

Cicero's Philosophical Position in *Academica* and *De Finibus*

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I certify that all material in this thesis which is not my own work has been identified and that no material has previously been submitted and approved for the award of a degree by this or any other University.

Signature:

Cicero's Philosophical Position in *Academica* and *De Finibus*

This thesis aims to examine the extent of consistency between Cicero's epistemological position in *Academica* and his method of approaching ethics in *De Finibus*. I consider whether in both works he expresses a radically sceptical view or a more moderate one. I suggest that Cicero's scepticism is best understood when we understand his dialectical inquiry as being, in both works, a positive procedure designed to find the most persuasive view by arguing for and against every opinion. In Chapter 1, I examine Cicero's mode of writing in his later philosophical dialogues, distinguishing two levels of 'Cicero' (that is, Cicero the author and the persona in the dialogues). In Chapter 2, I examine how Cicero himself understands the key principles of scepticism (*akatalēpsia* and *epochē*) and whether his epistemological position in *Academica* is a consistent one. Chapters 3 and 4 form a bridge between the epistemological debate in *Academica* and the ethical debate in *De Finibus* by examining in detail two applications by Cicero of Carneades' ethical division. In Chapter 3, I discuss the original philosophical context of Carneades' division, and consider how Cicero applies it to the epistemological debate at *Ac.* 2.129-41. In Chapter 4, I discuss Cicero's application of this division to ethical debate at *Fin.* 2.34-44 with reference to Cicero's criticism of Epicurean ethics. Chapter 5 and 6 are concerned with Cicero's attitude towards two competing (and more plausible) ethical theories, that is, the Stoic and Antiochean theories. By playing two roles (i.e. as the persona taking one side of the debate in each dialogue and as the author distancing himself from both of them), Cicero writes in a way that is consistent with his (moderate) Academic scepticism. He aims not only to free his readers from their dogmatic obstinacy, but also to help them to find out for themselves the most persuasive view on each philosophical issue.

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Introduction

Although Cicero was highly regarded in the Renaissance and Enlightenment, his reputation declined in the mid-nineteenth century. He was thought to be neither original nor authoritative and readers turned back increasingly to Plato and Aristotle as sources for ancient philosophy. In 1856, for example, Theodore Mommsen criticized Cicero for lack of originality, and treated him as merely an inaccurate copier or compiler of Greek sources. However, ever since the general collapse of his reputation, some scholars have attempted to reconstruct his reputation as a philosopher. The assessment of his philosophical significance has been gradually changing in recent decades, as part of the general upsurge of interest in Hellenistic, post-Hellenistic and later ancient philosophy. Few scholars would now dismiss him as merely an incompetent philosophical thinker. As a result, his philosophical writings are now regarded as worth reading not only as sources for the views of the main Hellenistic schools in each branch of philosophy, but also as documents with their own intellectual interest.

However, while Cicero's philosophical significance has been recognised from various perspectives, questions can still raise about the extent to which he is a serious philosopher. First, he does not seem to have made any innovative contribution to the progress of philosophical thought as regards new or original ideas. Most of the philosophical material which he uses in his works appears to have been adopted or borrowed from earlier thinkers. His methods are, in large measure, common to ancient philosophical dialectic and are, indeed, based especially on writings by Academics; and he himself attributes his own dialectical method to the Academic tradition beginning from Socrates. There seems to be little room for finding Cicero's originality in the area of philosophical ideas or methods.

Secondly, personal interest must have been a dominating factor in shaping Cicero's philosophical position. Cicero's affiliation to the New Academy sometimes appears to be a choice for some practical purposes (such as conveniently presenting the views of various philosophical schools for the

purpose of accomplishing his educational purpose) rather than being the consequence of his own serious philosophical considerations. Whenever he expresses his intention to raise the intellectual and moral level of the Roman people by introducing Greek philosophy to them, his primary concern appears to be personal glory, as we will see. He was, essentially, an orator and a politician, not a professional philosopher. Also, the impression that subjective elements dominated his philosophical position has often been reinforced by the general image of Cicero as a person who was notorious for sentimentality in his private life and wavering in public affairs. This image depicts him as a liberal, who listens to both sides and then does nothing. If we highlight these personal and emotional aspects of Cicero's thought and character, we might think that he was not a serious philosopher.

Finally, even if it is granted that Cicero was a serious thinker, it is not always easy to specify his philosophical position, which appears to vacillate between radical scepticism (which is characterized by endorsement of universal suspension of judgement) and a more moderate one (which allows for assent to persuasive view). On the one hand, his dialogues show a strongly sceptical mode of presentation: any given view is refuted by the opponent (often by Cicero himself); and the consequent equipollence of opposing views appears to end in suspension of judgment on each topic. On the other hand, Cicero sometimes seems to adopt another strategy, especially concerning ethical subjects: by assessing all available views, he intends to find the most persuasive one. Thus we may wonder whether and how it is consistent for his generally sceptical stance to be reconciled with his inclination toward certain (more persuasive) views.

In my thesis, I will examine Cicero's philosophical position in *Academica* and *De Finibus*, mainly focusing on this last point. I hope that, through illuminating this point, some light may be thrown also on the first two points. In Chapters 2 and 3, I will discuss *Academica*, which includes various debates which occurred at various stages of the history of the New Academy spanning more than two centuries. Here Cicero presents a series of philosophical discussions, not only between Stoicism and the New Academy, but also among the New Academics themselves. In this light, Cicero's philosophical position presented in *Academica* may include distinct philosophical insights from a variety of philosophers.

We see some evidence in *Academica* pointing to the conclusion that Cicero supports radical rather than moderate scepticism. The position that Cicero's persona appears to advocate in this work is the Clitomachean interpretation of Carneades, that is, radical scepticism.¹ Cicero seems to construe 'persuasive' views as beliefs which one should follow in action, but to which one was not committed rationally.² Moreover, the debate in the second part of *Lucullus*, which presents the doxographical reports about disagreements among dogmatic philosophers, seems to support his acceptance of radical scepticism.³

However, there is some evidence that Cicero's persona (unlike Arcesilaus who derived suspension of judgment from the equipollence of opposing arguments) does not adhere to the sceptical principle of *epochē* firmly. When Cicero deals with the theoretical debate about the ideal wise man, he sticks to the claim that the wise man never holds an opinion. But when he talks about himself, he tends to separate himself from the ideal wise man, and allows himself to hold an opinion. This moderately sceptical attitude is apparent in some of his other dialogues. Cicero appears to be sometimes favourable, for example, to Stoic views (on virtues as being both necessary and sufficient for happiness in *Fin.* 5; on emotion and moral psychology in *Tusc.* 4; on Panaetius' ethical view in *De Officiis*; and (by implication) on the validity of the Stoic concept of the nature of gods in *De Natura Deorum* (especially at *DND* 3.95). The moderate sceptical approach exhibited in these ethical works seems to run counter to a radically sceptical reading of Cicero's philosophical position.

Thus I will examine the following questions in the Chapter 2, focusing on the debate between Antiochus and Cicero in *Academica*. Does Cicero make use of available philosophical doctrines only for the sake of argument, or does he also accept any of them as his own endorsed view? I will suggest that his scepticism presented in *Academica* can be better understood as being in favour of a more moderate scepticism, in other words, in such a way that he makes use of available philosophical doctrines, not only for the sake of argument, but also for a more constructive purpose (that is, to find the most persuasive view).

¹ See 2.2 below.

² See *Ac.* 2.127-8 and 2.141; Brittain (2006) xii.

³ See 3.2 below. The debate in *Ac.* 2 is composed mainly of two parts. The first part is about theoretical debate about whether there is an apprehensible impression. The second part is devoted to a doxographical section presenting disagreements among dogmatic philosophers, concerning physics (118-28), ethics (129-41), and logic (142-46).

However, we may wonder whether there is any procedure which underpins the adoption of a position on a specific occasion. Although Cicero regards himself as having freedom from any philosophical authority, this freedom must not be a merely arbitrary choice. If he himself does not aim at self-consistency of his position, why does he highlight the question of the consistency of other thinkers so strongly? A persuasive view (*probabile* or *veri simile*) reached through philosophical debate may not be based on merely what is sufficient at that moment, but on some adequate and well-judged ground. I suggest that Cicero's method of testing persuasive views (if my thesis can show that he has one) has a similarity with Carneades' mode of testing persuasive impressions. This topic will be discussed in Chapter 2 and 6 in connection with Carneades' ethical division. This topic will also be examined in chapters 4 through 6 in relation to *De Finibus*. I will suggest that Cicero does not deny the possibility that the arguments for one side prevail over those mounted against it in the context of the ethical debate. I believe that the dialectical method deployed in *De Finibus* is not so much destructive as constructive.

Chapter 1

Cicero's Philosophical Project

1. Consistency of Cicero's Philosophical Position

Cicero maintained his interest in philosophy throughout his life, beginning with his youthful treatise on the techniques of oratory, *De Inventione*. He was philosophically productive especially in two distinct periods. In the first phase, 55-51 BC, he wrote dialogues on oratory, political philosophy, and the theory of law (i.e. *De Oratore*, *De Republica*, and *De Legibus*).⁴ The second phase in which he was continuously engaged in theoretical writings consists of the years 46-44 BC.

It is more or less certain when Cicero began to plan the philosophical project of the 40s. It must have been between late 46 and the early 45, when he was engaged in 'even greater and weightier themes' (*multo etiam gravioribus et maioribus*).⁵ It is most probably with *Hortensius* that he felt that he had begun something entirely new and had emerged as a proper philosophical writer. Regarding Cicero's project in this period, some scholars have suggested that the whole series of Cicero's philosophical dialogues between 45 and 44 BC were written according to a definite plan from the beginning. Special attention has been paid to the preface to the second book of *De Divinatione*, in which he explains his overall aims and summarizes his accomplishments in the theoretical and reflective writings.⁶ This list shows that the relationship between the works (and the links between the arguments) has some significance in defining his philosophical views and methods in this period.

However, there is some room for doubt whether the series was deliberately planned before Cicero begins this project. The idea that there was an earlier

⁴ These three works are modeled on Plato to some extent: *De Oratore*, drawing broadly on Plato's *Phaedrus*; and *De Republica* and *De Legibus*, inspired directly by Plato's *Republic* and *Laws*.

⁵ *Orat.* 148: 'Literature was once my companion in the court and senate house; now it is my joy at home; nor am I busied merely with such matters as form the subject of this book, but 'with even greater and weightier themes'. If these are brought to completion, I am sure my forensic efforts will find a proper counterpart even in the literary labours of my seclusion.' See also *Att.* xii 6a.2; *Fam.* vi 7.4.

⁶ *De Div.* 2.1-4.

plan has been questioned by Griffin.⁷ She suggests that only the first three books, *Hortensius*, *Catulus* and *Lucullus* (the last two of which are also called *Academica*) were originally planned to form a series. According to her suggestion, in the first book of this trilogy, Cicero intended to exhort the Romans to study philosophy, and in the others, to defend his preferred approach to philosophy. Since the first work, *Hortensius*, was well received by the Roman readership, he felt encouraged to write the rest of the works. He describes *Academica* as, not only a continuation of his defence of philosophy in general in the *Hortensius*, but also a defence of the Academy.⁸ Cicero does not seem to have assumed that his philosophical views were publicly known before, in general or in detail, because there must have been many people who were surprised by his adoption of the New Academic position above all others; presumably, before the publication of the *Academica*, only a small circle of his friends would have known that he had been a follower of the sceptical Academy. Cicero believed that the *Academica* gives a clear enough answer on the nature and basis of his allegiance.⁹ Therefore, we acknowledge that Cicero's late philosophical works were not planned before the success of *Hortensius*.

By the time Cicero finished the *Academica*, however, he may have had a plan for the further works. When we look at the list of the philosophical topics in the last part of *Academica*, it is hard to deny that one of his goals is to give a survey of Greek philosophy in a systematic way. Cicero's intention to cover all the main branches of Hellenistic philosophy is also suggested in the catalogue of his works at *Div* 2.1-4, the sequence of which is presented in a logical way.¹⁰ In this larger sequence, the *Academica* has an additional function of covering logic or epistemology, while the later works deal with ethics and physics.¹¹

The dialogues of the 40s express a more destructive, or at least critical, attitude, compared to those of the 50s. Cicero's first philosophical dialogues in the 50s do not show the strongly sceptical attitude taken in the philosophical works of the 40s; in *De Republica*, for example, Laelius, an advocate of the positive view of justice, gains a decisive triumph over the speaker who offers a

⁷ Griffin (1997) 7-8.

⁸ *Tusc.* 2.4: 'In the *Hortensius*, we have replied to the revilers of philosophy as a whole, while in the four books of the *Academica* we have set out, as we think with sufficient precision, all that could be urged on behalf of the Academy.'

⁹ *DND* 1.10.

¹⁰ Schofield (1986) 48-51.

¹¹ *Ac.* 1.19; 2.115.

destructive view.¹² Compared to those in the 50s, the works of the 40s indicate Cicero's affiliation to the New Academics explicitly: in certain cases at least, the main figure is the one who adopts the critical position, and who refutes, or at least refuses to endorse explicitly, the dogmatic position taken up by other speakers. In *De Finibus*, Cicero, speaking in his own person, offers sceptical criticism of the Epicurean, Stoic and Antiochean views about the ultimate good. In *De Natura Deorum*, Cotta the Academic criticizes first the Epicurean, then the Stoic, view of the gods. In *De Divinatione*, Cicero maintains the sceptical position against the Stoic-based theory of divination supported by his brother Quintus.

Cicero's philosophical stance, represented by the sceptical (or at least critical) viewpoint of the leading figure, is stated explicitly in several works in the 40s. The intended effect of this dramatization on the readers is obvious: the practice of arguing for and against any given philosophical view will lead to the equipollence of contrasting arguments, and thus to agreement with the New Academic fundamental principles, those of the 'impossibility of knowledge' (*akatalēpsia*) and 'suspension of judgment' (*epochē*). The form of the Academic dialogue is designed to leave the judgment of the audience free and independent, regardless of the author's real position.¹³ The New Academic method consists, fundamentally, in a dialectical process which is based on a concern with the correct rules for rational discussion. Cicero appears to believe that this method can maintain the rational standards worthy of philosophy by exposing any positive thesis and argument to critical examination. He was able to explore what could be said for and against the same position, and to offer alternative statements, by presenting the main procedure of the Academics in the form of a dialogue.¹⁴

¹² Another example is *De Legibus* 1.54-5, in which Cicero's explicit aim in accepting the Antiochean view is to seek quasi-political consensus. His tendency to seek consensus in politics may underlie and explain his attraction to Antiochus, and his aim of minimizing his own differences from his views. See further Schofield (2012) 243-5.

¹³ See also *De Div.* 2.150: 'But since it is characteristic of the Academy not to introduce any judgment of its own, but to approve what seems most like the truth; to compare cases and to express what can be said against each view; and (without bringing in play any of its own authority) to leave the judgment of the audience free and all their own – we shall hold to his practice, which was inherited from Socrates, and use it as often as we can, brother Quintus, if you are agreeable.'

¹⁴ As an exercise designed to promote skill in public speaking, Cicero often attributes this method (arguing *pro* and *contra*) to Aristotle, who was 'the first to use this method' (*Tusc.* 5.9).

Because of these differences between Cicero's two phases of philosophical activity, it has been debated whether Cicero adopts different attitudes in each period. Recent debate on Cicero's philosophical stance was initiated by the claim that he 'changed his affiliation twice' in his life-time. It has been suggested that Cicero 'converted' from Philo to Antiochus soon after 88 BC, went through a relatively long period of positive allegiance to Antiochus' doctrines, and then changed his affiliation back to Philo shortly before embarking on the second phase of the philosophical works.¹⁵

It is true that the dialogues of the 40s are more destructive than those of the 50s. However, I believe that there is no strong reason to believe that Cicero shifted affiliation between the two phases. Cicero's affiliation to the new Academics, as I said, is attested even in his earliest work, in which he declares that he would 'readily and gladly change rash opinion', and that he would follow any authority 'with sufficient discrimination.'¹⁶ This attitude of proceeding with an inquiring mind and making each statement with hesitation must have originated from Philo, whose influence on Cicero can be traced back to 88 BC, when the two men met after Philo came to Rome as a refugee from the Mithridatic war. Cicero spent his whole time with Philo, 'stirred by an amazing enthusiasm for the variety and magnitude of the subjects of philosophy'.¹⁷ Cicero would have received much training in philosophical argumentation, as well as in rhetoric, from Philo, who had strong interests in rhetoric, and thus from the New Academy.¹⁸ It is true that the dialogues of the 50s show the more optimistic view on attaining knowledge, while the dialogues of the 40s emphasize the more cautious aspect. However, no drastic change in Cicero's affiliation between the two stages of his philosophical career can be identified. When Cicero came to deal with the epistemological questions discussed in the *Academica*, he sharpens the distinction between Philo and Antiochus, and supports the former. But Cicero's distancing himself from Antiochus does not imply that he was previously affiliated to Antiochus. I think that Cicero remained by and large

¹⁵ Glucker (1988).

¹⁶ *Inv.* 2.9-10.

¹⁷ *Brut.* 306.

¹⁸ He makes clear that his oratorical technique comes from the Academics at *Orat.* 11: 'I confess that whatever ability I possess as an orator comes, not from the workshop of the rhetoricians, but from the spacious grounds of the Academy.'

faithful to the sceptical ideal of the New Academy (and not the Old Academic position revived by Antiochus), throughout his philosophical writing.¹⁹

Moreover, the difference between the two phases cannot be explained by distinguishing between theoretical (sceptic) works and practical (dogmatic) ones and by assuming that the works in the theoretical group show the typical form of New Academic dialectic, while Cicero gives practical advices in the writings in the practical group. The validity of the distinction between theoretical and practical works seems to be far from clear. Even if we allow that the distinction is a tenable one, Cicero often adopts a specific philosophical position in his theoretical works. Cicero's works in the 40s, as presented in the list of *Div.* 2.1-4, includes the *Tusculans* (which can hardly be considered as a purely destructive work). Also his practical interest does not distinguish these two phases of his philosophical writing, since he kept writing other practical works (such as *De Senectute*, *De Amicitia*, and *De Officiis*) in the 40s. Thus, it seems not true that theoretical and philosophical considerations appear to have become dominant in the dialogues of the 40s, while political or professional interests are expressed strongly in the 50s.

The reasons for Cicero's change of focus or emphasis (that is, a move towards more sceptical works) in the mid 40s are complex.²⁰ It can be explained by personal factors, notably, the death of his daughter Tullia in mid-February of 45, the new political situation created by Caesar's dictatorship, and the desire to console himself for both this personal and political loss. But Cicero's intention seems to go beyond personal factors, as we gather from his own writings. The political situation had driven him to an enforced period of 'leisure'.²¹ Since he could not satisfy his desire to serve (and influence) the Roman public in a direct and traditional way, he decided to try to educate his fellow-citizens by turning to philosophical writing in Latin.²²

¹⁹ I side with Görler on this matter. According to him, the apparently dogmatic tone of the 50s is a matter of focus, rather than philosophical allegiance: 'There was always an antagonism in Cicero. He strongly wished to believe in certain doctrines (or dogmata): immortality of the soul, existence of God, self-sufficiency of virtue, and so on. But from youth on, he was a skeptic, knowing well that none of this could ever be proved.' See Görler (1995) 112.

²⁰ On the personal, intellectual, and political reasons for Cicero's project in the 40s, see Griffin (1995) 2-14.

²¹ *Ac.* 2.6.

²² *Ac.* 1.3-12. On the intellectual context of Cicero's work in philosophy, see Rawson (1985) 282-97; Baraz (2012) introduction.

As regards performing this service, Cicero was well equipped with both the rhetorical skill and the philosophical training required for philosophical writing. He had met a number of philosophers of the period, such as the Epicurean Phaedrus, the Academics Philo of Larissa and Antiochus, and the Stoics Diodotus and Posidonius.²³ Cicero's approach to philosophy may have started from a practical objective, rather than a theoretical perspective, since he undertook philosophical training quite deliberately as a preparation for public life.²⁴ But his training in rhetoric is closely related to his interest in Philo, as is confirmed by his remark that, as an orator, he is more 'a product of the walks of the Academy than of the rhetoricians' factories'.²⁵ Thus, his rhetorical interests went hand-in-hand with his philosophical concerns. The interest in Academic methodology continued in the rhetorical works in the 50s. In *De Oratore*, the true and perfect orator is described as a person who 'would argue against every thesis in the manner of Arcesilaus and Carneades, and combine this methodology and training with rhetorical experience and practice of speaking.'²⁶ There is no hard evidence that this attitude had changed in the dialogues of 40s.

Why does Cicero want to give a survey of Greek philosophy? It seems clear that Cicero does not intend to provide just an ethical doxography; rather, his works constituted critical assessment of philosophical positions and theories. It has been observed that the original Hellenistic philosophical texts, from which Cicero selected the doctrines he discusses, were available to Roman readers, though they are now almost entirely lost. Considering the Romans' ready access to the originals, his 'handbook' could not have been simply a compilation of philosophers' *doxai*. Moreover, his would-be readers were not students, nor novices in philosophy, but members of the influential Roman educated elite. So it is plausible to take his purpose, not merely as providing an encyclopedia, but as exerting intellectual influence on his readers by demonstrating his skill in persuasion. His goal must be more than simply producing a manual of contemporary philosophical doctrines.

²³ On Cicero's close relationship with these philosophers, see Phaedrus (*ad Fam.*13.1); Philo of Larissa (*Brutus* 306); the Stoic Diodotus (*Ac.* 2.115); Antiochus (*Ac.*1.14); the Stoic Posidonius (*Tusc.* 2.61).

²⁴ *Brut.* 306. He says that he may as well spend the extra time in intellectual training, so that if the political and legal system were to revive, he would be in a still better position to excel.

²⁵ *Orat.* 11.

²⁶ *De Or.* 3.80. Also see *De Or.* 3.107: 'we orators are bound to possess the intelligence, capacity and skill to speak both *pro* and *contra* on the topics of virtue, duty, equity and good, moral worth and utility, honour and disgrace, reward and punishment and like matters.'

This survey has significance for Cicero because of its educational purpose. He makes clear that he wishes to educate his countrymen and to raise their intellectual standards by informing them about the doctrines of Greek philosophical schools.²⁷ Cicero claims that the Academic method is the best way to teach philosophy. His main intention is thus educational: (i) to give the young Roman elite practical advice by introducing them to Greek philosophical ideas and terminology and by creating a manual of contemporary philosophical teaching; (ii) to teach them how to excel in the political arena by writing a review of the doctrines of the leading schools in all areas of philosophy and by promoting critical thinking about Roman values (*mos maiorum*) and moral codes. No matter what specific philosophical stance he takes, this educational purpose must certainly form a part of Cicero's intention.

2. Cicero's Dialogues

The views on specific philosophical topics which Cicero's personae seem to support in his works are sometimes inconsistent and seemingly contradictory. There is a well-known case of a contradictory assessment of the same philosophical view, which I will focus on in my Chapter 5 and 6. In *De Finibus* 4, Cicero's persona argues against the Stoic account of the ethical end and apparently supports the (broadly) Peripatetic view represented by Antiochus; but in book 5, Cicero's persona criticizes the Antiochean view by adopting the same Stoic view.²⁸ This vacillation, although it falls within a narrow band between Stoic and Peripatetic (or Old Academic) ethical positions, becomes more explicit in *Tusculans* 5.32.²⁹ Here, Cicero's persona argues that a Peripatetic (or Antiochean) cannot claim consistently both that there are good things other than virtue and that virtue will always secure a happy life. The anonymous interlocutor then criticizes Cicero's persona for the apparent inconsistency of this view with the one which was supported at *Fin.* 4, namely, that there is no substantive difference between the Stoic and Peripatetic

²⁷ *DND* 1.9. His plan is to 'put philosophy on display to the Roman people', (*Ac.* 1.18; See also 1.3; 11-2; 2.6). On the dissemination of Cicero's work to elite Roman readers, see Murphy (1998).

²⁸ On Cicero's vacillation in *De Finibus* between these two ethical positions, see Gill (forthcoming).

²⁹ Also see Schofield (2008) 82-3; and (2012) 243-9.

positions. In these passages, Cicero's personae appear sometimes to vacillate over contrasting views in some of his works. His vacillation over contrasting views (and it becomes more complex if we bring in the works of the 50s) was one of the reasons that he was considered to be inconsistent in a negative sense.

The contradiction becomes less extreme when we consider that Cicero typically wrote dialogues, not treatises.³⁰ In most of the dialogues, Cicero conceived his philosophical activity – which originated from Socrates and was developed by Arcesilaus – as a renewal of the critical investigation of dogmatic presuppositions.³¹ This critical attitude is prominent in the format of adversarial dialogues of his works in the 40s, in which any given view is refuted by the opponent, mainly by Cicero himself. It has been suggested that Cicero's dialogues, compared to Plato's, are truly dialogical, because they are 'genuinely open-ended'.³² Cicero composes the dialogues in such a way that other characters in the books have the chance to give a full account of their own theories. Cicero takes both sides seriously and invites his readers to do the same. This constitutes the method of arguing both for and against a thesis, which was developed by Carneades.³³ This format allows Cicero to introduce a range of philosophical views without imposing his own authority on the reader.³⁴ Cicero as an author explicitly leaves the matter open, with no final narrative or authorial comment.

Also, because of the format of dialogues, we can draw a distinction between Cicero as an author and the various personae of 'Cicero' presented in the

³⁰ Also, his writings take various forms; for instance, in the *Tusculans* and *De Fato* (but not in other works), a proponent develops, rather than refutes, a specific view, in response to a thesis that has been stated briefly by the opponent. Cicero points out that another Academic method, namely arguing against a thesis proposed, but not defended, by a student – the method employed in *Tusculans* and *On Fate* – is not genuinely Socratic, because, unlike the other techniques, it leaves one side without an advocate (Brittain 2006: xi).

³¹ Cicero emphasizes the Socratic origin of Academic methods at *Fin.* 2.1-4; *DND* 1.11; *Tusc* 2.9; *Or* 2.68; 2.80 and 3.107. The technique of cross-examination depicted in the Socratic dialogues is adopted by Arcesilaus (*Ac.* 1.45). Cicero's use of dialogue form must have been influenced by Plato. But Cicero's dialogues of the 40s are typically not Platonic but Academic, since *perpetua oratio* has largely replaced dialectical conversation. See Schofield (2008) 76.

³² Schofield (2008) 70: 'above all, the practice of *argumentum in contrarias partes* gives readers the opportunity to exercise their own judgment after reflecting on systematically articulated positions ideally set out fully and elegantly, yet with requisite precision and complexity.'

³³ *Ac.* 2.7.

³⁴ See also *DND* 1.10.

debate.³⁵ This is compatible with two possible readings of the works. On the one hand, we can assume that the author is philosophically impartial, represents the debate objectively, and does not try to instill his own ideas into the readers' minds.³⁶ On the other hand, we can suppose that Cicero's persona is deliberately presented as highly personal and opinionated, and as expressing his preference for one side over the other. But we can do so without assuming that he intends the reader to adopt this view, because whatever views his persona upholds do not affect the essential point made through the dialogues, namely, that the matter should be judged by the reader.³⁷ If we distinguish the author from the persona, we should be cautious in inferring Cicero's views directly from the argument he presents as an interlocutor in his books. Each side of a debate is subject to critical examination, and the final judgement is left up to the reader, as Cicero encourages Brutus to decide and be judge of the debates in *De Finibus*.³⁸

The possible problems of this distinction of two levels of 'Cicero' (the author and his persona in the dialogue) is that the reader may consider Cicero's persona in the dialogue as the same as the author of the book. Moreover, Cicero as an author does not restrict himself to being an impartial presenter, but plays an active role in composing the dialogues. Refusing to be a mere translator of Greek originals, he makes explicit his intention to 'contribute his own judgment and order of composition'; otherwise, reading the Greek original may reasonably be preferred to a translation.³⁹ Here, he does not say that he would necessarily be impartial on the debate in terms of his own role as author. He may not think that presenting his own judgement on any given question is

³⁵ There seems to be another level of 'Cicero'. In the preface to each dialogue, he provides an explanation and justification of the scope and purpose of the works. Cicero must have regarded the prefaces as a separate type of expression, and as detached from the dialogues themselves, since we know that he selected some prefaces from a volume which was prepared for this purpose. See On Cicero's prefaces, see Schofield (2008) 74-80; Baraz (2012) 150-86. See also *Att.* xvi.6.4. However, the interpretation which I pursue in my thesis does not need to assume the separate level of Cicero as an author of the prefaces.

³⁶ Cicero attributes this attitude to Socrates and the Academics. See *Tusc.* 5.11; *Div.* 2.150; *Off.* 3.25.

³⁷ Cicero is generally more sympathetic to Antiochus' historical claims than one might think from *Ac.* 2.112-46. See Brittain (2006) xii-xiii.

³⁸ *Fin.* 3.5. This feature of open-endedness is obviously not true of other group of works dealing with practical issues, such as *Off.* 3, where Cicero is quite explicit about where he stands.

³⁹ *Fin.* 1.5-6: 'what of it, if I do not perform the task of a translator, but preserve the views of those whom I consider worthwhile, while contributing my own judgment and order of composition? What reason does anyone have for preferring Greek to that which is written with brilliance and is not a translation from Greek?'

necessarily inconsistent with his philosophical position. He may see expressing his judgement as being the best way to participate actively in current debate. Indeed, one of the things he can do as author is to present a debate in a way that reflects or reinforces the New Academic standpoint. So there is not essentially an inconsistency between Cicero playing an active or interventionist role as author and his adherence to a New Academic position.

Assuming that Cicero's persona reflects the views of Cicero as author in some ways, there are still ways that we can reconcile the various views taken by Cicero's persona with the author's New Academic standpoint in a consistent way, through two lines of interpretation. One line of interpretation would be that Cicero's persona, not only Cicero as author, attacks an opponent for purely dialectical purposes; and thus it does not matter precisely what philosophical position the persona adopts. The dialectical features of the argument, taken as a whole, may be seen as leading to the conclusion that Cicero's persona also wants the opponent to form his own judgement.

However, sometimes it is not the case that Cicero as persona only pretends to adopt a certain position for the sake of argument. We often see that the persona attempts to refute a claim on the basis of certain, very specific, assumptions, to which he seems to give assent. In *De Finibus* 4, for instance, the refutation of the Stoic position is made on the basis of a specific set of assumptions, which are based on typical Peripatetic ideas.⁴⁰ In addition, the Cicero's persona is not always dispassionate or unbiased in the dialogues. He makes an effort to win the debate, even by utilizing rhetorical skills, and not only by constructing logical arguments.⁴¹ What is the purpose of his expressing explicitly his abhorrence of, or preference for, a given philosophical position, such as his straightforward antipathy to the Epicureans? Why does Ciceronian dialogue seem to allow one position to have victory, or at least priority, over another? These features of the dialogues indicate that Cicero is aiming to influence the views of the reader and not just to leave the judgement to him on the matter in question.

There is another line of interpretation for inconsistency. Although we may grant that Cicero as persona does indeed express specific opinions (in other words, the refutation is neither neutral nor purely dialectical), the format of

⁴⁰ See 5.3 and Chapter 4 below

⁴¹ Smith (1995).

adversarial dialogue can still allow Cicero's persona to present his personal view on a provisional basis without compromising his stance as an Academic. Cicero's examination of any philosophical view is always provisional, and its outcome can always be modified. An Academic is also free to make use of arguments provided by others.⁴² Also, when asked by an anonymous interlocutor about the apparent inconsistency between *Tusc.* 5 and *Fin.* 4, Cicero presents himself as someone who 'lives for the day' as regards philosophical commitments.⁴³ Here, he confesses that he (that is, the Cicero persona in different dialogues) is in fact inconsistent, but, by way of excuse, he draws on his liberty as an Academic philosopher. The freedom of his school allows its adherents to follow 'whatever strikes our minds as persuasive'. He contrasts this attitude to the approach of other philosophers, whom he presents as devoted to their school doctrines, which they treat as sealed documents and as testimony oral or written.⁴⁴ Thus, he allows himself to adopt any view whenever it fits, and to choose whatever he finds persuasive, although he does not here elaborate the basis for choosing what seems persuasive.⁴⁵ Hence, the expression of positive commitments by Cicero as persona does not negate the fact that his presentation, taken as a whole, is Academic in outlook.⁴⁶

I will pursue this way of interpreting Cicero's works in detail in my thesis. I will focus on two works, that is, *Academica* and *De Finibus*, which cover, roughly two of the three main areas of philosophy in the Hellenistic age, namely epistemology (which falls under the general heading of logic or dialectic) and ethics. The most crucial reason for the choice of these works is that they are typical examples of Ciceronian dialogue: the interlocutors argue *for* and *against* a particular subject, and Cicero (or his representative) invariably appears as a

⁴² *Orator* 237; *Ac.* 2.121; 134; *Tusc.* 5.33.

