ND* I 2, where Cicero suggests that Carneades' purpose in advancing numerous arguments against the Stoic conception of cosmic theology was to “rouse men of intelligence to a desire for investigating the truth”; cf. also *Tusc.* I 8, where Cicero suggests that already Socrates used the *elenchus* in order to work out which is the most truth-like (*veri simillimum*) view, and *Luc.* 74, where it is suggested that Socrates thought he knew nothing, but did “approve” many views.

reach a fair approximation of it.²⁰ Thus, once the reasons for suspension of assent have been firmly established and appreciated, the examination of the dogmatic theories can be further pursued, in a more constructive manner.

This possibility is clearly indicated when by the end of the *Lucullus* (148) Cicero concludes his survey of dogmatic controversies in physics, ethics and logic with the following suggestion:

But next time we think about these questions, let's talk about the remarkable disagreements between the leading thinkers, the obscurity of nature, and the error of so many philosophers about what is good and bad –for, since their views are incompatible and at most one of them can be true, a good number of rather famous schools must collapse.²¹

I think we should read this invitation jointly with Cicero's self-characterisation as an Academic Sceptic in the introduction to the dialogue (*Lucullus* 7-8):

It is our practice to say what we think against every position. But our case is straightforward. Because we want to discover truth without any contention, and we search for it conscientiously and enthusiastically... we won't abandon our enthusiasm for investigation owing to exhaustion. Nor do our arguments have any purpose other than to draw out and, so to speak, 'squeeze out' the truth or its closest possible approximation by means of arguing on either side. The only difference between us and the philosophers who think that they have knowledge is that they have no doubt that the views they

²⁰ Cf. *Luc.* 7-9, 32-4, 65-66, 76, 99ff, 127-28, 141, 146-147. For a survey of Cicero's usage of the terms *probabile* and *veri simile* in theoretical contexts see GLUCKER 1995: 131-132. The term *perspicua* at *Luc.* 34 certainly renders *enargē*. Cicero's claim (*Luc.* 32) about the Academics' reliance on "persuasiveness" in philosophical enquiry as well as in the conduct of life is supported by Sextus, *M.* VII 435-8 according to whom the Academics held that the criterion of *pithanē phantasia* is useful both in the conduct of life and in "finding the truth concerning beings" (cf. also *PH* I 226, where the Academics are reported to rank the views on the highest good with respect to persuasiveness; on this see GLUCKER 1995: 133). As to the Academic application of the sceptical method of investigating the dogmatic theories pro and con with this constructive aim, Cicero is our only source (Cf. GLUCKER 1995: 133). Some (such as GÖRLER 1997) have argued that it is actually Cicero's invention, while others (e.g. GOEDECKEMEYER 1905: 123-5, referred to by GLUCKER 1995: 134) have argued that the practice was actually introduced by Philo of Larissa. John Glucker (GLUCKER 1995: 133-5) has forcefully argued that Cicero's practice may go back to Carneades. Yet the issue remains somewhat controversial.

²¹ *posthac tamen cum haec [tamen] quaeremus, potius de dissensionibus tantis summorum virorum disseramus <de> obscuritate naturae, deque errore tot philosophorum qui de [in] bonis contrariisque rebus tanto opere discrepant ut, cum plus uno verum esse non possit, iacere necesse sit tot tam nobiles disciplinas...*

Unless otherwise indicated, passages of the *Lucullus* and *Academica* are taken from Charles Brittain's translation (BRITTAİN 2006).

defend are true, whereas we hold many views to be persuasive, i.e. ones that we can readily follow but scarcely affirm.²² (Charles Brittain transl. –slightly modified)

This characterisation of Academic scepticism is strongly confirmed by Cicero the character in the dialogue, who (II 65-66) heatedly assures his friends that he argues against the dogmatic theories in a straightforward manner, out of a “burning desire to discover the truth” and rejoicing in finding something “truth-like” (*simile veri*). He reinforces this claim by emphasising that this straightforward and positive attitude to philosophy is a matter of morality:

If I have applied myself to this philosophical view in particular from a desire for contention or ostentation, I take it that my character and nature should be condemned, not just my stupidity. Even in unimportant matters intransigence is criticised and misrepresentation is punished by law as well. So when it’s a question of the condition and plan of my entire life, would I really want to contend aggressively with other people or waste their time and my own as well?²³ (*Lucullus* 66)

In the light of these, it seems reasonable to think that the closure of the dialogue foreshadows a subsequent investigation of the dogmatic theories aiming more at separating the weed from the chuff than at encouraging suspension of assent; that is, at letting the truth or “its closest possible approximation” (*aut verum sit aut ad id quam proxime accedat*) emerge by “arguing on either side” (*in utramque partem dicendo et audiendo*) and by eliminating those doctrines and theories which do not

²² *nos autem quoniam contra omnes qui dicere quae videntur solemus, non possumus quin alii a nobis dissentiant recusare. Quamquam nostra quidem causa facilis est, qui verum invenire sine ulla contentione volumus idque summa cura studioque conquirimus. ...neque nos studium exquirendi defatigati relinquemus. neque nostrae disputationes quicquam aliud agunt nisi ut in utramque partem dicendo et audiendo eliciant et tamquam expriment aliquid quod aut verum sit aut ad id quam proxime accedat; nec inter nos et eos qui se scire arbitrantur quicquam interest nisi quod illi non dubitant quin ea vera sint quae defendunt, nos probabilia multa habemus, quae sequi facile, adfirmare vix possumus.*

²³ *Ego enim si aut ostentatione aliqua adductus aut studio certandi ad hanc potissimum philosophiam me adplicavi, non modo stultitiam meam sed etiam mores et naturam condemnandam puto. nam si in minimis rebus pertinacia reprehenditur, calumnia etiam coercetur, ego de omni statu consilioque totius vitae aut certare cum aliis pugnaciter aut frustrari cum aliis tum etiam me ipsum velim?*

stand the test of a thorough examination.²⁴ And to come to the point, this is the kind of examination that we find in *De finibus*, written immediately after the *Lucullus*.

Before we turn to that dialogue, however, I would like to clearly state once again the expected outcome of this constructive application of the Academic method. Cicero says that their aim is to draw out or extract either the truth or its closest approximation (7: *eliciant et tamquam exprimant aliquid quod aut verum sit aut ad id quam proxime accedat*).²⁵ However, they have no means to *know* for certain whether what they have found is the truth or an approximation of the truth; so *ideally* they do not “affirm” (*adfirmare*) or “assent to” (*adsentire*) the result –they are not entirely convinced by it and do not think that they know it–, but only hold it “persuasive” (*probabile*) or “truth-like” (*veri simile*) or “conspicuous” (*perspicuum*), and “follow” it (*sequere*), without holding opinions (*opinere*).²⁶ The results reached in this way always remain provisional, in need of further examination and fortification, and open to revision. In the absence of any firm and unvarying criteria the Academic sceptic is *ideally* in a state of constant readiness to face objections, and to reconsider alternative views and contrary lines of arguments. For her the quest for the truth means an endless survey of the opposing views both *pro* and *con*. Even when time has shown that this or that view can successfully withhold the unceasing attempts to undermine it, and when the

²⁴ A further indication of such optimistic prospects is *Luc.* 135, where Cicero suggests that whether the Old Academics (and Peripatetics) were right in their account of the emotions and the habitual/dispositional virtues “we will see some other time”. Cf. further *Luc.* 60, 128; see also *ND* I 4, 11; *Tusc.* I 8, II 9, V 11. –On the practice of *arguing on either side* as a method for working out which views are persuasive see further GLUCKER 1978: 278 ff and GLUCKER 1995.

²⁵ *Pace* Charles Brittain (BRITTAİN 2006), who translates *exprimant* as “formulate” (in quotation marks), which seems to suggest that Cicero is translating a technical term here, I think that Cicero is more likely to use the verb simply as a stronger synonym for *eliciant*. The idea is simply that through their unceasing arguments and criticisms the Academics mean to extract from the subject the truth or its approximation.

²⁶ Cf. again *Luc.* 7-9, 32-4, 65-66, 76, 99ff, 127-28, 141, 146-147. Note that Cicero is aware that before the Roman Books Philo upheld a more mitigated interpretation of Carneades’ view (originally presented by Metrodorus), on which the wise person may approve the views she finds persuasive, and thus have opinions (cf. *Luc.* 59, 78); but he rejects this interpretation in favour of Clitomachus’ interpretation of Carneadean scepticism (66-67).

chance that this result will change in the future seems slim to none owing to the exhaustion of resources (after all, the dogmatic positions and arguments available for the Academic sceptic for comparing and testing are limited in number), she must not relax, but must keep up her dynamic *epochē*.²⁷

Ideally, I said, because at a much discussed and difficult passage (*Lucullus* 66) Cicero readily admits that since he is not wise, but only an ordinary man, he sometimes falls into the error of approving, assenting, and holding opinions:

I am actually a great opinion-holder: I'm not wise. I don't guide my thoughts by that little star, the Cynosure [the Polaris / Alpha Ursae Minoris], 'in whose guidance the Phoenicians trust at night in the deep,' as Aratus says, and thus sail on a more direct course, because they watch the star that 'revolves on an inner course with a short circuit'. Rather, I guide my thoughts by the bright Septentriones (*Helikē* in Greek), i.e., by broader principles, not ones refined almost to the vanishing point. As a result, I err or wander farther afield. But it's not me, as I said, but the wise person we are investigating. When these <less precise> impressions strike my mind or senses sharply, I accept them, and sometimes even assent to them (although I don't apprehend them, since I think that nothing is apprehensible). I'm not wise, so I yield to these impressions and can't resist them.²⁸ (Ch. Brittain transl. – slightly modified)

Not every point of this impressive simile is crystal-clear. The most problematic move, as far as I can see, is the connection drawn between “guiding one's thought by” (*cogitationes dirigere ad*) less refined *rationes* (principles? considerations? views? reasons?) and erring, that is holding opinions. But it is rather clear that here Cicero distinguishes his own way of thinking from that of the wise person who –on both the

²⁷ The possibility that repeated re-examination may considerably strengthen a view is indicated by the Academic distinctions between different levels of persuasiveness, see *Luc.* 33-4, Sextus, *PH* I 227-29 and *M.* VII 166-89.

²⁸ *ego vero ipse et magnus quidam sum opinator non enim sum sapiens et meas cogitationes sic dirigo, non ad illam parvulam Cynosuram, qua "fidunt duce nocturna Phoenices in alto", ut ait Aratus, eoque directius gubernant quod eam tenent quae "cursu interiore brevi convertitur orbe" -sed Helicen et clarissimos Septentriones id est rationes has latiore specie non ad tenue limatas; eo fit ut errem et vager latius. Sed non de me, ut dixi, sed de sapiente quaeritur. visa enim ista cum acriter mentem sensumve pepulerunt accipio iisque interdum etiam adsentior. nec percipio tamen: nihil enim arbitrator posse percipi. non sum sapiens; itaque visis cedo nec possum resistere.*

sceptic and the dogmatic (Stoic and Antiochean) view— never holds opinions.²⁹ Cicero, not being wise, is less rational in pursuing the sceptic method of searching the truth than he should be. This is important because it is reasonable to think that if *De finibus* as a whole displays the constructive application of the Academic method (as Cicero understands it), it may also display his own specific susceptibility to rash (though always temporary) assent.³⁰

²⁹ That on the sceptic view the wise person abides by the “truth-like” without holding opinions is explicitly stated at 66-67 and 128; the optimistic view that he actually has “many true impressions” although he does not assent to them is stated at 101.

³⁰ For an interpretation of the passage see GÖRLER 1997. As Görler (*ibid.* 45) rightly points out, Cicero seems to have found some pretext for this somewhat relaxed attitude in reports that Carneades “did not fight vehemently” on the point that the wise person should never succumb to opinions (*Luc.* 112 –see further BRITAIN 2006 *ad loc.*).

III.1.2 Cicero's sceptical approach in *De finibus*

As we have seen, Cicero's explicit aim in *De finibus* is simply "to give a more or less comprehensive discussion of the question of the highest goods and evils", by investigating "not only the views with which I agree, but those of each of the philosophical schools individually" (*De fin* I 12). But even if we accept that the main function of the adversarial dialogue in *De finibus* (as well as in the *Academica* and the *De natura deorum*) is pedagogical –as Julia Annas (ANNAS 2001: xv) puts, "to introduce the reader to philosophical engagement with the major positions that philosophers debate"–, we should not think that the method of investigating the major positions both pro and con in this work serves *merely* as a didactic device, facilitating comprehension of the difficulties and points of controversy involved, and encouraging an open-minded and critical approach to the subject. Cicero himself clearly indicates the constructive manner in which this investigation is going to be pursued when in the next sentence, turning to the "review of the Epicurean system", he points out to Brutus in advance that "you will discover that the exposition given by me is no less accurate than the exposition given by the school's own proponents. For we wish to find the truth not to refute anyone adversarially" (I 13).

Admittedly, the reference here to Cicero's scepticism is indirect; but is much in line with the more elaborate characterisation of his Academic scepticism both in the preface of the *Lucullus* (*Acad.* II 7-8) and as an interlocutor in that dialogue (II 65-66) (see the quotations above), and Cicero might reasonably assume that those who have read the *Lucullus* will not miss this remark. –Let me note again that we have Cicero's clear statements in the *Lucullus*, both as author (7-9) and as character (65-6 etc.), and also in works postdating *De finibus*, to the effect that the *Lucullus* (or its reworked

version, the *Academica*) represents his actual stance (*Tusc.* II 4 etc.; *ND* I 6, 11-12, *Div.* II 1; see also *Ad Att.* XIII.19.5: *mea causa*).

That said, within *De finibus* this is the only reference in Cicero's authorial voice to his Academic allegiance and stance as to the aim of investigating the views of the different schools. On the other hand, the characterisations of Cicero in the three dialogues that make up the work are –at least at first glance– more ambiguous and puzzling. In Books I-II Cicero seems to model himself on Arcesilaus, who, following Socrates, first asked his interlocutors to state their own view, and to defend their position as best they could, and only then would he reply (II 2; as we know from the *Lucullus*, by presenting counter-arguments). But later on (43) he distances himself from the Academics, apparently adopting a dogmatic attitude (cf. *Luc.* 17). At the same time (*De fin.* II 33 ff) he rather vehemently –and in apparent contradiction with the Academic view presented at *Lucullus* 139-40– argues against the Epicureans, and endorses views which he considers to belong to the common Platonist–Peripatetic–Stoic platform (cf. 38); as a part of these views he also approves e.g. that wisdom is “knowledge of things human and divine” (37).³¹ (Indeed, as we shall see, the result of his refutation of Epicurean hedonism is subscribed by Cicero the author at the beginning of Book III).

Again, in Books III-IV he seems to argue against Cato's Stoic theory from an Old Academic (that is, Antiochean) pedestal, and his tone is often strikingly dogmatic. For example at 10, having just mentioned, in response to Cato's question, that he visited Lucullus' library to check some Aristotelian “textbooks” (perhaps some esoteric

³¹ Further instances of this “dogmatic” tone: at II 31 he “concedes” (*concedimus*) that the natural instinct of animals is for self-preservation; and at 33 he claims that “*in fact* the young are not moved by nature to seek pleasure but simply to keep themselves safe and sound...etc. (*nec vero ut voluptatem expetat, natura movet infantem, sed tantum ut se ipse diligat, ut integrum se salvumque velit...*). In the same categorical manner he insists that “this *must* provide the basis for the theory of goods and evils” (34: *Atque ab isto capite fluere necesse est omnem rationem bonorum et malorum*).

works? Cf. V 12), says: “perhaps you Stoics ought not to have dressed up the same ideas in new terminology; given that there is agreement between *us* on the point of substance” (*cum re idem tibi quod mihi videretur*); indeed, he says that “*our* views coincide” (*ratio enim nostra consentit*).³² Obviously, if Cicero is an Academic sceptic of the Carneadean–Clitomachean stock, he cannot be “in agreement” with the Stoics “on the point of substance”. On the other hand, Cato seems to identify Cicero as an Academic when he refers to “*your* beloved Carneades” at III 41.³³ But it is only in Book V that Cicero the Academic sceptic openly enters the scene (1-8, 75-76, 95), which scene is conspicuously distanced from the previous two dialogues both in time and place.³⁴

Despite such complications, I would like to argue that we have good reasons to adopt a “unitarian” or “coherentist” view of Cicero’s views as conveyed by the work as a whole, and indeed the set of works written in the period. I shall argue that Cicero’s arguments in Book II, IV and V follow a coherent course. This course is consistent with Cicero’s proviso at the closure of the *Lucullus*: it consists in a procedure of elimination, the general direction of which is indicated at *De finibus* II 37-9 where it is described as the procedure of “reason” to deliver a “fair verdict” on the question of

³² Cf. further III 41; IV 2, 5, 19-21, 55-61, 68-72, 78-9. At IV 25, e.g., Cicero says “let it first be granted, then, that we are well disposed towards ourselves; and by nature have the desire to preserve ourselves. So far *we* agree”. Similarly at 31: “though what *we* refer to as things in accordance with nature may be swallowed up in a happy life, they are still a part of the happy life”, and at 32: “*we* must agree that there is a certain natural desire for things that are in accordance with nature”; and the list could be further continued.

³³ Note, however, that in view of *De fin.* V 16 this may as well be a reference to Cicero’s Antiochean allegiance.

³⁴ The fictional setting for book V is Athens in 79 BC, the time when Cicero, together with other young Romans, heard Antiochus’ lectures there. Books I-II and III-IV are not separated by such temporal and spatial distance: the dialogue in Books I-II is set in 50 BC at Cicero’s countryside villa at Cumae, near Naples, while in Books III-IV the setting is 52 BC, Lucullus’ countryside villa at Tusculum, near Rome (where Cicero also had a villa). The readers are presumably supposed to know that around the time Cicero completed and published his *De Re Publica*; against this background the sentiments and views he presents and endorses as character in these books may seem to be in line with his real frame of mind at the time –see further my discussion below.

the *summum bonum* (though the optimistic tone of this description is not entirely warranted by the result of the procedure).

To be sure, in arguing *against* one ethical position Cicero at the same time argues *for* another position (or other positions). But he does not do this in an incoherent and haphazard manner, taking up any old view and employing any old argument in undermining the position under discussion. Nor does he argue in a more systematic but destructively circular manner, arguing against the Epicureans as a Stoic, against the Stoics as an Antiochean, and against the Antiocheans, say, as an Epicurean. In either case Cicero could hardly avoid the charge that his brand of scepticism is destructive and nihilistic, as his dogmatic opponents contend. Rather, his arguments complement each other, and point into a definite direction, although eventually they do not lead to a comfortable conclusion.

First, in Book II, Cicero examines the Epicurean theory of the *summum bonum*, and concludes by ruling it out in favour of the two theories which champion the supremacy of “morality”: the Stoic and the Antiochean theories (cf. II 38; III 1-2). Next, in book IV he discards the Stoic theory on the *summum bonum* in favour of Antiochus’ version of it. Finally, in book V he presents the championing Antiochean theory, but concludes by pointing out that, notwithstanding that Antiochus’ account of the *summum bonum* performs much better in respect of persuasiveness than any other considerable alternative, Antiochus’ ethical theory *taken as a whole* still has a major flaw; namely, Antiochus fails in his attempt to reconcile his theory of the *summum bonum* with the thesis that virtue is sufficient for the happy life.

Thus the whole work has an *aporetic* ending, but this *aporia* does not seem to invalidate the course of arguments which led to it. Having reached the end of the

whole work the reader may reasonably find it tempting to draw the conclusion that all the three theories investigated have failed to stand the test and collapsed; but through ruining them Cicero, at least on his own estimation, has made a considerable achievement in *clarifying and reducing* the central problem in ethics: and thus a great step forward in his tireless quest for the truth; and this well-defined uncertainty, if anything, can be reasonably identified as his own position in *De finibus*.³⁵

In order more clearly to articulate and establish this view of the proper reading of *De finibus* I shall have to deal with some obstacles to it. What I am propounding, once again, is a “unitarian” or “coherentist” approach to Cicero’s views in *De finibus*. On this interpretation *De finibus* is to be read with a conscious and open-minded tendency to minimise the distance between

- a) the views of the characters called ‘Cicero’ in the three dialogues;
- b) the views between these more or less identical characters and the characters called ‘Cicero’ in other works of the same period (especially the *Lucullus*);
- c) and the views of these more or less identical characters and Cicero the author of these works.

I am going to argue that apparent discrepancies among the views listed in (a)-(c) above can be adequately explained either in terms of the different modes in which Cicero practices the sceptic method in different contexts –as in the case of the seeming divergence between the position of Cicero in *De finibus* II and in *Lucullus* 138-141–; or in terms of the complexity and the *aporetic* character of Cicero’s actual

³⁵ It is tempting to compare *De finibus* in this respect to e.g. Plato’s *Theaetetus*: although this dialogue has a calculatedly “Socratic” character and an aporetic ending, hardly anyone would think at the end of the dialogue that this *aporia* annuls the whole train of reasoning which led to it, and brings us back to the starting point, reviving even the possibility that the identification of *epistēmē* with *aisthēsis* may turn out to be the right definition of knowledge; nor would it seem likely that according to Plato the right answer to the question lies somewhere else, in a definition completely independent from this train of reasoning, and from the third attempt to define *epistēmē* in particular.

view, as in the case of the seeming change in his attitude between *De fin.* III-IV and V.

I am certainly aware that some commentators of Cicero's *philosophica* have forcefully warned against inferring to Cicero's own views directly from the arguments he presents as the interlocutor in any of his philosophical dialogues; the characters called Cicero in these works are not to be straightforwardly identified with Cicero the philosophical writer.³⁶ But I think that this warning is sometimes overstated in ways which seem to me to sit poorly with the natural reading of Cicero's works (by this I mean the understanding of the kind of reader Cicero himself most probably envisaged while composing them).³⁷

In the case of *De finibus* in particular, some caution is certainly underwritten by the complications presented by the characterisations of Cicero as character in the three dialogues. But I shall argue that the reader of the dialogue is supposed to reflect on such obstacles to understanding the argument of *De finibus* as a whole, and is provided by the text –and by the surrounding works, especially the immediately preceding *Lucullus*– with sufficient clues to resolve the puzzles and to come to the conclusion that throughout the different scenes we can witness basically the same Cicero, Cicero the Academic sceptic, engaging in serious philosophical conversation, –arguing now against the Epicureans, now against the Stoics, now against Antiochus. Further, the reader is supposed to realise that this Academic Cicero –who is naturally regarded as identical with the writer of the dialogues–, far from being a destructive

³⁶ Cf. e.g. ANNAS 2001: xvi-xvii; BRITTAIN 2006: xii.

³⁷ In some cases the underlying assumption seems to be that we should give overall precedence to Cicero's professed didactic and doxographic concerns, and explain every authorial choice and every feature of Cicero's compositions –including the dialogue format, the arrangement of the conversations, the varying roles and views assumed by Cicero the author or the characters called Cicero, etc.– as determined by these concerns. See further Chapter I.1 and n. 34 to that chapter.

debater, endorses a respectably rational and thoughtful (though aporetic) commitment to respectably high-minded values and ideals.

First, two preliminary observations. First, I would like to emphasise again, because I find it pivotal to the correct understanding of Cicero's thought, that one of the main challenges that occupied him at the time was to present Academic scepticism in a favourable light before his Roman audience (and thus to make his philosophical allegiance a valuable part of his public *persona*). In order to do so he had to neutralise the traditional charge that Academic scepticism was nihilistic and destructive, which was an especially important task when it came to ethics (cf. once again *Lucullus* 65-6): he had to convince his readers that his Academic scepticism did not prevent him from being, for every practical purpose, as consistently committed to virtue as was Cato or Brutus (only his attitude was more rational and intellectually independent, which suited better the *auctoritas* of a leading Roman statesman).

Second, in a letter written to Atticus right after finishing *De finibus* (*Ad Att.* XIII.19) Cicero explicitly says that he has modelled his recent works on Aristotle's popular dialogues, in which Aristotle reserved for himself the principal part (*quae autem his temporibus scripsi Ἀριστοτέλειον morem habent, in quo ita sermo inducitur ceterorum ut penes ipsum sit principatus*). Now we do not know much about these Aristotelian works, but it seems to be a fairly plausible conjecture that in these works Aristotle, unlike Plato, made his own views readily accessible to his readers: the readers were not meant to suspect that the views endorsed by the Aristotle character in them were not to be straightforwardly identifiable with the views of the author. Thus those readers who knew these literary models could reasonably expect a similar attitude from Cicero; he may have naturally considered this a part of the *mos*

dialogorum (cf. *Ad fam.* IX.12.5) –notably, even when he used the Platonic dialogues as his models (in his first period of literary composition) he took it for granted that his audience would naturally attribute the great bulk of the views presented by his lead characters to him.³⁸

With these in mind we can now turn to *De finibus*. To begin with, it is important to take notice that Cicero’s investigation of the Epicurean theory in Books I-II does not lead to an aporetic result. Although Torquatus’ departing remark (II 119) seems to suggest that the Epicureans have more to say in response to Cicero’s critique; but Cicero does not seem to be inclined to give them a second hearing. In the preface of Book III, using his authorial voice (addressing Brutus), he declares that the hedonists have lost the contest: the previous book would compel even pleasure herself to concede defeat to real worth (1).