⁴³ *Tusc.* 5.32: 'You are confronting me with sealed documents (*tabellis obsignatis*), and putting in as evidence what I have sometimes said or written.' Documents produced in court, when an action was tried, were sealed up to prevent any subsequent tampering with the words.

⁴⁴ The contrast also appears in *Div.* 2.46: 'How can you bring yourself,' you argued, 'to defend this position, which is contrary to both your record and your writings?' 'You're my brother, so I will be polite. But, really, what is the problem here? Is it the case itself, which is a difficult one, or me, who just wants to set out the truth? So I'm not going to respond to this charge – I'm just going to ask you for a causal explanation for haruspicy.'

⁴⁵ See further 2.5 below.

⁴⁶ An interpretative problem potentially raised by Cicero's literary practice is that the reader may tend automatically to identify Cicero as author with his persona in any given dialogue. Cicero himself recognizes this possibility. This apparent reference by the characters of the dialogue to another work written by Cicero as an author is hard to be understood unless Cicero has in mind the possibility that the reader considers Cicero's persona to be his own self.

critic presenting the sceptical case in the second part of each dialogue.⁴⁷ But there are crucial differences between *Academica* and *De Finibus*, which I will focus on in my thesis. Each work seeks in different ways to influence the readers in their evaluation of the contrasting positions, though the views are ultimately to be judged by the reader. In each dialogue, Cicero seems to endorse one doctrine over the other for certain reasons.

The distinction between Cicero as an author and persona is not clear in *Academica*, which uses the Academic practice of arguing for and against in connection with the question of the possibility of knowledge. Here, Cicero makes a positive claim for the validity of the Academic position.⁴⁸ If the purpose of the dialogue is to investigate the arguments for and against Academic scepticism, we need to be cautious about drawing Cicero's philosophical position directly from the book.⁴⁹ However, this may be regarded as an exceptional case, in which we can take what Cicero's persona says at face value and accept the answers without qualification. The Academic position is referred to in many other places as his own philosophical stance, which he repeatedly presents as the least arrogant.⁵⁰ The brief outline in *Ac.* 2.7-9 expresses his endorsement of the New Academic position and also, I believe, summarizes the rest of his speech in *Ac.* 2.64-146. Thus, his views as a persona in *Ac.* 2.64-146 seem to match his general authorial claims. This suggests Cicero as author of the preface holds the views which the persona argues for. *Academica* is the opening work of his philosophical sequence in the 40's, except for the lost *Hortensius*, a protreptic work. *Academica* deals with epistemology. Given the centrality of epistemological debate in the Hellenistic period, especially debate between the Stoics and Academics,⁵¹ this gives *Academica* a special importance in Cicero's philosophical output. *Academica* discusses central epistemological topics, such as the existence of the apprehensible impression or the possibility of knowledge. Thus, it may well be taken as Cicero's philosophical manifesto.

⁴⁷ *De Natura Deorum* and *De Divinatione* should be added to this type of work, although I do not propose to discuss these as well.

⁴⁸ *Ac.* 2.65-6: 'I am burning with the desire to discover truth and my argument express as what I really think.'

⁴⁹ This caution is more clearly applicable in dialogues such as *On Divination*, where Cicero's role as an interlocutor is to criticize the Stoic thesis that the art of divination allows the gods to communicate with us; cf. Schofield (1986) 47-65.

⁵⁰ *DND* 1.11; *Tusc.* 2.4; *Div.* 2.1; *Off.* 2.8.

⁵¹ See LS 40-2, 68-70.

Although we can exclude *Academica* from the rest of the group, there is still scope for debate about the validity of the distinction between Cicero as author and persona. *De Finibus* also adopts the typical Academic method of arguing for and against a certain position, and indeed of arguing against every position. *De Finibus* explores the fundamental principles of ethics.⁵² Here, Cicero's persona explores and refutes the Epicurean, the Stoic, and the Antiochean or Peripatetic views on the ultimate goal of life. Although the debate is presented in an Academic manner, with no explicit conclusion by Cicero as an author, Cicero is not wholly dispassionate, and his inclination towards or against a specific view is noticeable. For example, he does not conceal his antipathy to the Epicurean doctrine, making clear his preference for the Stoic or the Peripatetic position. Moreover, the reader may well form the impression that Cicero inclines to the Antiochean or Peripatetic view that not only virtue, but also the external goods, are important in living a happy life. This impression is reinforced when we consider the space given to each position, the philosophical significance of the debates, and the reaction of the interlocutors.⁵³ These features of the work need to be considered in connection with the question whether, in *De Finibus*, he prefers the Antiochean/Peripatetic view over the others and, if so, what makes him incline in this direction.

3. Radical vs. Moderate Scepticism

In addition to the fact that Cicero wrote his works in a form of dialogue, a further difficulty in determining Cicero's philosophical position arises from his proclaimed position as an Academic sceptic. These two difficulties are linked to some extent: his own philosophical position may have influenced his choice of the adversarial dialogue as a means to present philosophical ideas and debate to his fellow citizens, and vice versa. Thus Cicero's inconsistency, or at least

⁵² Another work, *De Natura Deorum*, is centred on a topic, theology, which, in this period, falls primarily within physics or the study of nature. Thus, mastering the full range of contemporary philosophical issues in the three main branches of philosophy is, undeniably, one of the goals of philosophical project in the 40s.

⁵³ On the importance of the issues: for example, in *De Finibus* 5, Cicero's target is the Peripatetic view that the external goods make a contribution to happiness. But this could be regarded as a 'minor disagreement', considering that the rest of the Antiochean theory seems to be accepted. Also, Antiochus - and Cicero's persona in Book 4 - insists that there is merely a terminological difference between Stoic and Peripatetic ethics. Lévy (1992) and Bénatouïl (forthcoming) take the work as a whole as expressing a pro-Antiochean stance.

vacillation, can be understood as the result of a certain kind of Academic scepticism.

The complexity of the relationship between Cicero's sceptical attitude (as expressed in his wanting to leave the judgment to the readers) and the personal attitude of his persona in the dialogues seems to be closely related to Cicero's own philosophical position. If the dialectical procedure exercised by Cicero was purely dialectical, he might have set out only to examine the positions of others and thus would not need to endorse any specific claim. However, he says explicitly that, when examining each of the approaches of the philosophical schools to the question of the ethical end, he will consider 'the views he approves of'.⁵⁴ Is it possible for his generally sceptical stance to be reconciled with his approval of a certain philosophical view? Hence, his methods have been seen as an uncomfortable combination of two apparently contradictory practices: *deriving the suspension of judgment* by arguing for and against a given opinion on the one hand, and allowing us to assent to a given theory (though on a provisional basis) on the other. Cicero's trustworthiness as a philosopher may depend on how successfully he was able to reconcile such apparently incompatible practices.

The key question regarding Cicero's philosophical position is this: is Cicero a consistent sceptic? This is a philosophically difficult question to settle because the latter principle (i.e. suspension of judgment) is one which cannot be easily abandoned by any New Academic. If assent to a certain view is to be conceded, it would be difficult to show how the compromise works. Thus, these two contrasting practices are hard for any Academic thinker to reconcile, and not just for Cicero.

The difference between radical and moderate scepticism lies in the way that each position views the assumptions and the consequences of its argumentation. On the one hand, the radical sceptic claims that the premises in the argument are derived from the opponent only for the sake of argument; thus, the radical sceptic does not accept the results of the discussion as providing a rational basis for an overall judgement on the matter in question. By contrast, the moderate sceptic is willing to accept these assumptions as his own, and thus the consequences derived from them, although only in a qualified ways

⁵⁴ *Fin.* 1.11.

(that is, on a provisional basis and with no firm confidence). Therefore, for a moderate sceptic, dialectical practice would not necessarily lead to equipollence of arguments.

It is not always easy to tell whether the opinion is accepted by Cicero willingly or not. In terms of the dialectical method of arguing against a given opinion, the difference between radical and moderate scepticism could not be so wide. Both radical and moderate sceptics engage readily in theoretical discussion by using rational arguments. Thus we should not focus only on the practice of arguing against every position in order to differentiate the radical type of scepticism from the more moderate one.

The New Academics show varying approaches in the way in which they justify the two Academic principles, *akatalēpsia* and *epochē*. Cicero's attitude to these two Academic principles seems to vacillate and we can form two possible views of his attitude towards them, set out below.

(1) His assent to a certain view is superficial, and only forms part of a dialectical practice which would lead ultimately to 'the suspension of judgment' which results from the equipollence of opposing arguments. Thus, he is genuinely sceptical.

(2) When he assents to a certain view, he in fact believes that it is probable, at least at the moment that he gives assent. In this sense, he appears to be a sort of mitigated sceptic, rather than a radical one.

I am inclined to take the latter view. In my dissertation, I assume that Cicero's goal is not only to free his readers from their dogmatic adherence to certain philosophical positions, but also to help them find out the views which are persuasive, though not based on certain knowledge, on each philosophical issue. Cicero may intend to arbitrate between these two stances, that is, endorsing universal suspension of belief (a radical scepticism) and forming opinions by assenting to an apprehensible impression (the more moderate one). I suggest that the features of Cicero's practice that might seem to show him as a radical sceptic are better explained by treating him as a moderate sceptic, as we will see in the following chapters.

Chapter 2

Consistency of Cicero's position in *Academica*

Cicero has generally been considered to be a follower of Philo's moderate scepticism from his youth.⁵⁵ While Cicero must have been influenced by this moderate scepticism, we have some evidence that he supported the more radical scepticism in *Academica*, as we will see shortly. In this chapter, I will examine the question whether Cicero's philosophical position in *Academica* can be understood as being a consistent one.

One passage shows the clear contrast between these two attitudes to Academic scepticism.⁵⁶

'How could I not desire to find the truth (*verum*) when I rejoice if I find something truth-like (*simile veri*)? But just as I judge this, seeing truths, to be the best thing, so approving (*probare*) falsehoods in the place of truths is the worst. Not that I am someone who never approves (*approbem*) anything false, never assents (*adsentiar*), and never holds an opinion (*opiner*): but we are investigating the wise man. I am actually a great opinion-holder (*magnus... opinator*): I'm not wise.'

Before beginning his main speech, Cicero designates the main topic of their investigation – the wise man. Here, the wise man is characterized by his capacity to avoid approving falsehoods and thus holding an opinion. This notion of the wise man is in line with radical scepticism, because it requires suspension of judgement regarding any matter lacking in certainty.⁵⁷ At the same time, however, Cicero also confesses that he is not wise but heavily opinionated; thus he is prone to approval and to assent. This remark might only be an expression of his humility to the Roman readers, by saying that he is not wise. Or he might have wanted to say that he freely entertains his own opinion in his private life, while advocating radical scepticism publicly; thus, we may

⁵⁵ For Philo's influence on Cicero, see Powell (2007) 335-9. Also see 1.1 above.

⁵⁶ *Ac.* 2.66. The translation of *Academica* is Brittain's (2006), with some modification.

⁵⁷ Also see *Ac.* 2.78 and 113.

think that he claims universal *epochē* openly, but that his scepticism allows himself to hold opinions at the same time. At any rate, this brief comment seems to express his wavering between radical and moderate scepticism.

In order to understand Cicero's distancing himself from the wise man, in Section 1 and 2, I will examine the way that he understands two sceptical principles: (i) *akatalēpsia*, or the thesis that nothing can be known, and (ii) *epochē*, or the thesis that we should suspend assent or judgment. In Section 3 and 4, I will suggest the ways that Cicero's confession of being an opinion-holder can be squared with his account of the wise man. I suggest that the action of the wise man, which Cicero discusses in *Academica*, turns out not to be quite different from what Cicero does in his life and that he even seems to take some pride in 'opining', although he is aware that all his 'opinions' may be false. Thus we do not necessarily assume that Cicero vacillates between two types of scepticism (i.e. radical and moderate scepticism). In Section 5, I will discuss Cicero's claim that a dialectical inquiry, by arguing for and against every opinion, would reveal the view which is 'most likely to be true'. Although Cicero does not explain this characteristic process of investigating persuasive views clearly, I will suggest that Cicero's moderate sceptical approach to theoretical discussion has a close similarity with Carneades' procedure to test persuasiveness of any impression.

1. Dialectical Interpretation of Two Academic Principles

The first half of the *Lucullus* consists of Antiochean arguments supporting the possibility of apprehension and the necessity of assent for action (2.13-60); Cicero's defence of the sceptical stance on the same topic occupies the second half of the work (2.72-146).⁵⁸ The philosophical position which Cicero set out to defend in *Academica* appears to win the battle over that of Antiochus. Thus, Cicero's philosophical position in this book can be understood as being in opposition to Antiochean epistemology.

⁵⁸ In my thesis, I will use the '*Academica*' to refer to the whole surviving work. The first edition has been called '*Academica Priora*'; and the revised second edition '*Academica Posteriora*'. To add to our confusion, the second book of the first edition, *Lucullus*, is conventionally abbreviated as 'Ac. 2'; and *Varro*, the first book of the second edition, as 'Ac. 1'. But I will follow the conventional use of these slightly misleading abbreviations 'Ac. 2' and 'Ac. 1' to refer to the two surviving books, *Lucullus* and *Varro*.

The precise nature of Antiochean epistemology is a matter of scholarly debate. Antiochus defected from the sceptical Academy sometime in the 90s, and reclaims the Platonic heritage.⁵⁹ Since he wanted to found his claim to philosophical truth partly on the authority and consensus of the tradition, he tried to rescue Socrates and Plato from the more sceptical interpretations of their works; thus, rather than reverting to the content of Plato's dialogues, he paid attention to the Platonic ideas shared by most of the dogmatic schools. Thus Antiochus made the most distinctive claim of his position – that the Old Academics and the Peripatetics shared a single Platonic philosophy, and that the Stoics advocated the same view, although they made a few 'corrections'.⁶⁰ In this light, his epistemology can be interpreted either as (i) simply and consistently Stoic epistemology or (ii) syncretistic epistemology incorporating elements of the old Academy and the Stoics.⁶¹ It is certain that Cicero's target in *Academica* is Stoic epistemology, and that Antiochus is mainly considered by Cicero as a Stoic, in this respect at least. This is mainly because Antiochus borrows extensively from Stoic sources, including epistemological ideas and Stoic arguments against the New Academy. But what about Antiochus' own, distinctive ideas? Other Ciceronian evidence indicates the distinctive old Academic elements in Antiochus. He never declares himself to be a member of the Stoics; rather, he always emphasizes his Academic lineage.⁶² Also, it is not certain how he squares Stoic epistemology with Platonic rationalism and anti-empiricism, as the inconsistent evidence at *Ac.* 1.30-2 indicates.⁶³ Moreover, Antiochus' epistemology in *Lucullus* is somewhat different from the evidence in

⁵⁹ The reason for Antiochus' dogmatic turn raised a serious question, even in ancient times. We hear that some people blamed him for retaining the honour of this name (the Academy) while defecting from the school itself, even though he wanted to gain his own followers (*Ac.* 2.69). But Cicero's own evaluation focuses more on doctrinal aspects. When Cicero explains the reason for Antiochus' defection, he speculates that 'Antiochus couldn't withstand the combined onslaught of all the philosophers because none of the other philosophers approves the Academic principles' (*Ac.* 2.70). Following Cicero's approach, I will focus on the doctrinal aspects of Antiochus' defection in my thesis. On the institutional and philosophical nature of Antiochus' defection from the sceptical Academy, see Polito (2012).

⁶⁰ For Varro's Antiochean interpretation of the Academic tradition, see *Ac.* 1.15-43; see also *Fin.* 4.3-18; 5.9-15. On the corrections made by Zeno, see e.g. *Ac.* 1.35-42; *Fin.* 4.19-23.

⁶¹ For the first interpretation, see Dillon (1977) and Brittain (2012). For the second interpretation, see Barnes (1989).

⁶² *Ac.* 1.13 and 2.69-70.

⁶³ A question has been raised why Antiochean epistemology takes a different form in the original and the revised versions of *Academica*. The difference between Cicero's reports in the two different versions could derive from the different sources which Cicero uses. Sedley claims that the differences between the two versions of *Academica* correspond to the different stages of Antiochus' thought. See Sedley (2012).

Fin. 5.76.⁶⁴ I will not go into detail on the problem of identifying the precise nature of Antiochus' epistemology since this would require a lengthy and detailed treatment not relevant to the present enquiry. I would like to restrict the issue to what Cicero understands Antiochus' position to be in *Academica*.⁶⁵ For the time being, I will treat Antiochean epistemology in *Academica* as being simply the Stoic position.

The Stoic theory of knowledge involves a drastic shift in approach to epistemology. Zeno, the founder of the Stoics, puts forward an empirically based solution to the problem raised by the Socratic elenchus, that is, that one is not entitled to any knowledge.⁶⁶ According to Antiochus, Zeno made a few 'corrections' to the Platonic tradition.⁶⁷ All these innovations are accepted by Antiochus in the main body of Lucullus' speech at 2.19-62.

Zeno proposed a new type of epistemology. One's 'impression' (*phantasia*) has an external cause, which is described as a 'printing' (*tuopsis*) on the soul'.⁶⁸ To form a belief is to give one's assent to this externally induced impression. By accepting or rejecting it rationally, we play active causal roles in the world.⁶⁹ He claims that, besides mere opinion (*doxa*) and knowledge (*episteme*), there is a third kind of state, i.e. 'apprehension' or 'grasp' (*katalēpsis*).⁷⁰ Some of our impressions are 'apprehensible' – by assenting to them, we form an apprehension of the objects. But apprehension is not yet called knowledge because the mere having such an impression, or even assent to it, does not suffice for knowledge. Apprehension itself is neither good nor bad, and it is available to a wise man and a fool alike. Knowledge requires an apprehension, but this needs to become secure, firm and unchangeable by reason, and worked into a systematic whole with other such apprehensions.⁷¹ Zeno argues

⁶⁴ Here Cicero emphasizes that he can bestow his approval on what Antiochean Piso said, since he cannot refuse to approve 'what seems persuasive'. While he challenges apprehensible impression in the Stoics' definition of knowledge, he does not focus on the great disagreement between Antiochus and himself. Thus he seems to consider Piso's account of Antiochean ethics to be based on Peripatetic epistemology, not on Stoicism.

⁶⁵ I will not deal with the question whether Cicero understands Antiochus correctly. Cicero certainly borrowed from Antiochus' *Sosus* the material for writing *Academica* (*Ac.* 2.11-2). But *Academica* is our main (and almost the only) source for reconstructing Antiochean epistemology.

⁶⁶ Frede (1999) 295-6.

⁶⁷ *Ac.* 1.40-2. See Brittain (2012)

⁶⁸ On the implications of this metaphor and the external cause of perceptual impressions, see *Ac.* 2.34.

⁶⁹ *Ac.* 2.37-9.

⁷⁰ Cicero renders '*katalēpsis*' by '*comprehensio*', '*perceptio*', or '*cognitio*' in different contexts. In this thesis, I will translate *katalēpsis* as apprehension.

⁷¹ Sextus *M* 7.151-7; LS 41H.

that we ought to restrict our assent only to apprehensible impressions, since it is contrary to reason to form opinions by assenting to inapprehensible (that is, inadequately warranted) impressions. By restricting our assent to apprehensible impressions, we can attain infallible knowledge or wisdom. Our beliefs will then be constituted entirely by apprehensions derived from apprehensible impressions, or from the concepts warranted by them. Knowledge is available only to those who are already wise.

The debate between Cicero and Lucullus centres on this type of epistemological theory. Their discussion is concerned especially with the following theses: that there is a kind of impression which presents us with the object as it is in reality; and that a wise man can avoid falling into error by grasping this impression only.⁷² This account of knowledge, which is fundamentally based on the existence of 'apprehension', was questioned first by Arcesilaus, the founder of the New Academy, and subsequently by his followers. They asked whether there are in reality apprehensions, that is, according to Zeno's definition, the beliefs which are warranted to be true, by their own nature or by the way they have occurred. They also wanted to know how we are in practice capable of distinguishing between mere opinion and apprehension, so as to assent only to the objects of apprehension.

Cicero seems to find the origin of the two Academic principles (*akatalēpsia* and *epochē*) in the debate between Zeno and Arcesilaus. Before we go any further, let us consider Cicero's report on the discussion between them in order to reconstruct the definition of the 'apprehensible impression'.⁷³ In this story (whether true or fictional), Zeno held that the wise man should only assent to an apprehensible impression, on which all his knowledge should be based. Zeno characterized an 'apprehensible' impression as being [a] 'from what is' (*ex eo quod esset*), [b] 'stamped, impressed, and molded just as it is' (*sicut esset, impressum et signatum et effictum*). Arcesilaus raised a question what would happen if a true impression was just like a false one. Zeno realized that no impression would be apprehensible if something originating from 'what is' can be considered as something which could originate from 'what is not'. Therefore, to the original definition, Zeno added the further qualification [c] that 'in such a

⁷² My concern in this section is to examine the New Academic reaction to two Stoic theses, expressed in the speeches of Lucullus and Cicero, mainly in two places, Ac. 2.40-60 and 2.78-97.

⁷³ Ac. 2.77. Also see Sextus M. 7.248.

way it could not come from what is not'.⁷⁴ Arcesilaus welcomed this addition because he also believed that a true impression, if exactly like a false one, would not be apprehensible, just as a false impression would not. He then argues against Zeno's claim of apprehensible impressions. The following argument shows Arcesilaus' inference:⁷⁵

- [1] some impressions are true, others false (as Zeno claims).
- [2] a false impression is not apprehensible (Zeno's first condition [a]).
- [3] when two impressions are such that they do not differ at all, it is not possible that one of them is apprehensible, while the other is not (Zeno's third condition [c]).
- [4] every true impression is such that one could also have a false impression just like it (as Arcesilaus tries to prove).
- [5] therefore, no impression is apprehensible (*akatalēpsia*).

Arcesilaus admitted that the conditions [a] and [b] are often satisfied, as Zeno claimed. But he argued that condition [c] never obtained because every true impression is possibly indistinguishable from the false impression just like it. Thus, the validity of the whole argument of Arcesilaus depends on the successful proof of [4], which has been called the 'indiscriminability (*aparallaxia*) argument'. The subsequent debate between Cicero and Lucullus centres on the implication of the third condition in the definition of apprehensible impression [c].

The Academic objection is whether and how one can tell at any given time that one is deluded or deceived. Arcesilaus gives two types of counter-example based on this interpretation. One argument is that we cannot discern similar objects such as a dozen of eggs or twins.⁷⁶ The other arguments are concerned either with a person suffering an unsound condition of the senses or a person in a state of madness, a dream, or a divine revelation.⁷⁷ These examples show

⁷⁴ The Stoic definition of an 'apprehensible' impression is also set out, in slightly different forms, in *Ac.* 2.18, 112, 145 and 1.40-42. Cicero claims that an apprehensible impression [1] is true and [2] is caused in an appropriate way to correctly represent its object, and that [3] its truth is warranted by the inimitable richness and detail of the representation guaranteed by its causal history.

⁷⁵ *Ac.* 2.40; 2.83.

⁷⁶ *Ac.* 2.85.

⁷⁷ *Ac.* 2.88-90.

that there is no way to avoid the possibility that an impression might be of such a kind as could arise from what is not.

Zeno may have thought of the third condition of apprehension only as a 'clarification', not as an additional and logically independent requirement.⁷⁸ The idea is that an apprehensible impression gives its perceiver an unqualified warranty that it reveals the object with complete accuracy and clarity. Thus, the third condition only makes clear that an apprehensible impression will reveal its object with such precision and accuracy that it is inconceivable that it came from some other object. The Stoic understanding of the third condition is clearly indicated by Lucullus' arguments against the Academic indiscriminability argument. He responds to the case of similar objects by appealing to the metaphysical principle that individuals of any given kind will necessarily have peculiar features that distinguish them from all other individuals of the same kind: if any two objects really were indistinguishable, they would be identical.⁷⁹

Arcesilaus, on the other hand, seems to understand the condition as stipulating that an apprehensible impression must be different 'in kind' from an inapprehensible one. He seems to admit that, if an apprehensible impression could not misrepresent its object, it could not arise from some other object. However, in practice, there is always the possibility of making an error in discerning similar objects. Thus, Arcesilaus seems to believe that the possibility of error is clear evidence that we do not have any means to distinguish apprehensible impression as 'distinct in kind' from inapprehensible ones. If there is any mark of distinction between impressions, these distinctions can only be discerned in terms of truth-likeness, in other words, at a subjective level.

Arcesilaus' exploitation of Stoic epistemological concepts is also important in the next argument. Zeno was said to be the first man who established the highest intellectual standard for a wise man, and asserted that a wise man

⁷⁸ For the two possible interpretations on the implication of the third condition, see Striker (1997) 266.

⁷⁹ Ac. 2.47; 49; and 50. This doctrine has come to be known as 'the identity of indiscernibles'. Sceptical scenarios such as the evil demon or the brain in the vat did not seem to figure in the debate between the Stoics and Sceptics. The Sceptics press the point that *at the time* the dream may be completely convincing to the dreamer, even if she does not believe that the events actually transpired when she awakes (Ac. 2. 88). They do not consider thought experiments in which *all* our sense experience is systematically misleading.

never holds ‘opinions’ or makes mistakes.⁸⁰ Zeno’s notion of the wise man — characterized by his unmistakable knowledge and so never holding opinions — is admitted by Arcesilaus. He replies to Zeno that, if nothing is apprehensible, it will follow that a wise man must suspend judgement about everything. This (supplementary) argument, so-called *epochē*, is as follows:⁸¹

[5] nothing is apprehensible (as Arcesilaus has argued above)

[6] if the wise man ever assents to inapprehensible impressions, he will sometimes hold an opinion (Stoic definition of ‘opinion’)

[7] he will never hold an opinion (as Arcesilaus agreed with the Stoics)

[8] therefore he will never assent to anything. (*epochē*)

Having an impression, according to Stoic epistemology, is simply to entertain an idea, without making any commitment to it. To form a belief, we need an active component — the capacity to assent, or suspend assent to, externally induced impressions. When we grasp an apprehensible impression correctly, we call it ‘apprehension’. The epistemic status of apprehension depends on the strength or weakness of the mind. The wise man’s grasp of it is so stable and systematic that his belief becomes identical to knowledge.⁸² The grasping of the inferior man, by contrast, is so weak and changeable that his apprehensions are considered to be mere ‘opinions’ (*doxa*), or even ‘ignorance’ (*agnoia*). Thus, ‘opinion’ refers to the belief that results from assent to the inapprehensible, which covers everything that cannot be grasped, both falsehoods and states of affairs whose truth is not clearly or distinctly certified. If there is no apprehensible impression, therefore, the wise man will never assent to anything so as to avoid ‘holding opinion’, and need to suspend judgement (*epochē*).

Consequently, at the core of the philosophical position of the New Academy, lie the sceptical principles, that is, *akatalēpsia* and *epochē*. Antiochus attacks these principles by manipulating the argument that a sceptic cannot maintain these principles consistently. It is not possible for the sceptics to make the claim

⁸⁰ Ac. 2.77: ‘None of Zeno’s predecessors had ever explicitly formulated, or even suggested, the view that it is possible for a person to hold no opinions — and not just that it is possible but it was necessary for the wise man.’

⁸¹ Ac. 2.66-8; also see Sextus *M.* 7.155-7.

⁸² For Zeno’s metaphor of ‘grasping’, see Ac. 2.145. Here degrees of certainty, from an impression to knowledge through assent and apprehension, are compared with types of grasping.

consistently that knowledge is not possible; nor can they consistently assent to the claim that we should suspend assent to everything, if this claim itself is an object of assent.⁸³

Scholars have suggested several ways of avoiding the charge of inconsistency of the sceptical principles, particularly concerning the early Academic sceptics – Arcesilaus and Carneades. One widely accepted solution is to highlight the dialectical methods through which these principles were formulated.⁸⁴ These methods originated from Socrates and were developed by Arcesilaus.⁸⁵ While Socrates' original intention in introducing this manner of argumentation is rather controversial, it is almost certain that Arcesilaus uses it to produce the suspension of judgment. Granted Arcesilaus' intention, he did not need to accept any of the assumptions endorsed by his dogmatic opponents, and also the conclusions inferred from these assumptions. Thus, the outcome would have been to show that his opponents could not avoid the absurd consequences derived from their own theories. According to this 'dialectical interpretation', these early Academics were the genuine sceptics, who did not claim any belief at all. Also their methods were strictly negative in seeking to eliminate other people's beliefs. Recent scholarship seems to be unanimous in maintaining that these arguments were adopted by Arcesilaus only in a dialectical way, though views differ about Carneades within the Academy at that time, as we will see in the next section.

Cicero also seems to interpret Arcesilaus' position as being dialectical. Other main sources attribute to Arcesilaus at least the following theses: (i) *akatalēpsia*; (ii) the infallibility of the sage; (iii) *epochē*.⁸⁶ Among our sources, only Cicero brings out clearly the relationship between these three theses in dialogue form, as we have seen in the dialogue between Zeno and Arcesilaus. This dialogue reveals the dialectical nature of these principles.⁸⁷ Arcesilaus' practice of

⁸³ Ac. 2.27-9. See also Burnyeat (1997) 280-90.

⁸⁴ This interpretation was initiated by Cousin (1929), followed by others, such as Striker (1980) and Frede (1984).

⁸⁵ Fin. 2.1-4.

⁸⁶ Another thesis, the idea of the reasonable (*to eulogon*) as a practical criterion, is reported only by Sextus (*M* 7.158). On this topic, there is a good deal of Stoic technical terminology, including the term *eulogon* itself, and this may seem to support the dialectical interpretation. On this view, Arcesilaus is simply showing the Stoics both that their account of knowledge is not necessary for virtue, and that they nonetheless already have a perfectly acceptable epistemic substitute, *to eulogon*.

⁸⁷ (i) *akatalēpsia* and (iii) *epochē* are shown to be conclusions of dialectical arguments against Zeno at Ac. 2.16 and 2.76-7.

arguing against the Stoic position plays an important role in forming these principles (*akatalēpsia* and *epochē* are the consequences of the dialectical arguments). These anti-Stoic arguments depend crucially on Stoic assumptions, which already entail that nothing is apprehensible and that we should suspend assent universally.⁸⁸ All Arcesilaus does is to elicit inconsistent or absurd consequences from his opponents' beliefs, and thus to show that they do not know what they thought they knew.⁸⁹ Cicero also mentions the famous Socratic paradox in relation to Arcesilaus: the knowledge of one's ignorance would lead to a dilemma.⁹⁰ In this context, Arcesilaus was so insistent about suspension of judgement that he did not even allow himself the knowledge that he does not know anything. Thus, Arcesilaus must have accepted the Academic principles only for argument's sake. These principles may only be the conclusion of one particular line of reasoning, namely his attack on the Stoic theory of the cognitive impression.

If Cicero follows Arcesilaus in this line, Cicero may also consider that the principles are adopted only for dialectical purpose. When it comes to Cicero himself, however, this solution is not entirely satisfying. A shortcoming of the dialectical interpretation is that almost all the sources treat these principles as endorsed by the New Academics.⁹¹ Lucullus' arguments also assume Cicero's acceptance of Academic principles. In addition, Cicero reports that at least one thesis was indeed accepted by Arcesilaus, namely, the infallibility of the sage. Arcesilaus is said to have agreed definitely, since he thought that 'this view was both true and honourable, as well as right for the wise person.'⁹²

⁸⁸ This dialectical interpretation relies mainly on Sextus' evidence. see Sextus, *M* 7.150: 'Arcesilaus and his circle did not, as the main goal, define any criterion; those of them who are thought to define one delivered this by way of a hostile response against the Stoics'

⁸⁹ *Fin.* 2.2: 'By thorough inquiry and questioning, Socrates was in the habit of drawing forth the opinions of those with whom he was arguing, in order to state his own view as a response to their answers [...] Arcesilaus revived it and prescribed that those who wanted to listen to him should not ask him questions but state their own opinions. When they had done so, he argued against them. But his listeners, so far as they could, would defend their own opinion.'

⁹⁰ See also *Ac.* 1.45: 'That's why Arcesilaus used to deny that anything could be known, not even the residual claim Socrates had allowed himself, i.e., the knowledge that he didn't know anything. He thought that everything was hidden so deeply and that nothing could be discerned or understood.' Also see 2.28

⁹¹ For instance, *Ac.* 2.60: 'there is one thing they [the Academics] don't hide: that nothing is apprehensible [...] Who would have followed such perspicuously false and manifestly preposterous views without Arcesilaus' mastery of arguments and force of eloquence and Carneades' even greater powers?' See also *Tusc.* 5.11.

⁹² *Ac.* 2.76-7. Also see 2.66; 1.45.

Moreover, we have some positive evidence that Cicero considers Academic principles to be the ones that he personally endorses.⁹³ He claims to accept these two assumptions: that the only thing that is apprehensible is a true impression such that a false impression could not be just like it, and that a wise man would not hold an opinion. We saw above that these assumptions (i.e. the third condition of apprehension and the infallibility of the wise man) are essential for Arcesilaus to enable him to derive the two Academic principles. By accepting these assumptions to be true and approved by himself, he must have accepted the conclusion too. Thus Cicero himself seems to understand the principles not only as adopted for dialectical purposes, but also as his own view.

2. Cicero's Approval of *Akatalēpsia*

If Cicero made positive claims for *akatalēpsia* and *epochē*, how can he consistently assert them? His answer is in line with that of Carneades whom Cicero presents as a representative of the New Academy.⁹⁴ In this section, I will discuss Cicero's formulation of the practical criterion with reference to that of Carneades. In reply to the charge of inactivity made by the Stoics, Carneades is said to have looked for a compromise, to have escaped from total *epochē* somehow, and to have made room for action on the basis of the 'persuasive impression'. Carneades' account of this practical criterion is explained at 2.98-111. Cicero justifies a life without knowledge or assent, by providing this practical criterion at 2.98-105: if the wise man cannot find any mark of apprehension, he will make use of a persuasive impression instead. Subsequently, Cicero grounds human action on the basis of the persuasive impression at 2.106-11. Carneades' reconstitution of human life on the basis of this practical criterion was, Cicero seems to believe, so successful that it can replace the role played by the Stoic apprehensible impression. At the end of his defence of this practical criterion, we find Cicero offering a response to the

⁹³ Ac. 2.112-5. In Ac. 2.112, Cicero prepares for a more personal line of argument. The fact that his personal statement begins here is confirmed by his returning to the neutral and objective style in Ac. 2.115: 'but let's leave ourselves aside and talk about the wise man, who is, as I have said several times, the subject of this entire investigation.' Thus, the arguments and statements between these two sentences may as well be considered as his personal voice – they are concerned with Cicero himself, not the wise man. See Görler (1997) 40-50.

⁹⁴ Cicero makes clear that Carneades' position is what the new Academics share. See Ac. 2.98: 'let us show who we are'. See also 2.4 below.

criticism of inconsistency made against the New Academics: ‘just as the wise man holds those other principles as persuasive rather than apprehended principles, so with this one, that nothing is apprehensible.’⁹⁵ Thus he must have regarded *akatalēpsia* as what is persuasive (*to pithanon*), which can be considered as a practical solution to the problems for action that are posed by the impossibility of knowledge.

The Stoic charge of ‘inactivity’ (*apraxia*) is directed especially at the second principle, *epochē*.⁹⁶ In order to prove the necessity for apprehension, Lucullus explains the development of various human activities, such as memory, technical arts, virtuous action, and even philosophical speculation.⁹⁷ Without assenting to the apprehensible impression, none of these actions would be possible. Lucullus’ arguments contain various versions of the inactivity charge.⁹⁸ Here are some examples of this well-known charge. Action without assent cannot be the action of a rational being, but that of a non-rational animal.⁹⁹ Without a practical criterion, one may not be able to choose one particular course of action since there is no way to pick any one among mutually incompatible actions.¹⁰⁰ The sceptic cannot live a good life because he does not have any criterion of action by which to achieve *eudaimonia*.¹⁰¹ Moreover, the persuasive impression suggested by Carneades as a reply is also refuted by Lucullus on the basis that, if a true impression has features in common with a false one, there will be no criterion to follow.¹⁰²

Faced with these arguments about *apraxia*, Carneades made a concession and admitted that, although the wise man could fail to apprehend anything, he could still have opinions.¹⁰³ His concession was hard to make sense of, and his followers in the Academy were divided over the proper interpretation of it.¹⁰⁴ One group, led by Clitomachus, interpreted it as having been posited for the sake of argument, not as Carneades’ own endorsed view. According to this

⁹⁵ Ac. 2.109-10.

⁹⁶ The New Academics reply to this criticism mainly in two ways – by denying the link, observed by the Stoics, between voluntary action and assent; and by providing a practical criterion, according to which even the wise man can legitimately hold opinions. I will concentrate on the latter option, which was the main issue of controversy in *Lucullus*.

⁹⁷ Ac. 2.19-31.

⁹⁸ For some of the well known forms of inactivity charge, see Vogt (2010) 166.

⁹⁹ Ac. 2.37.

¹⁰⁰ Ac. 2.31.

¹⁰¹ Ac. 2.39.

¹⁰² Ac. 2.32-9.

¹⁰³ Ac 2.59.

¹⁰⁴ Ac 2.78.

interpretation, Carneades is still a radical sceptic, who is said to have accomplished almost a 'Herculean labour' when he had driven assent (*adsensionem*), opinion (*opinationem*), and rashness from our minds, as one would drive out a wild and savage monster.¹⁰⁵ But, since Clitomachus confesses that he never knew Carneades' real intention, Carneades' own vague attitude to his concession may have been one reason why the later Academics believed Carneades himself had made this concession.¹⁰⁶

Another interpretation of Carneades came from Metrodorus and was later adopted by Philo. Philo thought that Carneades' concession was a statement of his own view.¹⁰⁷ While this moderate scepticism maintained the principle of *akatalēpsia* strongly, it was claimed that we do not need to suspend all assent.¹⁰⁸ It is not easy to understand the attitude of a moderate sceptic towards the Academic principles. We have only one vague comment with which to reconstruct Philo's moderate scepticism. At the end of *Lucullus*, Catulus reclaims his father's position, which is quite certainly Philo's moderate scepticism. As he puts it, while universal suspension of judgment should be maintained as a reasonable conclusion of the Academic practice, one should also be allowed to have an opinion in so far as one acknowledges that this opinion is fallible. Thus, even a wise man is entitled to have an opinion, but only on a provisional basis.¹⁰⁹

In *Academica*, Cicero seems to accept the Clitomachean interpretation that Carneades may have granted the claim only for dialectical purposes, not as one that he actually endorses.¹¹⁰ It is clear that Cicero does not understand Carneades' assent (*adsentiri*) as having the same sense as the Stoic assent; for

¹⁰⁵ Also see *Ac.* 2.108: 'Carneades considers standing firm against one's impressions, fighting off opinions, and restraining one's assent from slipping as great actions.'

¹⁰⁶ *Ac.* 2.139.

¹⁰⁷ Metrodorus adopted a version of 'moderate scepticism'. Philo was at first elected as a scholar of the New Academy as a representative of the Clitomachean view. Under his leadership, however, the Academics abandoned radical scepticism in favour of a moderate one which allows for provisional beliefs. See Brittain (2001) ch. 2. See also Numenius, fr. 28: 'Now this Philo, having recently received the scholarship, was struck by joy, and, returning the favor, served and augmented the doctrines of Clitomachus, and "marshalled himself with gleaming bronze" against the Stoics. As time went by their *epochē* lost its charm, and Philo changed his mind, converted by the clarity and agreement of his sensations. Because he was very sensitive, you can well imagine that he was eager to meet with refutation, in order not to "turn his back in flight" by fleeing voluntarily.'

¹⁰⁸ *Ac.* 2.78.

¹⁰⁹ *Ac.* 2.148. For the textual difficulty concerning this ambiguous passage, see Burnyeat (1997) 300-9; Brittain (2001) 76-82.

¹¹⁰ See also *Fin.* 5.17-20.

Cicero denies the conclusion that the wise man would hold opinions.¹¹¹ Rather, Cicero considers this claim as a position which Carneades ‘argues for’ (*disputatum*) rather than ‘assents to’ (*probatum*), trusting Clitomachus rather than Philo or Metrodorus.¹¹² In this passage, Cicero must have thought that Carneades made this concession as an *ad hominem* argument, merely to show the Stoics the intolerable consequences of their epistemology: if nothing is apprehensible, the Stoic wise man must suspend assent and then suffer inactivity; if he tries to avoid this consequence, he would have to hold opinions. This is probably what is meant by saying that Carneades ‘argued for’ (*disputatum*) this position.

However, we may wonder why the Stoics attributed the charge of inactivity to the Academics, and not to themselves. If *epochē* depends totally on Stoic assumptions which the Academics did not accept, the Academics did not need to respond to the *apraxia* charge in the first instance. The suspension of assent, which the Academics argued for, would then have been already entailed by the principles of Stoic epistemology. Assume that it is the case that there is no apprehensible impression. If the Stoics maintain that a wise man never holds opinions, they will suffer the consequences of inactivity. If they want to avoid these difficulties, they need to modify the strong concept of a wise man, or to come up with some solution to escape the absurdity. Therefore, the Academics might have believed that they did not deserve the *apraxia* charge; it would have been for the Stoics to do so. Likewise, the Academic account of the mechanism of action in the absence of knowledge and assent would have been a solution for the Stoics, not for the Sceptics. This account looks like a suggestion to the Stoics, pointing out that their system already contained the resources necessary to explain how action was possible in the face of *epochē*. Therefore, it is highly likely that the Academic principles were originally posited for purely dialectical purpose, but at some point of their history, their successors and opponents tended to accept these principles as ones actually endorsed. *Epochē* began to be understood as a rational reaction to the acceptance of *akatalēpsia* and to

¹¹¹ Ac. 2.67: ‘a conclusion you won’t accept, and rightly, in my view (*quod tu non vis et recte, ut mihi videris*)’.

¹¹² Ac. 2.78. However, for a different interpretation of Carneades’ view on ‘assent’, see Ac. 2.59: ‘but we heard yesterday that Carneades was occasionally liable to sink so low as to say that the wise man would have opinions, i.e., that he would err.’

agreement with the infallibility of a wise man. These ways of living with a sceptical outlook seemed to become accepted positively by the Academics.

In fact, when we look at Cicero's other personal statements in the *Lucullus*, we find that he does not essentially reject moderate scepticism.¹¹³ Cicero's final comment on Catulus may appear to be his rejection of the Philo's moderate scepticism, which Catulus presents at the end of the dialogue. But here at least Cicero does not entirely reject Catulus' endorsement of moderate scepticism (*nec eam admodum aspernor*).¹¹⁴ This phrase rather suggests some reluctance and may be taken as a qualified acceptance. It may show that Cicero does not believe that there is a big difference between them. There were probably some differences between Clitomachus and Philo on the proper understanding of sceptically appropriate assent, but given the lack of evidence we can only speculate as to what these might have been. Whatever the differences were, Cicero does not feel compelled to choose between them.

This attitude is testified by Cicero's own words in the dedicatory letter to Varro, in which he says that he 'has assigned the exposition of Antiochus' tenets (being under the impression that you approve of them) to your [i.e. Varro's] role, that of Philo's to my own.'¹¹⁵ When he says that he himself plays the part of Philo, he is probably referring to Philo's moderate sceptical position before the Roman books.¹¹⁶ This would agree with the stance Cicero adopts explicitly in his speech in *Academica*; though endorsing the Stoic definition of the apprehensible impression and the claim of *akatalēpsia*, he concludes that he will hold opinions, unlike a wise man.¹¹⁷

The distinction between radical and moderate scepticism becomes even less clear, when Cicero reports that Clitomachus defends the consistency of Carneades' position by distinguishing two kinds of assent.¹¹⁸ It is suggestive that Clitomachus' 'positive' defence of Carneades' position is only delivered by

¹¹³ See also Görler (1997); Thorsrud (2012)

¹¹⁴ *Ac.* 2.148.

¹¹⁵ *Fam.* IX 8. His support for the Philonian position is further shown in *Ac.* 2.69: 'Antiochus studied with Philo the very views I am defending for so long that it was acknowledged that no one had studied them longer.' But in this case, although the Philonian position indicated here is clearly the pre-Roman view, it is not clear whether it is radical or moderate.

¹¹⁶ See also Striker (1997) 260 and n.3.

¹¹⁷ *Ac.* 2.112-3. Brittain (2007) xii suggests that, in this dialogue, Cicero follows the radical scepticism of the earlier Academics in 'construing persuasive views as not being rationally committed.' Striker, on the other hand, suggests that Cicero's disagreement with Philo and Metrodorus about Carneades seems to concern only the point that even the wise man will hold opinions.

¹¹⁸ *Ac.* 2.104.

Cicero's reports among our sources. In this passage, Carneades is said to have clarified the nature of assent by questioning whether one needs assent in order to act.

Having developed these points, he [Clitomachus] adds that 'the wise man withholds assent' (*adsensus sustinere sapientem*) has two senses: one, when it means that he 'assents (*adsentiri*) to nothing at all'; the other, when he checks himself from responding in such a way as to accept or reject something, with the result that he neither denies nor asserts something. This being so, he adopts the former, so that he never assents, but retains the latter [kind of assent], with the result that, by 'following persuasiveness' (*sequens probabilitatem*), he can respond 'yes' wherever it is present, or 'no' wherever it is missing.

In this passage Clitomachus explains how it is possible to act, while still maintaining suspension of assent. He suggests that Carneades' concession should be understood by distinguishing between two kinds of assent: 'assenting' to an impression in the Stoic sense of taking it to be true; and 'approving' an impression, in the sense of acting on it, or following it *as if* it were true. Clitomachus' point is, certainly, about the Stoic notion of assent, because his notion of approval does not intend to explain much of our cognitive experience, which is the major concern of the Stoics. Thus, Clitomachus' phraseology of 'following' or 'approving' an impression is not easy to figure out. Even more difficult to understand is his account of the sage's attitude: that he is able to say 'yes' or 'no' to the impression. No matter what this means, although Clitomachus attributes a kind of assent to Carneades, this attribution can still be appropriate to a radical sceptic for two reasons.

Firstly, this kind of assent, that is, approval, does not seem to imply the claim of the truth of an impression. Assent is possible whether the impression is true or false, or even whether it is probably true or false. Unlike Philo's fallible sage, the Clitomachean one merely finds the impression subjectively convincing (it seems right or good). He does not make a claim of truth about it.

Secondly, Clitomachean approval may be considered as passive in form. The implication of Clitomachean approval can be compared with that of the

Pyrrhonists. Sextus also does not believe that suspension of judgement endangers our ordinary life. Rather, we can live by attending to what is apparent, without holding opinions.¹¹⁹ Thus such yielding, although it is described by Sextus also as a kind of assent, does not result in holding an opinion. It is merely a passive acquiescence in the way things appear. Obviously, unlike the Clitomachean sage, Sextus rejects even the appeal to a degree of plausibility and refuses to discriminate among impressions.¹²⁰ When he feels heated or chilled, hungry or thirsty, he goes along with these impressions in seeking the appropriate remedy.¹²¹ What Clitomachus understood by approval may be similar to this type of passive acquiescence.

However, our Clitomachean passage, that is, *Ac.* 2.99–104, does not provide appropriate details of what Cicero understood by this type of assent. It is almost certain that Clitomachean approval does not commit one to the truth of an impression. But we are never told whether this type of assent is active or passive. Even the relation between approval and the persuasive impression is only assumed, not explicitly stated. Therefore, Cicero's understanding of Clitomachean approval is more or less open to debate.

The difference between Clitomachean radical scepticism and Philo's moderate scepticism becomes even less clear when we consider Carneades' view about the persuasive impression. Although the implications of Carneades' concession are a matter of controversy, we know at least how he justified this concession. Sextus reports that Carneades presented the persuasive impression as a criterion of practical matters, and that he allowed the wise man to use it as a guide to a variety of actions.¹²² Carneades claims that, in the absence of cognitive impressions, we must be guided by what seems like the truth, namely, the impressions which are persuasive (*pithanon*). The term *pithanon* was originally adopted by the Stoics to describe the psychological effects which impressions have on us; impressions can be more or less persuasive, pulling us towards assent or not. Carneades must also have used the term in this sense: it is entirely subjective.¹²³ Since he only deals with the subjective appearance of truth, apparent or subjective persuasiveness is

¹¹⁹ *PH* 1.23.

¹²⁰ *PH* 1.228-30.

¹²¹ *PH* 1.13.

¹²² Sextus, *M* 7.166. His report is contradictory to Cicero's at *Tusc.* 5.11, as we saw above.

¹²³ *LS* vol. 1 pp. 457-60.

compatible with objective falsehood. The actual and the apparent truth value of an impression would be relative and determined entirely by external factors, not by the impression itself.

If we accept the persuasive impression, which is entirely a subjective criterion, as a guide to our action, we cannot give an assent to this kind of impression in a strong Stoic sense. For, according to the Stoics, to assent to an impression is simply to take it to be true.¹²⁴ Since the persuasiveness of an impression has nothing to do with its objective status, it would be irrational for someone to ‘assent’ to it, that is, to take it to be true. Therefore, once the persuasive impression is adopted as a reliable criterion for action, the notion of ‘assent’ needs to be also changed. It is at this point that the implication of assent needs to be qualified. Therefore, Philonian assent also needs to be modified in this light.

Now, we can distinguish three kinds of ‘assent’ or ‘holding an opinion’. The first is dogmatic assent in a Stoic sense (that is, accepting something as true and fully justified). The second is Clitomachean approval, though considering plausibility and coherence with other impressions, but without claiming truth. Finally, there is the entirely passive acquiescence of the Pyrrhonist.¹²⁵ In this scheme, Philonian assent may be located between the first and the second, although closer to the first.

In this light, the Clitomachean interpretation of Carneades is not clearly distinguished by Cicero from Philonian moderate scepticism: the wise man will assent to something he does not apprehend. Cicero does not seem to manipulate Carneades’ concession only for the sake of argument. Although Cicero considers the dialectical interpretation of the practical criterion to be originally intended by Carneades, we saw that the Clitomachean Carneades allows us at least to *approve* or *follow* some impressions as persuasive, if taking them at face value. In this sense, the difference between Clitomachus and Philo is not quite obvious. At this point of the argument, the radical scepticism of Clitomachus was no longer clearly distinguished from moderate scepticism.

¹²⁴ Bett (1990) 10.

¹²⁵ Striker (2009) 205.

3. Cicero and the Wise Man

This fuzzy distinction between radical and moderate scepticism in *Academica* is also reflected in the structure of this work. Cicero examines two types of topic in *Lucullus* in opposition to Antiochus. The first topic is concerned with the history of philosophy, examining the question whether the possibility of apprehension was ever doubted in history. He defends the historical claim of the New Academy (72-8).¹²⁶ The second and main issue is theoretical, namely whether it is possible for one to apprehend anything, and whether assenting to it is necessary to enable one to act rationally. Cicero argues against Antiochus by denying the existence of the 'apprehensible impression' and the validity of logical reasoning (79-98). While refuting epistemic certainty based on apprehension, he also offers the 'persuasive impression' as a guide in various human activities, such as the exercise of memory, technical arts, virtuous action, and even philosophical speculation; but this criterion has nothing to do with the kind of certainty which is required in order to meet Stoic standards for knowledge (98-111). Finally, Cicero formulates arguments based on disagreements between dogmatic philosophers regarding the topics in all three branches of philosophy, that is, physics, ethics, and logic (112-146).

These arguments, presented by Cicero in the second half of *Lucullus*, correspond closely to those of Lucullus in the first half. Lucullus argues first against the New Academic claim that the denial of epistemic certainty is widely attested among their predecessors (13-18). He then tries to defend Stoic epistemology and to refute the sceptical arguments of the New Academy (19-60). The second part of Lucullus' speech can be analysed further. Here, he intends to show that 'perspicuity' (*perspicuitas*) of an impression is sufficient to disclose to us what is, just as it is.¹²⁷ He says that the Academics showed their denial of perspicuous impressions by indicating that people sometimes fail to recognize the remarkable clarity of perspicuous things. He also claims that the Academics deceived people through sophistic arguments. Thus, he would cope

¹²⁶ This history of the Academy is commonly considered as derived from Philo's Roman books. But both Antiochus and Cicero maintain the existence of two Academic traditions, which is different from the single Academic tradition presented by Roman books. Thus, this history may reflect Philo's view before he published his Roman books. See Brittain (2001) 190.

¹²⁷ Ac. 2.45.

with the objections in two ways: by positively defending 'perspicuity' (19-39); and by refuting their arguments and dispelling their sophisms (40-60).

The following outline is helpful for getting to grips with the structure of *Lucullus* as a whole.

Lucullus' defence of Antiochus (11-62)

Introductory speech (11-12)

A1. Attack on the historical claim of the Academics (13-8)

B1. Various actions on the basis of apprehensible impression (19-31)

C1. Rejection of the persuasive impression (31-39)

D1. Attack on the main Academic argument; and defence of apprehension (40-60)

Cicero's defence of the New Academy (64-146)

Introductory Speech (64-71)

A2. Defence of the historical claim of the Academics (72-8)

D2. Defence of the main Academic argument; and attack on apprehension and reason (79-97)

C2. Defence of the persuasive impression (98-105)

B2. Various actions on the basis of the persuasive impression (106-11)

E. Disagreements between dogmatic philosophers (112-46)

Some features of Cicero's speech are especially striking in this outline. Contrary to our expectations, the order of discussion in his speech is reversed – D2 precedes C2, then B2 in turn. This ring composition of the main parts, which are concerned with theoretical issues, seems to have some significance. First of all, it shows clearly the structure of Stoic epistemology and the priority of Academic argumentation. The entire Stoic system is based on the existence of the apprehensible impression, from which the wisdom of a sage would arise progressively (B1). For this reason, the defence of apprehension (D1) is indispensable for Lucullus. If Cicero's refutation of apprehension is successful, it would result in the total collapse of Stoic system. Therefore, even D2 would suffice for refuting the Stoics. This may be one reason that D2 comes before C2 and B2.

But in fact Cicero does not seem to believe that D2 is enough to refute the Stoic position. After arguing against the existence of the apprehensible impression, he leaves the destructive part of his speech. At the very point of transition, he says that 'let's abandon all these barbed arguments and the dialecticians' twisted approach to debate altogether, and show who we are. Once Carneades' view has been thoroughly explained, all your Antiochean objections will collapse.'¹²⁸ By using the plural of the first person, Cicero indicates his real affiliation with Carneades. Cicero claims that the exposition of Carneades' view would complete his argumentation against Antiochus. Here, in reply to Lucullus' attack on persuasive impression, he defends Carneades' view on practical criterion positively.

Compared to the previous part of Cicero's speech, this part (C2 and B2) shows a constructive tendency.¹²⁹ The Stoics are not urged to practice total abstention from approval and judgment: it is only their presumptuous claim to knowledge that is attacked and derided. Thus, at this point, it seems that his ultimate goal was to give a sort of positive theory of action, based on cautious approval of persuasive impression. Cicero is ready to accommodate more moderate scepticism. That Arcesilaus is not named in this part may be seen as indicating that Cicero has no great devotion to the more radical type of scepticism.

The change from the destructive to the constructive phase does not need to presuppose a change in Cicero's philosophical position; he never identifies any inner contradiction between Arcesilaus and Carneades. It is likely that Cicero considers Arcesilaus as advocating radical scepticism to eliminate dogmatic intransigence, and Carneades as supporting a sort of moderate scepticism to give a positive theory of action by suggesting the cautious approval of the persuasive impression. Thus Cicero's personal scepticism, I suggest, will turn out to be distinct reactions to different aspects of Stoic epistemology. Thus, this transition refers to his understanding of the variation under the same tradition by

¹²⁸ Ac. 2.98: *Sed, ut omnes istos aculeos et totum tortuosum genus disputandi relinquamus ostendamusque qui simus, iam explicata tota Carneadis sententia Antiochea ista corruent universa.* The meaning of *isti aculei et tortuosum genus disputandi* is difficult to determine. It could refer to the logical puzzles exposed in 91-8; or all the arguments leading up to the conclusion that there can be no knowledge. It is more plausible that Cicero here distances himself from the whole destructive part of his speech. See Görler (1997) 39-40.

¹²⁹ Considering the structure of *Lucullus*, this part (C2 and B2) can be called his 'constructive', or 'Carneadean', phase, compared to the 'destructive', or 'Arcesilaan', phase (D2). See Görler (1995).

changing the focus for discussion. Therefore, the order of exposition in the main body of *Lucullus* shows some change of focus, while Cicero's positive attitude to his own character and his investigation does not change throughout his philosophical works.

At the heart of this change of focus, there lies the question of the nature of wise man. The philosophers in the Hellenistic age – the Early Pyrrhonists, the Epicureans and the Stoics – unanimously regarded the wise man as an ethical goal; he is considered to be extraordinary in his consistency and totally free of unfounded opinions, although they disagreed on what he knows and what he does. Zeno draws a sharp distinction between the wise and the ignorant. By making 'opinion' a kind of ignorance, Zeno does not allow room for an intermediate state between the wise man and all the rest of us.¹³⁰ A crucial difference between them lies in their ability to know when they should suspend assent.¹³¹ We have seen that the wise man gives his assent only to apprehensible impressions, and so his knowledge is characterized by his infallible control over assent. In other cases, he would suspend judgement. An ignorant man, on the contrary, is characterized by his disposition to 'assent to the inapprehensible impressions', to assent to unclear (or false) impressions, or to fail to suspend judgement when it is demanded.¹³² The only person who can certainly have any knowledge is the Stoic wise man, and he is as rare as the phoenix!¹³³ Only the Stoic wise man has the proper ability to avoid erroneous assent and to assent only to apprehensible impressions: everyone else is equally ignorant. Thus Zeno's wise man is primarily defined by his careful avoidance of falsehood, rather than his ability to grasp true impressions.

Cicero shares this absolute distinction between the wise and the ordinary man, as we saw in his confession of being opinionated. His acceptance of Clitomachean interpretation of Carneades' concession clearly shows that he does not give up the ideal of the wise man. Also, in other passage, he claims to accept that a wise man would not hold opinions.¹³⁴

¹³⁰ Contrast Plato, *Rep* V 474a ff. No Stoics officially recognize the existence of true 'opinion'.

¹³¹ *Ac.* 2.57.

¹³² Sextus *M* 7.151-7. Most Stoic sources define it as 'assent to the inapprehensible' (i.e. to an impression that does not grasp its object firmly).

¹³³ Alexander, *On fate* 199.14-22 (LS 61N).

¹³⁴ *Ac.* 2.113.

This distinction becomes less clear in Cicero's personal statements. In the preface of *Lucullus*, Cicero makes it clear that his ultimate goal is to find out the truth: 'we won't abandon our enthusiasm for investigation owing to exhaustion,' he says, 'nor do our arguments have any purpose other than to draw out or formulate the truth or its closest possible approximation by means of arguing on either side.'¹³⁵ Cicero's focus changes between these two goals, that is, avoiding falsehood and finding the truth, according to a given context. He allows for two distinct conceptions of wisdom: one, a lofty, unattainable ideal, and the other, an expression of the best that real human beings can achieve. Cicero maintains that there is a kind of wisdom that is attainable and a kind that is not. Since he thinks that even the most careful and responsible judgment of probable truth may always turn out to be wrong, that is, that deception is an inescapable part of human life, it follows that the attainable type of wisdom must be compatible with it.

In the discussion in the destructive part of *Lucullus*, the lesson he drew from the difficulties that he had uncovered in the Stoic position was that he and his opponents were not in a position to give their assent with confidence. Suspension of judgment and continued open-minded inquiry were therefore appropriate responses. Cicero denied the Stoic claim that the 'objective' differences between impressions can be discriminated by a perceiver. As long as both agree with the strong interpretation of the third condition, the Stoic wise man should never assent to any impression. It is because apprehensible impressions can never be distinguished from false ones, as the Academics maintain, from the subjective point of view. Thus, the Stoic wise man will also suspend judgement in practice, just as the Academics do.¹³⁶

But this does not mean that the Academics eliminate the possibility that they become responsive to the differences between impressions on a 'subjective' basis.

So many perceptual impressions deserve our approval (*probatio*), too, provided only that one remembers that none of them is such that there couldn't be a false impression not differing from it at all. Thus the wise person will use whatever strikes him as persuasive, if nothing contrary to its

¹³⁵ Ac. 2.7.

¹³⁶ Sextus *M*7.151-7.

persuasiveness presents itself; and the whole structure of his life will be governed in this way. After all, the wise person you promote also follows persuasive impressions in many cases – i.e., impressions that aren't apprehended (*comprehensa*) or assented to (*adsensa*), but are truth-like. Indeed, if he didn't approve (*probet*) them, his whole life would be undermined.

Cicero still maintains the difference between *assent* and *approval* in the above passage.¹³⁷ But Cicero's wise man is no longer characterized by his unique ability to discern the apprehensible impression; he must be willing to follow what is not apprehended, if he wants to maintain his way of life. We find Cicero claim that 'the whole structure of the sage's life will be governed in this way and that the sage will deliberate about what to do on the basis of persuasive impressions'. It is hard to believe that Cicero could think that passive acquiescence in how the world appears could produce an admirably structured life. When he puts aside the ideal of the wise man, he can also reconsider the way that the wise man lives his life.

The wise man I am talking about will see the sky, earth, and sea with the same eyes as your (i.e. Stoic) sage, and will perceive everything else subject to each sense with the same senses. This stretch of sea, which now looks dark as the west wind gets up, will look the same to our wise man. Yet he will not assent <to this impression>, because it looked green to us a moment ago, and it will look gray in the morning, and the patch that is glinting and gleaming where it is glittering in the sun is unlike the patch right next to it. So even if you could give an explanation for this, you still could not defend the claim that the visual impression you had is true. (Ac. 2.105)

What such a wise man does in his life is, finally, not different from the action of Cicero, as we have seen in his introductory part. The wise man will perceive the same thing with the same senses appropriate to the objects. The discrepancy between them does not lie in their way of investigation, since both

¹³⁷ Ac. 2.99-100.

rely on clarity, consistency, and good perceptual condition.¹³⁸ Cicero claims that the difference between Academic and Stoic wise man does not seem too great.¹³⁹ The wise man, the object of investigation at the beginning, seems to live a similar type of life to that which Cicero himself does. This shift of focus illustrates that the goal of the investigation changes from the unachievable ideal of the wise man to the more achievable figure.

If I were arguing with a Peripatetic, I would deal straightforwardly with a straightforward person. If he said that an impression is apprehensible when it is from something true, without adding that significant qualification 'and stamped in a way it could not be by something false', I would not contest this very seriously. And even if his reply to my claim that nothing is apprehensible was that the wise man would sometimes hold opinions, I would not rebut his view – especially since even Carneades did not fight strongly on this issue. (Ac. 2.112)

Cicero explains the discrepancy between Antiochus and the Peripatetics in this way. The Peripatetics would have set up a less demanding definition of apprehension, without insisting on this 'significant' additional condition. They are so 'straightforward' that they would only propose what they apprehend; they would not try to eliminate what others claim to have apprehended. Moreover, if Cicero claims that he cannot find anything apprehensible, and that the wise man should suspend assent, they would respond that the wise man still sometimes holds opinion, and accordingly is able to act. Cicero seems to believe that the old Academic epistemology is closer to his own position than the Stoic one. Therefore, he is quite ready to concede to the Old Academics in their weak standard of knowledge and thus the wise man's holding opinion. He even concedes that the third condition can be dropped.

¹³⁸ *DND* 1.12: 'We Academics are not the type of philosophers who think that nothing is true. Our claim is that certain falsehoods impinge on all true statements, and that these bear so close a resemblance to the truth that they contain no criterion by which to judge them or to lend assent to them. The outcome of this is our view that many things are probable and that, though these are not demonstrably true, they guide the life of the wise man because they are so significant and clear-cut.'

¹³⁹ Some scholars suggest that this claim results from his intention to persuade other member of the Roman elite by emphasizing the affinity of the Academic position to their views.

Cicero claims that both the Stoic and his wise man will investigate the same questions. The only difference is that, while the Stoic wise man assents and affirms, his wise man, who is afraid of forming rash opinions, will be satisfied with finding something truth-like.¹⁴⁰ Cicero's positive investigation for the truth is not different from that of Antiochus. The only difference between them is their attitudes to their findings: 'the only difference is that when you are moved by something, you go along with it, assent to it, and approve it; you take it to be true, certain, apprehended, established, stable, and fixed; and you cannot be dislodged or moved away from it by any argument.'¹⁴¹ For him, the only difference between the Academics and the dogmatic philosophers is that the Academics hold many views only to be persuasive while the dogmatic philosophers have no doubt that their views are true. Cicero emphasizes that the Academics are 'freer and less constrained' because they are not compelled by any obligation to defend a view imposed by someone else.¹⁴² Academic freedom, which he is proud of, is not an end in itself. 'The only difference between us and philosophers who think that they have knowledge is that they have no doubt that the views they defend are true, whereas we hold many views to be persuasive, i.e. ones that we can readily follow but scarcely affirm. But we are freer and less constrained because our power of judgment is intact and we aren't compelled by any obligation to defend a set of views prescribed and practically imposed on us by someone else'.¹⁴³

Cicero's last sentence within his speech proper is also suggestive: one should not quarrel about words as long as there is agreement in substance; it does not matter much how to call what a good artist must have at his disposition: be it 'knowledge' or a set of 'impressions' or 'persuasive opinions'.¹⁴⁴ We do away with a thing that exists nowhere anyway but leave what is sufficient for them. What is left is 'impressions' in the case of the Stoics, 'persuasive opinions' of the Academics: both schools leave what is sufficient for arts, crafts, and everyday action. Here what both sides have in common is strongly stressed.