Now at first sight this result may seem to be at odds with what the Academic Cicero says at *Lucullus* 139-40 on the same issue. Arguing for the reasonableness of the Academic suspension of assent (cf. 141) the Academic Cicero first admits that “when I see how smoothly pleasure blandishes our senses I find myself slipping into assent to the view of Epicurus or Aristippus”. Then he immediately goes on to declare his strong emotional and rational commitment to the splendour of virtue: “Virtue calls me back, or rather claps her hand on me: she declares that such sensory movements belong to cattle and she links human beings to god”. Even the mixed end offered by Calliphon (pleasure plus virtue) seems abhorrent: “won’t truth itself and reason—serious, right reason—stand against me? ‘When what is honourable consists in

³⁸ This is indicated by his subsequent references both in letters and in works, see esp. *Ad Att.* VI.1.8; VII.3.2; VIII.11.1; *De fin.* II 59. Again, at *De fin.* I 6 Cicero describes his method as “preserving the views of those whom I approve, while adding my own judgment (*iudicium*) and order of composition”, which seems to be a straightforward promise to present his own views throughout.

spurning pleasure, are you really going to marry the honourable with pleasure, like man and beast?'"³⁹ At *Lucullus* 140 he nevertheless adds that "on the other side you can hear the Epicureans claiming that the term 'honourable' is one they cannot even understand".⁴⁰

In *De finibus* II (49) in turn the same Epicurean challenge is then taken up and forcefully countered by a more assertive Cicero, who strongly commits himself to the Old Academic–Peripatetic–Stoic consensus on the supremacy of virtue in our lives. As the reader can gather from the dialogue, this is Cicero in 50 BC, not long after he had published his *De Re publica*; and this is apparently relevant because in that work Cicero has given voice to strong anti-Epicurean sentiments. Already in the preface of Book I of *De Re Publica* he criticises the Epicureans for encouraging abstention from public life (cf. also *De orat.* III 60); and he has Laelius in *De Re Publica* III extensively argue against their utilitarian conception of virtue, in a way which closely prefigures the refutation of Epicurean ethics in *De finibus* II. The Cicero of *De finibus* II even refers to Laelius' arguments in *De Re Publica* III as being in line with his own views (59).⁴¹

Now at this point an ordinary contemporary reader (who has already read the *Lucullus* but still has not fully grasped Cicero's conception of Academic scepticism⁴²) may

³⁹ *verum tamen video quam suaviter voluptas sensibus nostris blandiatur; labor eo ut adsentiar Epicuro aut Aristippo: revocat virtus vel potius reprendit manu, pecudum illos motus esse dicit, hominem iungit deo. possum esse medius, ut, quoniam Aristippus quasi animum nullum habeamus corpus solum tuetur, Zeno quasi corporis simus expertes animum solum complectitur, ut Calliphontem sequar (...) sed si eum ipsum finem velim sequi, nonne ipsa severitas et gravitas et recta ratio mihi obversetur: "tunc, cum honestas in voluptate contemnenda consistat, honestatem cum voluptate tamquam hominem cum belua copulabis?"*

⁴⁰ For a discussion of the whole passage see ALGRA 1997.

⁴¹ For us it is also significant that the Ciceronean character in Book I of *De legibus* (39ff) too argues in a similar way, but we have to keep in mind that this work was most probably not published in Cicero's lifetime.

⁴² I think that this is the kind of reader whom Cicero envisaged when he begun writing *De finibus*, though already sometimes along the way he began contemplating the reworking of the *Catulus* and the *Lucullus* into a work in four Books with a different cast and a contemporary setting.

perhaps contemplate the possibility that in 50 BC Cicero had more “dogmatic” leanings, but sometimes before writing the *Lucullus* he turned into an Academic sceptic. But this explanation is immediately spoiled by two further complications. First, the dramatic date of the *Lucullus* is 62 or 61 BC (cf. the reference at *Luc.* 62 to Cicero’s role in suppressing the Catilinarian conspiracy; Catulus, one of the interlocutors in the dialogue died in 61 BC); and in that dialogue Cicero is presented as a firm adherent of the New Academy. Second, Cicero as author of *De finibus* –who is apparently identical with the author of the *Lucullus*, who in turn has professed adherence to Academic scepticism– seems to subscribe to the refutation of Epicurean ethics presented by the more dogmatic Cicero in Book II. He (III 1) is still aware of the “seductive charms” of pleasure to which the Academic Cicero at *Lucullus* 139 referred; but he believes that we can now readily “dismiss her and order her to stay within her borders”, so that “the rigour of our debate” be not hampered by those charms. Apparently, in this case there is no serious contrary pull that would generate a genuine aporia or “balance” (*isostheneia*) among the contrary arguments. (We may also note here that Cicero’s aversion to Epicurean ethics is manifest also at *Academica* I 7, and also later, throughout the *Tusculans* (especially Book II, ‘On the endurance of pain’), and in *De officiis* I 5, III 39, 116-20; and other parts and aspects of Epicurean philosophy do not win his sympathy either.⁴³)

⁴³ A large scale attack on Epicurus’ system and style is launched at *De fin.* I 17-26; Epicurean theology is attacked and demolished in *ND* I. To this background we can also add the references to Epicureanism in Cicero’s letters (e.g. *Ad fam.* XIII.1). Of special significance is a passage in *Ad Att.* VII.2.4, a letter from 50 BC. This passage is important because it seems to give us an insight into Cicero’s choice of dramatic setting and characters. The ‘Lucius’ referred to by Cicero as an adherent of Epicureanism is most probably no one else than Lucius Manlius Torquatus, Cicero’s Epicurean interlocutor in *De finibus* I-II, the dramatic date for which is 50 BC, the same year in which Cicero wrote this letter to Atticus, Torquatus was elected to praetor (cf. II 78), and Cicero’s *De Re Publica* was probably published (the work is referred to both in the letter and in *De finibus* II). Finally, the letter shows that around the time of publishing *De Re Publica* Cicero was in the habit of voicing anti-Epicurean sentiments to his friends (like Atticus), in the same dogmatic-sounding vein in which these sentiments are expressed in that work; thus his environment may reasonably have thought that the work represented Cicero’s official views. See further note 50 below.

Thus far, then, the reader is faced with the following difficulty:

- 1) Cicero as author of the *Lucullus* (in 45 BC) makes clear that his views agree with the views of the Cicero championing Academic scepticism in the dialogue (in 63 BC).
- 2) It is natural to assume that the views of the author of the *Lucullus* are identical with the views of the author of *De finibus* (as we have seen, the identity is indirectly indicated at *De fin.* I 13).
- 3) Cicero as author of *De finibus* (in 45 BC) subscribes to the refutation of Epicurean ethics presented by the Cicero of Book III (in 50 BC).
- 4) The Academic Cicero in the *Lucullus* (in 63 BC) does not seem to subscribe to the refutation of Epicurean hedonism presented by the Cicero of *De finibus* I-II (in 51 BC).

This puzzle seems to press the reader to mull over what he has actually learned in the *Lucullus* about Cicero's scepticism; and I think that on careful consideration the conclusion must be that Cicero's apparent lapse into radical doubt at *Lucullus* 139-40 is to be bracketed as a rhetorical overstatement justified by the context (in that section of his speech, from 112 to the end, Cicero surveys debated points in all the three parts of philosophy in order to show that the contrarities of arguments that pervade philosophy impel a rational person to adopt general suspension of assent). If Cicero is serious about claiming that his scepticism is an open-minded and rational quest to extract the truth or its approximation by analysing philosophical controversies, he cannot abide by (and leave us with) such a tantalisingly radical doubt, especially not in ethics. If he wants to persuade his readers about the respectability of his philosophical stance, he has to show that it enables him to get further than this (indeed, this is what he seems to promise at the end of the *Lucullus*).

Still, the reader may feel unsure about this conclusion and postpone his final assessment until he has read the whole work. At any rate, the difficulty outlined above creates a certain suspense which sharpens the reader's sensitivity to any further clues to resolving the puzzle.

As to Books III-IV, in view of the preface of *De finibus* III, where Cicero the author has subscribed to the refutation of the Epicurean theory presented by Cicero the dramatic persona in Book II, it may seem natural to assume that, similarly, the views endorsed by Cicero the dramatic persona in Books III and IV are largely in accord with the views held by Cicero the author, and hence with the views of the Cicero of Books I-II. The expectation is supported by the closeness of the dramatic dates (the dramatic date for *De finibus* III-IV is 52 BC, when Cicero was already working on *De Re Publica*).⁴⁴

A further link between the two Ciceronean *personae* in Books I-II and III-IV is established at II 38, where the Cicero of Books I-II virtually gives a forecast of the ensuing course of the investigation, anticipating that in the end (when all the other options have been eliminated) reason will have to decide between the Stoic and the Old Academic position, and that in order to do this first it will have to establish whether the debate between the two positions is substantial or merely verbal (precisely the question which the Cicero of Books III-IV raises and answers).

Moreover, similarly to what we have seen in the case of *De finibus* II, those who are acquainted with Cicero's previously published literary works will not be surprised at Cicero's refutation of Stoic ethics in Books III-IV, which, as we have seen earlier (in Chapter I.5), is broadly in line with what we find in *Pro Murena* and *De oratore* Book III (not to mention *De legibus* I, which however was probably never published).⁴⁵ Notably, the *Pro Murena* is even alluded to at IV 74: the whole conversation is apparently meant to present a counterpoint to the defence speech, showing that outside the court (and some ten years after the famous clash in 63) Cicero and Cato,

⁴⁴ The date is fixed by the allusion to a "new law" at IV 1.

⁴⁵ Cf. Chapters I.3.2 and I. 5.

two old political associates, are ready to engage in a serious discussion of the same philosophical controversy which Cicero touched upon in his defence speech, this time in a calm and friendly manner worthy of their relationship and philosophical character. That is, on every appearance Cicero has always had aversions to Stoic ethics; his refutation of it in *De finibus* IV might reasonably be regarded and read as his most elaborate statement of his reasons for this.

But as in the case of *De finibus* I-II, here as well there is an apparent discrepancy between the views endorsed by the Ciceronian character in the dialogue and the Academic perspective on the same issue presented in the *Lucullus*. The Academic Cicero (at *Luc.* 134, in 62-1 BC) said that he is at a loss as to whether the Stoic or the Antiochean view on the *summum bonum* is correct:

Zeno thinks that the happy life is found in virtue alone. What does Antiochus say? *You're right about the happy life, but not the happiest.* The former is a god to believe that virtue lacks nothing. The latter is a mere man, because he thinks that many things are precious to human beings in addition to virtue, and some of them are necessary as well. But in Zeno's case, I worry that he ascribes more to virtue than nature allows, especially in the light of all Theophrastus' learned and eloquent arguments. And in Antiochus' case, I'm afraid that he is scarcely consistent when he says that there are bad bodily and external circumstances, and yet believes that someone subject to all of them will be happy if he's wise. I am torn: sometimes Zeno's view seems more persuasive to me, sometimes Antiochus'—and yet I think that virtue will utterly collapse unless one of them is right.⁴⁶

In Book V, then, Cicero implements a significant and curious shift, highlighted also by the lack of a new preface to the dialogue. Cicero simply says, *in medias res*, that he and his friends had been listening to a lecture by Antiochus, which took place in the Ptolemaeum—thus the more learned readers would immediately recognise that the

⁴⁶ *Zeno in una virtute positam beatam vitam putat. quid Antiochus? "etiam" inquit "beatam, sed non beatissimam". deus ille qui nihil censuit deesse virtuti, homuncio hic qui multa putat praeter virtutem homini partim cara esse partim etiam necessaria. sed <et> ille vereor ne virtuti plus tribuat quam natura patiat, praesertim Theophrasto multa diserte copioseque dicente, et hic metuo ne vix sibi constet, qui cum dicat esse quaedam et corporis et fortunae mala tamen eum qui in his omnibus sit beatum fore censeat si sapiens sit: distrahor, tum hoc mihi probabilius tum illud videtur, et tamen nisi alterutrum sit virtutem iacere plane puto.*

dramatic setting has dramatically changed. Cicero is now telling about an important period in his formative years: his Athenian stay in 79 BC. And as it soon turns out (4), the young Cicero was an adherent of the New Academy. At the end of the dialogue he launches a criticism of the Antiochean theory from his Academic position; but his objection is responded by Piso (86-95), and although Cicero is not persuaded, he appears sympathetic and convincible (95). The question is, what are the readers supposed to make of all this? Are they meant to think that Cicero was indeed an Academic when he arrived in Athens in 79 BC, but later on (perhaps as a result of his study there) he got convinced of the truth of Antiochus' system, and that it is therefore that he still advocates it in Books III-IV, in a scene which is supposed to have happened some 27 years later? But in that case, what are they to think about the *Lucullus*?

Once again, the fictional date for the *Lucullus*, as we have seen, is 62 or perhaps 61 BC; not long after the end of Cicero's glorious consulship in 63 BC, some two years before his exile (in 59-8) and shortly before or after his presentation of his famous speech in Murena's trial, in which, as we have seen in earlier (Chapter I.3.2), Cicero reservedly endorsed a unified Platonic-Aristotelian tradition in opposition to Cato's rigid and impractical Stoicism –it is even possible that the joking references to a “troublesome” tribune at *Lucullus* 63 and 97 are meant to evoke the Murena affair (Cato was tribune elect in 63 and tribune in 62). Moreover, the *Lucullus* is set some ten years before the period in which Cicero finished and published *De Re Publica*, and in which the fictional scenes depicted in *De finibus* I-II and III-IV (set in 50 and 52 respectively) are supposed to have taken place. Again, as I pointed out above, Cicero's refutation of Epicureanism in Book II is broadly in line with the anti-hedonist and anti-Epicurean sentiments presented in *De Re Publica* (Cicero even

refers to *De Re Publica*), and his refutation of Stoic ethics is broadly in line with his criticism of Stoicism in *Pro Murena* and in *De Oratore* Book III (Cicero even refers to *Pro Murena*).⁴⁷

I think that the emergence of Cicero the Academic sceptic, first in 79 BC (as character in *De finibus* V), then in 62 or 61 BC (as character in the *Lucullus*), and finally in 45 BC (as author of the *Lucullus*) cannot but be understood as conveying the message that, despite any contrary appearance, Cicero had been a kind of Academic sceptic all along. The several occasions in the past when he –either as author or as character in his own works, or even perhaps as a real-life person (e.g. delivering a defence speech in court or writing a letter)– appeared to be sympathetic to, or even to lean towards or endorse, dogmatic philosophical doctrines or arguments, are all to be taken to be compatible with a constant underlying Academic sceptical allegiance. As he himself emphasises at the end of *De finibus* V, answering to Piso: “don’t forget that it is quite legitimate for me to bestow my approval on what you have said. After all, who can fail to approve what seems persuasive” (76: *sed nonne meministi licere mihi ista probare, quae sunt a te dicta? quis enim potest ea, quae probabilia videantur ei, non probare?*).

In recent scholarship there has been significant debate concerning the continuity of Cicero’s Academic allegiance.⁴⁸ In this connection I would like to point out, first, that while Cicero may never have officially *deserted* the New Academy in the sense of becoming member of another school, in the light of the sceptical contentions about Cicero’s intellectual life in the first decades of his political career that I presented in

⁴⁷ *Ad Att.* XIII.19.3-5 shows that the settings and cast for *De finibus* have been determined before Cicero decided to change the cast and setting of the *Academica*; for our evidence for the composition see the literature referred to in Chapter I.1, n. 2.

⁴⁸ See Chapter I.2, n. 39.

Part I we should perhaps be more cautious in speaking about Cicero’s “philosophical allegiance” or his “adherence” to the New Academy, or any other philosophical sect, in those decades.

Second, in addition to this general caution, I would like to note that apart from the avowal in the early *De inventione* (which, as Cicero describes it at *De oratore* I, 5 “slipped out of the notebooks of my boyhood or rather of my youth”) that he will continue practicing the sceptical method of investigating throughout his life (II 9-10), I fail to find, up until *De legibus* Book I, any tolerably unambiguous allusion to Cicero’s ongoing Academic leaning either in his works or in his letters.⁴⁹

Third, it may be the case that by the time of writing *De legibus* Book I, probably in the late fifties, Cicero was already contemplating the possibility of presenting Academic scepticism as his philosophical stance; at any rate, I find Woldemar Görler’s (GÖRLER 1995) arguments for the presence of a sceptic ego in the Book rather impressive. But Cicero apparently never published *De legibus*; and it is significant that, unlike in the *Lucullus*, in *De legibus* I this sceptical identity is by no means meant to be put openly on display; it is at best indirectly indicated. This move is made only in the *Lucullus*, and his treatment in the *Lucullus* (7 etc.), together with Cicero’s other references at *Academica* I 13 and *De natura deorum* I 6 and 11 shows that this manifesto came as a surprise to his audience in 45; and that in presenting it he had to uphold it against rather strong negative presumptions about the Academic sceptics.⁵⁰

⁴⁹ On this see further **Appendix B**.

⁵⁰ In the famous passage at *Acad.* I 13 Varro refers to the new rumours that Cicero “has abandoned the Old Academy and is dealing with the new” (*Relictam a te veterem Academiam... tractari autem novam*). I agree with Görler that this does not necessarily mean that formerly Cicero has been an adherent of Antiochus’ school; but it certainly suggests that Cicero’s *De Re Publica* was widely recognised as siding with the Platonic-Peripatetic tradition. At *ND* I 6 and 11 Cicero mentions those

Fourth, as we can see, once Cicero has eventually decided to make this move, he takes pains to indicate that he has always been a member of the school. However, his claims about his lifelong adherence to Academic scepticism *as* presented and explained in the late *philosophica* are not fully justified by the evidence, in his letters and previous works, of his earlier intellectual life. For example, as opposed to the Cicero of *De legibus* I 39 the Cicero of *De finibus* V could simply say that “while the Epicureans are requested to keep away from us while we are discussing foundations of social life and laws in nature, I, the Academic sceptic, can of course stay and freely speak about this issue, even in an approving manner, as “it is quite legitimate for me to bestow my approval on whatever I find persuasive” (cf. again *De fin.* V 76). The Academic Cicero in *De legibus* –even if he really is there– is much less confident about the possibility for him to speak from an Academic sceptic pedestal and at the time to endorse, even if tentatively, positive views; indeed, in the famous passage at I 39 he seems to bow to the common perception of Academic scepticism as a destructive power. In general, the view of Academic scepticism as a constructive approach that is compatible with, and indeed can be seen as the rational fortification of, a life dedicated to virtue and morality is conspicuously absent from Cicero’s earlier works and letters.⁵¹

critiques of his philosophical writings who “found it surprising that I approved particularly of the philosophy which in their view doused the light and plunged the issues, so to say, in the darkness, and that I had unexpectedly undertaken the defence of a school of thought which men had quitted and long left behind” (*multis etiam sensi mirabile videri eam nobis potissimum probatam esse philosophiam, quae lucem eriperet et quasi noctem quandam rebus offunderet, desertaque disciplinae et iam pridem relictae patrocinium necopinatum a nobis esse susceptum*). Cicero directs these critiques to the *Academica*, suggesting that his reasons, as well as his response to the charge, is to be found in that work.

⁵¹ Cf. *De orat.* I 43, 84; cf. also esp. *Ad Att.* VII.2.4, written in 50 BC, which closely parallels what we find at *De leg.* I 39, and assuming that Cicero wrote *De Leg.* I before going to Asia, belongs to the same period in his life. At *De oratore* III 67 Crassus traces the origins of Arcesilaus’ scepticism back to Plato’s Socrates, but *pace* GÖRLER 1995: 99–100, by this he does not seem to present Academic scepticism in a positive light: Crassus presents Socrates as the originator of the “rift between the tongue and the heart” –that is, the separation of philosophical wisdom and eloquence– and indeed the source of

But this is anticipating my conclusions; and in any case whatever we think of Cicero's former intellectual life, for the time being the important point is that before 45 BC Cicero's Academic scepticism was not a widely known fact, and that from the *Lucullus* onwards Cicero takes pains to convey (principally through the dramatic dates) that he not only is an Academic sceptic now, but has been one throughout his life. So what a sufficiently reflective reader is supposed to understand at the end of *De finibus* V is that all through the conversations presented in *De finibus* I-II and III-IV Cicero is well aware of the flaw of the Old Academic theory that he points out by the end of Book V.

This discovery seems to answer the puzzlement the reader might naturally have felt at reading the first four books, if he had already read the *Lucullus* before: why is Academic scepticism absent from these dialogues? The question that naturally emerges now is, how are we to understand the connection between Cicero's underlying scepticism and dogmatically inclined arguments? The hint at *De finibus* V 76 to the "freedom" of the Academic sceptic to approve whatever seems "persuasive" provides an important clue, but it requires some further work to get the overall picture.

At first glance, Cicero's sceptic criticism of the Antiochean theory at the end of Book V might seem to suggest a reversal in the direction of the Stoic theory. As Cicero points out, the Antiochean position is inconsistent, so the Antiocheans face an unwelcome dilemma: either they have to abandon the view that virtue is sufficient for happiness, in which case their position collapses into the position attributed to Theophrastus; or they have to abandon the view that there are some minor non-moral

the fragmentation of true wisdom into quarrelling sects (*De orat.* III 60-61). For a discussion of Cicero's treatment of Socrates in *De oratore* see FANTHAM 2004: 249-50. See further **Appendix B**.

goods, and adopt the Stoic position that the whole *summum bonum* consists in virtue and morality alone. Cicero is reluctant here to tell which of the two options *he* would favour; but he indicates that the Theophrastean view is not his cup of tea (75, 77), and admits that he finds the cohesion of the Stoic position remarkable (cf. 79, 83).

It might seem tempting to align this apparent reversal with Cicero's description of his aporetic view of the issue at *Lucullus* 134, where he says that he is "torn" between the Stoic and the Antiochean view on the *summum bonum*, since he thinks that "virtue will utterly collapse unless one of them is right": sometimes the former seems more persuasive to him, sometimes the latter. The connection seems to be supported by what we find in book V of the *Tusculans* (the next work on ethics he wrote after *De finibus*⁵²) where Cicero (who has repeatedly indicated his sceptic allegiance throughout the work) returns on the same issue again. He first repeats the point raised against Piso at the end of *De finibus* V: that Antiochus' account of the *summum bonum* leads to the Theophrastean conclusion, and that in order to uphold the thesis that virtue suffices for happiness, we have to accept that nothing except virtue is good (21ff). When his interlocutor (32) points out that this view is not in accord with the position from which he argued against Cato in *De finibus* IV, Cicero replies that he is not responsible for that argument: "we live for the day; we say whatever strikes our mind with its probability; so we alone are free" (33: *nos in diem vivimus; quodcumque nostros animos probabilitate percussit, id dicimus, itaque soli sumus liberi* – for other references to Cicero's scepticism in the *Tusculans* see I 17, 23; II 4-6, 9, 15; IV 6-7, 47, V 11).

⁵² Indeed, the *Tusculans* were already in planning stages when Cicero was still working on *De finibus*, see *Ad Att.* XIII. 12.3, 22.2.

At first glance these passages may seem to suggest a view of Cicero's scepticism according to which Cicero's sceptical method of considering arguments on either side or both for and against a given position cannot lead to more or less stable and enduring results. Thus e.g. the fact that the Cicero in Book IV finds the Stoic theory of the *summum bonum* (as opposed to its Antiochean counterpart) internally inconsistent and lacking support does not have too much weight, because it does not prevent him from changing his mind at any time later and finding the *same* theory consistent and well argued.

But this view seriously compromises the value of Cicero's avowals that his Academic scepticism represents a straightforward and constructive commitment to searching the truth. For it seems to entail that his "method" does, after all, lack the element of rationality and objectivity that would be necessary for regarding it as offering a reasonable prospect of getting closer to the truth. On this view Cicero's judgements of persuasiveness are temporary, passive and subjective states of mind beyond his rational control. His attack on Stoic ethics in *De finibus* IV may accurately represent one state of mind, but his attack on Antiochus' position in *De finibus* V and the fifth *Tusculan* represents another –but as far as *the truth* is concerned, neither these states of mind in themselves, nor their succession, nor the prevalence of one of them over a long period of time has any bearing.

To avoid this suspicion we have to recognise the crucial difference between Cicero's attitude towards different arguments and theories, and his attitude towards views or positions entailed by those arguments and theories. As far as Cicero's views on the deficiency of the Stoic theory of the *summum bonum* –and correspondingly the preferability of its Antiochean counterpart– are concerned, they seem to be rather settled and do not seem to waver or dissolve when he surveys the arguments *against*

Antiochus' position. This is because his criticism of Antiochus' position at the end of *De finibus* V does not have to do with the Antiochean theory of the *summum bonum* and its conclusion (the conclusion that the *summum bonum* comprises virtue and the minor bodily and external goods) in itself; it has to do with the final move in Antiochus' ethics, the conjunction of that conclusion with the thesis that virtue is sufficient for happiness. On the other hand, his claim that the Stoic theory is indeed consistent is not meant as an assessment of the Stoic theory of the *summum bonum* and its conclusion (that virtue is the only good) at large; it admits only that the Stoics are right in insisting that that conclusion does entail the sufficiency thesis.⁵³

In short: his objections against Antiochus' position do not compromise the plausibility of Antiochus' account of the *summum bonum*, and do not reinstate the Stoic theory of the *summum bonum* as a viable option, annulling the refutation presented in Book IV. Thus the elements of Cicero's aporia as it unfolds at the end of *De finibus* V (and is epitomised at *Luc.* 134), are the following:

a) Antiochus' well established and plausible account of the <i>summum bonum</i> : the <i>s. b.</i> comprises virtue and the minor goods.	b) The unwelcome (Theophrastean) consequence of Antiochus' account: the insufficiency thesis.
c) The deficient Stoic account of the <i>summum bonum</i> : the <i>s. b.</i> consists in virtue and morality alone.	d) The desirable consequence of the Stoic account: the sufficiency thesis.

My point is that as far as the left column of the above diagram –the column of the conflicting theories of the *summum bonum*– is concerned, Cicero's judgements and preference are rather fixed. However, from the point of view of the fifth *Tusculan* – and the *précis* of the aporia at *Lucullus* 134– we can see that as far as the right column

⁵³ Cicero emphasises this at V 79: "I'm not asking whether this [i.e. the thesis that virtue is the only good] is true; but I state that his statements [that virtue is the only good and that it is sufficient for happiness] are manifestly self-consistent".

in my diagram (containing the corollaries of the two theories) are concerned, Cicero also has rather strong commitments, and these go against the judgements recorded in the left column. The theoretical grounds represented by the left column, plus the recognition of the link between (a) and (b) would compel him to accept the Theophrastean conclusion; but he shrinks back from this alternative because (as he makes clear both at *Lucullus* 134 and in *Tusculans V praef.*, 19; cf. *De finibus* II 86) he considers the sufficiency thesis (d) a strong *desideratum* in philosophical ethics.

Thus when at *Lucullus* 134 Cicero says that he constantly wavers between the Stoics and Antiochus, the wavering “motion” of his thought can be interpreted within the above diagram as a clockwise revolution along (a) – (b) – (d) – (c): when he is recognising the advantages of Antiochus’ theory of the *summum bonum* over the Stoic theory, he leans towards Antiochus; but then it comes to his mind that Antiochus’ theory fails in establishing the sufficiency thesis, and thus cannot avoid the irksome Theophrastean conclusion; at this point he admits that only the Stoic conception of the *summum bonum* does seem correctly to entail the sufficiency thesis; but then he recognises the deficiency of the theoretical underpinnings of that conception of the *summum bonum*, and the advantages of Antiochus’ theory; and so on and so forth.⁵⁴

This reading is strongly fortified by the fact the very same Academic Cicero who at *Lucullus* 134 complained about being “torn” between Antiochus’ and Zeno’s view, at 139 adds that “thus far I don’t find anything else more persuasive” than Antiochus’ Old Academic conception of the *summum bonum* (*nec quicquam habeo adhuc probabilius*) –at this point he clearly sets aside the question whether it does or does not correctly entail the sufficiency thesis.