¹⁴⁰ *Ac.* 2.128.

¹⁴¹ *Ac.* 2.141

¹⁴² *De Div.* 2.150: 'But since it is characteristic of the Academy not to introduce any judgment of its own, but to approve what seems most like the truth; to compare cases and to express what can be said against each view; and (without bringing into play any of its own authority) to leave the judgment of the audience free and all their own.'

¹⁴³ *Ac.* 2.8

¹⁴⁴ *Ac.* 2.146.

Now let us go back to the original topic, namely Cicero's confession of being an opinion-holder. As we saw above, Cicero explains this by reference to his character and nature: when the impressions strike his mind or senses in a sharp way, he accepts them, and sometimes even assents to them: 'I'm not wise, so I yield to these impressions and can't resist them.'¹⁴⁵ But we hardly get the impression that this is an act of wrongdoing. This passage leads to an appeal to the *subjective* criterion that he adopts in his investigation, when he describes the course of his own investigation by using the metaphor of navigation: he guides his thoughts by more easily accessible principles, not ones refined almost to vanishing point. Hence he may make a mistake and go a long way to get to the destination. But that is the unavoidable course of navigation, without finding 'that little star, the Cynosure, in whose guidance the Phoenicians trust at night in the deep' and thus 'sailing on a more direct course'.

Therefore, it is true that the potential difference between avoiding falsehood and searching for truth can be maintained by Cicero. But the distinction between radical and moderate scepticism does not make a difference in practical terms. The scepticism characterized by this attitude was a matter of intellectual honesty and prudence; it was a provisional outlook or stance, though one capable of being sustained indefinitely, rather than a position to be resolutely adhered to. The goal becomes that of allowing the reader to find out the most persuasive views on a particular topic. Though Cicero's mainly sceptical stance is still valued, the main concern becomes finding out persuasive opinions. 'Thus the wise man will use whatever strikes him as persuasive, if nothing contrary to its persuasiveness presents itself,' he says, 'and the whole structure of his life will be governed in this way.'¹⁴⁶ Hence, the difference between 'probable' opinions and some rash beliefs was far more significant than that between these probable opinions and the allegedly certain knowledge guaranteed by the Stoic criterion. It is reasonable to redraw the line between knowledge and mere opinion.

¹⁴⁵ Ac. 2.66. At Ac. 2.141, Cicero claims again that he is moved as much as Lucullus is: 'you must not think that I am any less of a human being than you are.'

¹⁴⁶ Ac. 2.99.

4. Assessment of the Persuasive Impression

Carneades' account of the persuasive impression was adopted as the method designed for assessing the truth-likeness of impression. Before we are sure whether any impression is reliable, it needs to go through a number of cross-examinations. Carneades sets out a sophisticated account of how the relative plausibility of *pithanē phantasia* can be thoroughly examined by means of this criterion. The Academy after Carneades, notably in the case of Philo, developed a complex account of 'persuasive' impressions. They were attracted by the idea that 'undiverted' and 'thoroughly explored' persuasive impressions are available to a subject, though certainty is not obtainable. But this view also had such a huge influence over his Stoic opponents, as well as on his immediate successors, that the Stoics too had no choice but to accept it, at least to some degree.

This similarity between the persuasive and apprehensible impression may reflect Cicero's tendency to minimize the difference between the Stoics and himself. Cicero's procedure of investigation seems to be similar to that of the Stoics. Thus we may think that the only difference between him and the Stoics consists in his reservation about certainty – represented by the new Academic principles of *akatalēpsia* and *epochē* – and the refusal of commitment to one particular authority. His purpose is, thus, not only to free his readers from their dogmatic obstinacy, but also to help them to find out the *persuasive views* – not knowledge based on certainty – on each philosophical issue. We see that the persuasive impression may play a similar role for Cicero as apprehensible impression does for the Stoics.

This picture of Cicero as a 'Stoicizing Academic', however, may only be a part of truth. Because of the provisional character of his investigation, we can see crucial differences between his view and that of the Stoics.

(i) An apprehensible impression does not depend on the outcome of our reflection in any way. It is the starting point of knowledge. The Stoics maintain that the apprehensible impression would automatically command assent by its own nature. The Stoics suggest that the nature of the apprehensible impression can be discerned by the capacities of a man in a normal condition. They do not insist that *just anyone* can discern an apprehensible impression from an

inapprehensible one. Rather, the Stoics claim that we have the potential to increase our sensitivity to apprehensible impressions when they are present. Thus, they only emphasize that the mistake can be avoided, either by exercising due caution, or by acquiring an expert skill. Lucullus' response to the second attack is that the impressions of madmen and dreamers are unlike clear impressions received in the waking state.¹⁴⁷ Even the wise man would not be able to avoid all error in such a state. The apprehensible character of an impression is supposed to be due to its precision and accuracy, and in situations where one knows that such accuracy is hard to come by, one will avoid error by refraining from judgement. The Stoics also replied that their sage would withhold assent in cases where things are too similar to be confident that one had it right.¹⁴⁸ Since the Stoics try to reply to the Academic objections by claiming that an apprehensible impression commands one's assent by its very nature, its truth is warranted by the unique richness and detail of its phenomenal content, which is in turn assured by its causal history; unless these conditions are satisfied, the Stoic wise man would suspend assent.

There is no such foundation in the persuasive impression. The Academics argue that, though there are such impressions, it is still impossible to be certain when they are experienced, in such cases as tricks and deception; therefore, the wise man would have to suspend assent all the time, unless he attains an inconceivable amount of expert skill.¹⁴⁹ The cases of Aristo and Sphaerus seem to show that the wise man will eventually assent to an inapprehensible impression.¹⁵⁰ These two examples are different from the former cases because Aristo and Sphaerus are sane, sober, and well placed to get a clear and accurate representation of the object; thus the wise man has no reason to think that he might be hallucinating, or to exercise special caution. Therefore, since the cases of deception or accidental similarity are unpredictable, the Stoics will

¹⁴⁷ Ac. 2.48; 51-3.

¹⁴⁸ Ac. 2.57.

¹⁴⁹ Ac. 2.85-6.

¹⁵⁰ D.L. 7.117: 'Sphaerus... went to Ptolemy Philopator at Alexandria. One day a conversation took place on whether the wise man would opine, and Sphaerus said that he would not. Wishing to refute him, the king ordered wax pomegranates to be placed before him. Sphaerus was deceived and the king cried out that he had given his assent to a false impression. Sphaerus gave him a shrewd answer, saying that his assent was not [to the impression] that they were pomegranates but [to the impression] that it was reasonable that they were pomegranates. He pointed out that the cognitive impression is different from the reasonable one [...] The former is incapable of deceiving, but the reasonable impression can turn out otherwise.' For a related story told about Aristo, see D.L. 7.162.

have to say that they may in the long run assent to the false impression; otherwise, they always exercise caution, never taking any impression to be true.¹⁵¹

(ii) The testing process for the Stoics is a defensive method, as Zeno emphasizes the importance of defending Stoicism from the opponent's sophism. An apprehensible impression is strengthened by systematization. But Cicero's constructive method of investigation is contrasted to the defensive and authoritative attitude of the Stoics. Cicero accepts positively 'any' of the persuasive ideas from the different schools of thought, as long as they can be reasonably defended. The persuasive impression is also gradually strengthened by careful investigation. But it can be replaced by other persuasive impressions at any time. Cicero's emphasis on constant 'investigation' – implying open-ended enquiry – is clearly contrasted to the systematic approach of the dogmatists, especially the Stoics. What the Academy's argument requires is an open-ended and provisional picture of what makes us continue to accept impressions initially recommended to us by their probability.¹⁵²

Thus, despite Cicero's constant emphasis on his affinity with the Stoics, the persuasive impression makes, indeed, a huge difference between Cicero and the Stoics. The difference between them is not too great to be bridged, because their investigations rely on the same criterion – clarity, consistency, and good perceptual condition.¹⁵³ But Cicero thinks that the strict epistemic criterion of the Stoics should be replaced by the moderate one – the persuasive impression – so as to apply it to the other dogmatic schools.¹⁵⁴ If wisdom requires infallibility, then argument pro and contra will never get us there, for in the end all we have is closer, though still fallible, approximations. Thus progress must come in degrees, if it comes at all. The goal of the investigation changes from the unachievable ideal of the Stoic sage to the more achievable figure. Though Cicero's mainly sceptical stance is still validated, his main concern is to find out persuasive opinions, on the basis of the critical evaluation of them.¹⁵⁵ The tendency to minimize the difference between the Stoic position and his own is

¹⁵¹ Alternatively, the Stoics might have claimed that the wise man has extraordinary powers of perception, which seems to be implausible.

¹⁵² Allen (1994) 97.

¹⁵³ *DND* 1.12.

¹⁵⁴ *Ac.* 2.8.

¹⁵⁵ *Ac.* 2.7.

not due to passive acceptance of influence from his predecessors. It is the expression of his intention to incorporate elements from different theories in his thought. Cicero combines sceptical and dogmatic aspects, by adopting what he sees as the strong points of dogmatic theories. Cicero's discussion concerning the practical criterion shows the way that Cicero absorbs Stoic ideas and makes them his own.

5. Persuasive Impression vs. Persuasive Opinion

It is mainly in the areas of theoretical discussion that Cicero investigates what is most likely true. The origin of this procedure has been a matter of dispute. The following passage informs us of some crucial information about his idea of a persuasive view: 'I have chosen particularly to follow that one which I think agreeable to the practice of Socrates, in trying to conceal my own private opinion, to relieve others from deception and in every discussion to "look for the most likely true" (*simillimum veri quaereremus*); and as this was the custom observed by Carneades...' ¹⁵⁶ Here, Cicero attributes the critical method (that which allows us to find the most persuasive philosophical views) to Socrates. But Cicero's brief mention of Carneades implies that this method of looking for the most likely true in discussion may originate from Carneades. This method must have been inspired by Carneades' manner of exploring persuasive impressions. Since Cicero is our only source for *probabile* or *veri simile* in philosophical debate, it has been suggested that Cicero himself employed Carneades' procedure in order to reach the more probable conclusion, when he writes philosophical dialogues to survey the views of the philosophers. ¹⁵⁷ But the application of Carneades' scheme to the area of philosophical views could be the invention of his predecessors, such as Philo or Charmadas; and Cicero does not claim the originality of this method. ¹⁵⁸ But we do not have enough evidence to determine this issue.

Cicero does not offer details of his characteristic procedure of testing persuasive views and the conditions of any view being persuasive. Although this critical method for assessing theoretical arguments is sometimes described

¹⁵⁶ *Tusc.* 5.11.

¹⁵⁷ Gucker (1995).

¹⁵⁸ See Brittain (2001) ch. 2. See also *Tusc.* 5.83.

as that of ‘arguing for and against’ a given philosophical view, it is not certain whether the features of this method can be generally and exhaustibly spelled out.¹⁵⁹

Cicero’s method seems to presuppose some degree of persuasiveness among philosophical views, seeing that the superlative form, *simillimum*, may imply that there are degrees of persuasive views. I now raise some questions about the nature of this procedure. First, what are the requirements, the fulfillment of which renders a view considered as persuasive? Secondly, is there any persuasive view which cannot be impeded in any way? If there is no unimpeded view, Cicero cannot find any criterion to follow. Thirdly, what would happen to a persuasive view, when it is contradicted by other conflicting views?

While there is not much detailed information left about Cicero’s notion of persuasive views, he offers some guidance on the persuasive impression. The wise person is said to follow ‘whatever strikes him as persuasive’ (*quidquid acciderit specie probabile*), ‘if nothing contrary to its persuasiveness presents itself’; he will lead whole of his life in this way.¹⁶⁰ He defines the practical criterion as ‘unimpeded persuasive impression’ (*probabilem et quae non impediatur*), compared with the term ‘persuasive impression’ (*probabilem visionem*).¹⁶¹ He sometimes distinguishes persuasive impressions, without any sign of grades among them, from those which are not.¹⁶² In many other places, however, he qualifies persuasive impressions with the phrase, such as ‘if nothing contrary to its persuasiveness presents itself’, or ‘if you are not impeded in any way’.¹⁶³ If this term, *impedior*, specifies the *differentia* for the classification, he certainly distinguishes different levels of persuasive impression – the impeded persuasive impression and the persuasive one

¹⁵⁹ Ac. 2.7-9.

¹⁶⁰ Ac. 2.99. It is also said that it is enough for the Stoic wise man to follow only persuasive impressions (*probabilia*) in order to lead his life.

¹⁶¹ Ac. 2.33: ‘whether it is ‘persuasive impression’ (*probabilem visionem*) or ‘unimpeded persuasive impression’ (*probabilem et quae non impediatur*), which was Carneades’ idea, or something else again that you are proposing to follow, you are going to have to come back to the sort of impression at issue between us.’

¹⁶² Ac. 2.99: ‘Carneades’ view is that there are two categories of impressions, the first subdivided on the principle that some impressions are apprehensible, some aren’t, the second on the principle that some impressions are persuasive (*probabilia*), some aren’t...’

¹⁶³ For example, Ac. 2.99: ‘the wise person will use ‘whatever strikes him as persuasive’ (*quidquid acciderit specie probabile*), ‘if nothing contrary to its persuasiveness presents itself’ (*si nihil se offeret quod sit probabilitati illi contrarium*); or Ac. 2.59: ‘it is particularly absurd for you to say that you follow (*sequi*) ‘persuasive impression’ (*probabilia*) if you are not impeded (*impediamini*) in any way.’

without impediment. Thus he certainly had in mind some degree of persuasiveness.

We may get more detailed information on grades of persuasive impression from Carneades, whose idea about persuasive impressions is preserved by Sextus in two places.¹⁶⁴ Carneades' methods begin from the individual impression and then check this against other contradictory impressions. His description of persuasive impressions illustrates more or less clearly how to measure the degree of persuasiveness. The evidence shows how we can apply this practical criterion to ordinary situations as a guide to action. The account in two Sextan sources seem to illustrate three levels of plausibility – (i) merely persuasive (*πιθαναί*); (ii) persuasive and thoroughly examined (*διεξωδευμένα*); (iii) persuasive, thoroughly examined and unimpeded (*ἀπερίσπαστοι*). In this scheme, the first criterion appears to be the persuasive impression in a quite general sense. To this, two other conditions are added in turn – 'thoroughly examined' and 'unimpeded'. We can accept any impression, insofar as it is persuasive. If the impression comes through this process, without impediment or hindrance, the person to whom it belongs will accept it. If it is impeded by other impressions, he will not. Carneades seems to suggest that an impression which passes more tests is the one we are ready to follow or assent to.

This linear process of testing probability, however, is not quite as self-evident as it seems. The main problem is this: how can we distinguish the second and the third step, and what is the exact procedure for each step.¹⁶⁵ Thus an alternative interpretation has been suggested to this three-step process. According to this alternative interpretation, the testing process is not a linear one to produce maximal plausibility by applying further conditions, one after another. This is rather a constant and endless process brought about by applying two requirements simultaneously – one about 'circumspection' (referring to *περιωδευμένα*) and the other about 'accurate consideration'

¹⁶⁴ *M* 7.166–89; *PH* 1.227–30.

¹⁶⁵ Our two sources give conflicting evidence on this point; and even within the same sources, the ambiguity still looms. The detailed discussion of this complicated topic is beyond the scope of my thesis. For debate on this topic, see Allen (1997). His solution is largely based on the evidence in Cicero. He concludes that there are two different, but simultaneous, processes. I adopt his view in my thesis.

(referring to διεξωδευμένα). I agree with this interpretation, which also matches the two-step model preserved in Cicero's reports.

Granted this interpretation, the questions that I have just raised can be answered in relation to the persuasive impression. The first question has just already answered above. For an impression to be considered as persuasive, it is necessary that it appears true and sufficiently vivid.¹⁶⁶ Moreover, some persuasive impressions exert more convincing power on us than others, because they have gone through further tests, that is, 'circumspection' and 'accurate consideration'.¹⁶⁷

Secondly, there would be no impression which cannot be impeded in any way, as long as it is persuasive, and not apprehensive. The only impression which Cicero can present more or less certainly as unimpeded would be the case of *akatalēpsia*.¹⁶⁸ In principle, however, this is also open to impediment by other impressions. However, if there is no unimpeded opinion, how can a wise person follow the impression which is 'unimpeded'? If the idea of an 'unimpeded' impression refers to the final result of investigation, he cannot find any criterion to follow. Therefore, by 'follow the unimpeded persuasive impression', Cicero must mean 'follow what is persuasive as long as it is unimpeded'.¹⁶⁹ This is a state of continuous investigation, not an outcome of the investigation.

Thirdly, even when one impression is impeded by another conflicting impression, the former is not removed entirely from investigation. The example of Admetus' failure to recognize his wife Alcestis shows that even a thoroughly examined impression can be impeded.¹⁷⁰ Indeed, there is no way to confirm that any impression is decisively false, because there is no way to tell the difference between apprehensible and inapprehensible impressions. Thus, even an impeded impression can re-enter the inquiry at any time.

¹⁶⁶ M 7.172: 'Not all those impressions work as persuasive, since some of them are dim or weak'.

¹⁶⁷ See Ac. 2.35-6: '[Lucullus criticizing Carneades' persuasive impression] If you mean that you rely on what strikes you and seems persuasive at first glance, what could be sillier than that? But if they say that they follow impressions that arise from some 'examination' (*circumspectione*) or 'detailed consideration' (*accurata consideratione*), they still won't find any way out.'

¹⁶⁸ Ac. 2.110.

¹⁶⁹ For the debate on the meaning of 'impeded', see Allen (1997) 89-99.

¹⁷⁰ M 7.180; PH 1.228. In this example, Hercules rescues Alcestis from the underworld and presents her to Admetus. But although he forms an impression of her which is probable and thoroughly examined, Admetus' knowledge that she has died diverts him from assenting to the fact that this is indeed Alcestis.

I suggest that this model of testing a persuasive impression can be applied to explain the nature of persuasive views. When we consider the empirical basis of Hellenistic epistemology, we may assume that both procedures resemble each other closely, implying that Cicero took over Carneades' procedure in the area of philosophical debate.

However, we may still wonder whether Carneades' scheme can be applied directly to Cicero's theoretical discussion. The key difference between these two subjects is that Cicero is concerned with theories that are already systematically organized and that theoretical arguments are not entirely about impression (in other words, it is rather about reasoning, although this is still based on impressions). Moreover, the subjective features of impressions do not have much to do with theoretical arguments, which are not easily individualized or personalized.¹⁷¹ What is *probabile* may not be only what is subjectively attractive, but also what has some rational grounds. To find these rational grounds in the area of ethical debate is the main concern of the following Chapters of my thesis.

¹⁷¹ In reply to Lucullus' criticism that inapprehensible (i.e. 'persuasive' in this case) impressions would impede someone's action, Cicero offers practical actions (such as sailing, sowing, marrying, and having children) as examples, in which someone is able to act in line with the persuasive impression (Ac. 2.109). These are the cases in which the unmistakable impression is not available due to the uncertainty of future events. But this kind of uncertainty does not have much to do with philosophical argument.

Chapter 3

Carneades' Division in *Lucullus*

In the previous chapter, we have seen that Cicero thinks that it is not necessary to reserve assent for a kind of certainty which is neither necessary nor possible. He concedes that he personally can still hold some opinions, while granting the basic sceptical claim that nothing can be known. So when the evidence supporting any impression (or a view) is sufficiently strong, he will assent to it.¹⁷² This position is manifested at the preface of *Lucullus*, in particular.¹⁷³ Cicero indicates that a dialectical inquiry (through arguing for and against every opinion) does not end in producing suspension of judgement about everything. The ultimate purpose of this investigation is to 'discover truth without any contention', and would have no purpose other than 'to draw out or formulate the truth (or its closest possible approximation: *ad id quam proxime*)'.

In the same passage, Cicero also points out that his dialectical method presupposes 'the mastery of every individual system'.¹⁷⁴ Someone studying philosophy cannot reach a judgement until he has heard all the debates, learnt the views of other philosophers, and found out which view is most consistent. Thus, the view which is most likely to be true would be revealed by the survey of all the positions of the other philosophers. It is likely that Cicero must carry out his dialectical inquiry of examining all the philosophical positions in order to reach the most rationally defensible position.

In the following chapters, I will test my hypothesis that Cicero applies the epistemological approach presented in the *Academica* to the examination of the debate on the ethical goal (or final end) by testing the consistency of each ethical theory. *De Finibus* constitutes this approach to the topic of the ethical

¹⁷² *Ac.* 2.66. Also see 2.3 above.

¹⁷³ *Ac.* 2.7-9.

¹⁷⁴ For Cicero's plan to survey all the positions on each area of philosophy, see also *Fin.* 1.11: 'Given that there is violent disagreement on these matters among the most learned philosophers, who could think that it is beneath whatever dignity one may care to bestow on me to inquire into the question of what is best and truest in every area of life?'; also *DND* 1.11, in which the philosophical method of arguing against every statement is presented as consisting in the mastery of each individual system, and even of all of them. The reason why there is virtually no contemporary exponent of the New Academy in Greece, Cicero believes, is the extreme difficulty of this task.

end. The three dialogues in *De Finibus* present the ethical views of three major Hellenistic schools, the Epicureans, the Stoics, and the Peripatetics (as represented by Antiochus). It is worth noting that the *Academica* shows an explicit sign of linkage with *De Finibus*, since, at the end of his speech in *Lucullus*, Cicero announces that the next topic of his investigation will be ‘the remarkable disagreements between the leading thinkers, the obscurity of nature, and the error of so many philosophers about what is good and bad’.¹⁷⁵

In the section which delivers disagreement between philosophers on ethical end at the last part of *Lucullus* (Ac. 2.129-41) and also in each dialogue of *De Finibus*, we see that the ethical division suggested by Carneades provides a good starting point for the examination of all ethical theories.¹⁷⁶ As far as I can tell, however, we do not have direct evidence that Cicero adopts the Carneades’ division as a method of testing the degree of persuasiveness of each ethical view. Above all, we do not have any positive evidence that Carneades used both elements (that is, the method of testing the persuasiveness of impressions and his ethical division) in the same argumentative context. Apart from the absence of any hard evidence, the purposes of these two procedures seem to have been originally diverse. Carneades’ intention of introducing of the test method of persuasive impression is largely positive or constructive, though this idea was deployed dialectically in the debate with the Stoics.¹⁷⁷ By contrast, the ethical division was certainly devised by Carneades for a sceptical purpose.¹⁷⁸ Thus, the evidence points to the existence of two, largely distinct, methods adopted by Carneades, without indicating how Carneades himself understood the relationship between these two.

As for Carneades’ division, however, the outward form of this division does not automatically confirm its sceptical intention. Rather, its form and function is subject to the argumentative context, as I will explain shortly. Carneades’ ethical division is adopted differently by Cicero (in *Lucullus* 129-41 and in several places of *De Finibus*) in terms of his intention in a particular context. In this

¹⁷⁵ Ac. 2.147

¹⁷⁶ Lévy claims that Carneades’ ethical division in the ethical section of the last part of *Lucullus* can be considered, not only as a starting point, but also as the blueprint for finding out the most truth-likely in the ethical debate discussed in *De Finibus* and *Tusculans*. I agree that the ethical division in *Lucullus* can be a starting point for the ethical debate in Cicero’s later ethical works, while I do not accept Lévy’s overall inclination towards taking Platonic *dogmata* as Cicero’s answer to the question of the most probable view in the ethical debate. See Lévy (1992) 337-8.

¹⁷⁷ See 2.2 above.

¹⁷⁸ See 3.1 below.

chapter and the next, I will discuss the two main relevant passages separately, that is, *Ac.* 2.129-41 and *Fin.* 2.34-44. In both places, the division is applied by Cicero's persona. In the former case, Cicero makes use of the division for epistemological debate, just as Carneades was alleged to have used it in its original context. However, in the latter passage, Cicero's fundamentally sceptical attitude can make room for the more reasonable view. I will examine the difference between these two cases and suggest that the difference has significant implications for our interpretation of *De Finibus* as a whole.

In the first section, I will clarify the original form and purpose of Carneades' division. I suggest that Carneades originally designed this division in order to counter both Stoic ethics specifically and dogmatic theories in general. In the second section, I will show that Cicero's main concern in *Lucullus* 129-41 is largely epistemological and that Carneades' division is applied to support *akatalēpsia* and *epochē* by illustrating the disagreement between the ethical theories; thus this application of Carneades' division in epistemological debate does not necessarily indicate Cicero's preference for one ethical view over the other. On the contrary, in the final section, I will suggest that this part of *Lucullus* can also be considered as a part of the procedure for testing the plausibility of all 'ethical' theories which are thoroughly discussed in *De Finibus*.

1. The Form and Purpose of Carneades' Division

The ethical views examined in Cicero's works (such as *Lucullus*, *De Finibus*, and *Tusculans*) are listed in a similar manner: the list normally includes seven views, which we will see below. This similarity of the list in different books can be explained as a consequence of adopting the same set of ethical views, that is, those presented in Carneades' division.

But we can see also some variations in the ethical division in Cicero's works, regarding the criterion for the division and thus for its constituent ethical views. It is likely that these diverse presentations reflect some modification of Carneades' original division. On the one hand, the slight variations of the division have often been ascribed to different sources which Cicero used in writing different books. Also, it has been suggested that these different sources were in turn the products of synthesis, with varying kinds of preference, of the

two main divisions, traditionally called *Carneadea divisio* and *Chrysippea divisio* respectively.¹⁷⁹ On the other hand, it has also been suggested that any substantial difference between the various versions must have been the outcome of Cicero's own reflection, since the division itself is not a neutral instrument for providing ethical doxography.¹⁸⁰ This interpretation attributes any variation of the ethical division in Cicero's works to his intentions in specific contexts.

I tend to agree with the latter view (namely, that Cicero's intention in each passage shapes the specific form of Carneades' division), since the division plays an important role in Cicero's ethical works, in providing an outline for the subsequent discussion in a particular context. But it is also true that he did not draw up the various versions all by himself, and we do not need to exclude the possibility that he might have referred sometimes to different sources as well. Thus, it would be reasonable to regard Cicero as someone who decides the form appropriate to the given context, but not someone who actually invented these various versions. I will treat the divisions in his works as a variation of Carneades' division, since the doxographical basis of the division is certainly Carneadean, and not Chrysippean. In the meantime, I will focus mainly on the philosophical implication of the division in a specific context, for the purpose of determining Cicero's intention, in the following sections.

Before examining the different versions of Carneades' division, I would like briefly to review the debate concerning the original format and argumentative context of Carneades' division. Most scholars consider the division in *Fin.* 5.16-23 as the closest to the original version of Carneades' division.¹⁸¹ Only this version is attributed to Carneades explicitly, and it also includes the most comprehensive list of ethical views, containing nine views (on the other hand, in other versions, the Stoic view was only added as a seventh theory without being related to the other six views). The division in *Fin.* 5.16-23 takes the following form.

¹⁷⁹ Lévy (1992) 375-6.

¹⁸⁰ Algra (1997) 109: 'The distinction between the ancient sources and the way they have been used may also help us to recognize the limitation of a particular kind of Ciceronian *Quellenforschung*.'

¹⁸¹ By contrast, Glucker claims that the version in *Lucullus* is closest to the original, coming directly or indirectly from the school of Clitomachus, since Cicero often mentions Clitomachus in *Academica*. See Glucker (1978) 57. This idea is effectively refuted by Algra. See Algra (1997) 121, n. 38.

Attainment of	Aiming to attain	Combination
Pleasure	Pleasure	Pleasure + <i>honestas</i>
Absence of Pain	Absence of Pain	Absence of Pain + <i>honestas</i>
Primary Natural Things	Primary Natural Things	Primary Natural Things + <i>honestas</i>

In this division, ethical theories are arranged on the basis of two basic assumptions suggested by Carneades. Firstly, every branch of expertise (*ars*) must have some external object. Just as medicine and navigation have health and steering a ship as their objects of knowledge, practical reason (*prudentia*) must have some external object as its basis and starting point. Secondly, the object which practical reason is concerned with must be something 'well suited and adapted to our nature', 'attractive in itself', and 'capable of arousing our desire (*hormē* in Greek)'. Since the dispute about the highest goods and evils centres on the question of this natural object of practical reason, different answers about the basic natural attractions constitute different ethical theories in the division.

By adopting these assumptions as criteria for the division, Carneades derives six views at first. To begin with, he derives the three standard candidates for primary natural motivation, that is, pleasure, freedom from pain, and the primary natural things (*prima secundum naturam*). Next, it is claimed that 'a theory of what is right and moral' (*recti... ratio atque honesti*) should be concerned with one of these candidates. Now, on the one hand, three theories are listed as claiming that it is virtuous (*honestum*) for someone to 'aim to achieve' these natural ends, even if he is unable to secure them. Among these views, only one theory (aiming to attain the primary natural things) is in fact defended by the Stoics. On the other hand, the other three theories are presented as holding that one should 'actually' attain these primary ends as the basis of their views: that of Aristippus, Hieronymus, and Carneades who only supports this view for dialectical purpose.

After deriving these six views based on a single primary motive, the other three views are drawn out (either by Carneades or by Antiochus) by combining each of the three primary natural ends with virtue. Calliphon and Deinomachus

supported the combination of pleasure and virtue; Diodorus brought virtue together with freedom from pain; the Old Academy advocated a combination of virtue and primary natural things.

1.1. Carneades' Anti-Stoic Argument

It is highly likely that Carneades' division was originally devised for arguing against Stoic 'ethical' position, not for providing ethical doxography. In the following discussion, I will call the argument purportedly adopted by Carneades for refuting Stoic ethics 'anti-Stoic'. The precise form of this anti-Stoic argument, however, is not attested explicitly in our evidence (not even in the Antiochean context in *Fin.* 5). I will offer a possible reconstruction of this argument below.

Regarding this anti-Stoic argument, it is a matter of dispute whether the last three theories (advocating combined ends) were originally included in Carneades' division, or are introduced by later thinkers, possibly by Antiochus. For we saw Carneades deriving the first three simple views by claiming that 'aiming to achieve each of three simple ends (although it cannot be attained)' is itself said to be virtuous (*honestum*).¹⁸² This claim implies that virtue needs to be identified with 'aiming to achieve one of these primary natural ends'. However, virtue (*honestas*) reappears as one of the ethical ends at *Fin.* 5.21, this time in order to be combined with the three simple ends (resulting in other three combined views). Because of this ambiguity of virtue, it is claimed that the last three combined views were a later addition, and therefore that Carneades did not include them in his original division.¹⁸³

I believe that the original version of Carneades' division included these combined ends in the list. However, although the original version includes these combined views, Carneades' anti-Stoic argument may have been composed of

¹⁸² *Fin.* 5.19: 'it will be moral (*honestum*) to aim all one's actions either at pleasure, even if one is unable to secure it, or at freedom from pain, even if it cannot be attained, or at procuring the things that are in accordance with nature, even if they cannot be won.'

¹⁸³ Lévy (1992) 357 indicates that the Stoic concept of *honestas* in the first stage is not well matched with *honestas* in the second stage and that the significance of each stage is different. Therefore, the three combined views must have been a later addition. Algra rejects Lévy's claim by indicating that even *honestas* at the first stage is not used in a Stoic sense, but with a fairly general conception, which can be applied to all three ends which concern the pursuit of something. Thus, there is no need to assume that combined views did not belong to Carneades' original division. See Algra (1995) 127-8. I side with Algra on this issue.

two distinct stages. These two possible stages of the argument can be identified in the context of the Antiochean context in *Fin.* 5.16-23.

The first line of the argument consists in the way that this division characterizes the Stoic *telos* as unique. The Stoic end is presented as fundamentally distinct from all other ends, because it would be countered by the common intuition that people do actually strive to ‘achieve’ the primary natural ends. This point is also implied by the fact that Carneades himself tried to support the alternative position, which advocates the actual attainment of the primary natural things as its ethical end. This point of criticism on Stoic ethics is in line with the fact that, in other versions of the division, the Stoic end (i.e. *honestas*) is only added to the other six simple ends distinctively as a seventh end. The only view which can be excluded by the assumptions (i.e. that no branch of expertise can be based only on itself and that practical reason is concerned with something well suited and adapted to our nature) is the Stoic one, which is to ‘aim to attain’, but not necessarily gaining, the primary natural things. The point of criticism is that the Stoics adopt the notion of wisdom as a *technē stochastikē*, but also define wisdom as containing its own end within itself, like the performance of an actor or dancer.¹⁸⁴

However, this first argument is not deployed explicitly in the Antiochean context in *Fin.* 5.16-23. Antiochus rather offers another line of criticism on Stoic ethics, which lies in the idea that the Stoics borrow everything from the Peripatetics and the Academics but reach the same conclusions using different terminology.¹⁸⁵ Cicero, through the mouth of the Stoic Cato in *Fin.* 3.41, makes it clear that the origin of this idea is Carneades.¹⁸⁶ The denial of a substantial difference between the Stoics and the Peripatetics would lead to the collapse of the distinctive Stoic position and would thus achieve the anti-Stoic goal.

What is the relation between these two points of criticism of Stoic ethics? I suggest that these points constitute not two distinct arguments, but rather one coherent argument. The argumentative context of *Fin.* 5 seems to involve two steps – at the first stage, six simple views are drawn; and at the second stage,

¹⁸⁴ *Fin.* 3.24. This is also one of the points which Epicurean Torquatus makes against the supporters of virtue. For Epicurean criticism of this Stoic idea, see *Fin.* 2.42. In this respect, even the Epicurean end, i.e. pleasure, is presented by Cicero as having some defence against *honestas* (*Ac.* 2.140). See also 4.4 below.

¹⁸⁵ *Fin.* 5.22. Also Cicero’s argument against Stoic Cato in *Fin.* 4 is largely based on this idea. See 5.2 below.

¹⁸⁶ For discussion of the origin of this ‘neutralizing argument’, see Schofield (2012).

the other three combined views (including the Peripatetic theory) are added. The effect of the first step is certainly to make the Stoic ethical end look distinct from other ends. If the Stoics cannot maintain their position at this step, they need to answer this difficulty. The second step presents this alternative, that is, 'actually' to attain not only virtue, but also the primary natural things themselves to some extent. But this position seems to come so close to that of the Peripatetics that these two positions would not be clearly distinctive. Thus, the Stoic position cannot be maintained either way.¹⁸⁷ If this anti-Stoic argument is closer to the original Carneadean argument, the combined views are already included in Carneades' division. Otherwise, it would not be easy to make sense of Carneades' claim that there is a merely verbal difference between the Stoics and the Peripatetics.

This anti-Stoic argument reminds us of Cicero's major criticism of Cato's Stoic ethics presented in *Fin.* 4, in which Cicero's criticism takes the form of the famous dilemma regarding Stoic position.¹⁸⁸ On the one hand, the mainstream Stoic ethics cannot be distinguished from that of the Peripatetics, since the former is not substantially different from the latter. On the other hand, Stoic ethics would not be distinct from Aristo's view, since the former share the same claim (that is, the distinctive Stoic claim that nothing is good except virtue) with the latter, and other philosophers included in Carneades' division would not accept this claim.¹⁸⁹ Seen from the similarity between Carneades' supposedly original anti-Stoic argument and Cicero's criticism on Stoic ethics in *Fin.* 4, we can see that Cicero was already familiar with this anti-Stoic argument and effectively manipulated it for composing his criticism in *Fin.* 4.

1.2. Carneades' Sceptical Argument

Considering the completeness of his division, Carneades may have used it for another sceptical purpose, not directed specifically at the Stoics, but rather a comprehensive criticism of dogmatists in general. The argument, understood as having this purpose, may constitute a positive argument for suspension of assent, without manipulating specific Stoic assumptions. It is not certain

¹⁸⁷ For a similar reconstruction of this argument, see Bonazzi (2009) 34-44.

¹⁸⁸ See further 5.1 and 5.4 below.

¹⁸⁹ On the rejection of this Stoic claim by other philosophers, see *Fin.* 4.48-50. See further 5.4.2 below.

whether this kind of argument offered by Carneades is based on his division. We only have indirect evidence that he developed some kinds of argument to this effect. According to Sextus, Carneades went ‘not only against the Stoics but also against everyone before him’ with reference to the debate on the criterion.¹⁹⁰ Here, the arguments are said to ‘establish that nothing is without qualification a criterion of truth’. The context is definitely epistemological, but his ethical division might have helped him to achieve this sceptical goal. Thus, this ethical division, if introduced for this sceptical purpose, may have been applied to an epistemological, not ethical, debate. In order to distinguish this kind of epistemological argument from his anti-Stoic (ethical) argument, I will call this argument simply ‘Carneades’ sceptical argument’, when it comes to Carneades’ division.

It is possible that Carneades took over his list of ethical views, at least partly, from Chrysippus. The version found in *Lucullus* 138, which is presented by Cicero as Chrysippus’ own answer to the question of the most defensible ethical end, must have been closer to Chrysippus’ division.¹⁹¹ This list is composed of either three ends (pleasure, virtue, and both) or only two (pleasure and virtue). This division is likely to be the result of Chrysippus’ reduction from a larger group of ethical views, that is, (i) virtue; (ii) pleasure; (iii) virtue plus pleasure; (iv) freedom from pain; (v) virtue plus freedom from pain; (vi) virtue plus the primary natural things.¹⁹² The absence of ‘primary natural things’ (an ethical end which Carneades defended only for the sake of argument) among these six ethical ends alludes to the fact that Chrysippus dealt only with the theories which had been actually advocated.¹⁹³ Chrysippus’ division is evidently intended to defend

¹⁹⁰Sextus, *M* 7.159-65 (LS 70A): ‘In fact his first argument, which is directed against all of them together, is one according to which he establishes that nothing is without qualification a criterion of truth – not reason, not sense-perception, not appearance, not anything else that is there is; for all of these as a group deceive us. Second is the one according to which he shows that, even if there is this criterion, it does not subsist apart from the effect on us from plain experience.’

¹⁹¹This passage is even presented as a paraphrase of Chrysippus’ original wording by von Arnim (*SVF* 3.21).

¹⁹²In order to reduce these views into the famous dichotomy of pleasure versus virtue, Chrysippus first equates freedom from pain with pleasure; then the other two combined views are eliminated, probably on the same basis as in the case of pleasure plus virtue. For a similar reductive process used by Chrysippus on the question of the location of the ruling part of the soul, see Algra (1997) 111-2.

¹⁹³The source for this original list, from which Chrysippus drew his final division, is not obvious. It is still possible that both Chrysippus and Carneades had access to a common source (such as a version of the *Vetustissima Placita*). It is also possible that their readership was already familiar with this kind of list of ethical theories.

the Stoic theory by refuting all theories other than their own, if we believe that *Lucullus* 138-9 gives the original argumentative context. A similar argument is also attested in *Fin.* 3, where Cato defends the Stoic position, by deploying virtue (*honestas*) as a criterion for the division (but here he applies this criterion to a version of Carneades' division instead).¹⁹⁴

Carneades must have expanded Chrysippus' division for his own sceptical purposes.¹⁹⁵ Unlike Chrysippus, Carneades did not limit his review to those that he found in the history of philosophy. Carneades is said to have been concerned with covering all ethical views which 'could possibly be propounded' whether they had been previously proposed or not.¹⁹⁶ We have already seen that he did this by applying certain criteria systematically to all possible ethical doctrines. The division presented in *Fin.* 5 must have been assumed by Carneades as a sort of theoretical framework, not just as a collection of established theories. Three out of the nine positions were not defended by actual proponents: two of the ethical ends (i.e. aiming to achieve pleasure and aiming to achieve freedom from pain) are merely theoretical construction; and one of them (i.e. primary natural things) is defended by Carneades himself for the sake of argument only.¹⁹⁷

Carneades' sceptical argument can go in two directions. Firstly, the method of 'arguing against every position' would lead to the fundamental Academic principles of *akatalēpsia* and *epochē*. For the purpose of refuting all ethical theories in the list, Carneades seems to have adopted not only the topics in Chrysippus' division, but also the arguments adopted by Chrysippus, which must have been needed for the purpose of reducing the available ethical views into the final dichotomy in the Chrysippus' list. It is likely that Carneades deployed these refutations, since the refutations of the views other than that of the Stoics are surprisingly similar in Cicero's books. Thus, the criticisms (for instance, of pleasure, the equivalence of pleasure and freedom from pain, and the incompatibility of virtue and other goods in the combined views) may come

¹⁹⁴ See 4.1 below.

¹⁹⁵ Lévy suggests that these two divisions must have been the result of an antagonism between the Stoics and the Academics. So, Chrysippus' division aimed to differentiate the Stoics from the Aristotelians, and Carneades' division was designed to build a doxography which constituted a refutation of the Stoics. See Lévy (1992) 372-6.

¹⁹⁶ *Fin.* 5.16: *non modo quot fuissent adhuc philosophorum de summo bono sed quot omnino esse possent sententiae.*

¹⁹⁷ In this respect, Carneades' project was different from the Peripatetic one, since Aristotle took only the views of his predecessors as his starting point.

from Chrysippus. Now, in order to complete the refutation of all ethical views, the only thing which Carneades needed to do was to produce the criticism on the Stoic position, which would have the effect of arguing against all possible positions, since all but the Stoic theory were already refuted in Chrysippus' division. The fact that Carneades tries hard to dispute the Stoic view may also imply that he had accepted other Chrysippean arguments wholesale.

Secondly, Carneades' sceptical argument may also take the following form: each view in the ethical division is equally plausible; and so it does not outdo the others; therefore we have no reason to prefer any of them. Carneades most probably wanted to give his audience the impression that he did not prefer any of the views (either the view which he defended, or that on the opposite side) by defending the other side too.¹⁹⁸ His speeches in Rome, the one for justice and the other against it, indicates that he, unlike Arcesilaus, was ready to take opposite sides on the same topic.¹⁹⁹ Likewise, when formulating the ethical division, Carneades seemed to try hard to fill out the list. Thus some insignificant philosophers (such as Calliphon, Dinomachus, Diodorus and Hieronymus, who are otherwise unknown to us) are also preserved in the division. Moreover, in addition to covering all ethical views, Carneades intended to make them look as persuasive as possible. He is said to have argued forcefully for Calliphon's position (i.e. the one which supports both pleasure and virtue as ethical ends) presumably because Carneades felt that the existing arguments for this position were not strong enough to counter Chrysippus' criticism.²⁰⁰ Due to Carneades' practice of defending each view for his dialectical purpose, the Academic arguments came to be viewed as being more positively intended.²⁰¹

I suggest that this kind of sceptical argument is deployed by Cicero in *Ac.* 2.129-41, rather than Carneades' anti-Stoic argument adopted in *Fin.* 4. If so, the sceptical argument of this part of *Lucullus* is used in an epistemological (not in an ethical) context, as we will see below.

¹⁹⁸ On the technique of arguing on one side or the other (*in contrariam partem*), or on both sides of a specific topic (*in utramque partem*), see *Ac.* 2.78.

¹⁹⁹ Lactantius, *Divine institutes* 5.14.3-5 and Epitome 50.8 (LS 68M)

²⁰⁰ *Ac.* 2.139.

²⁰¹ See also LS 448.

2. Sceptical Use of Carneades' Division at Ac. 2.129-41

The argument in Ac. 2.129-41 has three distinct steps.

(1) Presentation of various views on the ethical end according to Carneades' division (129-31).

(2) Discussion of the irreducible differences between the Stoics and the Peripatetics (132-7).

(3) Review of ethical views according to the division of Chrysippus (138-41).

In this outline, we see that Cicero introduces two divisions, according to which the various ethical views are listed and arranged; one division taken from Carneades (though without mentioning the name) and the other from Chrysippus. Carneades' division at Ac. 2.129 is used essentially for a sceptical purpose to show that the task of establishing the truths in ethics is faced by the difficulty of disagreement (*dissensio*) between outstanding philosophers. After providing this division, Cicero makes two attempts to find which view should be chosen to follow among them. In 132-7, he says that he would prefer to follow the Stoics (*cupio sequi Stoicos*) and argues against the Old Academy. The reason for the choice of the Stoic position is not stated clearly. Here, Cicero argues only that these two positions diverge fundamentally and are thus mutually exclusive. At 2.138, Cicero suggests another approach to the problem of commitment to an ethical theory, by adopting the division from Chrysippus, who deduces the final dichotomy between virtue and pleasure from all tenable ethical theories. While Chrysippus himself vigorously supports virtue over pleasure, Cicero offers Epicurus a chance to defend pleasure in order to counter Chrysippus, and delivers Epicurus' defence of pleasure (virtue cannot be understood without the bodily goods) without a negative tone. Thus, Cicero seems to use also Chrysippus' division for a sceptical purpose, just as Carneades' division is used in this way beforehand.

In this way, Cicero intends to show that we should suspend our judgement about the highest goods and the goal of human actions, by presenting competing dogmatic views as equally reasonable and persuasive. The availability of arguments on both sides seems to lead to the conclusion that we

should not commit ourselves to any of the theories. Thus, this part of the work seems to show that Cicero endorses the universal suspension of assent.

However, some questions may arise from Cicero's comments in some places. He shows the impossibility of a decisive choice between the competing views, that is, Stoic and Old Academic ethics. By highlighting the possibility of giving equal support to the various ethical views, Cicero shows his hesitation in giving definite assent to any of them; he confesses that he is torn (*distractor*) so that he is sometimes attracted either to the Antiochean position or that of the Stoics.²⁰² But he also admits that he has not found so far anything more persuasive than the end adopted by Polemo, the Peripatetics, and Antiochus.²⁰³ Then, why does Cicero choose to defend the Stoics in the first instance, if the Stoic position is considered as no better a candidate than that of the Peripatetics? Cicero does not justify his famous claim that he would like to follow the Stoics. We do not hear why he himself considers the Stoic end to be the best supported among those views in Carneades' division, at least in this connection. This might make his selection of the Stoic position look totally arbitrary and as making no reference to Carneades' division at all.

Moreover, Cicero's sceptical application of Chrysippus' division implies that Cicero is not only wavering between the Stoics and the Antiochean, but even between the Stoics and the Epicureans.²⁰⁴ Thus, he manipulates the final dichotomy in Chrysippus' division as yet another example of the impossibility of accepting any particular dogmatic view as true.²⁰⁵ However, Chrysippus' division appears to leave two final candidates with sharply contrasted values and Cicero's attitude towards Epicurean pleasure is evident in his other books (such as in *Fin.* 2, in particular). Just as Chrysippus claims that the Stoic *honestas* is a far better candidate than pleasure, so does Cicero.

Therefore, it has been suggested that here Cicero starts from the New Academic position, rejects Antiochus, and ends by presenting the Stoic position as the most probable.²⁰⁶ Although I do not agree with this probabilistic reading

²⁰² *Ac.* 2.134.

²⁰³ *Ac.* 2.139.

²⁰⁴ *Ac.* 2.132-41, esp. 132-33; 140-1.

²⁰⁵ Algra claims that 'the *Chrysippea divisio* is used in the service of Cicero the sceptic' at this place. See Algra (1995) 131-8. I side with Algra on this point.

²⁰⁶ Lévy (1992) 344-5.

of *Ac.* 2.129-41, it still raises some interesting questions (just mentioned) about Cicero's intentions in this part of *Lucullus*.

I suggest that *Ac.* 2.129-41 constitutes a reply to Antiochus' historical claim that there is a unified Academic tradition, in terms of Cicero's choice of example cases. Thus, the irreconcilable features of the contrasting ethical views of the Stoics and the Peripatetics are deployed for the purpose of disputing the Antiochean syncretistic plan, that is, to found the unity of the Academic tradition on a historical consensus and on an arguably superficial resemblance between the Academics, the Peripatetics, and the Stoics. This interpretation can explain why Cicero chooses the Stoics, not the Peripatetics, among his two preferred candidates, since Antiochus' ethical view is largely based on the Peripatetic view.²⁰⁷ Thus, as long as the debate is concerned with ethics, Cicero's immediate target would be Peripatetic ethics (as adopted by Antiochus).

By adopting the Stoic position, however, Cicero also intends to point out the inconsistency of the Antiochean epistemology (that is, the Stoic epistemology). Judging from the broader argumentative context of *Ac.* 2.129-41, I also suggest that Carneades' division in this place serves as a sceptical tool to support *epochē* on the basis of the equipollence of competing ethical views. For this purpose, rigorous disputation of the ethical doctrines of the Peripatetics (or even those of the Stoics) would not be necessary. That is why Cicero does not deal, in this context at least, with both positions in a systematic and theoretical way. If this interpretation is correct, the argument at *Ac.* 2.129-41 does not tell us much about Cicero's preference for a specific ethical position, whether Stoic, Aristotelian, and Epicurean.

2.1. Broader Context of *Ac.* 2.129-41

The larger context of *Ac.* 2.129-41 is highly historically oriented. We find two kinds of argument proposed by Cicero regarding the history of philosophy in the *Academica*. One type of argument, which is based on historical authority, is offered at 2.72-8. The other type of argument, which is concerned with my current discussion here, comes from the disagreements between dogmatists at 2.116-46. Some features of these arguments about the history of philosophy

²⁰⁷ *Ac.* 2.132. Cicero claims that Antiochus is actually an out-and-out Stoic, though Antiochus himself wanted to be called an Academic (*Ac.* 2.69-70).

can be seen from the structure of the two books of the original version of the *Academica*.²⁰⁸ This (partly preserved) original version can be conjectured on the basis of the extant *Lucullus* and *Varro* and the fragments from the lost *Catulus*. In the lost *Catulus*, Philo's controversial Roman books may have been delivered by Catulus with some critical comment, judging from his advocacy of the earlier version of Philo's scepticism in *Lucullus*. It is likely that Hortensius attacked sceptical epistemology; Cicero's defence must have followed; and *Lucullus* represents Antiochus' Stoic position. On this basis, the first version of *Academica* may have included the following topics.²⁰⁹

I. *Catulus* (lost)

- *Discussion of the two competing historical accounts* (partly preserved in *Varro*)
- *Hortensius' attack on Sceptical epistemology*
- *Cicero's defence of it by attacking the Stoic notion of apprehensible impression*

II. *Lucullus* (extant)

2.13-60: *Lucullus' defence of Stoic epistemology*

2.72-111: *Cicero's defence of Sceptical epistemology*

2.112-146: *Application of Cicero's scepticism to the other philosophical systems*

If this outline of the original version of *Academica* is reasonably correct, the relation between the theoretical and historical topics in *Academica* becomes more or less clear. In this outline, the initial discussion in lost *Catulus* may begin from contemporary debate about the true lineage of the Academy between

²⁰⁸ Cicero's philosophical project begins from the first three works, *Hortensius*, *Catulus* and *Lucullus*. Hortensius, a principal rival of Cicero as an orator in his early life, was finally converted to philosophy in a protreptic dialogue, *Hortensius*, which is, unfortunately, entirely lost, with only a few fragments remaining in Augustine's writings. The *Catulus* and the *Lucullus*, two books of the first edition of the so-called *Academica*, deal with the debate between the New Academy and Antiochus. *Catulus* advocates the moderate scepticism of Philo; *Lucullus*, a Roman general and politician, represents Antiochus's Stoic position. We only have fragments from two different editions of the *Academica* – among two books of the first edition, the *Lucullus* is extant while the *Catulus* was entirely lost.

²⁰⁹ For the detailed reconstruction of the original version of *Academica*, see Mansfeld (1997); Brittain (2006) xiii-xix.

Antiochus and Philo, not about Stoic epistemology *per se*.²¹⁰ Hortensius' question about Philo's historical claim (having been reported by Catulus at the beginning) probably initiates the core debate on epistemological issue between the Stoics and the New Academics. We have seen that this epistemological debate continues in extant *Lucullus*, in which the New Academic position is criticized by Lucullus and defended by Cicero.

Thus it is likely that Cicero's arguments, based on historical authority and disagreement between dogmatists, may be intended to offer an answer to the historical debate in the first book of *Academica*. The extant part of the revised version (i.e. *Varro*) gives some information on the debate of the two historical accounts. Varro's speech at *Ac* 1.15-42 explicitly sets out the Antiochean view, which is certainly derived from Antiochus himself.²¹¹ The account begins from Socrates who turned philosophy towards ethics, and introduced a thoroughgoing scepticism (16). But Plato dogmatized the teachings of Socrates; and his Academic and Peripatetic successors maintained this dogmatic attitude (17-8). This dogmatic system is divided into three parts, as Varro expounds ethics (19-23), physics (24-9), and logic (30-3) in its turn. However, various differences and disagreements arose between the successors (33-5). Among these, Zeno made especially significant innovations; as the founder of Stoicism, he reworked the old philosophy in ethics (35-9), physics (39-40), and logic (40-2).

I suggest that this brief outline contains two philosophically crucial points. Firstly, all the thinkers involved here maintained a positive attitude to the discovery of truth. On the basis of this positive attitude of his predecessors towards attaining knowledge, Antiochus gives an account of a developmental system, which consists of the new discoveries made by them on the basis of correct intuitions. He appears to claim that these discoveries enable us to formulate a system of correct explanation. The same line of thought is also repeated by Lucullus.²¹² Lucullus urges Cicero to admit that there are many

²¹⁰ For the debate on the true lineage of Academic tradition between Antiochus and Philo, see Brittain (2001) ch.4 and 5.

²¹¹ The historical sincerity of Varro's exposition of Antiochus is attested by the fact that Varro, together with Cicero, attended Antiochus' lectures in Athens in 79-77 BC. See *Ac*. 1.5 and 1.12. Varro was a convinced Antiochean, as testified at *Ac* 1.5-7. See further Blank (2012) 252-3; also 6.5 below.

²¹² Essentially the same account is given by Lucullus in *Ac* 2.13-8, except for the ironical interpretation of Socrates. Although the Presocratics, cited by the Academics, occasionally

things which have been explained in the course of so many centuries by the supreme effort of the greatest intellects.²¹³

Secondly, Antiochus' account offers not only a collection of new discoveries made by his predecessors, but also a unified set of shared ideas underlying the allegedly common tradition. Distinctively Antiochean elements become important, especially when Cicero focuses on this point. Antiochus' dogmatic interpretation of Academic tradition is based on the famous claim that there were two Academies and on the unity of the Academic tradition. Antiochean syncretism assumes consensus between the philosophers of the Academic tradition (as defined by him) and treats their differences as merely verbal. This type of syncretism seems to take consensus as an indicator of truth.

On the one hand, Cicero's refutation at 2.72-8 corresponds mainly to the first aspect, i.e. the positive attitude towards discovering truth. In response to Lucullus' account, Cicero proposes the sceptical interpretation of the Academic tradition that the doctrine of *akatalēpsia* can be supported by reference to the same philosophers: the ancient philosophers, Anaxagoras, Democritus, Metrodorus of Chios, Empedocles, Parmenides, and Xenophanes, were proto-sceptical forebears who thought that nothing could be known (72-4); Socrates was not dogmatic, since it is clear from many dialogues that he thought that he could not know anything except the fact that he knew nothing (74). Plato was not dogmatic, since his works set out Socrates' views in a way which would be inexplicable if the two thinkers disagreed (74). This sceptical tradition was inherited by Arcesilaus who affirmed nothing, and so promoted *epochē* (76-7) and by his successors, such as Carneades, Clitomachus, Metrodorus, and Philo (78). This interpretation appeals directly to historical authority, which presents a history of the denial of epistemic certainty and of the recognition of the value of scepticism. This appeal to historical authority may not seem to fit very well with Cicero's avoidance of any authority and appraisal of using our own judgement. However, he must not have taken the power of authority seriously; he probably

expressed sceptical doubts, their attitude cannot be characterized as sceptical (2.13-5). Socrates was dogmatic, although he used irony as a pedagogical tool (2.15). Plato was dogmatic, and he bequeathed a systematic philosophy to the Peripatetics and old Academics (2.15). Arcesilaus objected to Zeno, who represented the view of the older thinkers (2.16).

²¹³ Ac. 2.15: 'Are we to think that nothing has been explained through so many centuries by the supreme efforts of the greatest intellects?' I believe that Ac. 2.129-41 is supposed to be an answer to Antiochus' claim that there have been considerable discoveries of truth by the greatest intellects.

viewed historical authority only as an evidence for inductive argument for Academic principles (that is, as a provisional conclusion strengthened by continuous application of dialectical procedure).²¹⁴

While Cicero intends to find the direct evidence of scepticism in ancient thought at 2.72-8, the historical doxography at 2.116-46 seems to serve an indirect defence of the Academic thesis of *akatalēpsia* and *epochē* by offering equipollence of contrasting ethical views. This doxography, which is my main concern in this chapter, is concerned with the disagreement among dogmatic philosophers in physics, ethics, and logic. Cicero seems to have a two-fold set of targets in mind. The first is Antiochus' distinctive claim that there is a substantial unity between the Stoics and old Academics (or Peripatetics). The second is Stoic epistemology, which seems to lie in the heart of Antiochean theory (especially their shared claim that there is a way to discriminate between correct and incorrect views).²¹⁵ Cicero's choice of the Stoics and the Peripatetics as an example of equipollence appears to consider these two goals simultaneously.

Cicero contrasts the difference between the Stoics and the Peripatetics mainly in two areas: one in epistemology and the other in ethics. In ethics, the key question is how to describe the nature of the wise man, and how we can justify his behaviour.²¹⁶ While Zeno is blamed for ascribing more value to virtue than nature allows, Cicero criticizes Antiochus for being inconsistent (that is, there are bodily and external circumstances that are bad, and yet he believes that someone subject to all of them will be happy if he is wise). Cicero repeats that 'only one can be correct'; for instance, 'the wise person must be either a Stoic or an Old Academic; he can't belong to both of them, but only to one'.²¹⁷

²¹⁴ This interpretation of Cicero's account of the history of philosophy could be seen as supporting a dialectical interpretation of Cicero's scepticism, as opposed to the moderate scepticism which I advocate in my thesis. I agree that the argument which leads to *akatalēpsia* or *epochē* does not rely heavily on any assumptions about knowledge or our apprehensible faculties, but on the cumulative results of the successful refutation of every opponent. Cicero's report also informs us that Arcesilaus gave his assent to *akatalēpsia* and *epochē* for a reason that may not be a direct consequence of Stoic assumptions. For *akatalēpsia* or *epochē* could be seen as the logical conclusion of his reading of Presocratic writings (*Ac.* 2.14-5) or of the various writings of Plato, especially the Socratic dialogues (*De Or.* 3.67), or as the consequence of weighing equally balanced trains of reasoning against each other (*Ac.* 2.67 and 2.59; *De Or.* 3.67; *Fin.* 2.2; *DND* 1.11). But I do not think that the presence of different elements in Cicero's argumentation damages my main thesis seriously.

²¹⁵ These two questions seem to be implied in the introductory part at *Ac.* 2.112-5.

²¹⁶ *Ac.* 2.132-4; *Fin.* 5.77-85.

²¹⁷ *Ac.* 2.132-3.

Since Antiochean philosophy is based on agreement between philosophers under the same tradition, Cicero seems to feel the need to show that the difference between these philosophers is substantial and real. To make the dilemma real, Cicero highlights the significance of the issue (i.e. highest good): 'their dispute is not about boundaries but ownership of the whole; since the order structuring one's whole life is implied by the definition of the highest good, the disagreement is about the order structuring one's whole life'. By highlighting that the disagreement between these two theories is too serious to be reconciled, Cicero refutes the Antiochean theory which is assumed to be based on a superficial agreement between philosophers.

In epistemology, if Antiochus maintains the unity of Academic tradition in a strict manner, he would have to impose on the Old Academics and the Peripatetics the following Stoic epistemological assumptions: (a) the acceptance of the third condition of apprehension and (b) the wise man's never holding opinion.²¹⁸ But Cicero denies the Academic origin of these two Stoic notions, since no Old Academic or Peripatetic ever adopted these strong epistemological standards. The Peripatetics would have set up a less demanding definition of apprehension, without insisting this 'significant' additional condition. They are so 'straightforward' that they would only propose what they apprehended; they would not try to strongly eliminate what others claim to have apprehended. Also they would respond that the wise man sometimes hold opinion. Thus, Stoic epistemology cannot be squared with that of the Peripatetics.

But merely underlining this disagreement would not entirely accomplish his refutation of Antiochus, since Antiochus sometimes admits of the disagreements between these philosophers in this tradition. It is not easy to determine whether Antiochus sees these differences as negative or positive. However, judging from his acceptance of Stoic epistemology, which he considers explicitly as embodying 'corrections' of his predecessors, his attitude to the innovations made in this tradition may be positive rather than negative, at least in some instances.²¹⁹

²¹⁸ *Ac.* 2.112-3. See also *Ac.* 2.32; 69-70; 143; *Fin.* 5.76. Also see Barnes (1989); Brittain (2006) xxxii.

²¹⁹ For Antiochus' acceptance of Zeno's innovations, see 2.1 above.

However, Antiochus makes the further epistemological claim (at least Cicero believes so) that only the position which he supports is true.²²⁰ Cicero understands this claim as formed by Stoic epistemology. For this reason, his attack is directed at the Stoic epistemology, by way of systematic exposition and the equipollence of theories.²²¹ Thus Cicero's target is also Stoic epistemology in this sense. This argument is in line with Cicero's main speech at 2.79-98, in which he argues that the arguments for the opposing view are of equal weight. He shows at 2.129-42 that Stoic epistemology, especially their claim of certainty on the basis of *katalēpsis*, cannot be maintained because of the equipollence of the opposing views. Then he says that he is torn between them; 'now one, now the other view seems more persuasive to me'.²²² Cicero denied that the consensus claimed by Antiochus can be founded on epistemic certainty as presupposed by the Stoics.

We have seen that Cicero's focus on the relationship between the Stoics and the Peripatetics reflects his criticism of the Antiochean theory based on Stoic epistemology. In this sense, Cicero's concern in *Ac.* 2.129-42 is not ethics *per se*, but epistemology. Thus he does not attack any specific dogmatic philosophers (such as the Peripatetics or the Stoics) on the basis of their inconsistency. Rather he highlights only the difference between various philosophical views. Thus this part provides another example of equipollence in reply to Stoic notion of *katalēpsis*. This argument is closer to Carneades' sceptical argument, rather than to his anti-Stoic argument devised for refuting Stoic ethics. Thus it is likely that Carneades' division is applied here in the epistemological (but not ethical) context.

3. Carneades' Division at *Ac.* 2.129-31 in Relation to Ethical Debate

We have seen that doxographical reports on the disagreements between dogmatic philosophers on ethical ends at *Lucullus* 129-41 are devoted mainly to

²²⁰ *Ac.* 2.114: 'And then which philosophical system is it that you are going to take me off to, if you prise me from my own? I am afraid you will be rather presumptuous if you say your own – and yet you must say that. And it will not just be you: everyone will rush me off to his own system.'

²²¹ *Ac.* 112-5.

²²² *Ac.* 2.134: 'since the ethical views of the Stoics and the Peripatetics are incompatible and at most one of them can be true, a good number of rather famous schools must collapse.' See also *Off.* 3.33.

epistemological debate. This part presents the difficulty of making a choice between many proposed answers to the question of the highest good and also shows Cicero's sceptical attitude in his epistemology. Then, what can be the implication of this part for ethical debate *per se*, which is discussed at length in *De Finibus* as a whole?

In *De Finibus*, Cicero as author presents what can be said for and against each of the theories. In addition, the role of Cicero's persona is restricted to arguing 'against' the view under scrutiny, and thus his overall argument may be regarded as purely dialectical. *De Finibus* as a whole can give readers the impression that the purpose of this work is to demonstrate that all ethical views worth mentioning are equally inconsistent or flawed, and that we should suspend assent to any of them.

Cicero's sceptical approach to the question of the final end enables him to present all ethical views without imposing his own judgment on the reader. And also this attitude implies that the debate on the final end cannot ultimately be determined on a firm ground, as the Stoics maintain. However, these features do not characterize Cicero's scepticism in its entirety, since both radical and moderate sceptics can take the same stance in this respect. The only difference between these two sceptical positions is that a moderate sceptic can give reasonable assent to any plausible views. I believe that, only in this limited sense, *Ac.* 2.129-41 seems to anticipate the structure of *De Finibus*, which can be seen as an extended enquiry into disagreements between ethical theories set out in this part of *Lucullus*.²²³

On the other hand, Cicero's main concern in *Academica* is to support the two Academic principles by refuting Stoic epistemology, while the discussion in *De Finibus* focuses on examining the views on the ethical end. This contrast between epistemological and ethical debate is indicated clearly by Cicero at *Fin.* 5.76. Here Piso criticizes New Academic teaching for leaving the learner knowing nothing when he masters the New Academic method. In response to Piso's criticism, Cicero concedes that he can legitimately approve what seems

²²³ Brittain suggests that Cicero appears to be a radical sceptic, who applies a Carneadean sceptical strategy to all ethical positions. He claims that the arguments used by Cicero in book 2, 3, and 5 are Carneadean, and not Antiochean, in terms of the use of *Carneadea divisio* and the reduction to dilemmatic form. He takes the dilemmatic structure as positive evidence that Cicero adopts radical scepticism in *De Finibus*. His suggestion is that the structure of the dialogue is deliberately designed to reveal his 'intractable doubt about goods' in *De Finibus*. See Brittain (forthcoming).

persuasive on the matter of the ethical end. It is important to notice that Cicero is ready to accept any ethical view on the basis of plausibility, as long as the discussion is not concerned with the Stoic epistemology.²²⁴

I suggest that the uses of Carneades' division between *Lucullus* and many instances of *De Finibus* also reflect this contrast between epistemology and ethics. On the one hand, when presenting the division at *Ac.* 2.129-31, Cicero only itemizes ethical views and highlights only that we have multiple views which are incompatible with each other (without any judgement passed on the validity of the views).²²⁵ Also he does not offer a theoretical basis or the criteria for this division. I have suggested that Carneades' division in *Ac.* 2.129-31 is concerned with epistemological questions, rather than with the ethical debate on the final end.