⁵⁴ Note that at *Lucullus* 131 the Academic Cicero seems to envisage the Antiochean interpretation and criticism of Stoic ethics when he says that the Stoic position on the *summum bonum* is “to live honourably, which is derived from the recommendation of nature”: *honeste autem vivere, quod ducatur a conciliatione naturae*. Cf. the reference to the same passage in Chapter **II.3**.

Again, when at *Tusculans* V 33 he says that as an Academic sceptic he is free to say whatever strikes his mind as persuasive, what he means is that, *given* his aporetic awareness of this closed circuit of thought, he can both champion Antiochus' position –in the (a) – (c) relation, as he does in *De finibus* IV– and attack it, in the (b) – (d) relation, as he does it at the end of *De finibus* V.⁵⁵

Before concluding, I would like to adduce one further consideration. At this point one might reasonably object that Cicero's aporia is actually unbalanced or suffers in a grave asymmetry. On theoretical grounds, it is the Antiochean theory of the *summum bonum* that stays standing. Further, Cicero is aware that, on theoretical grounds, Theophrastus is right in pointing out that this theory entails the insufficiency thesis. On the other hand he is strongly committed towards the sufficiency thesis as a *desideratum* in philosophy. In this he is partly influenced by Antiochus' treatment, who forcefully insisted on this point (cf. V 86-7, cf. II 86 and *Tusc.* V 19; see further below). But as far as he can see, no philosophical theory, not even Antiochus' theory, has succeeded in showing that this thesis holds. On *rational* grounds, then, he should approve Theophrastus' theory.

It seems to me that Cicero himself was well aware of this asymmetry, and in the fifth *Tusculan* he did his best to remedy it; indeed, this may have been one of the main motives behind the idea of writing a follow-up to *De finibus*, and to do this in the format that we find in the *Tusculans*.

⁵⁵ It is also notable in this connection that when it comes to the comparison between the Stoic and the Antiochean theory of the *summum bonum* in Book IV the point that will cause the problem at the end of Book V –namely Antiochus' attempt to connect his theory of the *summum bonum* with the sufficiency thesis– is downplayed (cf. IV 17 *sub fin.* and 20). Similarly, at the end of Book V Cicero emphasises the consistency of the Stoic theory, with exclusive respect to the conjunction of the sufficiency thesis with their conception of the *summum bonum*, ignoring the various ways in which the Stoic theory of the *summum bonum* is found inconsistent in Book IV.

As A. E. Douglas (DOUGLAS 1995) has rightly pointed out, the *Tusculans* stand apart, both in form and in content, from all the rest of Cicero's extant writings. They represent the genre of *scholae* (=Greek *scholai*, also rendered as *declamationes*, *disputationes*, cf. esp. *Tusc.* I 7, II 26): rhetorical exercises on philosophical topics. This unique choice is accompanied by several further peculiarities. In contrast to *De finibus*, what we see in the *Tusculans* is not a serious philosophical conversation between distinguished Roman statesmen in their leisure time, but rather a declamation lecture: a part of the kind of oratorical training that, as we know from Cicero's letters, actually took place in his Tusculan villa around the time.⁵⁶ To Cicero, these lessons presented a vital opportunity to fraternise with, and give favours to, influential young Caesarians, who –despite Cicero's laments on the decline of oratory in the *Tusculans* (II 5, III 3, etc.)– were eager to learn oratory from him. This activity arguably compromised his position as a retired but unbending optimate statesman; and I tend to think that another major motive behind writing the *Tusculans* may have been the desire to show that in sharing the treasures of his profession with these people he did at the same time attempt to plant the seeds of philosophy in their souls.

But this genre also allows him to argue more freely, and to fully deploy all the resources of his oratorical skills, in an attempt to establish the point that no philosophical theory could manage to prove to date: that virtue is sufficient for happiness. It is precisely this concern that comes to prominence in Cicero's oratorical display in the fifth *Tusculan* from the famous appeal to his Academic freedom (at V 32-3) onwards. He uses whatever philosophical arguments he has at hand –including

⁵⁶ Esp. *Ad fam.* IX. 16. 7-9; see further VII.28.2, IX.20.2-3, 26.1-4. Cf. e.g. LINTOTT 2008: 312; see also Plutarch's unfriendly comment at *Cicero* 60.1, that during the years of Caesar's dictatorship "he devoted himself to those of the youth who were eager to learn philosophy, and mainly from his intimacy with these, since they were of the highest birth and standing, he was once more very influential in the state".

e.g. the Stoic syllogisms ridiculed at *De finibus* IV (*Tusc.* V 43-4; cf. *De fin.* IV 48ff), or the Antiochean arguments he had found insufficient in Book V (*Tusc.* V 85-7; cf. *De fin.* V 86-95 and *Tusc.* V 22)–, together with a battery of historical exempla and other rhetorical flourishes, to produce a defence of the view that virtue suffices for the supremely happy life. Among other things, he points out and emphasises the broad consensus among philosophers (Theophrastus and his followers apart) on this point, and that even the Epicureans (who otherwise are completely wrong about ethics) champion the sufficiency thesis (31, 85ff, 114; cf. however *De finibus* V 74 and 93, which may suggest that the point has an Antiochean origin). Finally, he introduces an unexpected reversal of the Carneadean point that Antiochus seems to have adopted and developed in arguing against the Stoics: that the Stoic–Peripatetic disagreement on the *summum bonum* is merely verbal (V 120; cf. *De fin.* III 41; it is possible that this reversal of the argument too has a Carneadean provenance, cf. 83), and argues that the Old Academics, even if they consider pain or poverty minor evils, should concede that virtue is sufficient to not only the happy but also to the supremely happy life (by contrast, see 30, where Cicero argued that they cannot consistently maintain that it is sufficient for the happy life).

From a philosophical point of view, Cicero’s rhetorical attempt cannot be said to be a success (it is no more successful than his rhetorical attempts to defend the Stoic paradoxes in *De paradoxa Stoicorum*).⁵⁷ But Cicero might reasonably respond that since every philosophical theory has failed to convince on this point, no philosopher can blame an expert Roman orator for lending a hand and employing his skill with the

⁵⁷ Cf. DOUGLAS 1995: 213.

straightforward intention to help out philosophy.⁵⁸ Actually, already Antiochus' arguments against the Theophrastean conclusion were of a rhetorical nature. Moreover, in *Tusculans V* Cicero seems to want to further reinforce his case by laying an unusual and calculated stress on his personal need (owing to his personal distresses and sorrows) for the kind of comfort that the sufficiency thesis might provide.⁵⁹ His unexpressed suggestion seems to be that from his personal experience he cannot but think that the removal of the faith in the sufficiency thesis would render ordinary people liable to betray their commitment to virtue. In any case, I think that what we find in *Tusculans V* is in overall agreement with, and indeed lends further support to my account of Cicero's sceptical view of ethics.

To conclude, nothing that Cicero says at the end of *De finibus V* is meant to push the reader back to the starting point of the whole enquiry, and bring the discarded theories back into play. By pointing out the flaw of Antiochus' Old Academic theory Cicero does not want to suggest that we should reconsider the question whether the Stoic theory of the *summum bonum* is more persuasive –not any more than he wants to resurrect the possibility that Epicurus' hedonism may turn out to be closer to truth. All along, in all these different roles, Cicero is plausibly viewed as the same Academic sceptic who on the one hand “approves”, on the ground of its overwhelming persuasiveness, the great bulk of Antiochus' “Old Academic” theory of the *summum bonum*, while on the other hand he is also strongly inclined to the view that virtue is in itself sufficient for happiness. To be sure, he cannot but think that both Theophrastus and the Stoics were right in recognising a tension between these two; but he also finds that while Theophrastus' response to the problem is unfaithful to the latter, the Stoic

⁵⁸ This is in line with Cicero's claim to be challenging the Greeks in philosophy in the preface of the first *Tusculan*, rightly pointed out by Douglas (DOUGLAS 1995: 205ff). Cf. also the reference to *Tusculans V* at *De div.* II 2.

⁵⁹ On this see DOUGLAS 1995: 209ff.

respond is no less unfaithful to the former. Thus he is at a loss; as far as he can see, neither of the actually available theories can be embraced *in toto*. But this does not prevent him from upholding the views he finds most persuasive, even though they do not seem to fit together into one coherent whole. As it appears, herein lies the ultimate liberty with which the philosophy of the New Academy endows her followers: that they do not have to chose between two highly persuasive but apparently incompatible views just because they lack the resources to reconcile them. They can readily admit, and abide by, their aporia.⁶⁰

On this interpretation Cicero, at least according to his own self-representation in 45 BC, did not radically change his philosophical affiliation during his life. But importantly, this interpretation does not approve the view either that Cicero's judgements of persuasiveness (his "approvals" to what "strikes" him as persuasive) are momentary episodes. First, his anti-hedonism and his anti-Theophrastean shrinking from the possibility that virtue is insufficient for happiness are rather settled views (indeed, in these cases he may from time to time slip into the error of assenting and opining, as he describes his disposition at *Lucullus* 66). Within these boundaries Cicero does waver between the Stoics and the Old Academics, as he depicts himself at *Lucullus* 134; but it is not between entire systems that he is thorn. Rather, when thinking about the *summum bonum*, he leans towards Antiochus; when thinking of the need to prove that virtue is sufficient for happiness he finds more sympathy with the Stoics. But this does not affect the permanence of his judgement that as far as the *summum bonum* is concerned, Antiochus' theory is the most persuasive, or his judgement that as far as the sufficiency thesis is concerned, Antiochus' theory fails to be sufficiently persuasive. To be sure, these judgements are,

⁶⁰ Notably, however, as I indicated already in the **Introduction**, even if Cicero would embrace Antiochus' theory tout court, he could perhaps retain his formal sceptic distance from it.

and always remain, in a sense, provisional or tentative; since the standards on which they are grounded are not considered (I have a few more words on these standards in the next chapter). But through the years they have been confirmed and strengthened (ideally through constant testing in debates and considerations of the arguments *pro* and *contra*); thus Cicero is optimistic that they point towards, and bring nearer, the truth, even if they cannot securely grasp it.

The significance of this overview of Cicero's sceptical approach in *De finibus* to my overall concerns is that, if it is largely correct, we can more clearly see the general conceptual framework within which Cicero perceives and assesses the Stoic theory of the *summum bonum*. We can more clearly see, in particular, that the refutation of the Stoic theory of the *summum bonum* in *De finibus* IV represents a firm facet of Cicero's aporetic (but nevertheless in many respects rather definite and established) view in ethics. This result is in line with the fact that, as we have seen in **Part I**, Cicero's views on Stoic ethics do not show considerable changes or development over his life. He has always been critical of it, in ways which, if viewed in conjunction with other expressions of his views, may seem to reveal a leaning towards the Old Academy. As I have argued above, one of Cicero's concerns in the period of writing the *Lucullus* and *De finibus* was to show how such apparently dogmatic sentiments can be viewed as being compatible, and indeed grounded on, a consistent underlying Academic sceptic approach. The message conveyed in *De finibus* is that his critical assessment of Stoic ethics has always been closely linked with, and informed by, his perception and appreciation of the Antiochean theory (and Antiochus' explicit criticism of the Stoic theory); but all these views are actually part of his more complex sceptic conception of the problem of ethics.

I have already discussed some features of Antiochus' theory and its probable influence on Cicero's understanding of Stoic ethics in **Part II** (Chapter 3), where I argued to the effect that the interpretive problems which naturally emerge when we read the Stoic account of the *summum bonum* in *De finibus* III with the intention of reconstructing its argument, when viewed in the wider context presented by *De finibus* as a whole, tend to merge into a specific profile, which fits the critical portrayal drawn in Book IV. In some cases, as I pointed out, Cicero's arrangement of his material seems to be meant to facilitate an understanding of the Stoic theory as conforming to a certain pattern (namely the pattern set by the "Old Academic" theory): thus e.g. a puzzling passage about our natural attraction to cognition and knowledge at III 17-18 seems to make better sense if we assume, with the Cicero character of Books III-IV, that the Stoics adopt largely the same starting-points and background assumptions as the Old Academics. But on such an interpretation some other shifts in the reasoning seem blatantly unsupported, in a way which seems to justify the charges levelled in *De finibus* IV.

In this part of my thesis I shall uncover an even more "devious" attempt to assimilate the Stoic theory to the alleged Old Academic "original": in Chapter **III.3** I shall argue that those interpreters who, influenced by Cicero's presentation, tend to use the notion of "self-love" interchangeably with the Stoic notion of *oikeiōsis*, perpetuate a misrepresentation of the Stoic theory, probably originated by Antiochus. First, however, I should like to reconsider Antiochus' theory as elaborated in *De finibus* Book V, with a view to the questions (i) why Cicero could not but find this theory (apart from its conclusion that the virtuous person is happy but the virtuous and flourishing person is even happier) forceful and appealing, and also (ii) how, assuming as a hypothesis that there is something in the "cosmic" interpretations of

Stoic ethics (discussed in chapter **II. 4**), Antiochus' theory, jointly with his narrative of the history of Greek philosophy after Plato, may have created a blind-spot in Cicero's perception of Stoic ethics.

III.1.3 *The standards for assessing dogmatic theories* in *De finibus*

Before these, however, it will be worthwhile to point out another important consequence of my interpretation. On this interpretation Cicero's criticisms of the different theories in Books II, IV and V provide valuable information on the details of the methodology that, on Cicero's own view, a constructive sceptical investigation – aiming at getting closer to the truth by eliminating philosophical positions that lack in persuasiveness– is supposed to apply. In other words, they provide substantial information on the specific standards in virtue of which, on Cicero's sceptical view, the persuasiveness of philosophical theories is to be tested.

At *Tusculans* V 31 Cicero declares that philosophical positions or theories must be judged on the basis of their consistency (*spectandi sunt... ex perpetuitate atque constantia*); and at *Lucullus* 9 he describes the sceptic approach as “working out without intransigence which view is the most consistent (*constantissime*)”. Even a superficial overview of the debates in *De finibus* reveals that one of the standards Cicero relies on in refuting the different theories is internal consistency. If (as a part of your theory) you claim *A*, and you also claim *B*, which on reflection turns out to be inconsistent with *A*, your theory as a whole is ruled out. Actually all the three theories considered in *De finibus* are found inconsistent in this sense; the only theory that

seems completely consistent from starting points to final conclusion is Theophrastus' theory.⁶¹

To be sure, in the *Lucullus* (91ff) the Academic sceptic Cicero launches an attack against logic (in response to the Antiochean conception presented at 44). First, he points out that dialectic is unable to lead us to any further certainties over and above the certainties that belong under its competence: that is logical certainties about the validity or invalidity of inferences (91). Second, he attempts to undermine even this achievement by focussing on well-known paradoxes: the sorites and the liar –where the latter, as Cicero presents it, “undermines” the principle of the excluded middle (95), or the thesis that $A \rightarrow A$ is a logical truth (98). Nevertheless the sceptic arguments from the contrarities of arguments obviously rely on the principle of contradiction in maintaining that “several incompatible views can't be [jointly] true” (115; cf. also e.g. 147: at best one view can be true). Moreover, Carneades (on Clitomachus' interpretation) seems to have relied on this same principle when he denied that their central thesis of inapprehensibility was apprehensible (cf. *Luc.* 28, where we learn that Carneades countered Antipater on this point by insisting that, far from being consistent (*consentaneum esse*), it would be “grossly inconsistent” (*maxia repugnaret*) to say so).

Thus when the Cicero of Book IV says that a logical truth, such as the *modus tollens*, follows so evidently (*perspicua*) that the logicians do not deem it in need of proof (*rationem*) (IV 55), this does not contradict the assumption that he is actually an Academic sceptic; I guess that on the Sceptic view as presented at *Lucullus* 99 (cf.

⁶¹ For the inconsistency of Epicurus see II 32; 70, 86 ff, cf. *Tusc.* V 26; of the Stoics, IV 26 ff, esp. 39, 48, 78; of Antiochus, see V 77 ff, esp. 79-80, 83, cf. *Tusc.* V 24-6. In a sense even Theophrastus' theory can be seen to be inconsistent, if we believe, as Cicero and Antiochus do, that the sufficiency of virtue to happiness is the greatest “promise” of philosophy, and without it the whole philosophical project collapses (cf. V 86-7, cf. II 86 and *Tusc.* V 19).

with 32-34, etc.) logical principles simply “strike” the mind with their persuasiveness or “perspicuity”, and since nothing contrary to them presents itself (indeed the contraries of such principles seem inconceivable or unintelligible), they allow for the sceptic’s “approval” (see also 98, where Cicero says that he simply “follows” (*sequor*) the dialectical rules he had learned from Antiochus).

But it is not only the rules of elementary logic that Cicero finds in this way evident, and as such suitable standards for assessing persuasiveness in these enquiries. Rather often he maintains, on the basis of an intuitive certainty that compels general agreement, that a certain cognitive content is implied in a given notion. For example, in *De finibus* II Cicero confidently claims that he has a “pretty firm conception and grasp of pleasure” (*habere bene cognitam voluptatem et satis firme conceptam animo atque comprehensam*), and understands well “what the substance underlying the world is” (*id est quae res huic voci subiciatur*). He expresses this grasp in the definition (8; cf. 7), emphasising that everyone is compelled to agree with this definition. Indeed, a bit later he argues that this topic is not *obscurus* (as the deep metaphysical issues discussed in Plato’s *Timaeus*) or “technical”, (*artificiosus*, such as mathematics), but rather “clear and straightforward, widely familiar to the public” (15: *de illustri et facili et iam in vulgus prevagata loquitur*); thus Epicurus “cannot make those who have self-knowledge –that is, who have clearly perceived their own nature and senses– believe that freedom from pain is the same as pleasure” (16: *cum efficere non possit ut cuiquam, qui ipse sibi notus sit, hoc est qui suam naturam sensumque perspexerit, vacuitas doloris et voluptas idem esse videatur*).

Considerations of this kind figure also in Cicero's refutation of Stoic ethics in *De finibus* IV.⁶² Most important, however, the Cicero of Book V seems to rely on a similar conceptual analysis when he argues (82) that "the idea of being happy without being sufficiently happy is highly implausible (*minus probandum*); anything added to what is sufficient is too much; no one has too much happiness, therefore no one is happier than happy". The same point is stated again at *Tusculans* V 29, where Cicero presents a quasi-definition of happiness which implies that the happy person must be tranquil (i.e. free from any desire of some good that is missing or fear from the loss of some good or some possible evil).

This practice of appealing to evident *phenomena* (if I may use the Aristotelian phrase in this context) is also in line with what we find in the *Lucullus*, where we learn (first at 32-4) that Carneades spoke of "truth-like", "persuasive", "persuasive and unimpeded" and "perspicuous" impressions as what can be used as a guiding rule (*regula*) both for conducting one's life and in investigation and argument (*in quaerendo et disserendo*). One may perhaps argue that in every such case Cicero is arguing in a purely dialectical and *ad hominem* manner, adopting assumptions of Epicurean or Antiochean (Stoic) epistemology as a weapon against his actual opponents respectively, without actually committing himself to any intuitive evidence (in this case these arguments can be viewed as representing a subspecies of his

⁶² At IV 55 Cicero argues that although the Stoic paradoxes may sound wonderful at first glance, "they are less persuasive on mature reflection (*considerate minus probabantur*): common sense (*sensus cuiusque*), the facts of nature (or rather the nature of things: *natura rerum*) and truth herself proclaimed the impossibility of being persuaded" that things are as the Stoics claim; indeed, these paradoxes are "so false that the premises from which they spring cannot be true" (54). To Cicero it is just "evident" (*perspicuum*), for example, that some vices are worse than others; thus, since the evident ought to clarify (*aperire*) or illuminate (*illustrare*) the doubtful (*dubium*) rather than being annihilated (*tollere*) by it, if from the central Stoic tenets it follows that every vice is equal, the Stoics should think again the foundations of their theory rather than deny what is evident (67-8); cf. also 21 and 61, where Cicero suggests that no one would accept these paradox claims. It is also in a similar vein that Cicero criticizes the syllogistic arguments which serve to ground the thesis that morality is the only good, pointing out that the premises of them do not fit our conceptions (*ibid.* 48-9: "what a rusty sword! Who would admit your first premise?").

arguments from inconsistency). Indeed, this is how Carneadean scepticism is sometimes interpreted.⁶³ But on the interpretation that I am propounding Cicero cannot understand his own scepticism as merely dialectical in this sense. He has to maintain that the joint application of these two criteria –logical consistency and consistency with “conspicuous” phenomena– offers a rational prospect of bringing us into the neighbourhood of truth (though not providing any strict certainty); whereas the “dialectical” interpretation does not seem to underwrite such a prospect.

⁶³ Cf. SCHOFIELD 1999: 325ff and 335ff; BRITAIN 2006: xxiv and n. 40. The classic statement of the dialectical interpretation of Academic scepticism is COUISSIN 1929.

III. 2 *The theory that stays standing: Antiochus' account of the summum bonum*

Now we can turn to the questions concerning Cicero's perception of Antiochus' theory and the way this informs his perception of the Stoic theory.

As is well known, and as I have already indicated in Chapter II.3, Antiochus presented his ethical theory within the framework of a quasi-historical narrative about the development and fragmentation of the philosophical tradition established by Plato. His ethical theory was to be taken to be identical in substance with the theory shared by virtually all of Plato's immediate successors, including Aristotle, who set up a new school but retained the same philosophical system (cf. *Luc.* 136 *Acad.* I 16-18, 22; *De fin.* IV 3, V 7), and in ethics in particular counts as one of the chief authorities of the Old Academy (the other one is Polemo; cf. *Luc.* 131, 137; *Acad.* I 22, *De fin.* II 34, 40; IV 15; V 12, 14; *Tusc.* V 30, 39, 87). The first rifts in this ethical tradition occurred in the next generation, with Aristotle's pupil Theophrastus, who diverged from Old Academic orthodoxy in his ethics by rejecting the sufficiency thesis and emphasising the role of fortune in the happy life (cf. *Luc.* 134, *Acad.* I 33, 35; *De fin.* V 12, 77; *Tusc.* V 24), and with Polemo's pupil Zeno, who founded the Stoa and dissented from the orthodox Old Academic ethical theory by championing the radical thesis that only virtue is good (*Acad.* I 35, *De fin.* IV 3, 14 etc., V 23).⁶⁴ Next came Polemo's other pupil Arcesilaus, who initiated the Academic sceptic movement by engaging into an epistemological debate with Zeno (*Luc.* 16 etc.; *Acad.* I 34, 43ff; *De fin.* V 94).

⁶⁴ As regards physics, the first rift came with Aristotle himself, who undermined the Forms: *Acad.* I 33.

The Stoic philosophical system, then, is largely derivative: it is meant to represent a “correction” of the original Old Academic system (*Acad.* I 35). The alterations Zeno made were the most considerable in the field of logic (*Acad.* I 40ff); it is only in this field that Antiochus is willing to admit Zeno’s ingenuity and welcomes his innovations, appropriating Stoic epistemology as a contribution to the perfection of the Old Academic system (for this he is criticised by Cicero in the *Lucullus*). In their ethics, however, the Stoics did, for the most part, simply change the terms without changing the doctrines (cf. *Acad.* I 37; *De fin.* V 22, 74); and they did this in a pretentious and deceptive manner, so as to make others believe that their positions on virtue and happiness are more radical and uncompromising; but actually their theory fails to establish the very point where they want to surpass the Old Academic theory: the thesis that virtue is the only good. The most elaborate statement of this line of criticism is found, as we have seen, in *De finibus* which is generally agreed to represent, or to be largely in line with, Antiochus’s view.

What is crucial for our present purposes is to see that Cicero largely adopts this framework. He expressly declares this by the end of the surviving part of his *Academica*: Cicero, as adherent of the New Academy in the dialogue, says “I think it’s true, as our friend Antiochus believed, that the latter [the Stoic system] should be considered a correction of the Old Academy rather than a new system” (I 43: *horum esse autem arbitror, ut Antiocho nostro familiari placebat, correctionem veteris Academiae potius quam aliquam novam disciplinam putandam*).

Importantly, this is not to say that he agrees with Antiochus on every point. From an Academic perspective he criticises him for uncritically and wholesale adopting Stoic epistemology, heavily relying on Chrysippus as authority (*Luc.* II 67, 69, 97-98, 113, 143-4); and he is aware of points where the real Old Academics and early Peripatetics

would not have subscribed to Antiochus' Stoicising doctrine, including the point that the wise man does not hold opinions (113; 143-4). Even in ethics he recognises discrepancies between Antiochus and the original Old Academic–Peripatetic tradition: he charges Antiochus with embracing the Stoic doctrine of *apatheia* (*Luc.* 135; although this tenet of Antiochus is not attested elsewhere and at *Acad. I* 38 the Antiochean Varro seems to think otherwise; cf. also *De fin.* V 32, 95), and claims that the Old Academics all agreed with the Aristotelian conception of the moral virtues as mean-states (cf. also *Tusc.* III and IV, esp. IV 43-6).⁶⁵ But such critical observations apart he accepts Antiochus' general account of the Old Academic–early Peripatetic ethical theory, and together with it his description of the Stoic theory as an (inherently flawed) attempt to dissent from the Old Academics and surpass them in moral radicalism. To him, these are clearly not matters of theoretical enquiry and sceptical doubt; they are simply matters of historical fact (I hope that this point finds support in my discussion of Cicero's former intellectual life in **Part I**, where I argued, among other things, that Cicero's knowledge of the Hellenistic philosophical schools was based more on the authority of Philo and Antiochus than on his independent study of their doctrines).

As to how much Cicero's knowledge of Old Academic ethics owed to Antiochus' instruction and writings and how far it was based on personal acquaintance with the writings of Polemo (referred to at *Luc.* 131, where we learn that Antiochus particularly endorsed his writings) or Aristotle's exoteric dialogues (referred to at e.g. *De fin.* V 12), or Aristotle's *Nicomachean Ethics* (referred to at *De fin.* V 12-13,

⁶⁵ At *Luc.* 136 Cicero may seem to suggest that Antiochus also adopted the Stoic paradoxes that only the wise man is beautiful, free, king, rich, etc. But it is possible that he simply uses a Carneadean reversal of the argument, also introduced by Carneades and adopted by Antiochus, that the two ethical theories are nearly identical in substance; so not only is it that the Stoics actually say the same things as the Peripatetics in a different format, but the Peripatetics are also bound to agree with the Stoics (cf. *Tusc.* V 83 and 120). In this case, the previous objections in 135 may actually follow a similar pattern.

apparently as the main source for the ensuing exposition, I do not think that it matters much whether Cicero himself read e.g. *NE* or not. If he read it, he certainly read it under Antiochus' guidance or wearing Antiochean glasses.