On the other hand, this presentation of Carneades' division is different from the use originally made of the division (by Carneades) to criticize the Stoic position, as well as from the other uses of the division in *De Finibus*. In the other versions, the criteria for the division play a crucial role in the systematic arrangement of all ethical views systematically and in showing that each ethical view cannot be maintained because of its innate flaws.

I believe that some implication of Carneades' division at *Ac.* 2.129-31 in relation to ethical debate needs to be found in the following aspect. Cicero intends to show that there is a genuine disagreement between these views. The impression of disagreement becomes all the greater in that two of Zeno's

²²⁴ *Fin.* 5.76: "Are you [Piso] forgetting 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 probable? 'Yet who can approve anything that is not the subject of perception, comprehension or cognition?' he replied. 'There is no great disagreement here, Piso', I said. 'There is only one thing that makes me deny the possibility of perception, and that is the Stoics' definition of the faculty. They claim that nothing can be perceived except that which is true and could not be false. So it is with the Stoics that disagreement arises, with the Peripatetics evidently not."

²²⁵ In fact, Cicero also uses Carneades' division in order to refute the Stoic 'consequences' at *Fin.* 4.49-50. Here the division itself does not have exceptional features; it corresponds exactly to the one explicated by Cato in *Fin.* 3.30-1. The passage includes some examples: the advocates of *honestas*, such as Pyrrho, Ariston, and also Aristotle and Xenocrates get special treatment; then come three simple ends (those of Epicurus, Hieronymus and Carneades); finally, the combined ends (those of Calliphon and Diodorus). The argument is based on the claim that different schools have different assumptions; thus they do not have to share Stoic assumptions. But there is no way that the Stoic syllogism can persuade them to accept Stoic assumptions. This argument aims to show that the Stoic conception of *telos* cannot be universally accepted and that it is impossible to force them to admit Stoic consequences. This argument employs basically the same sceptical strategy as that of *Lucullus*. The division is introduced to show that the dogmatic theories do not have a common basis which enables us to settle the discrepancies. Here, Cicero only highlights the equipollence of the arguments between various ethical theories. So the completeness of the division is not crucial.

students, Erillus and Aristo, disagreed with Zeno. But Cicero does not only emphasize the multiplicity of doctrines. He is also interested in the question whether any theory on ethical ends has been abandoned or is still defended by someone. It is remarkable that this version gives the fullest list of the abandoned views on ethical ends. Cicero presents the ethical views as divided into two broad groups. One group is composed of the theories which are no longer held. These theories can be divided further: one group includes Erillus, the Megarian school (beginning from Xenophanes, through the Eleatics and up to Euclides), the Eretrians, and the Elians; the other group includes Aristo and Pyrrho.²²⁶ The reason for the distinction drawn within the abandoned views is not explicitly stated. The views of the remaining group, which is said to have been supported forcefully for a long time, are those presented in Carneades' division.

Thus, we can see that the overall grouping depends on the relative persistence of a certain view: if it is defended for a longer time, it is treated as more persuasive than one which has been abandoned. Thus, (a) Cicero begins the discussion by leaving out the views that 'seem now abandoned' (*relicta iam videntur*); (b) he expresses less contempt for Aristo and Pyrrho (*minus despicere debemus*); (c) finally, Carneades' division is reviewed, with Cicero's positive evaluation of the ends that 'have been defended strongly enough to endure' (*quae diu multumque defensa sunt*). These latter views are the usual seven views that have been defended strongly enough to endure.²²⁷ The durability of any theory through time seems to be taken as a sign of its persuasiveness.

Cicero does not deny the possibility of finding out the truth.²²⁸ The truth of any claim is regarded as consisting in agreement, that is, it depends on whether it is agreed or not.²²⁹ When a view is agreed, Cicero may allow it to be persuasive.²³⁰ As just noted, the grouping he adopts here seems to imply a difference in degree of persuasiveness between the views still maintained and

²²⁶ Ac. 2.129-30. Lévy (1992) 337 suggests that the first group is marked by strong, Platonic-style, claims in ontology and epistemology. The other group includes Aristo, defender of absolute indifference regarding everything that was not the moral good (virtue), and Pyrrho.

²²⁷ Ac. 2.130.

²²⁸ Ac. 2.119: 'Perhaps these doctrines are true (note her that I allow that there are truths (*fateri aliquid esse veri*)); I still do not accept that they are apprehended.'

²²⁹ For the emphasis on Platonic belief that the disagreement signifies the incompleteness or error, and that the search should be pursued as long as it exists, see Lévy (1992) 337.

²³⁰ Ac. 2.135.

those abandoned. This is why the abandoned views are not seriously treated in *De Finibus*, and are not examined philosophically; and that is why it is agreed by both Cicero and Cato in *Fin.* 3 and 4 that Aristo's view cannot be maintained. I suggest that Cicero uses this division in *Lucullus*, not only to refute certain positions, but also to show that there are, indeed, a number of persuasive views (those which have not been abandoned).

At this point in the discussion, at *Ac.* 2.129-41, the strong notion of the apprehensible impression has already been replaced by Cicero with the moderate criterion of the persuasive impression, which is the dominant criterion in the previous part of *Academica*.²³¹ At this part, however, it is not certain whether, among the defensible views, we can actually find *degrees* of persuasiveness. These (in principle) persuasive views can all be supported and criticized by rational argument. Even if there is genuine agreement or disagreement between competing views, each of the views has something plausible in them. Cicero's famous remark ('I am torn, sometimes Zeno's view seems more persuasive to me, sometimes Antiochus') implies that he feels both of them as persuasive at least at that time – thus he is sometimes attracted to both.²³² Moreover, even the ethical end of the Epicureans, that is, pleasure, though blameworthy and disgraceful, enables people to understand what virtue is. Thus the basis for persuasiveness of each defensible view needs to be examined further.

In the next chapter, I will pay close attention to the possible connection between the criterion of the persuasiveness of impressions and the various uses of the Carneadean division in Cicero's works. We will see that the division can be used for various purposes, especially as a critical tool to test the plausibility of any theory, with a view to confirming that any one ethical view is more probable than others. I will focus mainly on the criteria used for eliminating opposing views. The characters in the dialogues do not only enumerate various views in the division, but also regroup the items to make them suit their purposes, that is, either attacking Epicureanism or defending Stoic or Antiochean position. So understood, *De Finibus* could be considered a more constructive work than we might initially suppose, as I will explain in succeeding chapters.

²³¹ For the structure of the discussion in *Lucullus*, see 2.3 above.

²³² *Ac.* 2.134.

Chapter 4

Cicero's Criticism of Epicurean Ethics in *Fin.* 1-2

In terms of degree of persuasiveness, *De Finibus* may serve as a counter-example. The three dialogues of *De Finibus* present the arguments for and against a given theory. The three dialogues take essentially the same form: Cicero refutes each view by giving the reason why none of them can be reasonably maintained.

First of all, a pair of ethical ends – pleasure and virtue – is introduced and thoroughly discussed. In the first book, Torquatus, an advocate of Epicureanism, gives an account of Epicurean ethics, beginning from its ethical end, pleasure. In the second book, Cicero himself criticises Torquatus' exposition point by point; Cicero states that pleasure is not consistently defined, nor does it consistently explain other ethical notions, such as virtue.

Secondly, the competition between Stoic and Antiochean ethics becomes the main focus of interest. The main debate on this topic is presented in books 3 to 5, in which Stoic ethics is contrasted to Antiochus' hybrid version of Aristotelian ethics. In the third book, Cato expounds Stoic ethics; and Cicero attacks him from an Antiochean standpoint in the fourth book, on the ground that the Stoic ethical end cannot be clearly defined or properly defended since their position can be resolved either into that of Aristotle or that of Aristo. In turn, in the last book, Cicero points out the inconsistency of the Antiochean position on behalf of the Stoics: it is suggested that Antiochus cannot explain or defend his theory comprehensively and consistently. Thus Cicero ends *De Finibus*, without giving us his final thoughts on the question which ethical theory is most plausible.

Although Cicero does not state a final decision about whether any of the theories can meet all his requirements, there are some clear indications of degrees of plausibility. The Epicurean theory is treated as the least credible. By contrast, the two other theories (i.e. those of the Stoics and Antiochus) are at least effectively manipulated by Cicero. This difference in presentation is compatible with the fact that Cicero does not make any concluding judgement. Since the dramatic elements of the books serve as an integral part of the overall

dialectical framework, we should not neglect Cicero's apparent support for specific positions. Cicero's occasional expression of commitment to a certain position should be considered as serious. This is not only because the attitude of Cicero as persona is so evident that we cannot fail to give some weight to his commitments. It is also because we find in the work the statement of some rational ground why each position deserves to be argued against and why some of them, nevertheless, can be strongly defended. In this chapter and the two following ones, I will examine each criticism of Cicero in *De Finibus* in detail, in order to see whether we can find certain conditions specified for any theory to be rationally accepted.

In this chapter, I mainly focus on one case in which Cicero himself employs Carneades' division in a rather constructive way. I suggest that Cicero uses the division in *Fin.* 2.34-44 in such a way that we can see the requirements for any view to be rationally accepted. Here, in order to expose the inadequacy of the Epicurean ethical end, he not only shows the inadequacy of pleasure as an ethical end, but also proves the superiority of virtue over pleasure.

I will first examine the positive uses of Carneades' division in *Fin.* 3 and 5. In these cases, Cicero's opponents make use of the division not just for the purpose of refuting the opponents, but also for securing their own position. I will then examine Epicurean ethics, as presented by Torquatus in *Fin.* 1, highlighting the ways in which Epicurus modifies the standard notion of pleasure. In the following two sections, Cicero's criticism in *Fin.* 2 will be analysed in order to determine the assumptions which he makes in his argument. Finally, I will show that Cicero makes explicit the requirements for any view to be regarded as persuasive in the debate on the ethical end. Also, I hope to clarify the question how his fundamentally sceptical approach can leave room for accepting the more reasonable view or views.

1. Positive Use of Carneades' Division in *De Finibus*

The supposedly original use of the division by Carneades, which we considered in Chapter 3, is clearly contrasted to the use of similar divisions in *Fin.* 3 and

5.²³³ In these latter cases, Cicero's opponents make use of it in a committed way. In other words, the division is introduced not just for the purpose of refuting opponents; it serves as an effective means to defend one's own position by eliminating all other competing views. Thus, the division can be understood as being deployed in a Chrysippean way. For example, Cato tries to establish the Stoic view as the most preferable at *Fin.* 3.30-1. Likewise, Piso demonstrates the superiority of the old Academic notion of the *telos* at *Fin.* 5.16-23. Thus, the characters in *De Finibus* apply Carneades' division to support their own views. The arguments in both cases help us to see how the division can be used positively.

At the beginning of *Fin.* 3, Cicero and the Stoic spokesperson Cato discuss the issue whether the Stoics are only verbally different from the Peripatetics. The introductory scene reveals the famous dilemma often used to criticize the Stoic position. On the one hand, if nothing is good except virtue, the Stoics make everything equal and collapse all distinctions between alternatives, as Pyrrho or Aristo do. On the other hand, if they try to avoid this consequence, there would be no difference between the Stoics and the Peripatetics. In the following account of the Stoic theory, Cato tries to resolve this dilemma by adopting two argumentative strategies. First, he gives an explication of the theory based on the developmental scheme of *oikeiōsis*, and from this he derives virtue as the end, in a way that constitutes a crucial point of difference from the Peripatetic ethical end.²³⁴ The second strategy is to defend the Stoic ethical theory by refuting the rival theories.²³⁵ Cato first attacks the views which exclude virtue and support pleasure and utility (3.36-40); then, he attacks the combined views, especially the Peripatetics (3.41-50); finally, he distinguishes the mainstream Stoic view from the excessively intellectualist view of virtue held

²³³ Annas (2007) observed that we can distinguish two ways in which the division is used in Cicero's works. In the first kind of use, it is employed in what can be reasonably regarded as a form of sceptical argument, as in *Lucullus*, *Tusc.* 5, and most of the cases in *De Finibus*. By contrast, the use in *Fin.* 5 is exceptional, in that all the theories are classified but only one is eliminated. In this second use, the user of the argument appears committed to, rather than sceptically detached from, the favoured one, i.e. the theory of the Peripatetics in this case. She suggests that the committed use of the division in Antiochus and Archytas shows the degeneration of the division from its original use in sceptical argument to its use as a doxographical list. I agree with Annas on the distinction between the two uses of the division in Cicero's works, but I also think that the use of the division in *Fin.* 3 should be characterized as 'committed'. The only difference between *Fin.* 5 and 3 lies in the fact that the claim made in the latter case is briefly refuted by Cicero in *Fin.* 4.49-50.

²³⁴ *Fin.* 3.16-29

²³⁵ For a detailed analysis of this part of the argument, see Chapter 5 below.

by Erillus and Aristo, by introducing the Stoic principle of evaluative ranking (3.50-7). Thus, he attacks and eliminates all other views by following the outline set up in the division. It is in this context that Cato introduces the ethical division.²³⁶

This division is Carneadean in its form. It gives a *comprehensive* list of possible views, including typical Carneadean elements: the notion of 'primary natural things' is treated as one of the single ends, and other abandoned views, such as those of Erillus and Aristo, are included. Moreover, it is more *systematically* arranged than we saw in Chrysippus' division. Cato applies the criterion, that is, *honestas*, to all the ethical theories in a systematic way.²³⁷ The philosophers in the first group locate the supreme good in the mind and in virtue (*summum bonum in animo ponent*); the second group contains the three views without virtue; the third group includes the three views combined with virtue.²³⁸ Here the systematic and logical application of the criterion guarantees the comprehensiveness of the division.

However, Carneades' division in this passage is used in a Chrysippean way. Cato eliminates all other ethical views according to the following sequence: the final end should not (i) exclude virtue; (ii) include some further good; or (iii) neglect the notion of choice. By reference to (i) and (ii), he rejects three single ends and three combined ends. Thus, he prefers the philosophers of the first group, who locate the supreme good in the mind and virtue, over the other two groups. But, by (iii), he also differentiates the Stoics from the other philosophers of the first group. Thus he refutes the excessively intellectualist view of Erillus and the 'indifferentist' view of Aristo. He finally rejects the New Academic view, which resists the force of appearances and resolutely withholds assent from them, on the ground that practical reason will be completely abolished without the notion of choice. What remains (*relinquitur*) is the Stoic ethical end, that is, that the supreme good is 'to live applying one's knowledge of the natural order,

²³⁶ *Fin.* 3.30-1

²³⁷ Lévy (1992) says that this division is based on that of Chrysippus in its emphasis on *honestas*. This view presupposes that Carneades' original division includes only six single ends. However, as noted in the first section, I believe that the original version already contained the combined views, though the inclusion of them might have been influenced by Chrysippus to some extent.

²³⁸ The views belonging to this first group are not clearly indicated. But this group most probably embraces, in addition to the Stoics themselves, the intellectualist view of Erillus and Aristo's view that all things are indifferent. Cato mentions that 'some of these philosophers' views are flawed,' and criticizes Erillus and Aristo in the next passage.

selecting (*seligentem*) what accords with nature, and rejecting (*reicientem*) what is contrary'. In this way, by adopting the division and following the elimination procedure, the Stoic view is shown to be the only ethical theory which can be reasonably maintained.

Another example of the committed use of Carneades' division is found at *Fin.* 5.16-23. Here, Piso commits himself to the theory which he develops in the book, that is, the ethical view of the Peripatetics, as one might reasonably expect from his Antiochean position. This way of using the division is not essentially different from the previous case in *Fin.* 3, but there are some points to notice. In the division in *Fin.* 5, we have already seen how it can form part of an anti-Stoic argument in its original Carneadean usage. Here, Piso employs the same Carneadean anti-Stoic argument in order to remove the Stoic position from the discussion. Piso removes the three single ends by the same argument: 'any position on the supreme good, which leaves out virtue, has no place in its theory for duty, virtue or friendship.'²³⁹ But, regarding the combined views, rather than emphasizing the sufficiency of virtue for the happy life, he only stresses the debased nature of the idea that pleasure and freedom from pain constitute the ethical end. Consequently, Piso removes only two other views (those combining virtue with either pleasure or freedom from pain) and immunizes the Peripatetic view from this criticism. Moreover, the abandoned views, such as those of Democritus, Pyrrho, Aristo, and Erillus, are treated without respect, compared to Cato's favourable attitude to them. They are completely excluded from the discussion, on the basis that they are 'long discredited and discarded' and thus not worthy of application. Hence, the only remaining view is that of the Peripatetics. Here Carneades' division is used in a committed way, but this time with the help of a Carneadean anti-Stoic argument.

When Carneades' division is used in a committed way to defend one's own theory, the completeness of the division, which is one of the essential features of Carneades' division, is crucial for securing one's own view. We can see that the confirmation of the truth works only when the division is systematic and comprehensive.²⁴⁰ In the *reductio* used by Chrysippus, the comprehensiveness of the list does not seem to be absolutely necessary: the most important thing is

²³⁹ *Fin.* 5.21.

²⁴⁰ In *Fin.* 5, Piso defends his position by saying that 'there could not be more than three; since there is no possible view apart from these, the theory of the ancients must prevail.'

the final trichotomy or dichotomy; and the final opponent must be easily outweighed by the view defended.²⁴¹ When Carneades' division began to be used for some Chrysippean purposes, it seems to have become more important that the division gives a comprehensive and systematic list of all possible and defensible theories. The division is organized according to a certain criterion, which provides a closed set of views both comprehensively and systematically. When it is presented in a more systematic and logical way, the division confirms the truth of any given view by expressing commitment to this view distinguished from all the others. The division gives an exhaustive list of possible views, and so confirms the truth of the view defended by definitely eliminating the other views.

One might think, however, that these applications of Carneades' division do not have much to do with Cicero's own philosophical position, since the division is used by his dogmatic opponents, not by Cicero's persona. It should be noticed that the division may already have been exploited by the Stoics or Antiochus in that way, and so Cicero's contribution to these applications may be very limited. Therefore, these cases may provide evidence only for the views involved. It is not certain to what extent Cicero detached the division from its original context. I believe that it is Cicero himself who applied the division to the various contexts in which it is introduced in his works. However, there always remains doubt whether the division is used in a Ciceronian way or not. Thus, I prefer to focus on a case where I think we can say that Cicero himself uses the division in a positive way, that is, the division in *Fin.* 2.34-44.

2. Structure of Books 1 and 2

We have no reason to doubt Cicero's sincerity in the following statement: 'you will discover that the exposition given by me is no less accurate than that given by the school's own proponents; for we wish to find the truth, not refute anyone adversarially.'²⁴² Thus, we can conclude that his report is not intentionally distorting, unless we are sure that he is inspired by an antagonistic feeling towards, or genuine misunderstanding of, the Epicurean position.

²⁴¹ See also Algra (1997) 109-120.

²⁴² *Fin.* 1.13. See also Woolf (2009) 172, n. 23.

While his report may not be intentionally distorting, however, it remains true that he may select and rearrange Epicurean material for his dialectical purposes. It is not a matter of the fairness of his evaluation; he does not force his assessment on the readers.²⁴³ It is rather a matter of principle or procedure in his philosophical writings: he does not aim to be a mere translator. While reporting the doctrines as they are, he 'contributes his own judgement and order of composition', although what he means by contribution is open to debate.²⁴⁴ I suggest that Torquatus' account in *Fin.* 1 is arranged essentially as a response to the following programmatic speech made by Cicero on Epicurean ethics:²⁴⁵

He [Epicurus] gives pride of place to what he claims nature herself ordains and approves, namely pleasure and pain. For him these explain our every act of pursuit and avoidance. This view is also held by Aristippus, and the Cyrenaics defend it in a better and franker way (*melius liberiusque*) than Epicurus does; but I judge it to be the sort of position that seems utterly unworthy of a human being. Nature has created and shaped us for better things, or so it seems to me (*ut mihi quidem videtur*).

The above criticism presents Cicero's viewpoint on Epicurean ethics, which remains unchanged throughout the dialogue. Most of all, he maintains that pleasure is not an appropriate ethical end for human beings: we are meant to be adapted to a better goal, instead of pursuing pleasure. This claim is justified by presenting the examples of eminent Romans who performed their duties in a courageous and just way by enduring pain and renouncing pleasure. He also claims that no hedonist theory will explain a number of intellectual activities characteristic of advanced human activity, such as reading literature, history, science and poetry.

Although these counter-examples can be directed at any hedonist theory including that of Aristippus and the Cyrenaics, the problem becomes more serious for Epicurus. This is because Epicurus, in spite of his hedonistic stance, also made the contradictory claim that there is no pleasure without performing

²⁴³ Cicero claims that he does not assert his own view (*Fin.* 1.23). Rather, he says that he is in principle willing to agree with the Epicureans (*Fin.* 1.27).

²⁴⁴ *Fin.* 1.4-10. See 1.2 above.

²⁴⁵ *Fin.* 1.23.

right and moral actions.²⁴⁶ Therefore, Cicero offers another criticism, namely, that the theories of Aristippus and the Cyrenaics are better than the Epicurean view, since the former set out their ethical end in a 'better and franker way'. At first sight, this statement runs counter to the widely held assumption that Epicurus improves and refines the ethical doctrines of his predecessors.²⁴⁷ We find a similar criticism in Cicero's attack on Epicurean physics: Epicurus derives the main ideas of his physics from Democritus and changes almost nothing.²⁴⁸ Such a criticism, based on the idea that being derivative is a philosophical defect, is often adopted by Cicero.²⁴⁹ But he does not criticize someone merely for deriving ideas from the predecessors. He acknowledges that many philosophers wrote on topics which have already been covered by their predecessors. He considers their efforts favourably, and even as a model for his writing philosophical dialogues in Latin.²⁵⁰ Moreover, the adoption of existing ideas can even be preferred if the adoption involves some genuine innovation.²⁵¹ Thus, in the case of Epicurean ethics, his point is not Epicurus' lack of originality, but that Epicurus took over the ideas without any improvement.

In what respect does Cicero consider that the Cyrenaic theory may be better than that of Epicurus? Cicero's response to Torquatus' account in *Fin.* 2 makes this point clear. This anti-Epicurean argument can be divided into three parts.

- (1) The ambiguity of the Epicurean notion of pleasure (2.5-34)
[Introduction of Carneades' division (2.34-44)]
- (2) Virtues are sought for their own sake (2.45-85)
- (3) The Epicurean wise man cannot always be happy (2.86-119)

Cicero's speech follows essentially the same sequence as Torquatus' exposition of Epicurus does. In this outline, however, the introduction of

²⁴⁶ For Epicurus' claim that there is no pleasure without living virtuously, see the following section.

²⁴⁷ See also D.L. x.136-7. On the Cyrenaics, see Long (1999) 632-9; Annas (1993) 227-36.

²⁴⁸ *Fin.* 1.17-26. This is also clearly indicated in the subsequent remarks of Triarius: 'Whatever he tried to improve, he made worse... When he called pleasure the highest good, this firstly showed a lack of insight, and secondly was also derivative (*Fin.* 1.26)'.

²⁴⁹ Cicero also makes similar criticisms of the Stoics in *Fin.* 4. See further 5.3 below.

²⁵⁰ *Fin.* 1.6.

²⁵¹ As we will see in subsequent chapters, he does not neglect the possibility of genuine improvement, as in the case of Panaetius' modification of Stoic ethics (*Fin.* 4.79).

Carneades' division is noticeable, since systematic comparison of Epicurus with other philosophers does not appear in Torquatus' speech. We will see in my final section that *Fin.* 2.34-44 is crucial for understanding Cicero's perspective in *De Finibus* as a whole. Here I will look briefly at the points of criticism offered at this passage.

Epicurean ethics is criticized by comparison with other positions in three different passages at *Fin.* 2.34-44. In the first passage, Epicurus is blamed for inconsistency: 'all these thinkers except Epicurus were self-consistent, their ultimate goods coinciding with their first principles.'²⁵² The point is that Epicurus conflates two different states, namely, actual pleasure and freedom from pain. This problem is highlighted and discussed thoroughly by Cicero in section (1), i.e. 2.5-34, both in Socratic-style dialogue and in continuous exposition.²⁵³ Here Epicurean pleasure turns out to fall on one or the other side of the dilemma between pleasure and freedom from pain.

In the second passage, Cicero attacks Epicurean empiricism, which is the foundation of the presentation of pleasure as the good.²⁵⁴ He says that reason on its own, assisted by wisdom and by virtues, is able to teach sound judgment: 'reason shall deliver its first decision: there is no place for pleasure either to claim sole occupancy of the throne of the supreme good that we are investigating, or even to sit side by side with morality.' This is the main point of discussion in (2), i.e. 2.45-85. If it can be shown that virtuous actions were performed for their own sake, Epicurus cannot consistently explain them by reference to pleasure.²⁵⁵ For this reason, the theories which praise pleasure or freedom from pain, or which do not allow the importance of virtue, should be eliminated. Thus, only the Peripatetics and the Stoics, who claim that virtuous actions should be sought for their own sake, are left as credible candidates.²⁵⁶

Finally, these two points are confirmed at *Fin.* 2.43-4. After surveying the disadvantages of the other candidates, Cicero says that 'there remains your [Torquatus'] position' (*restatis igitur vos*). He considers Epicurus as trickier (*plus est negoti*) for two reasons. First, his account of pleasure consists of a

²⁵² *Fin.* 2.35.

²⁵³ *Fin.* 2.8-17 and 18-30. This difficulty is also highlighted briefly in *Fin.* 3.2.

²⁵⁴ *Fin.* 2.36-8.

²⁵⁵ *Fin.* 2.71: 'It is impossible, therefore, to defend or uphold virtue if everything is to be regulated by pleasure. One ought not to be regarded as good and just if one refrains from wrongdoing merely to avoid suffering harm.'

²⁵⁶ *Fin.* 2.68.

combination of two different kinds of pleasure. Second, he has great influence with the general public (as well as his friends and followers), since they believe that they can perform noble deeds while also following the doctrines of Epicurus.²⁵⁷ These two criticisms, which had been already offered before, are now reiterated.

In the light of these points, *Fin.* 2.34-44 shows clearly two features of Cicero's criticism of Epicurus. Firstly, it is not possible that any hedonist, including Epicurus, can give an adequate explanation of the highest human activities, especially virtuous actions. These hedonists simply do not include these activities in their theories, or they include them only in the sense that they present these activities as pursued for the sake of pleasure. Secondly, Epicurus rendered other hedonists' theories even less consistent by merging two kinds of pleasure, namely, actual pleasure and freedom from pain. These two points are the same as those in Cicero's initial programmatic speech. Therefore, the reason why the Cyrenaics are presented as better than Epicurus is now clear. Epicurus combines two different kinds of pleasure in order to improve the Cyrenaic theory. But his attempt makes the position even worse and less consistent.

Therefore, the first dialogue in *Fin.* 1 and 2 is designed to show that pleasure cannot constitute an appropriate candidate for the ethical goal, in spite of Epicurus' effort to embrace conventional morality in his hedonism by transforming vulgar hedonism into a form more suitable for the eudaimonistic approach of ancient Greek ethics. The question in (3), 2.86-119, whether the wise man can always live happily, is not clearly linked with Carneades' division. Cicero treats it as an additional question.²⁵⁸ But this question becomes more important in *Fin.* 3-5, where he debates with the Stoics and the Peripatetics about the sufficiency of virtue for a happy life, as we will see in chapters 5 and 6. In this chapter, I will mainly examine the two parts of book 2, i.e. (1) and (2). In the next section, I will show how Cicero the author constructs Torquatus'

²⁵⁷ The second reason is certainly related to a false belief held by the followers of Epicurus. They also believe that happiness consists in performing right and moral actions for their own sake and that they can perform these actions despite their pursuing pleasure.

²⁵⁸ *Fin.* 2.85: 'There is nothing much to add. Still, in case it should look like I have failed to respond to all your arguments, I shall make some brief comments on the rest of your exposition.' Then, the rest of *Fin.* 2 deals with the question of the sufficiency of pleasure for a happy life. Cicero's main question is whether pleasure, mainly understood as mental pleasure (although based on physical pleasure), can provide a sufficient basis for a happy life.

speech in *Fin.* 1 in response to the two criticisms presented above. In the following two sections, these two points, which are concerned with Epicurus rather than other hedonists, will be examined.

3. Torquatus' Account of Epicurean Ethics

As we have just seen, the main question raised by Cicero is whether Epicurus can solve the following question. If every human action is explained by reference to the pursuit of pleasure or avoidance of pain, why do people sometimes choose to do some actions which do not appear to aim at pleasure, but rather bring great pains? Why did their forebears, for example, endure any pain and set aside pleasure in performing noble deeds? What conception of pleasure can offer a complete explanation of human goods, including virtuous actions? I will describe Torquatus' answer to this question as expressed in his speech. Since I am focusing on Cicero's criticism in *Fin.* 2, my summary of Torquatus' speech is necessarily selective.

(i) Torquatus begins his account from the formula which all philosophers agree on: the ultimate good is such that 'everything else is a means to it (*ad id omnia referri oporteat*), while it is not itself a means to anything' (*ipsum autem nusquam*) (29).²⁵⁹ Epicurus regards pleasure as the final good (30). Why does he consider that the ethical end can be nothing other than pleasure? Torquatus offers an argument in favour of the goodness of pleasure: 'every animal as soon as it is born seeks pleasure and rejoices in it, while shunning pain as the highest evil and avoiding it as much as possible.'²⁶⁰ This argument assumes that the goodness of pleasure is immediately revealed by perception. Two features of this epistemic certainty about the goodness of pleasure and the badness of pain are important. Firstly, Epicurus seems to believe that, without an epistemologically based claim about the priority of pleasure, the argument will end in infinite regress. The directly and evidently perceived nature of pleasure needs no further proof in its favour; it is clear and reliable as long as it is drawn directly from experience. Another feature is that the behaviour of pre-rational creatures is not contaminated by our false beliefs. This behaviour is

²⁵⁹ This formula reappears in many other places, especially in connection with virtue at *Fin.* 1.42.

²⁶⁰ *Fin.* 1.30. For Epicurus' original notion of what is called 'cradle argument', see Brunschwig (1986) 115-28.

said to 'have not yet been corrupted, when nature's judgement is pure and whole'. Their feelings are also neither perverted nor corrupted, just as the testimony of the senses is uncorrupted and untainted. Thus, the behaviour of an infant or animal can be used as a reference-point to determine the natural human good and as the basis for any demonstration.

The epistemic certainty that pleasure is the goal constitutes the basis of Torquatus' answer to Cicero's claim that the noble deeds of their forebears can be adduced as proof of the innate goodness of virtue. Torquatus believes that those who place the highest good only in virtue are deceived by the grandeur of the name. The abnormality of the choice of pain instead of pleasure constitutes a mistake by those who do not know how to seek pleasure 'rationally' (*ratione*). Sometimes it is natural that pleasure should not be chosen, when other, greater pleasures can be achieved; for example, when people do hard bodily exercise in order to be healthy. In this way, Torquatus includes in his account a rational element, the so-called hedonic calculus (32-6). On this basis, he explains the noble deeds of distinguished people: they endured pain for the sake of avoiding greater pain, and condemned pleasure for the sake of attaining greater pleasure. Although future pleasure can be considered not as constituting pleasure in itself but as imposed by reason (*ratio*), Torquatus still emphasizes the naturalness of this calculation by these examples. Thus, pleasure is something which is not only instinctively pursued by the pre-rational creature, but is also naturally followed by the wise person, who knows how to calculate the consequences of selecting pleasures and pains. This rational aspect can explain the exceptional choice of pain instead of pleasure. Hence, although Epicurean ethics begins from the behaviour of the child or animal, it can also explain that of adult human beings.

Torquatus presents the foundation of the hedonic calculus as being pleasure as such (37-9). On the basis of this calculus, pursuit of pleasure and avoidance of pain can be regarded as interchangeable. Whoever is conscious of his own feelings to any degree must be in a state either of pleasure or of pain to that extent: 'everything in which one takes delight is pleasure, just as pain is everything that distresses.' We normally consider pleasure as a positive feeling which 'stirs our nature with its sweetness and produces agreeable sensations in us'. But we also take the feeling of removal of pain as pleasure. When food and

drink rid us of hunger and thirst, for example, we take delight in that release from hunger and thirst. From this equation of pleasure and freedom from pain, it is claimed that there is no half-way state between pain and pleasure. Rather, what is usually considered as the half-way state, namely, the state of not being in pain, is presented as the greatest pleasure. How can the freedom from all pain be considered as the greatest pleasure? The answer to this question is not explicitly offered by Torquatus. He may simply believe that this notion of pleasure can be derived from the hedonic calculus. When we are freed from pain, each removal of distress brings about pleasure in consequence. Therefore, the amount of pleasure which we take in that release can be measured by that of the pain removed. When there remains no pain to be removed, the amount of pleasure cannot be increased any more. Therefore, the greatest pleasure would be that which we get when all pains are removed. This answer sounds rather simplistic and counterintuitive. If this line of thought is in Epicurus' mind, this absence of all pain constitutes the upper limit of pleasure. Beyond that limit, pleasure cannot be increased or expanded. It can only be varied. This highest pleasure is called *ataraxia* or *aponia*, that is, freedom from disturbance in the mind and freedom from fear in the body.