The theory, as it is presented in *De finibus* V, clearly does not draw closely on the *NE* as we know it. This remains true even if Piso, the mouthpiece for Antiochus' theory, is aware of the Aristotelian endorsement of the contemplative life (12; cf. 57, 73), and if the Antiochean solution to the puzzle as to how to reconcile the plurality of goods with the thesis that virtue is sufficient for happiness –the distinction between being happy and being supremely happy– may be viewed as owing to a reading of passages in *NE* I 8 and 10.⁶⁶

In the preface of Chapter **II.3** I already gave a brief and incomplete outline of the major points of Antiochus' Old Academic theory, and suggested that it seems to presume and rely on a conception of practical reason that prefigures the modern (“Humean”) view of practical reason as mere instrumental reason, separated from the ultimate source of motivations. Now I would like present it in a somewhat more systematic way, and to draw out some important features of it. I shall argue that in order to get an appropriate grasp of the theory we have to distinguish three different senses in which “nature” figures in this theory: (a) nature understood as the mere given of our inbuilt and inevitable motivational make-up; (bi) nature as specific human nature (including, for the sake of simplicity, the human constitution and its tendencies to develop in certain definite directions); and (c) nature at large, the teleological organisation of the universe, as studied in physics (and the divine governing principle of this).

⁶⁶ Cf. ANNAS 2001: 122 n. 18.

One of the most outstanding characteristics of this theory is that it is endowed with a kind of “meta-ethical” preamble, usually referred to as the *Carneadea divisio*, (the name comes from Piso, V 16), adding that Antiochus was happy to use it.⁶⁷ It consists in a classification of positions on the *summum bonum* that have been propounded and all those which could possibly be propounded as well (*ibid.*), versions of which have already occurred in Books II and IV (and will occur in *Tusculans* V). What I find most interesting about it, however, is that it starts from a set of presuppositions (also attributed to Carneades) which are presented as determining the general shape of possible ethical theories as such (15-17). Their function is remotely similar to the function of those chapters in *NE* I in which Aristotle prepares the grounds for introducing his conception of the good (introduces the basic concept of a final end, analyses its formal criteria, including completeness and self-sufficiency, identifies it with happiness, and contrasts different views on what constitutes happiness: pleasure, honour and virtue). But the details are rather different from what we can find in Aristotle.

- i) The theory of the *summum bonum* must provide a single complete “path through life” (*vitae via*), a “model for all appropriate actions” (*conformatioque omnium officium*), such that each of our actions can be referred to it (16 –this is not officially one of the assumptions presented within the account of the *Carneadea divisio*, but is clearly a key assumption in the elimination based on the *divisio*, cf. 23).
- ii) It is evident (*est enim perspicuum*) that no art or expertise is based on, or concerned with, itself (*ipsa a se proficisceretur / in se versatur*), but each of them has a distinct object or aim (*propositum sit arti*) that is external to it (*extra est*), that it comprehends (*comprehenditur*) and wants to attain (*assequi vellet*) –examples: medicine – health; and navigation – steering a ship. (16)

⁶⁷ On the *Carneadea divisio* see also e.g. MADVIG 1839: 828-838; LÉVY 1992: 353-360; STRIKER 1996: 261-270 and 302-315; ALGRA 1997; ANNAS 2001: xxiii ff; ANNAS 2007b.

- iii) “Similarly, prudence is the art of living, and it is necessary that it too has as its basis and starting point something external” (*necesse est eam quoque ab aliqua re esse constitutam et profectam*). (16)
- iv) “It is almost universally agreed that what prudence is concerned with and wants to attain must be something that is well suited and adapted to our nature, and such that is attractive in itself and is capable of arousing the soul’s desire –which the Greeks call *hormē* (*constitit autem fere inter omnes id, in quo prudentia versaretur et quod assequi vellet, aptum et accommodatum naturae esse oportere et tale, ut ipsum per se invitaret et alliceret appetitum animi, quem ὁρμηὴν Graeci vocant...*). (17; cf. 23)
- v) This is the natural object of desire from birth (*a natura in primo ortu appetatur*). (17)
- vi) This object *must be* either (a) pleasure, or (b) the absence of pain or (c) the “primary things in accordance with nature” (i.e. sound preservation of the parts of the body, good health, well-functioning senses, strength, beauty, and the mental attributes that are analogous with these and are the sparks of the virtues). It cannot be anything outside these three (*nec quicquam omnino praeter haec tria possit esse*). (18)
- vii) Thus “every appropriate action of either pursuit or avoidance must have reference to some or other of these” (*necesse est omnino officium aut fugiendi aut sequendi ad eorum aliquid referri*). (18)

The natural conclusion drawn from these assumptions is that

- viii) one of these objects, or perhaps a combination of these, constitutes the *summum bonum*.

The Stoics, however, introduce a further complication (19-20): they emphasise that

- ix) prudence, *qua* the excellence of reason, establishes for itself a standard that is distinct from the attainment of the object(s) at which it is directed *qua* an art; namely, a standard pertaining to doing its job well.

This standard is “morality” (*honestum*); as we have seen in *De finibus* III (21), it consists in an overall rational order, “consistency” in its organising activity. But here the only aspect of the Stoic view emphasised is that as a standard it is *distinct* from the attainment of the basic objects of pursuit: morality consists in “aiming all one’s actions towards the attainment of the things that are in accordance with nature,

whether or not we actually obtain them” (cf. 19, 20). Here “the things in accordance with nature” denote category (c) from (vi) above (as Cicero emphasises, the view that morality is to aim all one’s actions on pleasure/absence from pain...etc. has never been held).

The Stoics also claim that this is the *only* thing desirable and good in its own right (20). Importantly, however, Antiochus’ Old Academics, though they do not accept the latter conclusion, accept that morality is *a* good: they endorse the view that the *summum bonum* consists in a combination of morality and “the primary natural things” (21). As it gradually turns out later, this is because

- (1) they believe that our natural objects of desire include the preservation *and perfection* of all our constituent parts (which constitute class (c) in (vi) above in general), including the rational soul (24, 34, 36, 37 etc.); thus
- (2) virtue, qua the perfection of the rational soul, is a part of our *summum bonum* (36, 37 etc.) – indeed, it is the most important part, as the rational soul is our most valuable constituent (cf. 38, 41, 48, 59-60); and
- (3) *morality* denotes the practical aspect of virtue at large as it is manifested or fulfilled in action (58, 60, 64, 69; cf. e.g. IV 18).

That is, morality is actually included among the natural objects of desire that constitute our *summum bonum* (and far surpasses them in worth).

But this is anticipating Piso’s later elucidation. Presently Piso resorts to a precursory elimination of all the other options (21-23), through hints to arguments that may be familiar from earlier books and/or will be presented later on, so that he can now turn to his presentation of the “Old Academic” theory proper (24ff). It is this elaboration that is supposed to make the Old Academic *summum bonum* (morality plus the primary natural objects) intelligible and convincing.

First, I would like to point out what is often noticed in connection with the *Carneadea divisio* as presented here: that it is apparently constructed with a view to undermining the Stoic position.⁶⁸ For example, at *De finibus* III 24 Cato, in an attempt to elucidate the Stoic position on the *summum bonum*, contrasts wisdom with the arts like medicine or navigation, and claims that is more similar to acting and dancing, where “the end, namely the performance of the art, is contained within the art, not sought outside it”. But in view of (i) and (ii), or rather the whole conceptual framework presented here, this is a mere claim; if we assume, with Antiochus and Cicero, that assumptions (i)–(vii) above are basic and evident, it is clear that something much more substantial would be needed from the Stoic to make their dissent even plausible.⁶⁹ Within the interpretive framework presented by the *Carneadea divisio* the Stoics’ move reasonably provokes the Antiochean question Cicero has raised at Book IV 26 (cf. 19): how and where have you abandoned the rest of the natural objects of desire?

Now I would like to focus on the move presented in (iv) above: the claim that the objects to which prudence is subordinated qua an art must be an object “that is well suited and adapted to our nature”, and “attractive in itself and is capable of arousing the soul’s desire”. The latter part of the claim is almost self-explanatory. The arts are branches of instrumental knowledge devised and employed to attain ends that are determined by factors outside their control and competence. What Piso seems to add here in the first place is that prudence qua an art must ultimately aim at an object that has intrinsic value, which simply means that as a practical object it is –to use an

⁶⁸ Cf. ALGRA 1997: 122-3 and n. 41, with reference to Carlos Lévy’s suggestion at LÉVY 1992: 355-6.

⁶⁹ It is widely thought that the comparison with acting and dancing indeed reflects a later attempt to counter Carneades’ criticisms; cf. Ch. 64 in LS, together with the bibliographical references to that chapter.

Aristotelian distinction—pursued in *its own right* rather than for the sake of something else (*NE* I 7, 1097a25ff: *kath' hauto*). But he also names the mental factor which determines this end: “the soul’s desire” or “impulse”. Prudence has this object because, as a matter of fact, this object is capable of motivating us by arousing a desire or impulse. It is not said in (iv) explicitly that this desire or impulse arises independently from rationality as such in general. But this seems to follow if we assume that over and above prudence there can be no possible practical application of reason that would have the power or authority to control this desire or impulse, i.e. to determine its direction such that the desire or impulse in question is therefore rightly called a “rational” one. Moreover, the next assumption (v) seems to bring with it this implication: the desire or impulse in question is supposed to be a “natural” desire present *from birth* (which means that this desire is present already before we have reason at all that could inform or influence it).

Now as for the former condition (*aptum accomodatumque naturae*, an odd phrase repeated at 23, cf. 24) is concerned, I tend to think that the notion of “nature” that is in Piso’s mind here comes out rather clearly in a later passage, at 24-34. It seems that this section conveys the main argumentative thrust of Antiochus’ account. It is a “demonstration” of the starting point of Antiochus’ account proper: that every living creature loves itself from birth, and it is this fundamental emotion that determines its needs, desires and conduct (24).

This “demonstration” seems to me to be both peculiar to Antiochus’ theory (I at any rate know of no similar argument in the surviving ancient sources on explicit ethical theory) and not without ingenuity. The structure of the core argument (28, 30) is similar to the Chrysippian argument for *oikeiōsis* from cosmic nature at Diogenes

Laertius VII 85, in that it first poses three exclusive possibilities, and then eliminates two of them.

- a) Every living being either loves itself or hates itself or is indifferent to itself.
- b) But we cannot even consistently conceive (*intellegi aut cogitari*) an animal that hated itself (*se oderit*). The very notion of such a creature, Piso points out, is self-contradictory (*res enim concurrent contrariae*): acting out of self-hatred –that is motivated by an impulse (*appetitus*) which aims at something harmful to it (*sibi inimicus*)–, this creature would still act “for its own sake” (*sua causa faciet*) –that is perhaps, *respecting* its own perceived interest or desire *qua* a self-hating being–, and so would love itself and hate itself at the same time, which is impossible. (28)⁷⁰
- c) But neither can it be the case that the animal “finds its own condition to be a matter of indifference” (*quo modo se habeat, nihil sua censet interesse*); if an animal would be indifferent with respect of the state it itself is in (be it in need of something, pain etc.), “then all impulses of the soul were abolished” (*tolletur enim appetitus animi*). (30)
- d) Finally, it would also be “the height of absurdity” to think that we do love ourselves but this emotion (“love-power”, *vis diligendi*) is “essentially referred to some other object” (*ad aliam rem quampiam referatur*), such as pleasure, and “not towards the person maintaining the self-love”. This, Piso suggests, would at least make sense in the case of other objects, such as friendship, duty and virtue; it is at least intelligible to assume (as the Epicurean actually does, cf. Torquatus’ account in book I, esp. 42ff) that these are cherished only for the sake of the pleasures that result from them. But in the case of self-love this would be just “unintelligible”: it is just obvious that “it is for the sake of ourselves (*propter nos*) that we love (*diligimus*) pleasure, not the other way around”. (30)

Point (d), as I understand it, establishes that our self-love is absolutely basic and fundamental: every motivation derives from it, but it does not derive from any other motivation.⁷¹ This point also makes it clear that we are still at a very elemental and intuitive level in the reasoning: the claim that self-love is the ultimate source for every

⁷⁰ In 28-29 Piso deals with apparent empirical counter-examples like suicide or self-torment. In such cases, Piso argues, people are carried away by grief, passion or rage; but they without exception do what they do in the belief they are acting in their own best interest (*se optime sibi consulere arbitrantur*); they would declare unhesitatingly “this is right for me; whatever you need to do, do” (*mihi sic usus est, tibi ut opus est facto, fac*), and retrospectively they feel regret, reproaching themselves for having misjudged their own interest.

⁷¹ This point is a close echo of what Aristotle says at *NE VIII 2*, 1155b21-26: that whether one loves (*philei*) the good or pleasure, one loves it not *simpliciter*, but rather the good or pleasant *for oneself* (*to hautō(i) agathon*) (cf. 1166a19-20: *hekastos de heautō(i) bouletai tagatha*); cf. my discussion in Chapter **III.3**.

motivation is one that even the hedonist is supposed to accept. We are, that is, still on the same relatively firm ground of common opinion and intuitive certainty to which the background assumptions of the *Carneadea divisio* also belong (or are thought to belong). In order to accept this conclusion one does not have to assume e.g. cosmic teleology; one simply has to reflect on or analyze one's own natural concepts.

This last point is made explicit and strongly reinforced a bit later, at 33:

Why just speak of the human race or even the whole of the animal world? Trees and plants have virtually the same nature. Some distinguished thinkers have held that this power is bestowed on them by some great and divine cause. Or maybe it is just fortuitous. At any rate we can see how everything that grows from the ground is kept secure by bark and roots, which perform the same function that the distribution of the sense-organs and the arrangement of the limbs does for animals. On this issue I tend to agree with the view that the whole system is regulated by nature, on the grounds that, if nature stood by, she herself would be unable to survive. But I am happy for those of an opposing view to think as they will. Whenever I speak of human "nature" they may take me to be referring to the human person. It makes no difference. Either way, one can no more lose one's desire for what is conducive to one's own interest than one can lose one's very self. Hence our greatest authorities have been quite right to seek the foundation of the supreme good in nature, and to hold that the desire for what is suited to nature is innate in everyone, a consequence of the natural attraction that makes people love themselves.⁷²

On the one hand, this passage explains why is it that Piso has a tendency, similar to that of the Ciceros of Books I-II and III-IV, to impersonate nature at certain points of his speech (e.g. 42-43, 59; cf. e. g. II 45-46, IV 12), and shows that this is far from being mere poetry. But on the other hand it also shows that as far as the basic

⁷² *De hominum genere aut omnino de animalium loquor, cum arborum et stirpium eadem paene natura sit? sive enim, ut doctissimis viris visum est, maior aliqua causa atque divinius hanc vim ingenuit, sive hoc ita fit fortuito, videmus ea, quae terra gignit, corticibus et radicibus valida servari, quod contingit animalibus sensuum distributione et quadam compactione membrorum. Qua quidem de re quamquam assentior iis, qui haec omnia regi natura putant, quae si natura neglegat, ipsa esse non possit, tamen concedo, ut, qui de hoc dissentiant, existiment, quod velint, ac vel hoc intellegant, si quando naturam hominis dicam, hominem dicere me; nihil enim hoc differt. nam prius a se poterit quisque discedere quam appetitum earum rerum, quae sibi conducant, amittere. iure igitur gravissimi philosophi initium summi boni a natura petiverunt et illum appetitum rerum ad naturam accommodatarum ingeneratum putaverunt omnibus, quia continentur ea commendatione naturae, qua se ipsi diligunt.*

conception of our *summum bonum* is concerned, his metaphysical views on universal nature are deliberately quite irrelevant.⁷³

In the light of the above passage, to say that a desire (or need or “impulse”) is “natural” or “suited and accommodated to nature”, does not imply any more than saying that it is *an inevitable given* that the ethical theory must accommodate. It is simply taken to be a deep fact about us that we have some motivations that are “natural”, i.e. we have them *ab ovo* and they cannot be done away with or eliminated, and practical reason (on assumptions (i)-(vii)) has no other function or role than to seek the satisfaction of these. This may be understood also from the fact that, as it is pointed out at 23, happiness implies tranquillity. As Piso declares at 44, the *summum bonum* is located at the “stopping point”, where “nature rests” when all our natural desires are satisfied (cf. also IV 57: the happy life is one which “is filled up with all the things that nature desires”, *quae expleta sit omnibus iis rebus quas natura desideret*; see further IV 32).

Why things are in this way is unclear at this point; but it is not very important as long as we intuitively agree *that* they are in this way; and Antiochus seems to assume that we do: we all agree that our happiness depends on the acquisition of the *summum bonum* that consists in the overall satisfaction of our true, basic and inevitable (“natural”) desires. Moreover, his argument that these motivations spring from our inevitable self-love as the necessary source of *any kind of motivation* whatever seems to be meant to facilitate the appreciation of this point (if the natural desires all necessarily spring from self-love as their unvarying source, it may seem natural to think that the basic desires springing from self-love are just as constant and unvarying

⁷³ The significance of the passage has been rightly pointed out by David Sedley, SEDLEY 2002: 50, n. 19.

as self-love itself). Thus, while a complex theory of the teleological working of universal nature may enrich our understanding of the point, it is not necessary for accepting that this is really how we are constituted.

On Antiochus' analysis, then, our "natural" desires all derive from self-love; importantly, however, at this point it has not yet been established what the objects of these natural motivations consist in. But the answer to this latter question is very near: for Antiochus seems to think that while the assumption of self-love as the ultimate source of motivation is virtually indubitable, on the right analysis it supports the insight that our primary motivations aim at self-preservation and self-perfection, i.e. the preservation and perfection of the components that constitute *us* (that is category (c) in (vi): the primary things that are in accordance with nature). This conclusion can be supported by empirical considerations: for example, we all experience inevitable fear in situations which threaten with death; and infants and animals who lack a developed conception of death (either true or false) show pretty much the same reaction (31). But Piso seems to think –although he does not state this in so many words– that this is actually entailed by the notion of self-love as the ultimate source of motivation; once we have recognized that we are motivated to act by self-love the idea that we are motivated to preserve and to fulfil ourselves becomes intuitively intelligible, indeed compelling.⁷⁴

⁷⁴ The conceptual link between self-love and self-preservation is clearly assumed at V 31; the conceptual link between self-preservation and self-perfection is in turn elucidated at 37. Antiochus may reasonably think that there is an intuitive link between self-love and self-preservation. For example, in the *Symposium* Plato presents an analysis of *erōs*, according to which it is the desire to have the good with us forever (206eff). It is considered here an evident truth that to love and desire something that has intrinsic value means that we desire to enjoy the *enduring presence* of that thing. Accepting this analysis, if the primary object of my love is me myself, this entails that I want to be with myself forever, and this in turn may reasonably seem to entail a care for the preservation of my precious self. More importantly, according to Aristotle (*NE* IX 4, 1166a1-2) one of the defining characteristics of friendship that can be derived from the characteristics of *philia* to oneself is that one wishes the friend to *exist* and *live* for the friends' own sake (this, as Aristotle adds, is how mothers feel towards their children); another such characteristics is that friends are eager to spend their time with their friends.

At any rate, this conclusion brings with it a third use of the notion of “nature” in Piso’s account (over and above universal nature, which thus far has been found redundant, and nature qua the deep fact about our orientation or psychological makeup, which is found foundational). “Nature” in this third sense is our common specific nature as humans, the knowledge of which includes grasping the fact that we consist in two components, soul and body, the excellent or perfectly developed state of which are such and such; that our soul has a rational part or faculty; that our rational part is naturally such that ideally it comes to dominate our behaviour, that we are naturally inclined to find it our most precious component; and so on and so forth (cf. 24-27, 34ff). This is the rich and instructive notion of human nature that is supposed to flesh out the outline of our basic concept of the *summum bonum*, and Piso emphasises that it is acquired gradually, as a matter of rational reflection and inquiry (24, 42) –which does, as it turns out later, involve an inquiry into nature as a whole (44; cf. IV 11-12); so universal nature too does have a relevance to ethics, after all.

I think that by now we have a pretty good view of Antiochus’ overall strategy. His theory of the *summum bonum* is one that is consciously developed and presented in a largely *autonomous* way; that is, independently from Antiochus’ theory of nature. As Julia Annas (ANNAS 1993: Ch. 6) rightly called it, it is an “intuitive theory”; which is also rightly called a “self-realisationist” theory in its content (cf. WHITE 1979: 146-7 etc.), that is, a theory specifying the end as self-realization or self-perfection in broadly the way Aristotle’s theory does. We have to add here, however, that in Antiochus’ case the self-realisationist answer to the question concerning the *telos* of

From these it obviously follows that one who is a friend of oneself wishes oneself to live and exist, and takes rejoice in one’s own company. For the relevance of Aristotle’s conception of *philia* to Aristotle’s ethical thought see my discussion below and Chapter III.3.

human life does not presuppose any views about the teleological structure of nature at large or of human nature in particular in order to work.⁷⁵

It is worthwhile to compare Antiochus' theory in this respect with the Aristotelian theory to which Antiochus claims adherence. The question whether the famous "function argument" in *Nicomachean Ethics* I 7 does involve a substantial (though implicit) appeal within Aristotle's ethics to *his* conception of natural teleology is a controversial issue (though the majority view seems to be that it does).⁷⁶ At any rate, it is quite clear that this is the argument Aristotle himself presents in advancing the first outline of his own answer to the question concerning the *telos*, and that an anti-teleologist like Epicurus would not accept a word of that argument. Antiochus' theory, by contrast, is a theory that reaches a broadly Aristotelian conclusion about the end of human life, but does this through a reasoning that is rather different from what we find in Aristotle (although it is not without significance that this reasoning operates with the notion of self-love, which does have an Aristotelian provenance – I shall return to this point in Chapter III.3). To be sure, Antiochus does frequently appeal to a broadly Aristotelian conception of human nature; he describes our final end as the overall fulfilment of this nature, and he indicates that the proper grasp of this human nature requires us to delve into the teleological working of nature at large; but these notions of nature enter the picture only at a later stage, after the general outline of the theory has been firmly established. (In addition to this we may also add that Antiochus' "Old Academic" conception of the teleological structure of nature seems to be rather different from Aristotle's conception, and closely resembles the

⁷⁵ Cf. STRIKER 1996: 284-289, who speaks of an "argument from perfection".

⁷⁶ Julia Annas (ANNAS 1993: Ch. 4, esp. n. 3 on p. 142) represents an important minority view; cf. the responses by John Cooper's (COOPER 1999 (=1996): 432-3) and Brad Inwood (INWOOD 1995: 652).

Stoic conception that operates with “cosmic nature” as a divine rational agency; see my discussion below).

This view is further fortified by Antiochus’ own claim (reported by Cicero at *Lucullus* 29) that in philosophy the two principal issues are the criterion of truth and the ethical end, and the passage suggests that Antiochus actually regarded the former question as subordinated in importance to the latter: it comes first for the reason that it provides the “governing rule” (*regula*) to all philosophical enquiry, and thus it is needed to be secure about the starting points from which we derive the end in ethics (*ibid.*).⁷⁷ As we have seen, Antiochus considered the study of nature at large relevant to ethics – namely, he found it a necessary field of knowledge to accomplish the ethical project (that is to actually become wise and happy); but he did not regard it as a “principal issue” in philosophy.

Importantly, Antiochus’ self-conscious attempt to ground ethics in an autonomous way, by focussing on evident ethical phenomena, may have been in debt to views and sentiments he brought with him from the Academy. Before turning into a dogmatic Antiochus himself was a leading Academic sceptic. As Cicero points out at *Lucullus* 69, he “studied with Philo the very views I am defending for so long that it was acknowledged that no one had studied them longer” (cf. 63). Cicero intimates that after he started to have his own students (69) he simply succumbed to the majority dogmatic view that apprehension and assent was possible (70); on Cicero’s hostile criticism, he virtually adopted Stoic epistemology (67, 69, 97; 113, 130, 132, 143-4). For every practical purpose, this may have actually meant that Antiochus eventually

⁷⁷ On Antiochus’ conception of philosophy see BARNES 1989: 81ff. Notably, The primacy or centrality of ethics within philosophy was part of the Socratic legacy, variously adapted and transformed by the Hellenistic schools (cf. e.g. Chrysippus’ claim that the study of physics is taken up for no other purpose than for the differentiation of good and evil (Plutarch, *De Stoic. rep.* 1035D).

decided that the impressions that the Academics themselves called “perspicuous” or “persuasive and unimpeded” (cf. *Luc.* 33-4) do, after all, have a distinguishing mark, namely, the absence of a conceivable opposite possibility, such that they can be with certainty distinguished from false impressions; that is, such impressions *are* apprehensible, and the Academics just have no sufficient reason to stick to their thesis of inapprehensibility.⁷⁸

Moreover, as a member of the New Academy Antiochus had been accustomed to a *dialectical* approach to philosophical debates in general; that is, an approach that always takes “what is agreed upon” as the starting point of an argument or refutation. Thus when he wanted to establish and endorse his own ethical position he may have found it natural that in order to be successful he had to start from principles that were widely shared –or that his opponents could be forced to accept in virtue of their “perspicuity”.⁷⁹ To do so he only had to follow Carneades’ procedure, whose *divisio*, as it is presented in *De finibus* V, laid great stress on starting from perspicuous and widely shared ideas, and who himself often argued –presumably also starting from his *divisio*– in favour of certain ethical positions –not because he actually was committed to them, but only for the sake of argument, in an attempt to undermine other dogmatic positions.⁸⁰

⁷⁸ For this point see esp. *Luc.* 44. For a concise but instructive account of Antiochus’ epistemology as it unfolds in Cicero’s *Lucullus* and *Academica* see BARNES 1995: 83-5; see further TARRANT 1985, STRIKER 1997. The interpretation of the Stoic epistemological position according to which apprehensibility depends on a distinguishing mark is recurrent in the *Lucullus*: cf. esp. 33-36, together with Charles Brittain’s notes *ad loc.* (esp. BRITTAİN 2006: 22, n. 47). The most evident and promising examples that may have inspired Antiochus in making this move are of course logical and mathematical truths, where the contrary view is often inconceivable or unintelligible; this experience, jointly with an extensive reading of Plato’s and Aristotle’s writings (as well as other Old Academic texts) may have persuaded Antiochus that it was wrong to insist that such evident truths are only “persuasive”, though “unimpeded” and therefore “conspicuous”. And if such truths are “apprehensible”, then *mutatis mutandis* many other impressions can also be regarded as apprehensible, for example analytic truths of the kind “no bachelor has a wife”.

⁷⁹ Cf. again *Luc.* 44.

⁸⁰ Cf. *Luc.* 131; 139; *De fin.* V 50.