The notion that freedom from all pain is the greatest pleasure makes it easier for Epicurus to apply a limit to pleasure of a kind which is not readily permitted in the Cyrenaic type of pleasure. Epicurus sets a limit on pleasure by appealing to nature (45). This natural limit of pleasure lies at the heart of the Epicurean project to transform vulgar hedonism.²⁶¹ He classifies three types of pleasure: natural and necessary; natural but not necessary; and neither natural nor necessary (or 'empty'). Nature requires us to meet only the minimum demands of life, such as subsistence, security, and good health. Moreover, nature always provides us with the resources sufficient to meet the minimum demands for a happy life. Thus natural desires are easily satisfied without much effort or cost.

In Torquatus' account, the virtues need to be understood by reference to this notion of pleasure (42-54). Virtues themselves have no other purpose than to lead us to pleasure and virtuous actions are subject to the deliberate calculation

²⁶¹ The importance of 'nature' is underlined in many places of Torquatus' speech. He claims, for example, that Epicurean theory is 'clearer and more brilliant than the sun, if it is all drawn from the fount of nature' (*Fin.* 1.71). For him, 'Epicurus heard nature's own voice and comprehended it with such power and depth that he has managed to lead all those of sound mind along the path to a life of peace, calm, tranquillity and happiness.'

of utility, security, or advantage. Wisdom leads us to pleasure by understanding our natural requirements and restraining our empty desires in line with the limit set by nature: 'wisdom alone will free us from the onrush of appetite and the chill of fear... to bear the slings of fortune lightly, and show us all the paths that lead to tranquillity and peace' (43-6). Likewise, temperance 'brings our hearts peace and soothes and softens them with a kind of harmony' and 'bids us follow reason in the things we seek and avoid' (47-8). Courage helps us to overcome fear of death and superstition (49). Justice calms the spirit through its own power and nature; and it also offers hope that 'none of the resources which an uncorrupted nature requires will be lacking' (50). In this line of thought, dishonesty is to be avoided not only because of its evil consequences, but also because it frees us from fear and anxiety. In this way, noble things are praised for the advantages which they bring about. Therefore, Epicurus claims that virtues consist in living pleasantly. If he can prove that even the virtues, which other philosophers consider as worth pursuing for their own sake, have no purpose other than pleasure, there is nothing else, which is pursued for its own sake. Therefore, pleasure must be the highest of all goods (54).

With these points established, Epicurus claims to be able to meet the requirements for an ethical end to be complete and self-sufficient (55-64).²⁶² Many people still doubt whether pleasure is sufficient to guarantee a happy life. In response to this challenge, he explains the mechanism of how pleasure and pain are brought about (55).²⁶³ The mechanism centres on mental pleasures and pains, although these are also based on bodily pleasure and pain.²⁶⁴ But the former have greater power than the latter. For, in the case of the body, all we can feel is what is actually now present. With the mind, both the past and future can affect us by remembering and anticipating past and future feeling. Mental pleasure plays an important role in reducing bodily pain and thus achieving *ataraxia*. Therefore mental pleasures or pains have greater influence on the happiness of our life than bodily ones.

²⁶² For these formal constraints on the highest good, as widely accepted in Hellenistic ethics, see Annas (1993) 34-42.

²⁶³ The following account is closely linked with the Epicurean 'four-fold remedy' (*tetrapharmakos*), which consists of the first four *Key Doctrines*. See also *Fin.* 1.40.

²⁶⁴ *Fin.* 1.55: 'There is no possibility of mistake about them since they are caused by external objects and perceived by the senses. But sometimes error occurs when people are ignorant of the ways in which mental pleasure and pain are brought about.'

The influence of mental pleasures over the bodily state can explain an assumption often made in ancient ethical theory, namely that the wise man should always be happy. Epicurus offers a simple and direct way to enable us to achieve a completely happy life by pursuing pleasure: the wise man will relieve his present pain by being reminded of past pleasures, and will remove fear and anxiety by knowing that he need not worry about future evils, such as death and superstition, and that all bodily needs are easily met. The wise man is always happy since he sets his desires within the limits placed by nature. Thus the ways of gaining control over contingencies, by appealing to the normative role of nature, and by manipulating the influence of mental pleasure over the bodily state, are highly significant when it comes to achieving the self-sufficiency of pleasure for the happy life. The wise man does not wait for future successes; he enjoys present ones; chance hardly affects him; no more pleasure could be derived from a life of infinite span than from the life which we know is finite (62-3).

4. The Epicurean Dilemma

The first part of Cicero's speech in book 2, in response to Torquatus' presentation of Epicurean ethics in book 1, is concerned with Epicurus' lack of conceptual clarity, which is assumed to be a consequence of Epicurean empiricism.²⁶⁵ Cicero criticizes Epicurus for failing to provide proper methods to meet the requirements for philosophical inquiry. The main attack centres on Epicurus' neglect of dialectical procedure.²⁶⁶ Cicero describes dialectic as comprising a complete method 'for discerning the essence (*quid*) of each thing; for identifying its properties (*quale*); and for conducting arguments rationally and systematically (*ratione ac via disputandi*).' Epicurus is blamed for having no skill in making his case because he despises dialectic.²⁶⁷ Cicero's assessment of Epicurus is not entirely fair, since Epicurus is not ignorant of the importance of the methods of investigation. Torquatus promised that he would establish the

²⁶⁵ *Fin.* 2.5-27.

²⁶⁶ The deficiency of Epicurean dialectic is presented as due to his linguistic naturalism. See LS, vol. 1, p. 101: 'Epicurus is evidently worried that such an exercise will become an exclusively linguistic one, insulated from its real objects.'

²⁶⁷ *Fin.* 2.18. See also *Fin.* 1.22: 'He abolishes definitions. He teaches nothing about division and partition. He gives no advice on framing a deductive argument. He does not show how to solve sophisms or to distinguish ambiguous terms'

essence (*quid*) and quality (*quale*) of pleasure by following Epicurus' recommendation.²⁶⁸ By defining the essence and quality of the object of investigation, he aimed to give his account 'systematically and methodically (*ut ratione et via procedat oratio*).'²⁶⁹ Therefore, Epicurus and Cicero share the same concern with identifying the essence and properties of the objects under scrutiny and giving systematic accounts. Cicero himself also remembers that Torquatus sometimes offers definitions; he defines the highest good, for example, as 'that to which all right actions are a means, while it is not itself a means to anything else'.

But the situation is not the same in the case of pleasure. Epicurean theory was based on the epistemic certainty of sensation and feeling. Epicurus does not think that there is any need to define pleasure, since it is assumed that everyone already knows what pleasure is: 'who needs some definition to understand it better?'²⁶⁹ Cicero does not deny this. Rather, he claims that this is a self-evident and straightforward topic, widely familiar to the public. What puzzled him, he says, is the way Epicurus uses the term 'pleasure'. Epicurus uses this term most of the time in the same sense as everyone else. But he sometimes uses the same term to refer to absence of all pain. One may wonder whether or not Epicurus justifies this move. One possible line of argumentation can be reconstructed in the following way:²⁷⁰ (i) when we are freed from pain, we take delight in that very liberation (*liberatione*) and release from all that is distressing; (ii) Now everything in which one takes delight is a pleasure, just as everything that distresses us is a pain; (iii) And so the absence of all pain is rightly termed pleasure. The second sentence (ii), on the one hand, describes so-called kinetic pleasure, a kind of pleasure characterized by delightful motion perceived by the senses.²⁷¹ The pleasure experienced in drinking and removing a thirst would be a paradigmatic example of this kind, which is taken as universally agreed. On the other hand, the first sentence includes the ambiguous notion of pleasure: it can be used in a katastematic way, when it

²⁶⁸ *Fin.* 1.29.

²⁶⁹ *Fin.* 1.6.

²⁷⁰ *Fin.* 1.37. I follow the reconstruction by Warren (forthcoming): 'The opening words (*nam quoniam*) show that some sort of inference is being offered; and the impression that this is intended to be something along the lines of a formal argument is supported by the reuse of crucial terms in the premises and conclusion (*privamur/privatio* and *gaudemus*).'

²⁷¹ Torquatus himself does not use the terms 'kinetic' and 'katastematic'. The distinction comes from Cicero's criticism in *Fin.* 2.

consists in tranquility, that is, the state of absence of pain and disturbance; it can also be used in kinetic way, when it signifies the feeling of pain being removed. The key term, *liberatio*, can mean both the process of freeing something and the final state of having been freed. Depending on the meaning of this term, thus, the first sentence can be understood in two ways. If 'liberation' means a process of freeing from pain, the inference from (i) and (ii) to (iii) relies on an ambiguity in its central terms, and so (iii) would not follow. If liberation means the final state of having been freed, the first claim would be easily dismissed as implausible; it would certainly not be universally agreed that the resulting state of the absence of pain is pleasant. Therefore, this argument is invalid since it is based on an ambiguous use of the term *liberatio*.

Cicero states that it is not quite clear in what sense katastematic pleasure can be considered to be pleasure. We normally understand pleasure as some kind of motion or change occurring in being restored to health or in positive motion from an already pain-free state. But we do not seem to feel pleasure simply by not being thirsty, in any usual sense of 'pleasure'. Epicurus states that someone experiences pleasure, for example (a) when drinking when thirsty and also (b) when the thirst is quenched.²⁷² By contrast, Cicero simply does not understand the reason why these two states should take the same name, i.e. pleasure. He distinguishes sharply between two kinds of pleasure: the actual experience of pleasure and the state of painlessness. The former is universally accepted; and Cicero wins Torquatus' agreement that this is a case of pleasure in a proper sense. But he also makes Torquatus admit that the latter kind of pleasure belongs to 'a different kind', i.e. stable pleasure rather than pleasure in motion. If this is agreed, then Cicero claims that Epicurus uses the same word, pleasure, to denote two different states. By using the same term ambiguously, Epicurus becomes inconsistent in claiming both that the only good is pleasure in a proper sense and that the highest pleasure is the freedom of pain.

Another example of this problem is Epicurus' claim that, once all pain is removed, pleasure can only be varied (*variari*) in kind but not be increased.²⁷³ Pleasure is often said to involve 'variation' (*varietas*) in the sense that different things produce different pleasures. But if kinetic pleasure is varied, so that it produces (*faciat*) different effects, how does it fail to add anything to

²⁷² *Fin.* 2.9.

²⁷³ *Fin.* 2.10.

katastematic pleasure? Here Cicero adopts the ordinary meaning of 'variation' in order to make the Epicurean use of the term look inappropriate and absurd.

In this first part of Cicero's criticism on Epicurus, it is clear that his unsympathetic approach to Epicurus is based on his view that Epicurus uses the term 'pleasure' incorrectly. Cicero maintains that, no matter how hard we try to understand the Epicurean notion of pleasure, it is still difficult to make sense of it without substantially changing the way we understand the meaning of the term. As we have seen, by introducing the idea of katastematic pleasure, Epicurus drastically transforms a Cyrenaic type of hedonism into a more adequate theory, which can accommodate other features of eudaimonistic ethics, namely, the virtues. Cicero's challenge is directed at this revisionary tendency in Epicurean theory. The more Cicero emphasizes that the correct use of a name depends on its object, the more conventional his attitude tends to be regarding any revisionary attempt to re-examine common ethical intuitions. We will see that this tendency can be observed in other parts of *De Finibus*.

Cicero's insistence on drawing a sharp distinction between kinetic and katastematic pleasure is sometimes dismissed by scholars who seek to explain the relationship between them without referring to his reports.²⁷⁴ It is possible that he is not keen to recognize the subtlety of Epicurean thinking on this topic. The different shade of meaning between the Greek term *hedone* and the Latin term *voluptas* may not have caused a major problem in this regard, since Cicero is always proud of his mastery of both Latin and Greek.²⁷⁵ He may also not have lacked relevant information on Epicurus, since we know that he is proud of his familiarity with Epicurean ideas.²⁷⁶

²⁷⁴ See e.g. Gosling and Taylor (1981) 375-94. They point out that this distinction is prominent in Cicero while it is missing or mentioned in other sources only vaguely. Warren (forthcoming), on the other hand, argues that the question which Cicero raises is a genuine problem inherent in Epicureanism.

²⁷⁵ *Fin.* 2.15. Cicero understands both terms as precise equivalents in the sense that both terms refer to the sensual aspects of pleasure (see *Fin.* 2.13-14). Gosling and Taylor (1981: 384) state that the Latin term *voluptas* should not be treated as a proper equivalent of the Greek term *hedonē*, since the usages of the Greek word in some of the major Greek philosophers are restricted to the sensual aspects of pleasure.

²⁷⁶ *Fin.* 1.16. Cicero is also aware of the more refined version of Epicureanism in Philodemus (*Fin.* 1.16; 2.119).

5. Virtues Are Sought for Their Own Sake

Cicero and Epicurus assume the same general meaning of the highest good, namely, that it is a means to no other end, but rather is itself the final or overall end of all purposive action. The highest good for Epicurus is to live pleasantly, because pleasure is the only thing which should be sought for its own sake. Cicero raises the question whether Epicurus can consistently explain the virtues by reference to pleasure. If Cicero succeeds in demonstrating that the virtues should be pursued for their own sake, Epicurean pleasure cannot be presented as the ethical end.²⁷⁷ If he fails to refute Epicurus, by contrast, all virtuous actions must have only instrumental value. The question of the validity of Epicurean ethics is therefore of substantive importance for Cicero's enquiry in *De Finibus*.

While Epicurus seems to believe that the appeal to the natural impulse of seeking pleasure is sufficient to prove that virtuous actions should be performed for the sake of pleasure, Torquatus may recognize the need to offer arguments for the claim.²⁷⁸ There are people who believe that the virtues should be sought for their own sake and it is these that Torquatus aims to persuade.²⁷⁹ In this connection, we can find two possible arguments. The first presents navigation or medical science as a model for wisdom (*sapientia*). These practical arts aim at successful performance in steering a ship or bringing us good health. If we consider the art of living – wisdom – as the same type of art, its purpose should be also the attainment of some practical effect. He describes this practical effect as 'locating and obtaining pleasure'. This argument seems to be directed at the Stoics, since the model of wisdom as a practical, goal-directed, art, such as navigation (or medicine), is clearly rejected by the Stoics, who rather favour the paradigm of performing arts, such as acting or dancing.²⁸⁰ We also see that the

²⁷⁷ *Fin.* 2.45-85.

²⁷⁸ Cicero reports that there was a disagreement on this point among Epicurus' followers (*Fin.* 1.31). Some accepted that this truth is perceived straightforwardly by the senses, and therefore no further proof is needed. On the other hand, some of them tried to find another basis, such as the idea of *prolēpsis*, for the claim that pleasure is the ultimate good. Torquatus agrees with the people who claim that they need to defend their position by arguments. The arguments offered by the other Epicureans just noted are not recorded in any of our sources. However, Torquatus also begins by examining our *prolēpsis* i.e. the concept of pleasure that we are naturally disposed to form. The *prolēpsis*, the idea that we naturally form when we learn the meaning of a word by experience, can be analysed as a belief or a mental image.

²⁷⁹ *Fin.* 1.42.

²⁸⁰ *Fin.* 3.24.

Antiochean Piso presents the Stoics as 'aiming to achieve the things that are in accordance with nature, even if they cannot be won'.²⁸¹

The second argument is that 'those who place the highest good in virtue alone are caught by the splendour of a name and do not understand the demands of nature'. The point is that these people have no idea what virtues naturally are, because they are affected by the false belief that virtues are praiseworthy and desirable for their own sake. They can only know what the virtues are, when these produce a positive physical effect, that is, pleasure. Thus, an action is rendered right and praiseworthy, as long as it contributes to a life of pleasure.²⁸² This argument presupposes that knowledge only comes from experience and that what philosophers normally understand by the virtues is indeed deceptive. These assumptions form the foundation of Epicurean empiricism, which leads to the claim that virtues are only empty noises without reference to pleasure.

Cicero does not accept these arguments, because he believes that we already know much about what virtue is. He intends to establish that virtue is worth seeking for its own sake, as his formal definition of virtue shows: 'that which can justly be esteemed on its own account, independently of any utility, and of any reward or profit that may accrue'.²⁸³ His justification for the inherent goodness of virtue is mainly based on the common judgment of 'people in general' (*communi omnium*) and the aims and actions of 'the finest individuals' (*optimi*). People know that there are the qualities which are needed for a complete account of virtue, such as keen intellect, concern for others, desire for knowledge, order and restraint. But does Cicero's appeal to what people believe and say offer a sufficient ground for resolving this question? Why should we always adopt this aspect of conventional moral thought? Who are these people from whom we have to adopt this conception of virtue?

Cicero offers an answer to these questions by qualifying his claim. The reason for something being called virtuous is its own inherent character, about which there is strong agreement among people. This character must be understood by reference to the aims and actions of virtuous persons, who perform many great things solely for the reason that they are the decent, right

²⁸¹ *Fin.* 5.19.

²⁸² See also *Tusc.* 3.41-2: 'I [Epicurus] find no meaning (*nec... habeo quod intelligam*) which I can attach to what is termed good, if I take away from it the pleasures obtained by taste...'

²⁸³ *Fin.* 2.45-7.

and honourable thing to do. Next, some historical examples are presented in a rather rhetorical manner, in order to show that there must have been virtuous actions performed for their own sake, a fact which no one could deny.²⁸⁴ The actual practices of Roman society provide evidence of virtuous character, and even the crowd praises something as correct and praiseworthy because it recognizes this virtuous character.²⁸⁵ Thus, the notion of the virtuous character is based on the opinion of the better people who are already virtuous, rather than the general public. That is why Cicero blames Epicurus for appealing to the opinion of the general public.

What if we change the meaning of the virtues entirely, as Epicurus does? Cicero answers that the Epicurean version of the notion of virtues does not achieve its intended purpose.²⁸⁶ Epicurus defines justice, for example, as ‘the deterrents to wickedness, the torments of a guilty conscience, the fear of the punishment that wrongdoers either incur or dread incurring in the future’. Let us suppose that the person who is committing a crime does so sly or without conscience. In this case, he would not be deterred by the anxiety about getting caught, while he would get benefit from the very act. Epicurus’ modification of the idea of conventional virtues would thus give rise to opposite types of behaviour.

The more effective answer would be that Epicurus himself believes an action is virtuous by its own essence and nature.²⁸⁷ His famous claim that one cannot live pleasantly unless one lives virtuously implies that the meaning of ‘virtuously’ needs to be distinct from that of ‘pleasantly’; otherwise, this claim would be a meaningless tautology. When he proudly calls pleasure ‘honourable’, he seems to be attaching weight to the power of this word. In this respect, his notion of virtue is nothing other than what people normally consider as upright and praiseworthy in itself.

Do all these considerations justify Cicero’s claim that the virtues are sought for their own sake? They may still not persuade Epicurus to change his mind. For him, knowledge comes from direct experience perceived by the senses.

²⁸⁴ *Fin.* 2.65-7.

²⁸⁵ *Fin.* 2.74: ‘As for you, Torquatus, think of how it looks: a man of your name, talent and distinction who dare not reveal in a public forum the real object of his actions, plans and endeavours; the real motive behind all his strivings; his real view about the highest good in life!’

²⁸⁶ *Fin.* 2.53: ‘the deterrents to wickedness that you mentioned are really weak and feeble.’

²⁸⁷ *Fin.* 2.49-50.

Obviously the main interest of his ethics resides in his attempt to preserve traditional moral values as much as possible. But he must claim that this should be done without compromising the consistency of his theory. Thus, accepting traditional morality as it is runs the risk of undermining his ethics. On the other hand, Cicero suggests that our philosophical conception of virtue should be based on the sense that people in general give to it. The agreement among people about the nature of virtues provides a good indication of the plausibility of their view.

6. Cicero's Positive Use of Carneades' Division

Cicero examines the following three theories in *De Finibus*, all of which are concerned with explaining both primary natural motivation and virtue.

(1) Epicurus who tries to combine two different kinds of single ends, that is, pleasure and freedom from pain, intending to explain virtue to some extent.

(2) The Stoics who do not combine any primary natural motivation with virtue, though beginning from primary natural things.

(3) The Peripatetics who combine the primary natural things with virtue.

Cicero often asserts that only two theories need to be examined seriously on the question of the ethical end, that is, those of the Stoics and the Peripatetics.²⁸⁸ Why then does he choose to discuss Epicurus in *De Finibus*? The reason may be that he considers *De Finibus* as a more or less complete discussion of the question of the highest goods and evils.²⁸⁹ He intends to explore not only the views with which he agrees, but those of each of the philosophical schools individually.²⁹⁰ Thus, although the Stoics and the Peripatetics provide more satisfactory views on the question of ethical end, he needs to deal with the other theories, one of which is that of Epicurus. If so, why does he not deal with all other ethical theories, as he examines these three

²⁸⁸ *Fin.* 2.68: 'Here we have a truly honourable contest, a tremendous clash. The whole dispute centres on virtue and its value. With Epicurus, by contrast, the cruder forms of pleasure seem to dominate the discussion, and Epicurus himself is the leading culprit.' Also see *Fin.* 2.38; *Ac.* 2.132-7.

²⁸⁹ For Cicero's intention to cover all possible theories, see Chapter 3 above.

²⁹⁰ *Fin.* 2.12.

thoroughly? Is it because he thinks that these three are more plausible than the other theories? However, Cicero claims that the Cyrenaics defend the same end, that is, pleasure, 'in a better and franker way' (*melius liberiusque*) than Epicurus does, as we will see shortly. So Epicurus may not be included in *De Finibus* because of the plausibility of his theory.

I think that there are three further reasons why Cicero examines Epicurus in *De Finibus*. Firstly, Cicero may be taking into account the reputation of the Epicureans as one of the major Hellenistic philosophical schools and also the powerful influence of Epicureanism on Roman people at that time.²⁹¹

The second reason is that Cicero considers Epicurus as the easiest case to demonstrate the problems inherent in dogmatic theories, and to display the reasons why dogmatists necessarily end up in fatal inconsistency.²⁹² It is relatively easy for Cicero to clarify the assumptions made by Epicurus and to bring out his inconsistencies because hedonist theory is well known to most Roman people.

Cicero's final motive is less obvious. It is especially through the debate with Torquatus that Cicero intends to display his own investigative approach. I think that Cicero applies a specific approach to the subject of ethical ends in *De Finibus*. This approach is based on Carneades' methods in two ways. Firstly, Cicero adopts Carneades' division as a framework through which all possible theories on the ethical end are arranged.²⁹³ Cicero suggests that the most probable view can be found by examining all these theories.²⁹⁴ Carneades' division at *Fin.* 2.34-44 is adopted to cover all possible ethical theories. The division provides a comprehensive list of ethical views on the basis of a certain set of criteria.²⁹⁵

Secondly, in order to find the most plausible view, he needs to examine each position thoroughly and to eliminate less persuasive positions. This procedure becomes explicit in the comparison of Epicurean ethics with other theories in *Fin.* 2.34-44. Two requirements are applied in order to eliminate certain candidates: (i) we must begin our discussion on the ethical end with primary

²⁹¹ *Fin.* 2.44-5.

²⁹² *Fin.* 2.13: 'To start from what is easiest, let us first review Epicurus' system, which most people know the best.'

²⁹³ See Chapter 3 above.

²⁹⁴ See 2.5 above.

²⁹⁵ For these criteria, see Chapter 3 above.

natural motivation; (ii) the discussion must include virtue. Cicero confines the perspectives of debate by applying these requirements to Epicurus. On the one hand, he shows that the Epicurean idea of pleasure cannot be maintained as an ethical end, due to its theoretical disadvantages. On the other hand, he shows that the remaining theories are more plausible.

This part of *De Finibus* reflects Cicero's overall project of examining the question of the nature of the ethical end in *De Finibus* as a whole. I think that this method of division and elimination serves as a means of identifying views which are more probable as well as being a sceptical tool. The procedure in *De Finibus* exhibits remarkable parallels to Carneades' methods of testing the relative plausibility of the *pithanē phantasia*.²⁹⁶ This close resemblance suggests that the criteria of persuasive views are based on requirements parallel to those for persuasive impressions; though the latter constitute a guide for action, and the former a guide for philosophical debate.

6.1. Primary Motivation

The first criterion for the division is that we must begin our discussion of the ethical end from primary natural motivation, understood as pleasure, freedom from pain or the primary natural things.²⁹⁷ Epicurus has been criticized so far by Cicero for combining two different kinds of pleasure, that is, kinetic and katastematic pleasure. If Epicurus adopts both ends together, his theory would be open to the criticism of ambiguity and conceptual inconsistency, as we have seen. Thus he must assert one or the other side of the dichotomy: (i) that the goal of life is kinetic pleasure; or (ii) that the goal of life is the absence of pain.²⁹⁸ Unless he chooses one of these positions, he will fail to adopt any distinctively new philosophical position.

Moreover, neither option can be accepted. If he adopts the hedonist route (i), his theory is not differentiated from the crude hedonism of Aristippus and the Cyrenaics. We have already seen that the Cyrenaics' account of pleasure does not appear to Cicero to be appropriate as an ethical end, since Cicero considers it as 'mean and disgraceful, inconsistent with popular esteem'. If Epicurus

²⁹⁶ For Carneades' methods, see Chapter 2 above.

²⁹⁷ For the importance of this criterion, see *Fin.* 5.16-8. See also 3.1 above.

²⁹⁸ *Fin.* 2.35.

adopts the latter route (ii), his ethical end is not different from that of Hieronymus of Rhodes. Freedom from pain, an ethical end maintained by Hieronymus of Rhodes, is not seriously considered by Cicero in *De Finibus*. It is disregarded as an absurd notion. Most of all, Cicero maintains that freedom from pain produces no motive force to impel the mind to act.²⁹⁹ Cicero considers it as nothing other than a negative state, namely, *apatheia*. It cannot give a sufficient foundation for primary motivation and therefore a theory of the supreme good.³⁰⁰ Since pleasure and freedom from pain are removed, the primary natural thing remains as the only possible candidate for the ethical end for a hedonist theory.

Cicero claims that the intermediate position, such as that of Epicurus, cannot be coherently maintained. But he recognizes that other philosophers also include two distinct ethical ends in their theories: 'many fine philosophers have in fact made similar conjunction of ultimate goods: Aristotle combined the practice of virtue with prosperity over a complete life. Callipho combined morality with pleasure; and Diodorus combined it with freedom from pain.'³⁰¹ Why then must Epicurus alone be blamed for combining two ethical ends? Did Epicurus not achieve an analogous result by combining Hieronymus' position with Aristippus' view?

Cicero answers that all these thinkers were self-consistent. Their ultimate goods (*extrema*) coincide with their first principles (*institiis*).³⁰² The Peripatetics, for example, take self-love as a primary motivation throughout the whole process of development. This primary motivation is equated with the desire to realize one's human nature which is composed of body and mind. Human children already possess the seeds of virtue. At the final stage of their development, the goods of body and mind, of which virtue is the most important, are still both considered as final goods.³⁰³ Thus, their first principles are matched with their final goal. If Epicurus accepted two different first principles and considered both of them as the ultimate goods, he would have been

²⁹⁹ *Fin.* 2.32.

³⁰⁰ *Fin.* 2.31: 'but what a nest of fallacies! ... Our new-born creature will not be starting from the highest pleasure, which you regard as the absence of pain.' See also *Fin.* 2.8; 2.19; 5.14.

³⁰¹ *Fin.* 2.19.

³⁰² *Fin.* 2.35. The claim that all other thinkers except Epicurus are self-consistent regarding their accounts of the ultimate good and their first principles is not entirely correct, since the Stoics do not start from *honestas*. See *Fin.* 4. Also see Chapter 5.

³⁰³ See *Fin.* 5. 24-74. See also Chapter 6 below.

consistent at least in terms of the correspondence between his first principles and final goods. But he is, rather, considered as starting from kinetic pleasure, since freedom from pain cannot give a motivational force; and he is considered as ending up with katastematic pleasure, judging from his constant emphasis on *ataraxia* and *aponia*.³⁰⁴ Thus, Cicero believes that Epicurus cannot be seen as consistent in this respect.

Indeed, according to Cicero, Epicurus does not recognize two ultimate goods, but only one, that is, pleasure. He uses the same word, pleasure, to refer to two distinct states (*res*): that of painlessness and the actual experience of pleasure.

These are two distinct states as well, in case you think that the difference is merely verbal. One is that of lacking pain; the other, of having pleasure. You Epicureans attempt to create not just a single term on the basis of radically different states (something I might more readily tolerate) but a single state out of the two, and that is quite impossible. Since Epicurus espouses both, he ought to have put both to use – and in fact he does, while failing to mark them as distinct by his terminology.³⁰⁵

Epicurus may have believed that the difference between these states is merely verbal: these states are indeed one single state, referred to by two terms, ‘pleasure’ and ‘freedom from pain’. This theory may in fact have created an entirely novel concept out of the two, annihilating the distinction between the two states, as Cicero claims. Why does not Cicero allow that Epicurus created an entirely new concept and adopted a new philosophical position, distinct from either that of Hieronymus or Aristippus? The reason is not clearly stated here, except that it is regarded as simply impossible. Considering that Cicero can readily tolerate someone using one term to refer to two distinct states, he may assume that words (*verba*) can be created, but states (*res*) cannot. He seems to claim that we should start our investigation from *res*, not from *verba*. We need to analyse what people normally think, on the basis of *res*. This contrast

³⁰⁴ *Fin.* 2.32: ‘Surely, then, it is inconsistent to say that nature proceeds from one kind of pleasure (*ab alia voluptate... proficisci*), but the supreme good (*summum bonum*) from another?’

³⁰⁵ *Fin.* 2.19-20. See also 4.4 above.

between word and state also plays a crucial role in *Fin.* 4, in connection with Stoic theory.³⁰⁶

Although freedom from pain is the greatest pleasure for Epicurus, Cicero prefers to treat Epicurean pleasure as kinetic: 'Epicurus makes no appeal to katastematic pleasure, which consists simply in the absence of pain.'³⁰⁷ Cicero's emphasis falls on the idea that kinetic pleasure constitutes a positive affective state and has an intimate relation with perception or experience, and Torquatus also says that 'pleasure is sufficiently well understood'. Cicero's point is not that Epicurus is always confused regarding the term 'pleasure'. Rather, Epicurus often appeals to freedom from pain, by using the same name.³⁰⁸ Cicero insists that katastematic pleasure is nothing but the intermediate state between pleasure and pain.

Does Cicero not see the possibility of explaining the inconsistency of Epicurean ethics by offering a more positive account of katastematic pleasure? The Epicureans explain katastematic pleasure as a life of sensory pleasure untainted by pain. This may refer to the condition of a sound organism, for example, 'a state of confidence that one may acquire such sensory pleasure with complete absence of pain.'³⁰⁹ When all pains are removed, the sort of pleasure which one obtains in this sound state of the organism is katastematic.³¹⁰ Thus understood, katastematic pleasures are not very different from kinetic ones in an Aristotelian sense.³¹¹

But Cicero may not have believed that this answer resolves the problem. Why should we call this state pleasure? The most that could be claimed is that Epicurus is inclined to use *ataraxia* and *aponia* in connection with lasting states rather than specific pleasures. But he is not using the term, 'pleasure', in any

³⁰⁶ See 5.4 below.

³⁰⁷ *Fin.* 2.31.

³⁰⁸ *Fin.* 2.6.

³⁰⁹ See Gosling and Taylor (1981) 371. They state that Cicero's reports present the Epicurean idea of pleasure in the following ways: (i) Epicurus distinguishes sharply katastematic pleasures from kinetic ones; (ii) the former pleasures consist in the painless good condition of any part of the organism; (iii) all pleasures of the senses are kinetic; (iv) in some way there can be variation of katastematic pleasure when pain is removed.

³¹⁰ Gosling and Taylor (1981) 373-5 shows that this sort of argument had been familiar at least since Plato's *Protagoras*.

³¹¹ Freedom from pain, as defended by Hieronymus, considering his membership of the Peripatetics, might have some similarity to the Aristotelian notion of pleasure. Moreover, Diodorus' combination of freedom from pain with virtue may not be unreasonable. See also LS vol. 1 p. 123: 'Whether or not Epicurus knows Aristotle's *Nicomachean Ethics*, he would have found general support for this concept of katastematic pleasure in Aristotle's claim that pleasure is 'the activity of the natural state' (*NE* vii.12, 1153a14).'

ordinary sense of the word, when applying it to katastematic pleasure.³¹² Cicero has often been charged for not trying very hard to explain the inconsistency. I think this assessment of him is rather unfair, though it is also true that Cicero does not make a great effort to understand the subtlety of Epicurean ideas.