Arguably, such a general approach to theory-building could prevent Antiochus from introducing a substantial appeal to any metaphysical views in his theory as long as the ethical views of those possible opponents (such as the Epicureans) who would not accept those metaphysical views have not been refuted on some other grounds. In addition to this, however, he may also have been influenced by the old philosophical commonplace that the subjects discussed in physics were especially “hidden” and impenetrable for human reason. The Academic sceptics were fond of emphasising this (especially when they were arguing for their own philosophical stance); indeed, they were keen on Socrates’ famous rejection of the study of physics on the ground that, even if such matters were knowable, they still would be irrelevant to the good life (cf. esp. *Luc.* 122-3; *Acad.* I 15). Thus Antiochus may have thought that the less weight he puts on physical (metaphysical) views in his ethics, the better.

What about the Stoic–Peripatetic debate on the composition of the *summum bonum*, which Antiochus apparently considered the central issue within ethics? Why is it that he was apparently persuaded that metaphysical views had nothing to do with this issue? I think that the answer to this question lies partly in his conviction that in their physics the Stoics did for the most part adopt the “Old Academic” theory as presented at *Academica* I 24-29 (cf. 39 and *De finibus* IV 12): Zeno rejected Aristotle’s conception of the fifth element and insisted on the corporeal nature of the soul; but on the “on the central question he agreed that the universe was governed by a divine intellect and nature”. Thus Antiochus may have thought that, while physics may be relevant to the part of the ethical theory where the Stoics and the Peripatetics agree, as

far as the debated point (the *summum bonum*) is concerned, it must be irrelevant, (I touched this point in Section II.4.2.6).⁸¹

Moreover, Antiochus' perception of Stoic ethics too may have been influenced by his Academic upbringing, and in particular by the Academic tradition concerning Carneades' ethical debates with his Stoic contemporaries Antipater and Diogenes. As we have seen, in his ethics Antiochus "was happy to apply" the *Carneadea divisio*, and I have pointed out that this *divisio* seems to be devised with a specific view to undermining the Stoic position. To this we can add that the claim at *De finibus* V 19-20 that the Stoics identify the *summum bonum* with "morality", defined as "aiming all one's actions on attaining the things that are in accordance with nature, whether or not we actually obtain them" is reminiscent of the specification of the *telos* attributed to Antipater (at Stobaeus II, 76.9-15), according to which the *telos* is "to do everything in one's power continuously and undeviatingly with a view to obtaining the predominating things which accord with nature" (cf. Plutarch, *Comm. not.* 1070F ff (LS 64C)).

Again, we have repeatedly seen that according to Cicero the core argument which Antiochus applied against the Stoics –that the Stoic theory was a verbal variation on the Peripatetic (Old Academic) theory– actually goes back to Carneades (cf. again *De fin.* III 41; *Tusc.* V 83ff, 120). On Antiochus' interpretation (as reflected in *De finibus* Book IV), this charge actually means that the Stoics face an unwelcome dilemma: either their theory collapses into the position attributed to Aristo, which, taking it too seriously that everything beyond virtue and vice is indifferent with respect to happiness, does away with the basic demand that an ethical theory ought to provide

⁸¹ On the possible origins of Antiochus' Stoic-like physics in the Old Academy see David Sedley's seminal article, SEDLEY 2002.

practical guidance (cf. assumption (i) above); or, in an attempt to reconcile the radical claim that only virtue is good with that demand, collapses into the Peripatetic (Old Academic) view; and since the view of Aristo (and any other theory that does not satisfy the demand of providing practical guidance) has long been discarded, only the second option is viable. But this kind of criticism seems to sit well with the specific slant Antipater and Diogenes appear to have given to Stoic ethics, when (presumably in interpreting the “living in agreement with nature” formula) they specified the *telos* as “to live continuously selecting the things in accordance with nature and deselecting things contrary to nature” (Antipater, Stobaeus, *ibid.*; also invoked at *De fin.* III 31) and “reasoning well in selecting the things that are in accordance with nature” (Stobaeus *ibid.*, c.f. also II, 83.10-84.2; DL VII 88).⁸² Apparently, these specifications were meant to dissolve doubts about whether the Stoic position provides guidance in dealing with the indifferents.

In fact, these and related developments are apparently reflected in Cato’s presentation of Stoic ethics in *De finibus* III.⁸³ Of particular significance is Cato’s awareness of the objection that the Stoics introduce two ends instead of one (III 22). This objection seems to represent another version of the charge that the Stoics do away with the demand that the theory of the *summum bonum* ought to provide practical guidance (that is, it may be Carneadean); and Cato’s response to the charge (involving a famous archer simile) evokes Diogenes’ “to do everything in one’s power” formula. Indeed,

⁸² It is now widely agreed that Diogenes and Antipater did not represent a diversion from Chrysippian orthodoxy. The notion of selection occurred already in Chrysippus’ ethical treatises; cf. Epictetus, *Diss.* 2.6.9; at *De fin.* III 31 the notion of selection is closely juxtaposed with what seems to be the Latin translation of Chrysippus’ *telos*-formula; see further the discussion in LS Ch. 64.

⁸³ The notion of selection first occurs at III 20. Notably, Cato refers to Diogenes three times by name (III 33, 49 and 57) –by contrast, he refers to Zeno only once (at 51-52, as originator of the term *proēgmenon*; for the same attribution cf. Stob. *Ecl.* II 84,18-85,11), and only twice to Chrysippus (at 57, together with Diogenes, and at 67). At 57 Cato reports that some unnamed successors of Chrysippus and Diogenes were led by Carneades’ attacks to abandon the orthodox view that the value of good reputation is merely instrumental.

although the details of the debate are difficult to reconstruct, it is now widely agreed that the “two ends” objection goes back to Carneades, who used it to attack the selection-formulae, and that Antipater’s other definition, together with the simile, was part of Antipater’s rejoinder to Carneades’ attack.⁸⁴

But however this may be, we can see that the Academic tradition of this debate was certainly an important part of the intellectual background in which Antiochus’ views concerning the flaws of Stoic theory and on the preferable Old Academic version were rooted. And as far as our meagre evidence goes, this tradition knew nothing of any significant appeal to cosmic nature in this connection.

Further, we have already seen (in Chapter I.5) that Panaetius’ version of Stoic ethics may have been of specific significance to Antiochus because he could view and present it as an indirect admission of the rightness of his criticism of the Stoic theory. Panaetius frequently referred to Plato, Aristotle, and other Old Academics (*De fin.* IV 79), and did not claim that pain was not an evil (at least in the work that Antiochus put in the forefront: *De fin.* IV 23; cf. however *De off.* II 51). But from another source (Clement *Miscellanies* 2.21.129.4-5) we also know that Panaetius declared the end to be “living in accordance with the tendencies bestowed on us by nature” (*to zēn kata ta dedomenas hēmin ek phuseōs aphormas*). This may also seem to suggest a reversal, from Antiochus’ point of view, into the direction of the Old Academic theory. So we can see that in Panaetius’ writings Antiochus may have found further support for his interpretation and criticism of Stoic ethics; and it is not unlikely that Panaetius’

⁸⁴ Cf. e.g. LS 64; *De fin.* III 22 is cited there together with *De fin.* V 16-20 as evidence on the debate between Carneades and Antipater.

ethical writings also underwrote his opinion that as far as the Stoic–Peripatetic debate on the *summum bonum* was concerned, physics was quite irrelevant.⁸⁵

But however this may have been, I think that by now we have a good enough picture of Antiochus’ approach to understand that even if he read some earlier Stoic ethical treatises (e.g. by Chrysippus) which laid particular stress, in establishing the Stoic position on the *telos* and happiness, on cosmic nature (which is the assumption shared by the “cosmic” interpretations of Stoic ethics, underwritten by the evidence in DL VII 85ff and in quotations by Chrysippus preserved by Plutarch), he was not prepared even to consider, let alone recognise, the possible relevance of such assumptions and considerations to the controversial Stoic theses that virtue is self-sufficient for happiness because the fine is the only good etc. Rather, he was conditioned to consider the Stoic-Peripatetic debate in isolation, on the basis of the perspicuous phenomena that pertain to the subject; that is ordinary ethical intuitions about happiness, the role of prudence in the happy life, and so on.

Moreover, I think that we are now in the right position to understand why Cicero may have found Antiochus’ Old Academic ethics singularly attractive, why he may have simply adopted his interpretation of Stoic ethics, and why this may have created a blind-spot in his perception of Stoic ethics as regards the relevance of cosmic nature.

Before everything else we should take notice that Cicero has always (i.e. from the *Pro Murena* onwards) held that the Platonic-Aristotelian tradition offered a more suitable intellectual background for a leading Roman statesman (cf. e.g. the recurrence of this theme at *De fin.* IV 61). For one thing, these schools represented and taught a much

⁸⁵ Relevant to this point is the discussion by WHITE 1979: 70-71. As for Mnesarchus and Dardanus, the leading Stoics in Athens in Antiochus’ time, (cf. *Luc.* 69), we know near to nothing of their doctrines.

more agreeable tradition of eloquence (Cicero constantly holds that the Stoic style was rather threadbare, cf. e.g. *Parad. proem.*, *De fin.* IV 78, and that the Academics and Peripatetics offered the best oratorical training). But the Peripatetics in particular also made considerable progress in the field of political theory.⁸⁶ Further, the Old Academic–early Peripatetic ethical tradition (as championed by Antiochus) was closer to what Cicero as politician and orator, but perhaps also as a true Roman patriot, considered the most venerable stock of “common opinions”, namely the traditional Roman values, institutions, norms and beliefs that constituted the *mos maiorum* (cf. again e.g. *Parad. proem.*; the conviction that the Roman *mos maiorum* was superior to other cultural traditions was itself a part of the *mos maiorum*, cf. e.g. *Tusculans I proem.*). As it clearly comes out from Cicero’s various remarks, the Stoics had much to say about the unsatisfactoriness of normal Roman responses to honour, prestige, authority, power, wealth, luxury, citizenship, Roman political and legal institutions, nationalism and the idea of Roman superiority itself etc. which could hardly win favour for them in Rome.⁸⁷ On the other hand, Antiochus apparently was able to present his ethical system in a way that avoided such conflicts with traditional Roman sentiments (both of the governing elite and of the general public for whose favour the members of this elite were competing), indeed on the whole seemed to give justice to them.⁸⁸ It is far from being surprising that at the time Cicero wrote Antiochus’ philosophy was rather fashionable.⁸⁹

⁸⁶ Cf. e.g. *De leg.* III 16; Cicero was not satisfied with Plato’s approach to political theory, and had a dismissive view of Stoic political theory, see further Chapter I.5, esp. n. 164.

⁸⁷ The unfavourable Roman perception of Stoicism is reflected also in our information of Panaetius’ and Posidonius’ attempts to give a slant to Stoic ethics that renders it more tolerable in the eyes of their Roman audience. Even Cato, as Cicero intimates at *Parad. proem.* 3, avoided openly endorsing the problematic Stoic tenets in his public speeches, but rather resorted himself to topics that met the approval of his audience: magnanimity, self-control, death, the aspects of virtue, the immortal gods and patriotism. Cf. further e.g. POWELL 1995: 23ff; GRIFFIN 1989: 7.

⁸⁸ Cf. for example the bow towards ordinary aristocratic sentiments at *De fin.* V 69, where the Antiochean Piso says, in an Aristotelian spirit, that the wise seek the virtues with nature’s guidance,

Importantly, Cicero may have thought that his commitment to traditional Roman sentiments was underwritten by his Academic scepticism. As we have seen (in Chapter III.1.3), Cicero's sceptic method involved extensive usage of the criterion of consistency with commonly agreed *phenomena* (ideally such that no contrary opinion presents itself) as a standard in assessing the persuasiveness of a philosophical theory. Cicero's constant focus on whether and to what extent an ethical theory conforms to the *mos maiorum* –conveyed mostly through his frequent appeals to historical *exempla*– is probably meant to represent the sceptical approach, only perfected by selecting, from among humanity at large, the most distinguished “focus group” for testing the theories.

Further, Cicero the Academic sceptic may have found Antiochus' approach to ethics appealing also on a more theoretical level. Antiochus, as we have just seen, self-consciously presented his ethics as an “intuitive” theory: one which does from the very beginning methodically and openly rely on, and keep in close contact with, the relevant *phenomena*, what the Academics would have called “perspicuous” or “unimpeded” data (*Luc.* 33-4).⁹⁰ That is, he offered just what Cicero as Academic sceptic principally expected from a persuasive theory. We can also see now that this match between Antiochus' method of theory building and Cicero's sceptical method of theory-testing was far from being incidental. Antiochus' entire approach was informed by his Academic past. His theory was devised so as to stay standing as a more intuitive and persuasive alternative to the Stoic theory. In developing it

while those who are imperfect but endowed with outstanding abilities are often motivated by honour. Cf. also e.g. V 74; IV 61; *Parad. proem.*

⁸⁹ Antiochus' most famous followers at the time were Varro (*Acad.* I 12; cf. *Ad Att.* XIII.12.3; 16.1; 19.3; *Ad fam.* IX.8) and Brutus (*Acad.* I 12; *Tusc.* V 21; *De fin.* V 8; *Ad Att.* XIII.25.3) –the latter was a pupil and friend of Antiochus' brother and successor Aristus, and even wrote a work on philosophy in Latin before Cicero wrote the late *philosophica*. See further BARNES 1989: 59-62.

⁹⁰ Cf. also *Luc.* 44, where the Antiochean Lucullus says that an argument in general is supposed to disclose the non-evident starting from “perception and perspicuous premises”.

Antiochus benefitted from, and extensively relied on, the Academic (Carneadean) tradition of criticism of the Stoic theory. He even used the *Carneadea divisio*, which (or at least the version of it presented by Piso at *De finibus* V 16-23) had the lion's share in establishing the intuitive foundations of his theory, at the same time preparing the ground for the refutation of the Stoic theory. And his criticism of the Stoic theory also followed Carneadean lines. His conclusion in a nutshell was: the Stoics, if they want to retain the connection between their theory and the evident "facts" from which we must develop an appropriate ethical theory cannot but mean the same things as "we" (Old Academics and Peripatetics) do; but we use a language that reflects more perspicuously those very facts –in fact, this is precisely how the Antiochean Piso presents the criticism at *De finibus* V 88-90.

Thus we can understand why Cicero, both as a Roman politician and as an Academic sceptic, found Antiochus' theory attractive and was ready to admit that up until it came to the sufficiency thesis, among the available alternatives it was the one that stood standing on a thorough sceptical scrutiny. As Philo's pupil Cicero was nurtured on the same tradition as Antiochus; his knowledge of the Stoic theory in particular had been filtered through this same tradition –indeed, for all we know it is possible that a great part of this knowledge came from Antiochus himself. Antiochus' ethics was meant to win his approval whether Cicero was willing to abandon for its sake his Academic sceptic stance or not. The point where Cicero the Academic sceptic cannot follow Antiochus is where he infers that although virtue is not the only good, it is nevertheless sufficient for happiness though not for complete happiness. Here Antiochus' theory loses its easy conformity with the perspicuous phenomena, because the phenomena themselves are obscure and deeply divided. Cicero (*De fin.* V 84-5) argues:

Now imagine a wise person who is blind, disabled, suffering the gravest illness, in exile, childless, needy, and being tortured on the rack for good measure. (...) You find it incredible that this is a state of complete happiness. Well then: is your own view credible? If you have me plead your case before an audience of ordinary people, you will never convince them that a person so afflicted is even happy. Put me before experts, and they will perhaps have doubts on two scores. Firstly, they will doubt that virtue is so powerful that those endowed with it would be happy even when inside the bull of Phalaris. Secondly, they will be assured that the Stoic system is self-consistent, whereas yours is self-contradictory.⁹¹

I have quoted the passage because it is an excellent example of the kind of concern about the conformity of ethical theories with the ethical intuitions of ordinary (and ordinary but well educated) people that permeates the debates presented in *De finibus*, and that, as I have argued, is an integral part of Cicero's scepticism. In response to these objections Piso appeals, among other things, to a further ordinary intuition: we are normally willing to name heaps of things after their main component, and so are willing to "judge a life on the basis of its largest part" (91-92; cf. *Tusc.* V 22). But Cicero can counter this intuition with another no less plausible one: that given our intuitive conception of happiness the idea that happiness could come in gradations is '*minus probendum*' (V 81; cf. also *Tusc.* V 22-23, 29). That is, Piso's point is no more a "conspicuous" or "unimpeded" one.

Finally, we can now readily see that the way Antiochus' theory resonated with Cicero's sceptical schooling brought with it an all but complete acceptance of Antiochus' view and understanding of Stoic ethics. For the Academic traditions from which Antiochus dissented, but from which his philosophy nevertheless greatly benefitted, already contained the rudiments (if not a fully fetched version) of this line

⁹¹ *sit enim idem caecus, debilis, morbo gravissimo affectus, exul, orbus, egens, torqueatur eculeo (...) Tibi hoc incredibile, quod beatissimum. quid? tuum credibile? si enim ad populum me vocas, eum, qui ita sit affectus, beatum esse numquam probabis; si ad prudentes, alterum fortasse dubitabunt, sitne tantum in virtute, ut ea praediti vel in Phalaridis tauro beati sint, alterum non dubitabunt, quin et Stoici convenientia sibi dicant et vos repugnantia.*

of criticism of the Stoic theory; thus to a pupil of Philo it was neither unfamiliar nor implausible.

It is especially important here to recall again the sceptical considerations about Cicero's intellectual background that I presented in **Part I**. I do not see any reason to think that Cicero ever encountered and studied Stoic ethics independently, reading Stoic texts with eyes freed from the preconceptions and perspective ingrained in him by his Academic upbringing and strongly confirmed by Antiochus' lectures. I do not see any sign of another influence (probably by Posidonius or Diodotus) that would have countered these preconceptions. Whenever the topic of Stoic ethics comes up in Cicero's oeuvre, from the *Pro Murena* onwards, Cicero always unvaryingly views it through the same Academic–Antiochean glasses (only his focus and emphasis changes with the context). Indeed, I feel some doubts about his boasting hint to his all but comprehensive acquaintance with Stoic authors. As far as I can see, from among the great array of Stoic literature he was most intimately acquainted with some ethical treatises by Panaetius and some physical works by Posidonius –readings that were probably authorised or even advised to him by Antiochus (cf. Chapter **I.6**).

To cut it short, the Stoicism he knew was a version carefully pre-digested so as to facilitate his acceptance of either Academic scepticism or Antiochean dogmatism. His self-presentation as a model sceptic who relies on his own mind in studying, comparing and criticising philosophical claims and theories, and advises others to follow his example rather than being restrained by any school authorities, is strongly idealising in this respect.

III.3 *Coda: self-love*

As we have seen, Antiochus' next move after having laid down the starting assumptions included in his account of the *Carneadea divisio* (points (i)-(ix) in Chapter III.2) is to introduce the notion of self-love and presenting an “aprioristic” or “analytic” argument to prove that self-love is the necessary emotive basis for any kind of motivation whatever (V 24; the “proof” is presented at 28-30). Moreover, he seems to assume that by pointing this out he has done the crucial step to show that we all from birth have a motivation for self-preservation and self-perfection (the conceptual connection between self-love and self-preservation is clearly assumed at 31; the link between self-preservation and self-perfection is elucidated at 37).

I also indicated that while no similar argument is found in Aristotle's ethics, Antiochus' notion of self-love has an Aristotelian provenance. In what follows I shall argue that what we find in Antiochus is an attempt to utilise the Aristotelian notion of self-love in creating an Aristotelian counterpart for the Stoic conception of *oikeiōsis*, indeed to conflate the Stoic notion of *oikeiōsis* with that notion, in a way that supports an Aristotelian conclusion about the composition of the good. For it should be clear that once we have accepted the general idea that self-love is the inevitable basis of every motivation, and that it impels us to love and care for every part that constitutes “us”, and that happiness depends on or consists in the overall satisfaction of this fundamental urge, it inevitably follows that bodily and external goods *do* matter with respect to happiness (they are definitely not “indifferent” as the Stoics claim).

This point is crucial because as far as Cicero is concerned, the attempt seems successful: he does not seem to see any significant difference between Stoic *oikeiōsis*

and Antiochean self-love. Throughout the work –including the account of the Stoic theory in Book III– he uses the language of self-love interchangeably with terms that seem to be meant to render the Stoic terminology.⁹² Indeed, as I shall point out, we find a rudimentary version of the same argument from self-love that will be elaborated by Piso in Book V (III 16). Cicero is so successful in conflating the two notions that his practice is adopted by several modern commentators.⁹³ If my analysis of the role that the notion plays in Antiochus’ theory is correct, this conflation is unjust to the Stoic theory.

First, it is important to take notice that even in Cicero’s *De finibus* the presence of the language of self-love is uneven: it comes to prominence only as the Antiochean

⁹² The initial statement of the Stoic thesis at III 16 is couched in terms apparently chosen to reflect the standard Stoic terminology: *ipsum sibi conciliari et commendari* may well be Cicero’s Latin translation of the Greek phrase *oikeiousthai* or *ō(i)keiōsthai pros heuto* or *heautō(i)*. However, still in the same paragraph Cato switches to speaking about *se diligere*, which he apparently regards as equivalent with the former phrase. Later he refers back to the whole doctrine as the doctrine that “everyone by nature loves themselves” (59: *se ipsi omnes natura diligant*; cf. 64: *deceat cariorum nobis esse patriam quam nosmet ipsos*; 70: *eaque caram esse sapienti rationem amici ac suam...*), and these occurrences of self-love are not outnumbered by phrases which can be taken as echoing the terminology of *oikeiōsis* (III 21: *prima conciliatio*, III 22 *in primis naturae conciliationibus*; 23 *commendatus, commendari*). The terminology of *oikeiōsis* is more widespread in book IV, in which Cicero, wearing an Antiochean hat, but emphasising the unity of the Stoic and the “Old Academic” doctrine on animal motivations, declares that “every nature tends to preserve itself... every animal is commended to itself (*ipsum sibi commendatum*) and so wishes for its safety and security in the species” (IV 19), and he frequently uses the verb *commendare* and the related nominal term *commendatio* (presumably translating *oikeiōsis*) throughout (IV 25: *nosmet ipsos commendatos esse nobis*); cf. also 26: *tantae commendationes a natura profectae*, 40: *a prima commendatione naturae*, 46: *prima commendatio naturae*; comp. II 35: *Epicurus autem cum prima commendatione voluptatem dixisset*). But at IV 32 he too reformulates the thesis in terms of self-love (IV 32: *omnis enim est natura diligens sui*, 34: *applicatum esse ad se diligendum*), and the pattern is similar to what it was in book III: self-love comes in view as an obvious substitute for *commendatio*. The other two accounts of the original “Old Academic” doctrine, in Books II and V, introduce the thesis in this rephrased version. At II 33 we are told that “...the young are... moved by nature... to love themselves (*natura moveat infantem... ut se ipse diligit*), and to wish to keep themselves safe and sound. Every living creature, as soon as it is born, loves (*diligit*) both itself and all its parts. It cherishes (*amplectitur*) above all its two major components...etc.”. Similarly at V 24 the thesis is that “every living being loves itself (*se ipsum diligit*) and as soon as it is born strives to preserve itself”. The term *commendatio* is not absent from Piso’s vocabulary in Book V (V, 33: *commendatione naturae, qua se ipsi diligunt*; 41: *prima illa commendatio, quae a natura nostri facta est nobis*; cf. II 35: *Epicurus autem cum prima commendatione voluptatem dixisset*). But in Piso’s exposition of Antiochus’ doctrine the language of self-love is clearly more dominant: this remains the standard formulation of the doctrine throughout (see 27: *omne animal se ipsum diligere*, 29: *qui sibi cari sunt, seseque diligunt*; 30: *sibi quemque esse carum*; 31: *carum sibi quemque ...esse*; 33: *commendatione naturae, qua se ipsi diligunt*; 34: *sibi quemque natura esse carum*; 37: *ipsi a nobis diligamur... ipsi homines sibi sint per se et sua sponte cari*; 46: *nos diligamus*).

⁹³ Cf. for example ENGBERG-PEDERSEN 1986; WRIGHT 1995; LONG 1996: 254, 261; 2006: 28, 353, 356; STRIKER 1996: 226ff.

theory comes into focus, in Book V.⁹⁴ Second, Cicero’s usage of the language of self-love in characterising the Stoic theory in Book III is actually rather idiosyncratic: it is not paralleled in other sources on earlier Stoic doctrine. As I pointed out in Chapter II.4.1, on the version of the doctrine of *oikeiōsis* presented at DL VII 85, which draws directly on Chrysippus, the notion of *oikeiōsis* does not seem directly to denote a psychological fact; rather, it denotes the metaphysical fact that the psychological orientation of living beings is part of nature’s intelligent design. Living beings are “appropriated by nature”; the psychological fact that follows from this point is that the “first impulse” (*prō tēhormē*) of the living being is towards self-preservation (*epi to thērein heauto*). And our other evidence on the orthodox Chrysippian doctrine (esp. Plutarch, *De Stoic. Rep.* 1038B (SVF III 179, II 742; LS 57E) seem to be in conformity with this picture.

The other two well-known testimonies in which *oikeiōsis* to oneself is similarly equated with self-love are reports not on early Stoic doctrine, but rather on “para-Stoic” doctrines stemming from the 1st century BC, which seem to represent attempts to present an Aristotelian equivalent for the Stoic theory of *oikeiōsis*, similar to the attempt that we, as I argue, find in Antiochus.

- a) One of these testimonies is the account of “Peripatetic” doctrine found in Stobaeus (*Ecl.* II 116-26 (Wachsmuth) =II 7.13-14), probably copied from Arius Didymus’ *Epitomē*.⁹⁵ On this doctrine, “the first thing we desire is to exist, because we are by nature attached to ourselves (118.12 (W): *prōton men*

⁹⁴ Cf. my survey in note 92 above.

⁹⁵ This account has long been recognised as being in debt to Antiochus’ theory: see PEMBROKE 1971: 124, 135; GÖRGEMANN 1983 (who provides a translation of the whole Peripatetic theory, pp. 168-173); INWOOD 1984: 168.

oregesthai tou einai, phusei gar ὀ(i)keiusthai pros heauton).⁹⁶ This is said to entail that our main components, the soul and the body, as well as their respective parts, are “dear to us” (118.20-119.1 (W): *philon gar einai hēmin to sōma, philēn de tēn psuchēn, phila de ta toutōn merē...*); and later the thesis is evoked as the claim that “love of oneself comes first” (II 7.22.11: *Prō tē men oun, hōs proephēn, einai tēn pros heautou philian...*).

- b) The other such testimony is Alexander of Aphrodisias’ report in *De anima mantissa* (151.3) that the Peripatetics Xenarchus and Boethus of Sidon held that according to Aristotle (*kata de Aristotelē*) the *prōton oikeion* for each of us is oneself (*einai prōton oikeion hēmin hēmas autous*). As Alexander explains, they grounded this interpretation on two passages in the *Nicomachean Ethics*: (i) Aristotle’s observation (*NE VIII 2, 1155b21-26*) that “as it seems, everyone loves what is good for oneself” (*dokei de to hautō(i) agathon philein hekastos*), or at least what appears (*to phainomenon*) to be such (be it pleasure or anything else), rather than the good without qualification (*haplōs*); and (ii) his remark (*IX 4, 1168a35-b10*) that a person most of all is a friend of himself (*malista philos hautō(i)*), and should love himself most of all (*philēteon de malista heauton*).⁹⁷ In Alexander’s testimony the connection between these claims and the alleged thesis that the *prōton oikeion* for each person is himself is established, somewhat vaguely, through the claim that the object of love is an object of desire (*to philēton orekton esti*) –and Alexander previously (150.20-25) has maintained that the *prōton oikeion* is the same as the *prōton orekton*–; thus, in so far as

⁹⁶ The terminology of *oikeiōsis* repeatedly recurs again later, see GÖRGEMANN 1983: 165.

⁹⁷ Xenarchus and Boethus might also appeal to the further thesis, occurring in *NE VIII 2* (1155b31) and *IX 4* (1166a3), that a basic condition of friendship (*philia*) is that the friend (*philos*) wishes and does goods to his friend (*ho philos*). Thus in so far as one loves “goods for oneself”, it seems that one wishes goods to oneself for one’s own sake; that is, one is a friend of oneself.

Aristotle is right in thinking that “we are friends to ourselves more than to anyone else”, it is also true that “we are not appropriated to anything (or anyone) else more than to ourselves” (*philoumen de oudenas pro hēmōn autōn, oude oikeiōmetha pros allo ti houtōs*).⁹⁸ As Alexander further comments, the claim that the *prōton oikeion* for each of us is oneself is “vague”, and in order to escape the apparent absurdity that we love our very selves as a discrete object of desire, separated from ourselves, we should understand it as implying that “we desire simply our own existence” (*tou einai autou hēmas oregometha haplōs*); which seems virtually identical with Arius’ “Peripatetic” thesis above in (a).

These testimonies have an unmistakable affinity to what we find in *De finibus* V, and at the same time they provide us valuable information on the origins of this “Aristotelian” counterpart of the Stoic theory of *oikeiōsis* in an attempt to reconstruct a coherent theory of *philia* from the remarks and ideas found in Books VIII and IX of the *Nicomachean Ethics*.⁹⁹ As to the precise relation between these “para-Stoic”

⁹⁸ Xenarchus and Boethus (as well as Antiochus) may also have felt encouraged to identify “*philein heauton*” and “*oikeiousthai pros heauton*” by Aristotle’s discussion of parental *philia* in *NE* VIII 12, where Aristotle (1161b18ff) says that “parents are fond of their children because they regard them as something of themselves” (*sterousi... hōs heautōn ti onta*); and then further reasons that what comes from someone “belongs to” the one from whom it comes (*to gar ex autou oikeion tō(i) aph’ hou*), and a maker regards his product more his own than *vice versa* (*mallon sunōkeiōthai to aph’ hou tō(i) gennēthenti ē to genomenon tō(i) poiēsanti*). A couple of lines later (27) he goes on and concludes that “parents, then, love their children as themselves” (*philousi... hōs heautous*).

⁹⁹ Further relevant passages include *NE* VIII 2 1155b31, according to which one of the recognised characteristics of friendship is that the friend (*philon*) wishes goods for his friend’s sake (*ekeinou heneka*), and IX 4 1166a3: the friend wishes what is good for his friend (*ekeinō(i) agathou*), for the friend’s sake. At IX 4 1166a1-2 Aristotle adds that this characteristics of friendship towards one’s neighbours, jointly with the other characteristics enumerated there (1166a1ff), is “derived from the nature of friendship towards oneself” (*eoiken ek tōn pros heautou elēluthenai*) –more specifically (1166a10ff), from the virtuous person’s friendship towards himself, because only the good person is a true friend of himself: he does everything not only “for his own sake” (*heautou heneka*), but more specifically for the sake of his thinking part (*tou dianoētikou charin*), “and that is what each person seems to be” (1166a20). In IX 8, then, Aristotle goes further and suggests, rather provocingly, that the virtuous person is a *philautos*, “self-lover” *par excellence* (*malista*). The virtuous person too does everything “for his own sake” (*heautou charin*), and nothing “apart from himself” (*aph’ heautou*), (cf. 11168a29ff); but while vulgar self-lovers gratify (*charizontai*) their appetites, emotions and the non-rational part of the soul (1168b18ff), the virtuous person “awards himself (*aponemei heautōi*) with the finest and best goods”, that is i.e. virtue and virtuous action, “gratifies (*charizetai*) the supreme [or most controlling] element in himself (*heautou tō(i) kuriōtat(i)*), that is the intellect (*nous*), and “complies with it in everything”; thus, since a person, like a city, or any other organisation (*sustēma*) is

Peripatetic theories and Antiochus' theory, there are two viable possibilities, and for our present purposes it is indifferent which one is true: either Xenarchus and Boethus relied on Antiochus, or all the three relied on some earlier tradition.¹⁰⁰

In fact, I do not find it unlikely that in developing his theory Antiochus directly studied Aristotle's ethics. As we have seen, on Cicero's report, as far as ethics was considered, Antiochus regarded Aristotle as one of the principal authorities of the Old Academy (see Chapter III.2; cf. esp. *De fin.* V 8, 14; Cf. also II 34, 40; IV 3 ff and esp.15, where Xenocrates' and Aristotle's ethics is identified; *Luc.* 131, 137; *Acad.* I 22; *Tusc.* V 30, 39, 87). Further, In *De finibus* V Piso –Antiochus' pupil at the dramatic date of the dialogue– mentions the *Nicomachean Ethics* in particular as the work he finds the most authoritative. That this is probably a reference to our

most of all its supreme element (cf. also 1066a18ff), the virtuous person is a self-lover most of all (1168b28ff).

To be sure, Aristotle's conception of *philia* to oneself is complicated by Aristotle's insistence that the notion of friendship to oneself requires us to think of the agent as consisting of more than one psychic parts (1166a34-1166b1); in accordance with this he suggests that the virtuous person's friendship to himself implies that he "is of one mind with himself and desires the same things in his whole soul" (1166a13-4), while base people cannot be real friends to themselves, or they can be only in so far as they approve of themselves (*areskousin heautois*) and suppose they are decent (*epieikeis einai*), for otherwise "they are at odds with themselves, and have an appetite for one thing and a wish for another" (1166b2ff; cf. 1169a13ff). For the same reason Aristotle (*EE* 1240b31-2) finds it doubtful that animals could be considered as friends to themselves (since they have no rational soul, and thus in their case there can be no question of inner agreement). If one wants to derive from Aristotle's remarks on *philia* to oneself a general theory of motivation, these passages seem to present a genuine problem.

Again, in the *NE* Aristotle seems to commit himself to the view that children and animals alike are hedonistically motivated (*NE* II 1104b34-5, 1105a2, 1119a8; 1119b5-7; VII 1152b19, 1153a27ff and X 1172a20ff). However, III 1118a16ff and X 1176a3-9 seem to establish a close link between the kinds of pleasures animals enjoy and the activities that constitute their function (cf. further 1116b25ff). Moreover, at VIII 1155a18-19 Aristotle admits that natural parental friendship exists not only among humans but also among most kinds of animals; and later on (1161b27-29) he suggests that parents love their offspring as themselves (*hōs heautois*), for the offspring are like another self (*hoion heteroi autoi*). If, then, Aristotle believes that parental love entails care for the offspring's preservation (as some passages in the *Eudemian Ethics* (1241b2-4, 1235a34) suggest he does), then it seems to follow that animals, in so far as they love themselves, are inclined to preserve themselves.

¹⁰⁰ We know little of Xenarchus and Boethus, but we can at least tell that both of them flourished later than Antiochus, but still in the first century BC; Strabo, who lived during the reign of August and the beginning of the reign of Tiberius (64-3 BC – ca. 24 AD), reports that in his elder years Xenarchus taught in Rome, enjoying the friendship of Arius Didymus (who is the probable source of the "Peripatetic" doctrine preserved by Stobaeus), and afterwards of Augustus (XIV p. 670); and professes to have been a companion of Boethus in his Aristotelian studies (XVI p. 757). On Boethus' chronology see BARNES 1997 21-22: he was born either in the middle 60s or some thirty (or more) years earlier; he was probably a disciple of Andronicus of Rhodes (cf. however TARÁN 2001: 495ff). The relationship of Boethus and Xenarchus is uncertain; on this see BARNES 1997: 23. For Strabo's relationship with Xenarchus and Boethus see also DUECK 2000: 10-11.

Nicomachean Ethics, and that it shows that the work was already known to Cicero in 45 BC, is now widely agreed.¹⁰¹ But Cicero's indication seems to be that the work was known already in 79 BC, and was studied in Antiochus' school.¹⁰² Piso favours Aristotle's work over Theophrastus' *On the Happy Life*, apparently because he believes that the *Nicomachean Ethics*, unlike Theophrastus' treatise, does endorse the sufficiency of virtue to happiness (V 12). Piso had previously studied Peripatetic philosophy with Staseas (V 5, 85); and Cicero takes pains to indicate that this is not how Staseas and other contemporary Peripatetics presented their system: they followed the Theophrastean tradition (75). Thus Piso's suggestion of the *Nicomachean Ethics* as the source of the authentic Aristotelian position seems to be meant to reflect Antiochus' influence; and I do not see any reason not to take Cicero's indications here at face value.¹⁰³ So it is not implausible that in developing his conception of self-love Antiochus may have extensively used Books VIII and IX of the same work, as later Xenarchus and Boethus apparently did –notably on this assumption V 30 may seem to contain a close echo of *NE* VIII 2, 1155b21-26, one of the key passages on which Xenarchus and Boethus based their interpretation of Aristotle's theory.

But however this may be, it seems evident that Cicero's presentation of Antiochus' theory in *De finibus* V (and II and IV) belongs to the same stock of Aristotelian theories as the other two first century BC Peripatetic theories I mentioned above.

¹⁰¹ Cf. esp. BARNES 1997: 44-5 and 57ff.

¹⁰² Pace e.g. Pembroke 1971: 135, according to whom Antiochus was "still unable to gain access to the esoteric writings", and "the close relation of... parts of Arius' account of Peripatetic ethics [i.e. the "Peripatetic" theory in Stobaeus] to the then recently rediscovered *Nicomachean Ethics*" indicates an intermediary between Antiochus' theory and that account.

¹⁰³ Indeed, as Julia Annas (ANNAS 2001: 122 n.18) has pointed out, Antiochus could perhaps support his two-level conception of happiness by an interpretation of passages in *NE* I 8-10, although some other passages in the *NE* seem to present problems for such an interpretation; see esp. I 4, 1095b31-1096a1; I 7, 1098a19, 7 13, 1153b16-22.

Finally, I do not think that what we find in later Stoic (post first-century BC) authors has much relevance to assessing whether the language and notion of self-love may have been present in the earlier Stoic tradition; for it seems to me that after the emergence of these para-Stoic theories in the first century BC it became increasingly difficult, even for professional philosophers, to differentiate between the different philosophical doctrines. First (i), as we can see in Antiochus' case, one of the original strategic intentions behind the development of such theories was certainly to deflate Stoic ethics as unoriginal and to undermine it by conflating the Stoic conception of *oikeiōsis* with a conception of self-love that can be shown not to support the radical Stoic conclusions about virtue and happiness. Second (ii), by and after the end of what we can call the Hellenistic era in Ancient Greek philosophy (around the time Cicero wrote) philosophers became more and more susceptible to syncretistic tendencies.¹⁰⁴ Thus when e.g. we find that Seneca (*Ep.* 121, 24) considers *oikeiōsis* to oneself (*conciliatio sui*, cf. 14: *sibi ipsum conciliatur* and 18: *sibi quisque commissus est*) as equivalent with self-love (*caritas sui*), it is far from clear that he is drawing on old and orthodox Stoic doctrine.¹⁰⁵ Rather, such examples seem to me to show the long-term success and influence of the philosophical strategies represented by our

¹⁰⁴ Cf. esp. the 'Epilogue' by Michael Frede in ALGRA et al. 1999, who rightly point out that the revival of Platonism and Aristotelianism, as well as the eclecticism of philosophy in the Roman Imperial period, are foreshadowed already in the work of Panaetius and Posidonius (see esp. p. 785).

¹⁰⁵ The term '*caritas sui*' is reminiscent of Cicero's *carum sibi esse*, which, as we have seen, is a synonym for *se (ipsum) diligere* in *De finibus*, cf. note 92 above. At 17 Seneca further argues that every action, even seeking pleasure and avoiding pain, is actually self-referential and springs from the basic motivation to "take care of oneself" (*sui curam agein*), which is closely reminiscent of the Antiochean argument at *De fin.* V 30 and, through that passage, Aristotle's remark at *NE VIII 2, 1155b21-26*. On Seneca's 'eclecticism' see e.g. INWOOD 2005: 23ff. In an earlier article (INWOOD 1984: 169 n19) Inwood has pointed out that in discussing the Stoic notion of self-perception at *Ep.* 121 11-13 Seneca uses an "intellectual language in addition to the perceptual language", which is reminiscent of the terminology used by Piso in *De fin.* V in discussing Antiochus' conception of self-knowledge. According to Inwood this is "no doubt due to the influence of the opponents in the debate and their language".

testimonies (including Cicero’s report of Antiochus’ ethics) on Peripatetic and “para-Stoic” theories.¹⁰⁶

On the other hand, our later Stoic sources can sometimes provide us interesting examples of how, in this new “syncretistic” or “eclectic” context the Stoics themselves could use Platonic or even Aristotelian themes in attempting to neutralise the danger that the conflation of their notion of *oikeiōsis* with Aristotelian self-love presented to their ethical radicalism. Thus Epictetus (*Diss.* I 19. 11-15) subscribes to the thesis that *oikeiōsis* to oneself is the common starting point (*archē*) for every living being, including even the wise and virtuous person, and that this impels one to “attend to oneself” (*heauton therapeuein*) and to “do everything for one’s own sake” (*panta hautou heneka poiein*), such that no one can ever disregard one’s own interest (*apostazein hautou kai tou hautou sumpherontos*) (cf. also II 22, 1-15, where “being attached to one’s own interest”, *oikeiousthai pros tō(i) idiō(i) sumpheronti*, is considered equivalent with “loving one’s own interest” *philein tou hautou sumpheron*). However, as he further (II 22, 18-21) explains, the focus of one’s identification makes an enormous difference: “for wherever the ‘I’ and ‘mine’ is

¹⁰⁶ Further relevant sources are (i) Epictetus, *Diss.* I 19, 11-15, where Epictetus argues that the Stoic sage, though as every living being he does “everything for his own sake” (*hautou heneka panta poiei*), is not therefore an egoist (*philautos*), cf. further II 22, 1-15 and 18-21, see my discussion below; and (ii) Hierocles, who virtually equates *oikeiōsis* to oneself (cf. VI 52: *ōkeiōthē pros heauto*) with “being pleased with oneself” (cf. VI 42-3: *aresein heautō(i)*), a feeling that he further analyses as a positive emotive response (“being well pleased with”, *eurestein*) to one’s impression of oneself (VI 28-29); and later (VII 18ff) argues that *oikeiōsis* to oneself (*pros heautous oikeiōsis*), though is not *philautia*, is the source (*katarchē*) of this flaw, and thus the existence of the latter can be viewed as a proof of the former. On the subsequent (and more and more fragmentary) pages (col. VIII 1b, IX 3, 8-9) Hierocles, apparently relying on standard Stoic terminology, characterises the *oikeiōsis* to oneself as *eunoētikē*, “benevolent”, a further phrase that may encourage one to paraphrase the doctrine of *oikeiōsis* in terms of self-love (Cf. Plutarch, *Quomodo adulato ab amico internoscatur* 49A5, where *eunoia heautō(i)* is used as a synonym for *philautia*; cf. further the role *eunoia* plays in Aristotle’s discussion of friendship: 1155b33ff, 1157b18, 1158a7, 1166b30ff). The distinction between excessive and misguided self-love, *philautia* and the virtuous person’s sound concern for herself, which occurs in both Epictetus and Hierocles goes back on Aristotle’s analysis in *NE* IX 8 1168a28ff; Aristotle’s conclusion is that the virtuous person is “most of all a self-lover” (*philautos malista*) in a non-derogative sense. The theme is also present in Plutarch, *Quomodo adulato ab amico internoscatur* 48E1ff (with reference to Plato’s objection at *Laws* 731d-732b to the saying that “every man is by nature a lover of himself (*philos heautō(i)*), and that it is right that he should be such”); cf. also *Comparatio Thesei et Romuli* 2, 5; *Aratus* 1, 6; *De fraterno amore* 492C5; see further Stobaeus IV 27, 20, 29 ff.

placed, to there the creature inevitably inclines: if they are in the flesh, the authority must be there, if in one's volition (*proairesis* –to simplify the matter, one's rational guidance), there, if in external things, there".¹⁰⁷ This Platonizing explanation seems to make room for the idea that although the wise person qua living being is a natural "self-lover", since he identifies with his rational soul alone, he considers virtue his single good. And on closer examination the explanation may even seem to be supported by some Aristotelian passages.¹⁰⁸

But when Antiochus first (as I tend to think) presented his narrative about the development of Stoic ethics from the original Old Academic–Early Peripatetic theory, such solutions and responses were clearly not yet available; so his conflation of the Stoic conception of *oikeiōsis* with his Aristotelian conception of self-love seriously compromised the integrity of the Stoic theory. If one subscribes to the claims that (i) every motivation whatever springs from fundamental and inevitable self-love, that (ii) self-love entails a concern for the preservation of oneself in a sound and perfect condition, that (iii) this in turn entails a concern for the soundness and perfection of one's main components, and that (iv) happiness depends on or consists in the satisfaction of these arch-desires, than one can hardly uphold the theses that virtue is the only genuine good, and is therefore self-sufficient for happiness. Even if one adds (as Antiochus does) that (v) the rational soul is the dominant and most outstanding component of our constitution, and therefore its perfection (i.e. virtue) is a far superior good than any other good we have, the minor goods still do matter; they cannot be properly called "indifferent".

¹⁰⁷ On the interpretation of the passage see esp. LONG 2002: 199; see further Long's discussion of the connection between Aristotle's and Epictetus' conception of *proairesis*, *ibid.* 212ff.

¹⁰⁸ I mean Aristotle's elaboration of the distinction between vulgar and excessive self-love and the genuine and self-love of the virtuous person in *NE* IX 8; cf. note 106 above.

I think that in view of these considerations the argument presented by Cato at *De finibus* III 16 should be bracketed as potentially spurious evidence of Stoic doctrine.

The ominous argument is presented as part of Cato's proof that every living being is from birth "concerned with itself and takes care to preserve itself".

In support of this thesis, the Stoics point out that babies seek what is good for them and avoid the opposite before they ever feel pleasure or pain. This would not happen unless they valued their own constitution and feared destruction. But neither could it happen that they would seek anything at all unless they had self-awareness and thereby self-love. So one must realize that it is self-love which provides the primary motivation.¹⁰⁹

The first half of the passage presents the Stoic version of what is now widely called "the cradle argument" in scholarly literature.¹¹⁰ Much could be said about this argument, but for my present purposes it suffices to notice that within the context of *De finibus* as a whole it seems to be meant to represent a rejoinder to the starting-point of Epicurus' theory, often evoked as the Epicurean "cradle argument", presented in book I (*De fin.* I 30): "every animal as soon as it is born seeks pleasure and takes rejoice in it as the *summum bonum* and shuns pain as the highest evil". Actually the whole section, including 17 and 18, seems to be meant to present arguments which reinforce the Stoic view of neo-natal motivations in opposition to the hedonist view.

But my concern here is the second part of the above passage. This is the counterfactual claim that infants could not have an impulse towards *anything* (*aliquid*) if they did not possess a "perception of themselves" (*sensum sui*) and, as a consequence of this (*eoque*), they would not "love themselves" (*se diligenter*). The conclusion of the argument is then spelled out in the next clause: "from this (*ex quo*) it

¹⁰⁹ *id ita esse sic probant, quod ante, quam voluptas aut dolor attigerit, salutaria appetant parvi aspernenturque contraria, quod non fieret, nisi statum suum diligenter, interitum timerent. fieri autem non posset ut appeterent aliquid, nisi sensum haberent sui eoque se diligenter. ex quo intellegi debet principium ductum esse a se diligendo.*

¹¹⁰ See Jacques Brunschwig's seminal article, BRUNSCHWIG 1986.

must be realized (*intellegi debet*) that it is self-love which provides the starting point (*principium ductum esse a se diligendo*). Commentators notoriously find it difficult to interpret this extremely concise argument. It seems to involve two claims: that (a) the very fact that the animal is motivated to do anything at all presupposes self-love (apparently understood as equivalent with “being attached to oneself”, *sibi conciliari*) as a necessary condition; and (b) self-love in turn is to be analysed into a positive affective response to self-perception: an attraction felt for oneself *qua* represented to oneself in self-perception. But Cato does not spell out the reasons or grounds for holding these claims; he simply takes them for granted, as if they would be self-evident. Nor does he explain how these points would support the Stoic thesis that the animal from birth takes care to preserve itself.

By now it should be fairly obvious that the clues to unpack the argument are to be sought in Piso’s exposition of Antiochus’ theory in Book V (esp. 28-30). To be sure, Cato and Piso are not in complete agreement. The analysis of “self-love” as a response to one’s immediate perception of oneself is not paralleled in Antiochus’ theory; indeed, as Brad Inwood has correctly pointed out, all accounts of Antiochus’ theory of neo-natal self-love in the *De finibus*, including Piso’s account of it in book V, are “bereft of references to self-perception which exists from the moment of birth and is the necessary condition for *oikeiōsis*. (...) self-perception is not given as a necessary condition of self-love by Antiochus –any more than it was by Aristotle” (INWOOD 1984: 169 and 171).¹¹¹ To Antiochus, self-love is fundamental; self-

¹¹¹ Inwood also points out that this divergence from the Stoics on the vital role played by self-perception is characteristic to most later “para-Stoic” versions of the theory of *oikeiōsis* that have come down to us, including (1) the “Peripatetic” theory, apparently compiled by Arius Didymus and preserved by Stobaeus (II 118ff W); (2) the Peripatetic theories of the *prōton oikeion* reported in Alexander of Aphrodisias’ *De anima mantissa* (150-3), including the views of Xenarchus, Boethus, Verginius Rufus, Sosicrates, and the author himself, and finally (3) the para-Stoic account of *oikeiōsis* attributed to the Stoics by the Platonist Calvenus Taurus, as reported by his pupil Aulus Gellius (*Noctes Atticae* XII 15), which also has been recognised as having some affinity to Antiochus’ theory (see

perception and self-knowledge are rather presented as the means to learn how to satisfy the desires which spring from self-love (cf. V 24, 41, II 33). Cato's version is more reminiscent in this respect of what we find at DL VII 85 (where Chrysippus says that the *prōton oikeion* for every living being is its own constitution and its awareness thereof: *hē hautou sustasis kai hē tautēs suneidēsis*) and elsewhere (esp. Seneca, *Ep.* 121 5ff and Hierocles, col. I 37ff).

However, we have to take notice once again Cato's failure to indicate the significance of self-perception either to the preceding argument from observable neo-natal behaviour or to the present argument. Apparently, Cicero is aware that standard Stoic accounts of animal motivations involve reference to self-perception as a necessary condition (I have not denied that he may have read some original Stoic sources, e.g. Panaetius). But he does not seem to clearly recognise, or pay attention to, its precise role in the account. This negligence is perfectly in line with my interpretation: from Cicero's Antiochean perspective the differences between the two theories are insignificant. So even if he takes notice of a point in the Stoic theory that is downplayed or has no function in the "Old Academic" theory, he neither knows nor cares about how to fit it properly into his account of the Stoic theory.¹¹²

Apart from the role of self-perception Cato's argument is in line with Piso's argument: it states (omitting the elaborate argument adduced by Piso at V 28-30) that self-love is the necessary condition for any motivation as such in general; and it

DILLON 1977: 240-1). The only exception is the other theory preserved by Stobaeus, presumably copied from Arius Didymus' *Epitomē* (II 47ff W), who in turn perhaps took it from the Platonist Eudorus of Alexandria (DILLON 1977: 122-6; the assumption has been challenged by GÖRANSSON 1995: 188).

¹¹² Alternatively, it is possible that the responsibility for the coupling with the Antiochean argument with the Stoic notion of self perception lies with Antiochus himself, on whom, on this assumption, Cicero directly relied in writing *De finibus* III (practitioners of the outmoded source-critical approach to Cicero's *philosophica* often argued that in writing *De finibus* Cicero extensively drew on Antiochus' lost *Peri telōn*; cf. the preface of Chapter II.3). But this assumption is rather hostile to Antiochus, and nothing as far as I can see requires us to think so.

assumes (just as Piso does at V 31) that the claim that we are motivated by self-love entails that we are motivated to preserve ourselves. To be sure, as we have seen in Book V, Antiochus does not think that his notion of self-love does by itself exclude hedonistic motivations (V 30); indeed, Piso (or Antiochus himself) seems to show some hesitance on this point, and argues that the question whether pleasure is included among the “primary natural objects” or not has no real bearing on the “basic structure of the *summum bonum*” (V 45; cf. II 34; freedom from pain is included among the “primary natural objects” at V18). But Cato too seems to be aware of this when at III 17 he feels the need to press further the point:

Most Stoics do not believe that pleasure should be ranked among the natural principles –I passionately agree. If it were otherwise, if nature were thought to have included pleasure amongst the primary objects of desire, then a host of loathsome consequences would follow.¹¹³

At this point I have no clear idea what Cato may have in mind here. Perhaps he would find awkward the idea that seeking pleasure is among the “appropriate actions”. But my conjecture is that Cicero does not have a clear idea of Cato’s meaning either when he has him say this. He knows that the Stoics argue against the idea that an animal has any hedonistic impulse at all (as we also happen to know from elsewhere, cf. esp. DL VII 85, where, however, the point seems to presuppose the cosmic perspective); but at this point he neither knows nor is interested in learning why and how the Stoics actually argued. After all, he has learned from Antiochus that this does not make much difference.

To sum up: the argument in III 16 seems to me to represent an instance of Cicero’s excessive tendency to present the Stoic theory in a way that sits well with, and lends

¹¹³ *in principiis autem naturalibus [diligendi sui] plerique Stoici non putant voluptatem esse ponendam. quibus ego vehementer adsentior, ne, si voluptatem natura posuisse in iis rebus videatur, quae primae appetuntur, multa turpia sequantur.*

support to, his Antiochean perspective. Cicero puts into Cato's mouth not only the Antiochean notion of fundamental self-love but also the Antiochean argument for it. Since he is actually rather convinced by Antiochus' historical narrative and theoretical reconstruction (presumably partly because it is underwritten by what he had learned about the tradition of Academic criticism of Stoic ethics as a pupil of Philo), it does not occur to him that this is a misrepresentation of the Stoic doctrine. The Stoics, on his view, grounded their ethics on largely the same principles and background assumptions which are amply spelled out in Antiochus' "Old Academic" theory, and which win Cicero's favour with their perspicuity and plausibility; and (to Cicero's mind) both Antiochus' argument for fundamental self-love and from self-love (for the thesis that animals are by nature motivated to self-preservation) are highly "perspicuous" and "unimpeded"; it is not surprising if Cato finds these points evident (even if he is not closely following his Stoic authorities on this point).

CONCLUSION

As we have seen in Chapter **III.3**, when in *De finibus* Book III Cicero presents the Stoic conception of *oikeiōsis* as identical in substance, and thus interchangeable with, the notion of “self-love” (as Antiochus understood and used this notion), he is actually liable to misrepresent the Stoic doctrine in a way that facilitates the Antiochean criticism of the theory in Book IV. Cicero does this in line with my account, in Chapter **III.1**, of how *De finibus*, as Cicero’s essay on what he perceives as the central issue in ethical philosophy, expresses and augments Cicero’s Academic sceptic stance, as presented in the *Lucullus*, and in line with my consequent analysis, in Chapter **III.2**, of Cicero’s attitude towards Antiochus’ theory and doctrines.

Further, in Chapter **II.3** I attempted to show that at some other points as well Cato’s presentation seems to be slightly bent in a similar way, and in the same direction. Some of the interpretive problems in Cato’s reasoning that may arguably catch an attentive reader’s attention find an easy solution when viewed in the interpretive framework conveyed by the wider context; indeed, in some cases the gaps in Cato’s presentation seem indirectly to encourage such a reading (see e.g. the puzzlingly out of place passage at III 17-18 that, as I pointed out in Chapter **II.3.1**, subsection *a*), closely resembles a passage in Cicero’s argument in Book II). But this reading only sharpens some other interpretive problems that are in turn exploited in the criticism and refutation of the Stoic theory in Book IV (Chapter **II.3.2**).

I hope that my argument is reinforced by my survey of Cicero’s former intellectual life in Part I, and by my consideration, in the second half of **Part II**, of the main recent lines of interpreting Stoic ethics. But instead of recapitulating the whole

dissertation I would like to re-emphasise, as I indicated already in the **Introduction**, that my argument does not directly support the “cosmic” line of interpreting the Stoic theory. In Chapter **II.4.2** I presented my reasons not to accept the “heterodox” line of interpretation. Moreover, I have argued, in Chapter **III.2**, that Antiochus developed his theory in a decidedly “autonomous” way, that is, in establishing the basic outlines of his theory of the *summum bonum* he consciously avoided relying on controversial metaphysical presuppositions. We have also seen that as a part of his argumentative strategy Antiochus described the Stoic theory as an ill-guided and under-provided attempt to dissent from his own “Old Academic” theory (and that in doing so he could build on an Academic –Carneadean– tradition). So, if my analysis of Cicero’s attitude towards Antiochus’ theory of the *summum bonum* and other related doctrines is largely correct, it offers a feasible way of explaining how and why, *if* the central Stoic argument for their view of the *summum bonum* involved a substantial appeal to the Stoic conception of cosmic nature, Cicero may have come to ignore this. But this conclusion is decidedly conditional.

Admittedly, in Chapter **II.3.2** I also pointed out that there is a rather strong indication that the Antiochean reading actually strongly distorts the Stoic theory. This interpretation, as I noted by the end of that chapter, does not seem to take into account the unitary and “cognitivist” conception of the developed human soul that is well documented in our other sources on Stoic ethics and moral psychology. This is an important point indeed. If we are right in believing that the Stoics did endorse such a cognitivist conception of human motivation, then this lends vital support to our hope that the debate between the Stoics and the Old Academics (and Peripatetics) did not actually end at the point where Cicero closes the case; Cato would actually have had more to say in defence of the Stoic position, if he had been given a second hearing.

Or would he? As we have also seen, in some cases Cicero seems to neglect points in Cato's speech that seem to anticipate his criticism in Book IV (see Chapter **I.1**, esp. note 17); but as I have pointed out, (in Chapter **II.3.2**, subsection *a*) end), he may believe that what he has thus neglected are unwarranted claims, part of the *demonstrandum*, rather than the *demonstrans*. Such is the idea, presented but not demonstrated at *De finibus* III 22-25, that wisdom (understood as encompassing all the virtues) is unlike typical arts, such as medicine or navigation, and is in a sense similar to performative arts like acting and dancing. But could we not argue that Cicero could have dismissed the unitary and cognitivist psychology of the Stoics in a similar vein? I do not think that he actually did. In Chapter **I.2** I argued that Cicero shows no knowledge of the problems that seem to have concerned his Stoic teacher Posidonius in the field of moral psychology; as far as Cicero is concerned, he seems rather unaware of there being a disagreement on this question. But Antiochus, on whose doctrines Cicero's treatment in *De finibus* extensively draws, may have known about the Stoic doctrine. The point I would like to make here is that *he* may have ignored this doctrine by considering it more a consequence of the Stoic theory rather than a part of its theoretical foundations.

The unitary conception of the soul, after all, is far from being intuitively or introspectively evident. A similar psychology is often detected in Plato's Socratic dialogues, underlying the Socratic paradoxes that virtue is knowledge, and that no one does wrong voluntarily; but the Platonic dialogues show that if some such view was actually part of Plato's Socratic heritage, it was one of the views held by Socrates that Plato felt compelled to revise, as he does in the *Republic*. The Stoic conception of the rational human soul may rightly be viewed as an attempt to resurrect the true Socratic legacy; but unfortunately we know well-nigh nothing about how, if at all, they

attempted to substantiate it as opposed to more prominent psychological models, such as the Platonic doctrine of the tripartite soul and the somewhat different model presented by Aristotle in the *NE*.

In a similar way (and not independently from the above line of reasoning) one could perhaps argue that Cicero and Antiochus are not so unjust in conflating the Stoic doctrine of *oikeiōsis* with Antiochus' conception of self-love. Antiochus, as we have seen, argues that the notion of self-love emerges from the correct conceptual analysis of motivation as a necessary condition of any motivation as such –an argument that obviously supports his ethical theory and helps him to refute the Stoic theory. The Stoics in turn argue that every animal from nature has an orientation similar to what on Antiochus' account is the neo-natal manifestation of self-love, but that the later development of human reason brings with it a crucial change, such that the Antiochean notion of self-love cannot account for. But do they have any argument at their disposal with which to neutralise Antiochus' forceful “analytic” argument for self-love as the ultimate source of motivation?

In this way we may perhaps propound a more charitable reading of Cicero's Antiochean reading of the Stoic theory in *De finibus*. But this would amount to accepting Antiochus' criticism of the Stoic theory as valid in pointing out that the central Stoic ethical claims were underprovided.

But we still have our contrary evidence, in Diogenes Laertius and in Plutarch (cf. Chapter **II.4.1**), that might seem to support a less conditional conclusion. In view of this evidence I may perhaps modify my conclusion: for this evidence seems to show that not only is it the case that Cicero was conditioned to dismiss the significance of the cosmic perspective, if it was there, but the cosmic perspective indeed was there.

Alas, this evidence is not as adamant as it is traditionally considered. The quotations from Chrysippus preserved by Plutarch, in which Chrysippus calls cosmic nature the best *arkhē* and *anaphora* for the theory of good and bad things and virtue, are not as specific as they should be; as far as I can see, they are compatible with Cicero's account of how and where the cosmic perspective comes into play in the Stoic theory (cf. *De fin.* III 62ff and 73).

As to the DL passage, I am afraid that its importance is overrated. True, it is a doxographical account that seems to extensively rely on Chrysippus' work *Peri telōn*. But it seems to me probable that Diogenes (or the doxographer on whom he drew) did not use Chrysippus directly. Significantly, the latest Stoic authorities mentioned in the account of Stoic ethics (and the account of Stoic philosophy at large) are Posidonius (VII 87, 82, 103, 128), Hecaton (91, 181) and Athenodorus (121); all of whom flourished in the first century BC. The author of the doxography may have drawn one or other of these authorities for his report on Chrysippus' doctrine; alternatively, he may have used a later Stoic summary account for the whole outline. My point is that the version of Stoic ethics emerging in the DL passage may be a later, post-Antiochean development. We cannot exclude that it was actually meant (at least in part) to counter the kind of criticism of the Stoic theory that Antiochus championed. If it was, it apparently was developed in line with the modern cosmic attempts to reconstruct the "foundations" of Stoic ethics. But although its originator extensively relied on Chrysippus' authority in developing his account, in the absence of any more direct and independent evidence we cannot tell for certain how "creatively" he actually interpreted Chrysippus' doctrine. The situation is certainly further worsened by the fact that the doxographer (be it Diogenes or an earlier doxographer from whom

he copied) apparently does not really have a clue as to what is going on and what is at stake in the argument vaguely outlined in DL 85-9.

Thus, as far as earlier Stoic ethical theory is concerned, my dissertation still has an aporetic result. But similarly to Cicero I tend to think that a recognised aporia is better than assenting to falsehoods; and that a well-defined and well-grounded aporia may be conducive to “extracting” the truth from our material.

APPENDIX A

Cicero's declared and suggested aims in writing the late *philosophica*

As I pointed out in Chapter I.1, Cicero's declared aim in his late *philosophica* is to keep up serving the commonwealth, and benefitting his fellow citizens, by expounding Greek philosophy in Latin. The question is, in what ways Cicero believes philosophical enlightenment would serve the interests of the commonwealth and his fellow citizens? Cicero offers three different but not independent explanations.

1) *Philosophy as refuge and consolation*

Partly, he generalises his own experience and state of mind, and recommends philosophy as a remedy to the evils of life (see esp. *Tusc.* II 1ff, III 1ff, V 1ff, V 121; cf. *De div.* II 3 and 5); indeed, sometimes he goes as far as suggesting that the whole *raison d'être* of philosophy lies in its promise to guarantee happiness (to be more precise: to guarantee happiness to the wise and virtuous person: *De fin.* II 86; III 11; V 86-87 (Piso speaking, the thesis is attributed to Theophrastus); *Tusc.* V 1).¹ In comparison to Cicero's earlier *philosophica* this emphasis on personal ethics is a marked novelty (cf. however *De legibus* I 59-60); but it does not mean that Cicero the philosopher has now abandoned his former commitment to the active life (cf. e.g. *De Re P.* I 1-12) in favour of the tranquillity offered by the *vita contemplativa* (as e.g. *Ad fam.* IX.6.4-5 might suggest). At *Lucullus* 6, apparently referring to the position he

¹ Cicero is consistent about regarding ethics as the central part of philosophy (cf. esp. *De fin.* I 11: "for nothing in life is more worth investigating than philosophy in general, and the question raised in this work in particular", *De div.* II 2: "since the foundation of philosophy rests on the distinction between good and evil, I exhaustively treated that subject in five volumes"); and he sometimes suggests that this is because the whole rationale of philosophy consists in its promise to confer happiness (*De fin.* V 86-87 –Piso speaking–, II 86; *Tusc.* V 1).

has endorsed in the *Hortensius*, he confirms that engagement with philosophy is highly appropriate for any “important and eminent man”, but only with the proviso that it does not detract from their public work.² Thus Cicero makes it clear that the only situation when philosophy can legitimately become one’s main preoccupation is when one is, like himself at the time of writing, deprived of the possibility of meaningful political activity. Even in Book V of the *Tusculans* –a work entirely devoted to philosophical consolation rhetoric– Cicero expresses the view that philosophical wisdom reaches the height of its glory in administering the state (*Tusc.* V 72: *transeat idem iste sapiens ad res publicam tuendam. Quid eo possit esse praestantius?...* etc. –a clear echo of *De Re P.* III 5-6a³; cf. further I 109-10, IV 1ff, V 10); and throughout the work it is constantly made clear that philosophy comforts us by teaching us to centre our lives on virtue, which in turn incorporates moral excellence (including commitment to “helping, aiding and preserving people”, readiness to sacrifice one’s life for one’s home-land, and so on (cf. *Tusc.* I 31-32; see further e.g. I 2, II 30-32).

In fact, in the political climate under Caesar’s dictatorship the pessimistic talk of taking refuge in philosophy from “the various and acute afflictions” surrounding one “from every side” (*Tusc.* V 121) conveyed a scantily concealed political message (actually made rather explicit at *Brutus* 10ff, 266, 328-333, *Orat.* 128 and *Acad.* I 2). The theme is recurrent also in Cicero’s contemporary letters to his friends and former political allies: he frequently avows that he is finding comfort in returning to his darling studies and philosophy (as well as in remembering his past achievements), and encourages others to follow his example; he consoles distressed friends *more*

² Cf. also e.g. *Ad fam.* IX.6.3 (to Varro in June 45).

³ Actually there is a clear affinity between *Tusc.* V 57-72 and the eulogy of wisdom at *De Re P.* I 26-9; notably the latter, if read in isolation, may reasonably seem to give priority to the contemplative life; cf. FREDE 1989: 79.

philosophico, preaching the self-sufficiency of virtue (implicitly understood as involving commitment to traditional republican values) to happiness, and occasionally receives similar consolatory messages in return.⁴

In this connection, then, Cicero cultivates philosophy as a suitable vehicle for keeping up spirits among his republican political circles and a possible source of intellectual resistance (cf. esp. *De divinatione* II 5, where Cicero vaguely refers to those “elder readers” who increased his enthusiasm for writing by “finding comfort” in his philosophical works (*in nostris libris adquiescunt*)). Philosophy, understood as the way to self-sufficiency and personal happiness, is presented here as the privilege of a cultivated and high-minded (in fact, flatteringly idealised) optimate élite⁵; a part of the shared culture and values that justify their claim to political eminence and dignify their defeat.

2) Romanised philosophy as a vehicle for Roman supremacy

But this does not seem in itself to explain or justify the idea of writing philosophy *in Latin* (Cicero’s optimate friends surely could have found comfort in philosophy by

⁴ Cf. esp. *Ad fam.* IV.3; IV.4; IV.5; IV.13; V.13.1-2; V.15.3; V.16; V.19; V.21.2; VI.1-4; VI.12; VII.3.4; VII.30; IX.2.5, 6.3, 16, 5, 21.1; XII.23.4; XIII.28.2; XV.16.3; XVI.23.2. see also *Brutus* 11. For a discussion of Cicero’s attitude towards philosophical consolation see WHITE 1995.

⁵ That is, the optimate narrowly understood, in contrast to the totalising (re)definition of true optimates in *Pro Sestio* 97-99 (on which see e.g. CONNOLLY 2007: 89; KASTER 2006. Cf. *Tusc.* V 5, where Cicero seems to draw a distinction between those who are benefitted by philosophy directly, by being taught by her how to be virtuous and happy, and the people at large, i.e. those who are benefitted by her *qua* the force of human reason and the source of civilisation, and *Tusc.* II 4, where he presents the view that *philosophia paucis contenta iudicibus multitudibus consulto ipsa fugiens*. –Notably, Cicero had not always been an unqualified admirer of the optimates (including, among others, Hortensius, Lucullus and Cato): in the years following his consulship he became increasingly exasperated by their selfishness and unreliability as political allies, as well as by their hauteur (*Ad Att.* I.18.6-7; I.19.6; I.20.2-3; II.1.6-7, II.9.1; cf. further my discussion in Chapter I.4); and during and after the Civil War he frequently expressed his disillusionment about the motives and purposes of the Pompeians, sometimes going as far as suggesting that the victory of either side would be a catastrophe for the commonwealth (see e.g., *Ad Att.* VIII.1.3-4, 11.2-4; IX.6.7, 10.2 and 6, 11.3-4; X.4.3; *Ad fam.* XVI.11.2, 12.2; IV.1.1; in retrospect: *Ad fam.* VI.6.6, VII.3.2, IX.3.4).

reading classic Greek texts; cf. e.g. *Acad.* II 4, *De fin.* I 1, 4). At times Cicero advocates the naturalisation of philosophy in his native culture as an intellectual embellishment to his homeland and a matter of national/imperial pride, suggesting that the adoption of these “weighty and magnificent” studies would enhance the glory and reputation of Rome (*ND* I 7: *magni existimans interesse ad decus et ad laudem civitatis res tam gravis tamque praeclaras Latinis etiam litteris contineri*; cf. *De div.* II 5).

Notably, this kind of justification of Cicero’s project presupposes that the subjects covered by the Greek philosophers are indeed *gravis* and *praeclara*, and thus worthy of adoption –a thought that was often thought to be at odds with the obligatory feeling of Roman superiority.⁶ However, Cicero escapes the trap by stressing that the Latinisation of Hellenic thought would be more than a mere appropriation of the Greeks’ intellectual achievements (cf. esp. *De fin.* I 10, *Tusc.* I 1-7, II 5-6. IV 1ff; *ND* I 8). Philosophy, as Cicero patriotically believes, may also profit from the potentials of Latin language as a medium for the expression of abstract thought (*De fin.* I 10, III 5; *ND* I 8); more important, it would greatly benefit from being assimilated and cultivated by venerable and proficient Roman orator-statesmen such as himself. Throughout his *oeuvre* –in his rhetorical and philosophical works alike– Cicero articulates, in different ways, his conception of a new, Roman synthesis of philosophy with politics and oratory, which would release philosophy from the dull abstraction and impracticality into which it had sunk among the Greeks.⁷ The fragmentation of

⁶ Cf. e.g. *Luc.* 5, *De fin.* I 1-2, *Tusc.* V 6-7. For useful discussions of the varying Roman attitudes to Greek learning in Cicero’s time see WISSE 2002: 334 and GRIFFIN 1995; the attitude adopted by Cicero in his speeches towards philosophy and other intellectual subjects certainly reflects the typical sentiments of the Roman upper-class citizens who for the most part constituted Roman juries –see JOCELYN 1976: esp. 359f; BERRY 2004: 302-3.

⁷ As Antony Long (LONG 1995) expresses it, Cicero “remains consistent about... his interest as a writer in integrating philosophy with politics and rhetoric” (38-9) and “offers his ideal combination of philosophy and rhetoric as a distinctly Roman contribution” (50). For Cicero’s thought on the

philosophy into a disarray of scholastic debates among quarrelling sects is symptomatic of its decline; it is the task of the cultured and distinguished Roman statesman orator to remedy this situation –as Cicero likes to think of it, to play the role of an *arbiter*–, especially in ethics, where the clash of the different theories on the *summum bonum* is most intolerable (cf. the Greek cultural history in *De oratore* III 58ff; see also *De leg.* I 52ff).

3) Romanised philosophy as substrate for a new political ethos

However, Cicero is no less consistent in stressing that while wisdom without eloquence is powerless, eloquence without wisdom and morality presents a positive threat to society (cf. *De inv.* I 1-4, *De or.* III 55 (cf. I 30-34)).⁸ The other aim of the reconciliation of philosophy and eloquence, and Cicero's third reason for thinking that his philosophical writing is of great benefit for the state and his fellow-citizens, is correspondingly stated in the preface of Book II of *De divinatione*:

For what greater or better service can I render to the commonwealth than to instruct and train the youth — especially in view of the fact that our young men have gone so far astray because of the present moral laxity that the utmost effort will be needed to hold them in check and direct them in the right way. Of course, I have no assurance — it could not even be expected — that they will all turn to these studies. Would that a few may! Though few, their activity may yet have a wide influence in the state.⁹
De div. II 4 (W. A. Falconer transl.)

inferiority of detached philosophical theorising to the philosophically enlightened political leadership of the ideal (Roman) orator-statesman see esp. *De orat.* I 56-57; III 53ff; *De Re P.* I 2-13, 30-33, 35-37; II 21-22; III 4-7; see also. *De inv.* I 1-4, *Orat.* 11-19, 62-4; *Tusc.* I 1-7; *De fato* 3; *De off.* I 2-4.

⁸ In the context of Cicero's work on rhetorical theory this point is obscured by Cicero's pragmatic interest in the contribution of philosophy to the art of rhetoric as such (that is, the art of persuasion); cf. FANTHAM 2004: 24, 247; WISSE 2002: 392-394; GAINES 2002: 445ff.

⁹ *Quod enim munus rei publicae adferre maius meliusve possumus, quam si docemus atque erudimus iuventutem? his praesertim moribus atque temporibus, quibus ita prolapsa est, ut omnium opibus refrenanda atque coercenda sit. Nec vero id effici posse confido, quod ne postulandum quidem est, ut omnes adulescentes se ad haec studia convertant. Pauci utinam! quorum tamen in re publica late patere poterit industria.*

Cicero holds the view that philosophy –as he understands and teaches it– may benefit the commonwealth through its positive effect on the outlook and morals of aspiring young statesmen. Admittedly, in the surviving works written before the Ides of March this justification of Cicero’s project is not spelled out; but *pace* Klaus Bringmann (BRINGMANN 1971: esp. 189ff) I do not think that by presenting it in the preface of *De divinatione* II Cicero distorts his real motives for the earlier writings.

First, at *Lucullus* 6 Cicero remarks that in one of his previous works he has argued to the effect that engaging with philosophy is “highly appropriate for any important or eminent man” (*Luc. 6: etenim si quodam in libro vere est a nobis philosophia laudata, profecto eius tractatio optimo atque amplissimo quoque dignissima est*). He seems to refer to his *Hortensius* (cf. *ibid.* 61, *De fin.* I 2, *Tusc.* II 4, III 6), and since that dialogue has been substantially lost, it seems impossible to tell for certain whether Cicero’s argument there involved appeal to the need for philosophy as a moral force.¹⁰ But the phrasing¹¹ may seem to suggest the view that serious engagement with philosophy has much to do with the high-flown values and political ideals that on Cicero’s view ought to characterise a real optimate statesman.

Moreover, Cicero may have reasonably assumed that most of his readers would recall his former definitive work on political philosophy, *De Re Publica* (written in 54-50 BC), in which he not only had endorsed the view that philosophising was highly appropriate for leading (optimate) statesmen (cf. esp. *De Re P.* III 5-7), but –judging

¹⁰ For an attempt to reconstruct the *Hortensius* from the extant fragments and other sources see RUTH 1958.

¹¹ The phrase *optimus...quisque*, “a man of best standing”, refers to those whom he elsewhere calls *optimates* (the “best of men”) or simply *boni* –that is, members of the conservative senatorial élite (cf. *De Re P.* I 3). On Cicero’s usage of these terms see e.g. MORSTEIN-MARX-ROSENSTEIN 2006: 43, cf. 191, 266; cf. also FLOWER 2004: 91ff, 105-6. For Cicero’s usage of the term (*per*)tractare see GÖRLER 1995: 109-10, cf. e.g. *ND* I 9; –in the context of *Luc. 6*, it refers not to Cicero’s activity as the author (i.e. systematic treatment of philosophical topics in writing), but rather to the activity depicted in the dialogues: engagement in serious, technical and systematic philosophical conversation.

from the surviving opening passage of Book V (1-2; cf. also *De leg.* III 29)– he may also have urged the merging of the practical wisdom and values conveyed by Roman history, law and institutions with philosophical schooling as his idealist solution to the decline and crisis of the Republic (notably, a clear echo of his description of contemporary moral decadence at *De Re P.* V 1-2 is found at *Tusc.* III 2ff).

Again, the importance of philosophical education in the training of aspiring statesmen is indirectly suggested already in *De finibus*, by the roles played by young Roman aristocrats in all the three dialogues that make up the work,¹² and by the corresponding focus on how the examined theories perform as parts of the intellectual underpinnings of a principled Roman (optimatus) political consciousness and practice. For example, the Epicurean theory is rejected, not simply on the ground that it is inconsistent or implausible, but also because it is found abhorrent and incompatible with the values and ideals shared by Cicero and his optimatus interlocutors Triarius and Torquatus.¹³ The Stoic theory too is rejected, not only on the ground that it is theoretically defective, but also because it is an inappropriate philosophy for a successful Roman politician to hold (cf. esp. IV 21-22, 61, 65-6, 73, 74, 77).

Similarly in the *Lucullus*, in which Cicero presents, in response to Lucullus' criticism, his case for Academic Scepticism, the debate has strong moral overtones. One of the questions that concern Cicero in this dialogue is the acceptability of his now professed

¹² In *De finibus* I-II Cicero does his best to persuade the young politician Torquatus to abandon his Epicureanism; and although he does not succeed in this, his speech gives encouragement to Triarius, “a young man of exceptional seriousness”, who is also present for the conversation, and is already ill-disposed towards Epicureanism (*De fin.* I 13, II 21, 119). In book III-IV the conversation between Cicero and Cato springs from their mutual agreement to join forces to ensure that the young Lucullus, in whose library the conversation takes place, gets the education that will equip him for the adult world and make him the match of his illustrious relatives (III 8-9). Similarly, in Book V the debate between Cicero and Piso takes its start from an agreement to join forces to promote young Lucius' development, and takes the form of a playful contest for winning him over to their respective philosophical stances (V6-8, 78, 86, 95).

¹³ On these two deceased friends of Cicero (both of whom were killed in the Civil war) see also *Brutus* 265-6.

Scepticism in a Roman cultural/political context (cf. esp. *Luc.* 61, 65); what he has to show is, among other things, that the Academic *epochē* does not undermine one's commitment to such values as duty (*officium*), equity (*aequitas*), fidelity (*fides*), rectitude (*rectum*) and friendship (23-4, 27, 39), or deprive one entirely from practical guidance (24-5, 37-9, 62, 99; cf. also *ND* I 12, where Cicero feels the need to stress once again that it is not the case that the Academics “*nihil habeant quod secuantur*”).

Again, as we have seen, in Book V of the *Tusculans*, in which Cicero presents a *schola* on the thesis that virtue is sufficient to make the wise man happy¹⁴, he presents a picture of philosophical wisdom that includes selfless and righteous political activity as the most glorious manifestation of *sapientia* (V 68-72; see also 57ff). Already in the preface of the book Cicero praises philosophy, not only as his personal guide to virtue and tranquillity, but also as the force of human reason in and engenderer of civilisation (V 5); those who have read Cicero's former great works, *De oratore* and *De Re Publica*, are probably supposed to recall that on the views endorsed in these works it is the philosophically enlightened statesman who, using the medium of consummate oratory, can effectively transmit the benefits of wisdom to society (cf. esp. the praise of philosophy at *De leg.* I 58-62; see further *De Orat.* III 55ff; *De Re P.* I 1-12, 26-28, 36-7; III 4-6a; V 8a (= *Ad Att.* VIII.11.1). Indeed, as I pointed out a bit earlier, in promoting philosophy as a remedy to the evils of life throughout the work Cicero constantly makes it clear that philosophy gives console by teaching us to centre our lives on, and to take pride in, virtue (incorporating the civic virtues). To this, in the preface of Book III (2ff) Cicero describes the contemporary moral and intellectual decadence –which brings about that even some good-willing men who want to do something great (*praeclara*) end up “ruining their own state” (4: *everterunt*

¹⁴ On the genre of the speeches presented in the *Tusculans* see DOUGLAS 1995.

suas civitates) owing to their false and corruptive education—, and recommends philosophy as the remedy to this and other diseases of the soul (6). Correspondingly, the role he casts for himself in the dialogues is perceptibly that of a moral educator.¹⁵

Again, in *De natura deorum* Cicero makes it clear that he has embraced the pursuit of philosophy for himself, not merely as an intellectual relaxation for his time of leisure, or as his safe port amidst the misfortunes of life, but also as a source of practical guidance, both in private and public life:

...my interest in philosophy is no sudden impulse, for from my early youth I have devoted no little attention and enthusiasm to studying it; and I was the most ardently philosophising when I least appeared to be doing so. (...) Moreover, if the injunctions of philosophy all have a bearing on how we live, I believe that both in public and private spheres I have put into practice the precepts recommended by reason and learning.¹⁶ (*ND* I 7-8; P.G. Walsh transl., with modification)

Cicero implies that his own approach to politics has always been thoroughly informed by his philosophical outlook¹⁷ –a claim that Cicero certainly saw as amply warranted by his former work on political theory, *De Re Publica*, in which he had attempted to show that his ideal combination of Roman practical wisdom on the one hand, and philosophical learning and analysis on the other hand (exemplified by the character

¹⁵ GILDENHARD 2007 offers an impressive (though at some points slightly forced) “political” reading of the *Tusculans*, on which the whole work can be characterised as a “Roman drama in education with a strong political subtext” (ibid. 4).

¹⁶ *Nos autem nec subito coepimus philosophari nec mediocrem a primo tempore aetatis in eo studio operam curamque consumpsimus, et cum minime videbamus tum maxime philosophabamur... et si omnia philosophiae praecepta referuntur ad vitam, arbitramur nos et publicis et privatis in rebus ea praestitisse quae ratio et doctrina praescripserit.*

¹⁷ For similar claims see also *Orat.* 11; *Q.Fr.* I 27, and *De leg.* I 63 (Cicero speaking): “this is the subject to which I am devoted and which has made me who I am” (*quoius studio teneor quaeque me eum, quicumque sum, effecit*); *Ad fam.* XV. 4. 16 (to Cato in December 51 or January 50 BC); cf. also the letters to Atticus in which Cicero implies that he considers the ideal established in his *De Re Publica* as the standard he set himself (*Ad Att.* VII.3.2, VIII.11.1-2, X.4.4-5). Cf. further *Brutus* 322, where Cicero calls philosophy “the mother of all that is well done or spoken”, and *Acad.* I 7 (Varro speaking): “I adopt for myself the pursuit of philosophy in its entirety, both to make my life as consistent as I can (*ad vitae constantiam quantum possum*), and as recreation for the mind”, on which see GRIFFIN 1989: 11. At *Luc.* 65 Cicero, speaking as the character in the dialogue (set in 62-1 BC), takes it for granted that philosophical debates are pertinent to “the condition and plan of one’s entire life” (cf. 132, where he adds that “the order and structuring of one’s life is implied by one’s definition of the *summum bonum*”). At *Tusc.* II 11-12 he exclaims that he finds it the most abhorrent when one’s character and way of life is in contradiction with one’s professed philosophical principles.

Scipio in the dialogue) entails a rationally grounded commitment to the traditional Republican government (dominated by the Senate) –which had been his declared policy since his consulship. In other words, Cicero offers his own past career as the *par excellence* example by which to judge the potential beneficial effects of the integration of philosophy into the general culture and mind-set of Rome’s traditional governing élite, and hence the value of his present efforts to advance this outcome.

It is perhaps in this sense that Cicero’s activity as philosophical educator is „especially consistent” (*in primis consentaneum*) with his former praiseworthy actions (*Acad.* I 11; cf. *Ad fam.* IX. 2. 5). In the preface to Book II of *De divinatione* Cicero augments this point by explaining that under Caesar’s reign “it was in my books that I made my senatorial speeches and my forensic harangues; for I thought that I had permanently exchanged the administration of the state for philosophy” (*De div.* II 7). But the same approach to philosophical writing is adumbrated already in May 46, in a letter written to the celebrated scholar Marcus Terentius Varro:

Only let us abide by our resolve... if anyone wishes for our services -not merely as architects, but also as workmen to rebuild the commonwealth- not to refuse to assist, but rather hasten with enthusiasm to the task; and if, on the other hand, no one will employ us, at any rate to compose and read "Republics", and if we cannot guide the state in the senate-house and forum, at least to do so in letters and books, as great thinkers of old used to do, and to investigate ethics and laws.¹⁸ (*Ad fam.* IX.2.4-5; E. E. Shuckburgh transl., with modifications)

The reference to the “great thinkers of old” is a close echo of *De Re Publica* I 12, where Cicero speaks of those who “have the greatest authority and fame among learned men”, and who, “even if they did not hold office, performed a public function

¹⁸ *sed haec tu melius, modo nobis stet illud, una vivere in studiis nostris, a quibus antea delectationem modo petebamus, nunc vero etiam salutem; non deesse si quis adhibere volet, non modo ut architectos verum etiam ut fabros, ad aedificandam rem publicam, et potius libenter accurere; si nemo utetur opera, tamen et scribere et legere πολιτείασ, et, si minus in curia atque in foro, at in litteris et libris, ut doctissimi veteres fecerunt, navare rem publicam et de moribus ac legibus quaerere.*

because they did much research and writing about government” (*etiamsi qui ipsi rem publicam non gesserint, tamen, quoniam de re publica multa quaesierint et scripserint, functos esse aliquo rei publicae munere*).

To be sure, the works written in 45-44 can hardly be viewed as direct sequels to *De Re Publica*. Although Cicero is consistent about regarding ethics as the central part of philosophy¹⁹, he puts personal ethics in the forefront; it is mostly indirectly, through the dramatic settings and castings, and his frequent examples and illustrations from Rome’s past and recent history (as well as his propagation of philosophy as a refuge and remedy to the evils of life), that his political views and sympathies are conveyed.²⁰ But as we have seen, Cicero shows sufficient signs of his constant conviction about the potential in philosophical learning for improving Rome’s public life and creating a better society. His grand political manifesto, *De Re Publica*, had

¹⁹ Cf. esp. *De fin.* I 11, IV 14, and *De div.* II 2: “since the foundation of philosophy rests on the distinction between good and evil, I exhaustively treated that subject in five volumes”. In *Acad.* I 3 Cicero says that he intends to elucidate in Latin “the old system of philosophy that starts from Socrates”, and he seems to speak about his programme of writing in general rather than the particular topics treated in the *Academica* (his defence of the scepticism of the New Academy); in this connection Socrates figures as the initiator of the ethical turn in philosophy, rather than as originator of the Sceptical method; cf. *Acad.* I 15; *De fin.* V 88; *Tusc.* II 7, V 10; cf. also *De Re P.* I 15, III 5; *Brutus* 31.

The primacy or centrality of ethics within philosophy was part of the Socratic legacy, variously adapted and transformed by the Hellenistic schools (cf. e.g. Chrysippus’ claim that the study of physics is taken up for no other purpose than for the differentiation of good and evil (Plutarch, *De Stoic. rep.* 1035D). Cicero’s views on this point were probably directly influenced by Antiochus. As we learn at *Luc.* 29, Antiochus held that the two principal issues in philosophy are the criterion of truth and the ethical end. Antiochus considered physics relevant to ethics (*De fin.* V 44); but apparently the subject played a minor role in his system. Moreover, although Antiochus taught dialectics (that is, logic proper; cf. *Luc.* 98), the emphasis he laid on the question of the criterion and on the question how the solution of this problem affects human behaviour (cf. the Antiochean material in the *Lucullus*) makes it clear that his ‘logic’ in general was also subordinated to ethics; he posited epistemology as the other chief topics within philosophy on the ground that it provides the “governing rule” (*regula*) to all philosophical enquiry, and in this sense is prior (cf. *Luc.* 29 again; on Antiochus’ conception of philosophy see BARNES 1989: 81ff). Cicero’s own programme reflects these Antiochean views, except that unlike Antiochus he completely ignores logic proper in his treatment of Hellenistic ‘logics’. He begins with epistemology (*Academica*), stressing the ethical significance of the issue (cf. esp. *Luc.* 23-7, 29, 61-2, 65; see further LINTOTT 2008: 327-8), and immediately continues with ethics (*De finibus, Tukulans*). Again, the topics covered in his ensuing physical treatises –the nature of the divine, the questions of divination and fate– are selected with a view to their pertinence to both the individual’s conduct of life and to the administration of the state.

²⁰ Cicero’s latest philosophical works, *De gloria* (lost), *De amicitia* and especially *De officiis*, stand apart from the rest by being decidedly more directly political; *De officiis* in particular may be reasonably read as Cicero’s “political testament”, cf. LONG 2006 (=1995): 308.

already been in circulation for several years, and, arguably, in the changed political circumstances Cicero could not think of writing in the same vein. Rather, he decided to give a crucial push to the dissemination of the intellectual tradition in which the theoretical framework of his political work was rooted, by writing “introductory” and “popularising” surveys –a reasonable move if he took it seriously that philosophical learning could transform the mind-set of his fellow countrymen (both aspiring leaders and their supporters) so as to make them more receptive and attuned to the political ideals he endorsed.

APPENDIX B

Remarks on the debate about the continuity of Cicero's Academic scepticism

As we have seen, the first declaration of Cicero's adherence to the sceptic Academy is found in his *De inventione* (II 9-10), an early work that he probably wrote when still a pupil of Philo (or at least under his strong and fresh influence), and dismissed in his *De oratore* as an immature and unfinished effort that "slipped out of the note-books of my childhood or rather my adolescence". Though Cicero makes here a strong promise of lifelong adherence, from the next thirty-five or so years we have no positive evidence of this.

Pace Griffin (GRIFFIN 1995: 335) I fail to see that such positive evidence is provided by *Ad Att.* II.3.3 (written in 60 BC). Admittedly, in the previous passage Cicero seems to have made a joke at the expense of Atticus' Epicureanism, so an allusion to his own philosophical leaning would be in place here, especially as there is a marked shift from trifling domestic matters –Atticus' complains about the narrowness of the windows of Cicero's new villa– to serious business. By applying the Academic method of *in utramque partem* (referred to as Σωκρατικῶς εἰς ἑκάτερον) in reasoning about his policy, "but then finally [adopting or presenting], as they used to do, the one which pleases" (*sed tamen ad extremum, ut illi solebant, τὴν ἀρέσκουσιν*), he might seem to display the view that he will openly endorse fifteen years later, in his late philosophical works: that his Academic scepticism is compatible with a responsible practical attitude, and even with a commitment to high-flown Roman ideals. However, Cicero speaks of "them", *illi* –that is "the Socratics"– instead of "we", *nos*, or "our people" *nostri illi*, which would be the natural way of referring to the Academics if Cicero would consider himself a member of the school.

He does use the phrase ‘*nostrī illi*’ at *Pro Murena* 63, where he professes adherence to the unified Platonic-Aristotelian tradition (cf. e.g. *De leg.* III 1, *Luc.* 7, *Acad.* I 44). So if privately he is an Academic sceptic, why this reluctance to call himself one? Notably, in the letters Cicero shows a similar reluctance to be explicit about Atticus’ philosophical allegiance, but in view of his openly hostile attitude towards Epicureanism this may be due to his usual tactfulness and courtesy towards Atticus.²¹

We should also add that on Cicero’s view the *in utramque partem* methodology is not peculiar to the Academic sceptics. In the letter he speaks of “the Socratics”. At *Tusculans* I 7 and *De natura deorum* I 11 he attributes to Socrates the method of *contra omnium sententias disserendi*, later adopted by Arcesilaus (cf. *Academica* I 45, *De orat.* III 67), and perfected by Carneades (cf. *Tusculans* V 11); and at *Academica* I 45-46 he connects this Socratic-Arcesilean dialectic method with discovering “arguments of equal weight for the opposite sides on the same subject” as the basis of “withholding assent from either side”. However, at *De oratore* III 80, *De finibus* V 10 and *Tusculans* II 9 the method of *de omnibus rebus in contrarias partis disserendi* or *utramque partem dicendi* is presented as a common Academic-Peripatetic method originated by Aristotle, whose purpose in introducing it was not to contradict everything (*ut non contra omnia semper ...diceret*), as Arcesilaus later did, but “to reveal every point which could be made on either side of any question”; that

²¹ The clearest allusion to Atticus’ Epicureanism is *Ad Att.* IV.6.1 (56 BC) where Cicero, mournfully referring to Lentulus’ death, says: “Still I find consolation, though a poor one, in the thought that I need not grieve for him: not for the same reason as Saufeius and your people (*et vestri*), but because he was so true a patriot that it seems as though a merciful providence had snatched him from his country’s fiery ruin.” Even here, however, Cicero is courteous enough to avoid making it explicit that as an Epicurean Atticus too is bound to share their views on death (c.f. *Ad fam.* XV.16, to Cassius in 45 January: *dicunt tui amici novi*). Note that even in a letter written from Athens (en route to Cilicia) in 51 BC to Gaius Memmius Cicero, who apparently is aware of Memmius’ dislike towards Epicureanism, emphasises that Atticus cannot be said to be a member of the sect, as he is, unlike them, “cultivated to the highest degree, in all liberal learning” (*Ad fam.* XIII.1.5: *is non quo sit ex istis; est enim omni liberali doctrina politissimus*). Atticus’ allegiance is more frequently and openly referred to in Cicero’s works, but his un-Epicurean open-mindedness and wide learning is constantly indicated: see *De legibus* I 21, 54 and III 1; see also *Acad.* I 14, etc.; *De fin.* V. 3. On Atticus’ Epicureanism see further GRIFFIN 1989: 17-18.

is, he presented it as a dialectic/analytic device that could be put to use both in philosophical and rhetorical pursuits (cf. *Orat.* 46).²² To this, at *Tusculans* II 7 Cicero uses the term “Socratics” to denote all the schools deriving from Socrates (cf. *Acad.* I 15ff; *De fin.* V 88; *Tusc.* V 10; cf. also *De Re Publica* I 15, III 5; *Brutus* 31).²³ The addition at *Ad Att.* II.3.3, *sed tamen ad extremum, ut illi solebant, τὴν ἀρέσκουσσαν*, does not seem to me to be a sufficiently definite reference to the Academics (it seems likely that Aristotle’s popular dialogues too followed such a pattern, cf. Cicero’s allusion at *Ad Att.* XIII.19).

What about the other letters? In a letter to Memmius (the patron of Lucretius) written during his stay in Athens in July 50 (*Ad fam.* XIII.1) Cicero says that the Epicurean Patro was introduced and recommended to him by Phaedrus who, “when I was a boy and before I knew Philo, was highly valued by me as a philosopher, and afterwards as, at any rate, a good, agreeable, and kindly man”.²⁴ The sentence clearly indicates a shift in Cicero’s philosophical attitude. It is natural to take the reference to Philo as an allusion to Cicero’s conversion to Academic scepticism. But we can hardly take it as a rock-solid evidence. Strictly speaking, the sentence reveals only that as Philo’s student Cicero acquired a distaste for Epicureanism; it does not follow that he became an Academic sceptic, not to say that he is still an Academic sceptic at the time of writing. Yet this is the most direct allusion to Cicero’s Academic leaning we have in the letters to his friends, before the manifesto of the *Academica* in 45 (cf. e.g. *Ad fam.* IX.22.1, written to Paetus in July 45: *Academiae nostrae*).²⁵

²² At *De orat.* III 61 Cicero seems to suggest that the custom of arguing on various sides of a question (perhaps at different occasions) goes after all back on Socrates.

²³ On the issue see further LONG 1995: 52ff.

²⁴ For the background of the letter see GRIFFIN 1989: 16-17, and POWELL 1995: 28.

²⁵ Cicero’s letter to his protégé Trebatius in 53 (*Ad fam.* VII.13) may perhaps be taken to involve a vague reference to Cicero’s sceptical stance.

As to the “middle” period of Cicero’s composition, Görler’s arguments seem to me to succeed in discrediting the alleged evidence in them of Cicero’s adherence at the time of writing to Antiochus’ school. But they fail to entirely convince of Cicero’s Academic sceptic allegiance in the late fifties. At *De oratore* III 145 Cicero has Cotta declare that Crassus’ second speech has won him over to the Academy (cf. GÖRLER 1995: 98-99). However, in *De natura deorum* we learn that Cotta was a firm adherent of the Academy (he listened to Philo’s lectured in Athens during his exile: *ND* I 17, 59, 113); so his declaration at *De oratore* III 145 can simply be taken as an allusion to his, rather than Cicero’s, philosophical sympathy or allegiance.

Again, it is questionable whether Arcesilaus is “praised” by Crassus when (at *De orat.* III 67) the latter traces the origins of his sceptical method back to Plato’s Socrates (cf. GÖRLER 1995: 99-100); for in his speech Crassus presents Socrates as the originator of the “rift between the tongue and the heart” –that is, the separation of philosophical wisdom and eloquence- and indeed the source of the fragmentation of true wisdom into quarrelling sects (*De orat.* III 60-61).²⁶ Within the context of this narrative Arcesilaus’ “truly Socratic” (*Socraticum maxime*) scepticism –grounded on a universal denial of certainty or apprehensibility (*nihil esse certi quod aut sensibus aut animo percipi possit*)– seems to represent a destructive power. Crassus’ account of Arcesilaus’ scepticism, which will emerge again at *Academica* I 45, seems to conflict with the less dogmatic explanation of his motivation presented at *Lucullus* 66-7 and 77²⁷; the more constructive aspect of Academic scepticism so vehemently emphasised in Cicero’s late period (cf. esp. *Lucullus* 7-9, 65-67, 141, 146, see further e.g. *De fin.* I 13; but cf. also *De inv.* II 4, 9-10) is completely absent here.

²⁶ For a discussion of Cicero’s treatment of Socrates in *De oratore* see FANTHAM 2004: 249-50.

²⁷ For this point see BRITAIN 2006: 106, n. 61.

Again, it is unclear that at *De oratore* III 71-72 and 80 Aristotle is “assimilated to the sceptical Academics” (cf. GÖRLER 1995: 100). Rather, Aristotle and Carneades are placed *on a par* as representing the two schools that offer the best dialectical training for prospective orators (cf. also I 158, where the *in utramque partem* methodology is presented as a most useful exercise). Again, the structural analogies between *De oratore* and late philosophical treatises such as *De finibus* and *De natura deorum* (pointed out at GÖRLER 1995: 98) are perhaps not as “indicative” as Görler suggests. In a letter from 54 BC (*Ad Fam.* I.9.23) Cicero says that the work is written “in an Aristotelian manner”, that is, in imitation of Aristotle’s popular dialogues; and in a letter to Atticus in 45 BC (*Ad Att.* XIII.19.4) he describes his *Academica* and *De finibus* similarly (although in the latter passage he contrasts his recent works with *De oratore* and *De Re Publica* on the ground that in them he follows the Aristotelian model also in casting the principal part in the discussion for himself). It is not implausible that Cicero’s repeated attribution to Aristotle of the methodology of *in utramque partem* was partly grounded on his acquaintance with Aristotle’s exoteric dialogues²⁸; admitting this possibility we also admit that the similar procedure applied in *De oratore* and the later dialogues may owe to Aristotle’s influence rather than to Cicero’s sceptical approach.²⁹

The most significant are of course the passages in *De legibus* I which, as Görler (GÖRLER 1995: 86ff, 97 and 103-4) has argued, are more or less directly indicative

²⁸ Cf. however LONG 1995: 55, who argues that we do not have evidence that the lost Aristotelian dialogues took this form; rather, he suggests that Cicero’s source on this point may have been “a hand-book account on our Aristotelian *Topics* and *Rhetoric* mediated via the rhetorical schools and further influenced by the teachings of Philo”.

²⁹ Again, it is perhaps too strong that the formulation of a sentence at *De orat.* I 262 “should leave no doubt of the author’s epistemological stance” (GÖRLER 1995: 98) –cf. for example *De leg.* I 28, discussed below–; or that the reference to the scepticism of Antonius’ former teacher Charmadas (I 84), and Crassus later allusion (I 263) to the possibility that Antonius himself may perhaps be practicing the method of *in utramque partem*, are indications that Cicero “is in strong sympathy with the sceptical Academy” (GÖRLER 1995: 100). Again, it may be right that in *De Re Publica* Academic scepticism “is most palpable” in Book III (*ibid.* 101), but this is certainly not a proof of Cicero’s scepticism.

of Cicero's sceptical stance: I 19, 36, 39 and 47 (to this list we may also add 54-6 which, as I noticed in Chapter I.5, adumbrates Cicero's main argument in *De finibus* III-IV). In contrast to *De Re Publica*, in *De legibus* the dramatic setting is contemporary, and Cicero casts himself in the role of main speaker in the dialogue. So in this work Cicero can hardly avoid indicating his own attitude to Greek philosophy in general and the different philosophical sects in particular (notably, as I pointed out in Chapter III.1.2 (esp. n. 50), after publishing *De Re Publica* Cicero was apparently widely recognised as actually holding the views he has Scipio and Laelius endorse in the dialogue, which was probably not against his own intention).

What does the reader find? At I 15 we learn that Marcus greatly admires Plato; which is of course compatible with his scepticism (as an Academic sceptic he will regard Plato as originator of the sceptical approach, cf. *Acad.* I 46). But his speech commences with a grandiose and utterly un-sceptic praise of the powers of human reason (22-27). Indeed, at 20 Marcus establishes that "once we have found it [the source of justice in nature] there will be no doubt about how to judge what we are seeking" (*Quo inuento non erit dubium, quo sint haec referenda quae quaerimus*"); and at 28 he declares that "of all the things which are a subject of philosophical debate there is nothing more worthwhile than clearly to understand (*plane intellegi*) that we are born for justice and that justice is established not by opinion but by nature".³⁰ To be sure, the latter sentence takes notice of the existence of philosophical controversies; but at 29 and 47 Cicero embraces the Platonic-Stoic doctrine that the variety of opinions and general discord, especially in moral matters, is due to corruption of our minds by distorted customs, bad upbringing and our own proneness

³⁰ I dismiss I 16 because I tend to agree with Powell's and Dyck's reading of the passage (cf. DYCK 2004, *ad loc.*) as opposed to the reading adopted by e.g. ZETZEL 1999: 110.

to pleasure; and at any rate the formulation seems to imply that the doctrine under discussion is a matter of firm comprehension.

That is, the general tone and content of Cicero's speech is quite deceptive, if he is an Academic sceptic (cf. GÖRLER 1995: 86: "...it is clear that what Cicero has to say is far from Academic scepticism: it is dogmatic throughout"). It is also rather odd that he "begs pardon" for it from the Academy (as Görler *ibid.* puts it) only at a later point, at I 36, or that his interlocutors show no sign of taking notice of the oddity of this tone and content, assuming that his sceptical allegiance is a well-known fact –by contrast, Atticus makes a concession right at the beginning, at 22, that the absence of any Epicurean fellow students enables him to temporarily grant what Cicero has "postulated". But this is not decisive either: later, in *De finibus* –written at a time when Cicero had made his sceptic allegiance public in his *Academica*– he argues in a similarly dogmatic manner against the Epicurean theory (cf. e.g. II 15 and II 36-7), without taking pains to indicate his sceptical distance from the views he is upholding.

It is only at I 36 that Atticus seems to notice the unusually dogmatic vein of Cicero's speech (*Et scilicet tua libertas disserendi amissa est, aut tu is es qui in disputando non tuum iudicium sequaris, sed auctoritati aliorum pareas!*). Görler (*ibid.*) is right in pointing out that *libertas disserendi* and insistence on personal *iudicium* as opposed to yielding to *auctoritas* imposed from outside are hallmarks of the brand of Academic scepticism advocated in the late works (cf. *Luc.* 8-9, 60; *Tusc.* V 32f, 83; *ND* I 17; *De div.* II 150 etc.), and Atticus' remark seems to suggest that these are well-known and familiar characteristics of Cicero's personality. But the recurrent theme of Cicero's intellectual "freedom" as an Academic sceptic in the late *philosophica* has been identified by Görler in a later paper (GÖRLER 1997: 53f; cf. 45 and 50) as an

“entirely Ciceronean” motif; a part of the specific slant Cicero gives to the Academic tradition.

It is in this light that we have to assess I 39, where Cicero requests the Academics to stay away from the discussion, and *De legibus* I 53-56, where he endorses a view on the Stoic-Peripatetic debate on the *summum bonum* that closely prefigures his argument in *De finibus*. At the same time, as we have seen in Chapter **I.5**, he indicates his distance from Antiochus (54); and as I have repeatedly indicated (first in Chapter **II.3**, n. 47), the point that the disagreement is merely verbal may actually go back to Carneades. These considerations might be taken to indicate an Academic stance. But Cicero’s characterisation of the Academic sceptics at I 39 is in line with Crassus’ characterisation in *De oratore* III, and curiously resembles the prejudices against which he will attempt to defend the school in the *Academic* books: the Academics “confute all these things” (*perturbatricem ... harum omnium rerum*), so if he would let them speak, they would “invade” (*inuaserit*) his well arranged and composed line of reasoning, they would “cause excessive damage” (*nimias edet ruinas*).

On the whole, then, *De legibus* I does not seem to represent a Cicero a clear-cut indication of Cicero’s Academic stance; probably not least because this stance –the Academic stance Cicero will assume in the *Lucullus*– has not yet been articulated at the time of writing *De legibus*. As I indicated at the end of Chapter **I.5**, and argue further in Chapter **III.1.2**, the later conception of Academic scepticism as a straightforward and positive quest for advancing the truth, together with Cicero’s somewhat relaxed attitude to the requirements of Academic scepticism so understood (as indicated at *Lucullus* 66, cf. Chapter **III.1.1** end), is not yet clearly conceived.

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