It is clear that Cicero prefers the primary natural things, which are often expressed as preserving oneself, over pleasure or the freedom from pain, as candidates for the ethical end, since no argument can be found against the idea that these are important anywhere in *De Finibus*. He suggests that our investigation of the ethical end should start from this kind of motivation and that this account of human development provides a sound basis for theories of good and evil. Does he offer an adequate reason for this suggestion? One possible answer would be that this conclusion is drawn from the careful observation of the behaviour of living beings when they are born. When we observe the natural instinct of these creatures, we can say that the primary motivation by which they are moved is self-love or self-preservation, rather than pleasure.³¹³ We see that this argument, which is called the 'cradle argument', is already used by Epicurus, who draws different conclusion from the same observed data. Thus, the cradle argument can support different conclusions. Indeed, it is not easy to tell whether the primary motivation of new-born creatures is seeking pleasure or just loving and preserving themselves. A baby may get pleasure from having food and maintaining his condition, or he may preserve himself as a result of having pleasure from food; or he could do both at the same time. Thus, what seem to represent brute facts include some further assumptions. Thus, neither Epicurus nor other philosophers provide decisive arguments to prove their conclusion simply by appealing to the behaviour of infants.³¹⁴

Two other considerations presented by Cicero may be more convincing. The notion of primary natural things is more comprehensive than that of pleasure.³¹⁵ It would not be plausible if we only include pleasure in our investigation, excluding the other elements of a good organism, such as mental activity, bodily

³¹² See also Warren (forthcoming).

³¹³ *Fin.* 2.33-4: 'In fact the young are not moved by nature to seek pleasure but simply to love themselves and to wish to keep themselves safe and sound. Every living creature, as soon as it is born, loves both itself and all its parts.'

³¹⁴ See Brunschwig (1986) 129. For competing (Epicurean and Stoic) versions of the 'cradle argument', see Cic. *Fin.* 1.30, 3.16-17.

³¹⁵ *Fin.* 2.34: 'But it seems to me the height of folly to think that it consists of nothing except pleasure, with no room for the limbs or senses, for mental activity, bodily soundness or good health. This must provide the basis for any theory of goods and evils.'

soundness or good health. If we include these other elements, primary natural things constitute a more persuasive candidate than pleasure as a starting point of our inquiry into the ethical end. Another reason may be the affinity of the notion of primary natural things to virtue, since both notions are based on action and reflection.³¹⁶ Although these reasons for choosing primary natural things as the ethical end may be theory-laden, these arguments at least show the theoretical advantages of choosing primary natural goods as a plausible starting-point for our investigation.³¹⁷

6.2. Virtue

The second criterion for Carneades' division is the way that these primary natural goods are related to virtue. The primary things can be presented as being the ethical end, either alone or taken together with virtue. Thus, there are three theories of the highest good which make no reference to virtue; three others in which virtue is combined with primary motivation; and one theory which is based entirely on morality.

As we see in the list of ethical theories, the division presents two types of theory in relation to pleasure: (i) the view which advocates pleasure without considering virtue; (ii) the view which combines pleasure with virtue. The first type of theory, those of Aristippus and the Cyrenaics, is rather easily dismissed by Cicero, since it does not explain the role of virtue at all. Any exposition which leaves out virtue should be eliminated, as we have seen so far. We do not have detailed information about the theory of type (ii). We may infer that there are good reasons for defending this type of theory, since we hear that Carneades himself used to defend this view so strongly that people thought he himself held it.³¹⁸ But, although Calliphon is reported as combining pleasure and virtue, we do not have any information about him, except his appearance in Carneades' division; we do not even hear about the school he belonged to. The reason that Cicero provides does not help much: 'the conjunction of morality with pleasure

³¹⁶ *Fin.* 2.41: 'Let us none the less judge a life as happy not by the evils it avoids but by the goods it enjoys. Let us not seek this life in a surrender either to pleasure, as Aristippus does, or to freedom from pain. Let us seek it in action or in reflection (*agendo aliquid considerandove quaeramus*).'

³¹⁷ See also Antiochean Piso's four arguments supporting primary motivation of self love at *Fin.* 5.27-33.

³¹⁸ *Ac.* 2.139.

and lack of pain debase the former in attempting to embrace it.’ This reason looks very similar to those provided against type (i) theory.

Cicero considers Epicurean theory formally as type (i), i.e. based on pleasure equated with kinetic pleasure. But we saw that the Epicurean view is actually different from this type of theory. It does intend to give a serious role to virtue. Contrary to sensual pleasure of Cyrenaic type, the Epicurean account of pleasure, conceived as *ataraxia* and *aponia*, is meant to provide a more adequate form of hedonism in order to explain virtuous actions. Thus, there may be room for equating Epicurean theory with type (ii). Epicurus himself makes virtue indispensable to a happy life: ‘Epicurus denies that one can live pleasantly unless one lives virtuously’.³¹⁹ If Epicureanism belongs to this type of theory, it must include both pleasure and virtue, in the way that it considers not only pleasure but also virtue as worth pursuing for its own sake. However, Cicero never considers Epicurean theory in this way.³²⁰ Rather the theme of his criticism of Epicurus is that virtue is not sought for its own sake in Epicurean ethics.

We can find some indirect evidence at *Fin.* 2.34-44 that Cicero does not consider Epicurean theory as either (i) or (ii). After eliminating all other candidates from the discussion, Cicero says that ‘now that we have removed all the other contestants, the unfinished battle is not between Torquatus and me, but between pleasure and virtue.’³²¹ This statement looks a little misplaced because the philosophers who support pleasure as the ethical end have already been rejected.³²² Why then does Cicero’s final dichotomy consist of pleasure and virtue?³²³ One possible answer may be that here, instead of using the division of Carneades, Cicero suddenly adopts that of Chrysippus who declares that the entire dispute about final ends depends on the contest between pleasure and virtue. This sudden appeal to Chrysippus’ division is already found

³¹⁹ *Fin.* 2.70-1. For Epicurean justice treated as a virtue of an agent’s character, See Annas (1993) 293-302.

³²⁰ See 4.4 above.

³²¹ *Fin.* 2.44.

³²² *Fin.* 2.39-42.

³²³ *Fin.* 2.44: ‘A philosopher as insightful and observant as Chrysippus did not take this battle lightly. Indeed he thought that the whole decision about the supreme good turned on a comparison between these two combatants.’ See also Annas (2007) 202-4.

in *Lucullus*.³²⁴ But in *Lucullus*, the introduction of Chrysippus' division is not damaging to the logic of the passage, but rather strengthens it by offering another example of the equipollence of contrasting views. Here, however, the adoption of Chrysippus's division does not only seem to be abrupt, but also illogical, if we admit that pleasure is already eliminated from the discussion. Therefore, the final dichotomy between pleasure and virtue should not be considered as a sudden appeal to Chrysippus' division. I suggest that Cicero's target at this final stage is only limited to Epicurus, and not the other philosophers who adopt pleasure, either alone or with virtue. Epicurean ethics is 'trickier' than these two theories: Epicurus does not ignore virtue; but he does not treat it as worth pursuing for its own sake. Epicurus does have the intention of explaining virtue by reference to pleasure. Thus, virtuous actions are explained reductively by reference to the supposedly more basic intuition that everyone seeks pleasure naturally. This approach to the question of the ethical end is certainly distinct from those of two other types of theories based on pleasure.

6.3. Persuasive Views in Carneades' Division

Cicero's attacks on the Epicureans do not seem to be purely dialectical. Cicero is clearly, in general, unsympathetic to Epicureanism. However, this is not only because he rejects the Epicurean account of the ethical ends in *Fin. 2* and his assessment of Epicureanism remains unchanged in *De Finibus*. It is rather because Cicero accepts these two fundamental intuitions (that is, that the primary natural things should be a starting of inquiry and that virtue should be included in the final good) as forming a plausible basis for his enquiry. Epicurus does not explicitly do so, though he seems to presuppose them *implicitly* at least. From the discussion of this chapter, we can identify Cicero's main concern in *Fin. 2*. By refuting Epicurean ethics, he shows why both pleasure and freedom from pain cannot form the starting-point of the investigation into the ethical end: ultimately, they fail to do justice to human nature. He also demonstrates why Epicurus' modification of hedonism cannot succeed: it

³²⁴ Ac. 2.138-40. Also see Chapter 3 above. The sequence of divisions is also similar – Cicero introduces Carneades' division first, and then adopts Chrysippus' division to introduce the final battle between the Stoics and the Epicureans.

suffers from a fatal inconsistency. Cicero prefers the primary natural things, preserving (or loving) oneself, as a starting-point of inquiry. Any theory which starts from the primary natural things can be regarded as more plausible. He also intends to show why virtue should be included in the final good. The thesis that virtues are sought for their own sake is one of the ethical intuitions that we must consider at the beginning of our discussion on the ethical end. Thus, any persuasive ethical theory needs to give a consistent explanation of the inherent goodness of virtue.

In this sense, Carneades' division is used not only for displaying the whole range of theories, but also for showing that any given view is persuasive and has its own merit. Cicero's persona does not seem to be consistently that of a sceptic, but rather an Antiochean in book 4 and a Stoic in book 5. These theories (Antiochean and Stoic) both adopt different approaches in explaining both primary natural motivation and virtue, as Chapters 4-6 show. Here, consistency between ethical intuitions becomes the criterion for deciding whether any ethical theory is probable or not. The more persuasive view is the one which explains the ethical intuitions *more consistently*. It is evident that Cicero opts for the Stoic or Antiochean position over Epicurean ethics. Finding a consistent explanation of the relationship between these two fundamental intuitions (that is, the inherent desirability of primary natural things and virtue) becomes more important when Cicero is dealing with the theories of the Stoics and the Peripatetics. Both the Stoics and the Peripatetics start from primary natural things and end in virtue. While the former reaches the point where the primary natural things are considered as 'indifferent', the latter embrace them as part of their final end. Thus, I believe that the intention of *De Finibus* could be rather constructive than merely dialectical to the extent that Cicero's persona in *Fin.* 4 and 5 adopts the Stoic and Antiochean perspective during his argumentation.

Chapter 5

Cicero's Criticism of the Stoic Theory in *Fin.* 3-4

In the fourth book of *De Finibus*, Cicero criticizes the account offered by the Stoic spokesman Cato. Here Cicero seems to adopt the same argumentative strategy towards the Stoics as he does towards the Epicureans in Book 2, judging from the following comments on two theories. At the opening of Book 3, after declaring that the Epicurean view that pleasure is the goal of life has been refuted, Cicero criticizes Zeno for being 'an inventor of new words rather than new ideas'.³²⁵ Again, at the beginning of Book 4, Cicero announces that he will counter Stoic ethics as a whole; and, accordingly, offers a whole set of arguments against it.³²⁶ Thus the second dialogue of *De Finibus* between Cicero and Cato appears to have the same objective as the first dialogue, that is, to reveal the absurdity of the opponent's position and consequently to remove it from serious consideration.

However, we have seen that Cicero assesses Stoic ethics more positively than Epicurean, since he explicitly prefers the Stoic or Antiochean position to the Epicurean.³²⁷ Indeed, it is interesting to see that Cicero praises the 'remarkable consistency' of Zeno at the end of Book 5, in which Cicero's positive attitude to the Stoic theory offers a clear contrast to his negative assessment in Book 4.³²⁸ His conflicting assessment of Stoic ethics makes readers wonder about his real attitude to this theory. Hence, his aims in refuting the Stoic position in Book 4, I think, may differ from, or be more complicated than, that of Epicurus in Book 2.

Indeed, Book 4 has often been criticized by scholars, because the argumentation does not seem to be as well organized as in Book 2.³²⁹ It contains a lot of repetitions; the main objections to Stoicism are reiterated over and over; and some of Cato's points in book 3 are entirely ignored. I believe that

³²⁵ *Fin.* 3.2-5.

³²⁶ *Fin.* 4.3.

³²⁷ *Fin.* 2.38; 68; *Ac.* 2.132-7. See 4.6 above.

³²⁸ *Fin.* 5.79. See also 6.5 below.

³²⁹ This point is related to the claim that Book 4 does not refute Stoicism since what it attributes to Stoicism is in fact the Antiochean account of development, rather than Stoic one. See Striker (1996) 269 and 288; Annas (2001) nn. 20-1; Bénatouïl (forthcoming).

these apparent flaws can be explained by closer examination of Cicero's underlying methodology and aims. In the following discussion, I will maintain the following points. The rather frustrating effect of Book 4 reflects Cicero's understanding of the theory being criticised, and the main issue of this dialogue is more complicated than in the first one. This is because Cato's account in Book 3, as it is presented by Cicero, expresses two, largely distinct, goals: one is to explain Stoic ethics as a whole systematically, and the other is to distinguish the Stoic position from other competing theories. Correspondingly, Book 4 also reflects these two objectives, since it is presented as Cicero's response to Cato's speech. Cicero's criticism has two aims: one is to offer an alternative account to the Stoic theory, and the other is to deny its distinctive character by using a dilemmatic structure of argument.

However, although Cicero tackles the question of the consistency of Stoic system in explaining the transition from primary motivation to the final end (i.e. virtue), the idea that virtue is necessary to secure happiness (the characteristic feature of Stoic theory) is not criticized *per se*, but rather exploited by him in Book 5. In this sense, the procedure of examining the Stoic position in Book 4 is not necessarily to be assessed in a negative way. I suggest that this dialogue should not be considered as aiming at arguing against, and undermining, an absurd position. Rather Cicero's criticism in Book 4 can be read as an effort to clarify the grounds for proper ethical debate.

1. The Structure of the Second Dialogue

I indicated that Cicero's response to Cato's speech in Book 4 seems not to be wholly satisfactory in one way. Most of all, we find repetition of the same arguments, though these are not very numerous, against Stoic ethics. The main criticisms are: (1) the Stoics borrowed their ideas from the Old Academy and modified them by applying new terminology for no good reason; (2) Stoicism is inconsistent in basing ethics on our primary natural motivation while restricting its ethical end to virtue, which is only one of the goods constituting happiness; (3) if everything between virtue and vice is neither good nor bad, there would be nothing to guide our action; (4) the idea that all vices are equal is an absurd doctrine. These points of criticism, even after they have been discussed

thoroughly, are restated. Moreover, parts of Cato's account are ignored entirely. Cicero does not directly discuss, for example, the Stoic account of social *oikeiōsis* (*Fin.* 3.62-8). Thus, only some of the Stoic doctrines presented in Book 3 receive much attention. These problems leave some readers of Book 4 rather disappointed, although they are not fatal to the success of Cicero's refutation.

I agree that there is not an exact correspondence or match in sequence between each part of Cicero's criticism and Cato's account. However, I think that these features of Book 4 are only problematic if we expect here the same style of argumentation as we saw in his speech against Epicurus in Book 2. To do justice to Cicero's response, we need to look at Cato's account first. I suggest that Cicero's refutation reflects the inherent complexity of Cato's account, which is meant to achieve two distinct purposes. On the one hand, he aims to answer Cicero's initial question (that is, whether Stoicism is the same as the Old Academic system) by distinguishing his position from two other theories, namely, those of Aristo and the Peripatetics (i.e. the two theories which Cicero will claim in Book 4 that Stoicism collapses into). On the other hand, Cato says that he aims to present Stoic ethical theory as a whole, rather than reply to Cicero's initial question point by point, since he hopes in this way to avoid Cicero's dialectical quibbles.³³⁰ In this way, Cato's account seems to present Stoic theory as the only one which can consistently offer a credible and coherent account of the goods of a human life.

1. 1. Cato's Speech in Book 3

Cato's account covers most of the major divisions of Stoic ethics. Similar headings are found in two other main sources for Stoic ethics, namely that of Arius Didymus, as reported by Stobaeus, and Diogenes Laertius.³³¹ The topics in Cato's account have a close similarity to the famous list in Diogenes Laertius, in which these headings are found at the beginning of the exposition of Stoic ethics: impulse (ὁρμή); good and bad things (ἀγαθα και κάκα); passions (πάθη); virtue (ἀρετή); the ethical end (τέλος); primary value (πρωτὴ ἀξία) and actions (πράξεις); proper functions (καθήκοντα); encouragements and

³³⁰ *Fin.* 3.14.

³³¹ On the nature of, and relationship between, these various accounts, see Long (1983); Schofield (2003).

discouragements (προτρόπα και ἀποτρόπα).³³² The list appears to be ‘a classification of topics rather than a division in the technical sense in which things are analyzed into genus and species’.³³³ Major Stoic thinkers, from Chrysippus onwards, tend to adopt this type of division.³³⁴

The sequence of the topics in Cato’s account can be identified by reference to the division of topics in Diogenes Laertius. Thus, we have: impulse (3.16-19); the ethical end (3.22; 26); proper functions (3.20; 58-61); primary value and actions (3.20; 34); virtue (3.26-9; 36-9); good and bad things (3.33); passions (3.35); encouragements and discouragements (not obviously discussed). However, simply by stating the list of topics and the sequence in Cato’s account, we can immediately recognise certain distinctive features. Cato’s speech does not follow the order of the divisions in Diogenes’ list. Indeed, his account of Stoic theory is not arranged exactly in a topical order. The same topics, such as proper functions or virtue, are repeatedly explained in different places. Moreover, Cato’s account barely uses the main division of good, bad, and indifferents, which we find in Arius; it introduces them only in passing, together with the theme of passion. It does not deal with the topic of encouragements and discouragements; this is perhaps to be explained by the theoretical focus of this work.³³⁵ But these characteristics are not found only in his account. The other sources do not follow this order either. The topics in Arius are quite differently arranged;³³⁶ and even Diogenes Laertius himself does not follow this sequence exactly in his main report.³³⁷ Also the repetitive treatment of the same

³³² D.L. 7.84. This list of topics is used by LS as the basis for their presentation of Stoic ethics (LS vol. 1, p. 346).

³³³ LS vol. 1, p. 345.

³³⁴ D.L. 7.84: ‘This is how Chrysippus divides it, along with Archedemus, Zeno of Tarsus, Apollodorus, Diogenes [of Babylon], Antipater and Posidonius.’

³³⁵ Cicero complains that Zeno and his followers completely neglect the practical side of politics (*Fin.* 4.5-7).

³³⁶ Stobaeus reports the following systematic order of topics. According to the reconstruction by Long (1983) of this complicated list, the following topics are explained: (1) good and bad things, and indifferents; (2) good and bad things: virtues and vices; (3) good and bad things more generally; (4) the end; (5) indifferents; (6) proper functions; (7) impulse; (8) lives (those of good and inferior human beings). Arius is distinctive in the sheer quantity of information he provides, his systematic use of the division procedure, and his very sparse references to the attested views of individual Stoic philosophers. (See also *Ecl.* II 116.11-15).

³³⁷ In D.L. 7, the topics are actually discussed in the following sequence: impulse (85-6); the end (87-9); virtue (89-93); good and bad things (94-101); primary value (102-7); proper function (107-9); passions (110-6); the wise man (117-131). On the discrepancy between the list and the actual account, see Schofield (2003) 237, n. 7.

topic is not unique to Cato's account. Thus, we can conclude that the list of Diogenes Laertius should not be considered as definitive for Stoic ethics.³³⁸

The distinctive features of Cato's speech are not limited to the topics with which it deals, but can be explained by the fact that it is delivered within a dialogical framework. Cicero is careful in composing his dialogue in a way that is consistent with the dramatic setting, which in turn closely reflects the historical context and the figures concerned. Also, he draws attention to his own selection and arrangement of topics.³³⁹ Cato's account is probably not borrowed directly from a single Stoic source, although we need not exclude the possibility that it originated from the same Stoic source (or number of sources) which also underlie the accounts of Arius and Diogenes Laertius. The characteristics of Cato's account emerge in the organization of Book 3.

(1) Outline of Stoic ethics, accentuating the key role of natural impulse and development (*oikeiōsis*) (3.16-25)

(2) Theoretical implications of the outline just given (3.26-40)

(3) Debates between the Peripatetics and the Stoics (3.41-50)

(4) The Stoic position shown as distinct from that of Aristo by presenting the Stoic theory of value and appropriate actions (3.50-61)

(5) The Stoic theory of social *oikeiōsis* (3.62-71)

(6) Links between Ethics, Logic and Physics (3.72-3)

(7) Conclusion: the marvellous unity of the Stoic system (3.74-6)

Two features of Cato's speech reflect Cicero's own plan and the dialogical and dialectical character of the work. First, the main doctrines in Cato's exposition (especially in (1) and (2)) are more coherently and logically related than in the two other Stoic sources, which may be regarded as a 'compendious and memorable way of encapsulating Stoic doctrines which were argued for on other grounds'.³⁴⁰ Cato begins with the topic of impulse, and the main doctrines

³³⁸ Some internal problems have already been noticed about this division, which I will not discuss here in detail. E.g. (i) 'passions' comes relatively early in the list; (ii) 'indifferents' is not included in the list; (iii) 'actions' is not normally treated as a separate topic. On these problems, see LS, vol. 1, pp. 345-6; Schofield (2003) 237, n. 7.

³³⁹ See 1.2 above. Also see Atkins and Griffin (1991) xxi.

³⁴⁰ See Woolf (2001) 73, n. 16.

are derived logically from it, as we will see below.³⁴¹ Thus, his account does not seem to be a mere summary of the whole Stoic ethical theory, like the accounts of Arius and Diogenes Laertius.³⁴²

Secondly, although Cato delivers his speech by and large in a logical order, a key question (whose importance becomes very clear in the critique of Book 4) is whether the mainstream Stoic position can be distinguished from that of the Peripatetics, on the one hand, and Aristo, on the other (as discussed thoroughly at (3) and (4)). This question is accentuated at the opening of the dialogue.³⁴³ At first, Cato does not appear to doubt that the Stoic position is distinct from that of the Peripatetics. He asserts that Stoic ethics is substantially different from that of the Peripatetics because of the distinctive Stoic claim that nothing is good except virtue. Unless this claim holds good, he maintains, virtue cannot produce the happy life. Consequently, he insists that the Stoic and Peripatetic positions are mutually exclusive, and that the Peripatetic claim would endanger the inherent value of virtue. On the contrary, Cicero holds that the difference between the two schools lies merely in terminology.³⁴⁴ From this initial interchange between Cicero and Cato, we see the crucial issue between them: whether Stoic ethics is substantively different from the theory of the Peripatetics.

If this had been the only point at issue, Cato's account would have had to deal exclusively with the difference between the Stoics and the Peripatetics; and, in turn, Cicero's reply would have focused on their similarity, as he does, in fact, in the opening discussion of Book 4.³⁴⁵ But Cicero goes on to make the point that, if the Stoic position is as Cato presents it, it cannot be differentiated from that of Pyrrho and Aristo.³⁴⁶ Their theories are said to be that all things other than virtue are equal in value and that virtue should be regarded as the only good, not just the highest. Cato distinguishes his position from theirs by claiming that, in the Stoic theory, selection among the primary natural things is

³⁴¹ Especially in *Fin.* 3.16-25. For the other sources, see Long (1996) 122-5. In Arius, the theses are frequently presented in the form of inferences, by contrast with the bald summaries of Diogenes Laertius. But they are not inferences which carry the reader forward in an unfolding sequence, as Cicero attempts to provide.

³⁴² It is also noticeable that Cato's exposition is less comprehensive than that of Arius or Diogenes Laertius regarding the treatment of ethical categories and terminology.

³⁴³ *Fin.* 3.7-15.

³⁴⁴ *Fin.* 3.10-14.

³⁴⁵ *Fin.* 4.4-23. See also *Fin.* 4.45, where Cicero makes the same point about Zeno: 'Now Zeno agreed with Polemo about what the principles of nature were. It would be fairer, then, in his dispute with Polemo, for Zeno to have begun with these shared first principles and then to have indicated where he took a stand and where the cause of the controversy arose.'

³⁴⁶ *Fin.* 3.11.

essential to guide our action. In this way, he aims to define a pathway for the Stoic position which prevents it from being identified with either of the two other positions, that of the Peripatetics or that of Aristo.

Therefore, the main issue turns out to be the question whether the Stoics can define their position as being distinct from these competing theories. The dilemmatic structure of Book 3 reappears after Cato establishes the foundations of Stoic ethics and draws out the theoretical implications. In response to Cicero's original challenge, Cato maintains that there was 'a great controversy' (*magna contentio*) between the Stoics and the Peripatetics.³⁴⁷ Here the difference between these schools is claimed to be substantive rather than verbal (*re inter se magis quam verbis dissidere*), since the Stoics deny the Peripatetic claim that the whole range of good things, including bodily and external goods, contribute to the happy life.

But this does not complete Cato's defence of the Stoic position. He must answer the question whether the Stoics can successfully distinguish their position from that of Aristo.³⁴⁸ Cato maintains that wisdom consists in right choice of valuable things, such as health or well-functioning senses. If nothing had more value than anything else, there could be no basis for rational choice; wisdom, then, would play no role, which would throw the whole of human life into chaos. Cato then introduces the Stoic theory of value and appropriate action.³⁴⁹

Examined in this way, it becomes clear that Cato's account is meant to demonstrate two points, which do not emerge in the same way in other sources: (i) Stoic ethics has a logical structure; (ii) the Stoics are justified in distinguishing their position from competing theories, namely, those of Aristo and of the Peripatetics. I suggest that the introduction of the debate with the Peripatetics and with Aristo reflects Cicero's own authorial choice, and that it was not accentuated in the same way in the Stoic theory in the Stoic ethical treatises on which Cicero may have drawn.³⁵⁰ Therefore, the main concern of Cato's

³⁴⁷ *Fin.* 4.41-50.

³⁴⁸ *Fin.* 4.50-7.

³⁴⁹ *Fin.* 4.58-61.

³⁵⁰ See also Striker (1996) 197, who holds the slightly different view that Cicero's approach follows earlier Academic treatments of the topic, rather than Cicero's own plan: 'Similarly, the Stoics are said to be faced with a choice between the position of Aristo on the one hand, the Peripatetics on the other (*Fin.* 4.67; 72). This may suggest that Cicero is following an Academic

account is to bring out the contrast with competing positions. Moreover, Cicero's critique of the theory in Book 4 also focuses on the distinctive and cohesive character of the Stoic theory, though viewed from a different intellectual standpoint.

1.2. Cicero's Speech in Book 4

Compared with Cato's exposition in Book 3, the structure of Cicero's speech in Book 4 is less clear. Scholars sometimes pay attention to the opening passage of Book 4, where Cicero states that 'every point of the system [of the Ancients] needs to be brought into opposition with every point of the Stoics' (*universa enim illorum ratione cum tota vestra confligendum puto*).³⁵¹ We then might have expected to see him refuting the claims of Stoic ethics one by one, as he does in Book 2, in which all the main points of Epicurean ethics presented by Torquatus in Book 1 are thoroughly examined and countered by Cicero.³⁵² Therefore, it is natural for us to expect that he would do the same thing in response to Cato's account of Stoic theory. If we expect Book 4 as a whole to achieve the same, the result would not be wholly satisfying. Cicero does not tackle every point of Stoic theory and leaves some of the doctrines treated by Cato largely untouched, such as the exposition of *oikeiôsis*, both personal (3.16-21) and social (3.62-8). Therefore, I think this comment does not necessarily mean that his speech as a whole aims to refute all of the Stoic theory 'point by point'. Rather this methodological comment relates only to the first part of his speech which does challenge Cato's account by comparing it with the theoretical system of the Old Academy (4.4-23).³⁵³

More general comment on the structure of Cicero's speech as a whole is found in the opening scene. When Cato finishes his exposition, Cicero states that Cato's account can hardly be accepted as true (*minus vere*). But Cicero says that he wants to avoid a hasty attack on the Stoics, because he barely

pattern of argument in both cases. It does not follow, however, that books I and III were written to match Cicero's lines of attack.'

³⁵¹ *Fin.* 4.3.

³⁵² This is also the case in some other Ciceronian dialogues, such as *Academica*, *De Natura Deorum*, and *De Divinatione*, in which Cicero replies thoroughly to the points made by the opponent, and does not just focus on certain specific points of doctrine. See 1.2 above.

³⁵³ Bénatouïl (forthcoming) denies that this statement is only restricted to the description of the Old Academic system in 4-23; he points out that Cicero promises a *complete* answer to Cato and an answer of this kind is not given in this part of the speech.

understands much of the Stoic theory, while he understands every word of the ‘same’ doctrines when presented by the Peripatetics. Cato insists that the difference between the two schools is not merely verbal but is a matter of substance, and encourages Cicero to deal with this question immediately. But Cicero says that he will treat each issue as it comes up (*quo loco quidque <ponendum sit>*) by using his own discretion (*arbitratu meo*). I understand this comment as indicating that he will use a method that is appropriate to the nature of the topic. As we will see shortly, Cicero composes Book 4 to match the structure of Book 3 as closely as possible. Whether or not his plan is entirely successful, this seems to be one of the fundamental features of the composition of the dialogue.³⁵⁴ The seemingly unstructured impression given by Book 4 turns out to have an underlying rationale. Book 4 constitutes a combination of different features integrated in one account, as in Book 3.³⁵⁵ As regards the dialogue form of this work, the interventions of Cato provide distinct markers in Book 4, and each phase of Cicero’s criticism is marked by Cato’s response. Here is my analysis of the structure of Cicero’s speech.

4.4-23: Outlines of the Academic tradition and Zeno’s disagreement → (3.16-40; 62-76)

4.24-43: Question about the Stoic account of development → (3.16-25; 41-50)

4.44-77: Remaining arguments

4.44-60: Question about Stoic consequences → (3.26-40; 50-61)

4.61-73: Imaginary debate between Cato and the Ancients

4.74-77: Additional argument against the Stoic paradoxes

4.78-80: Conclusion → (3.41-61)

I mark the main target of each step of Cicero’s speech in Book 4, in order to show which part of his speech corresponds largely to which part of Cato’s

³⁵⁴ See 6.5 below.

³⁵⁵ The solution to these problems in Bénatouïl (forthcoming) is interesting. He gives special attention to the account of the Old Academic tradition at the beginning of Cicero’s speech (4-18), and maintains that the order of this account – politics, logic, and physics – is not a random one, but constitutes three standards or criteria for criticizing Stoic ethics in the rest of the discussion. Therefore, (i) what he calls ‘popular’ arguments (19-23) are guided by a political perspective; and (ii) ‘more precise’ arguments (24-43) are examined from a logical point of view; and likewise, (iii) ‘remaining’ arguments (44-78) are mainly based on the physical aspect. Thus, Cicero examines Stoic ethics in a systematic way which is correlated with the three branches of knowledge. I am not wholly convinced that the argument has this systematic, three-fold structure, despite some indications pointing in that direction.

account in Book 3. Two points emerge clearly from this outline. Firstly, Cicero uses a dilemmatic structure. As we saw in the previous chapter, this dilemmatic structure is not confined to Books 3 and 4. Just as the dilemmatic structure forms the skeleton of the argumentation of this dialogue, a similar scheme can be found in the first half of the first dialogue with the Epicurean Torquatus (According to Cicero, Epicurean pleasure must be conceived as positive pleasure as presented by Aristippus or freedom from pain as presented by Hieronymus).³⁵⁶ However, although the Epicurean dilemma constitutes a serious attack on the Epicurean theory, it only relates to the first part of his refutation, specifically, the part which adopts the Socratic method of refutation. This reinforces Cicero's view that the Epicurean ambiguity on the nature of pleasure is a mistake (and a serious one) made by the Epicureans because they fail to adopt the dialectical method of analysis which derives from Socrates.³⁵⁷ Thus, Cicero applies the dilemma to the Epicureans, in part at least, to teach them how to use their own terms correctly. In comparison to the Epicurean dilemma, the Stoic dilemma is central to the discussion. It is not simply one of the mistakes that the Stoics make in their theorizing: it is, in effect, the *one* (really important) mistake that they make, and so the source of all the other errors. Thus the dilemmatic structure pervades the whole dialogue.

The seriousness of this dilemma is especially clear from Cicero's final comment on the Stoic position, where he concludes his speech by claiming that the Stoics had one particular flaw: that of believing that they can uphold two opposing views.³⁵⁸ One branch of the dilemma is the Peripatetic position, which accepts both primary natural objects and virtue as goods; the other branch is Aristo's heretical position, claiming that virtue is the only good and denying the value of 'preferable indifferents'. At first sight, this concluding statement appears rather abrupt because the long speech does not seem to be exclusively focused on this issue, but on all the mistakes that the Stoics make. However, we need to interpret this statement in the light of the whole structure of Book 4. Book 4 as a whole maintains that the Stoics cannot make their ethical theory distinct from the other competing philosophical positions. Two parts of the speech, especially,

³⁵⁶ *Fin.* 2.5-17. See 4.4 above.

³⁵⁷ The main arguments used by Cicero in the longer part of the speech are based on the claim that pleasure, whether actual pleasure or freedom from pain, is not a suitable criterion for the ethical end. See 4.5 above.

³⁵⁸ *Fin.* 4.78.

4.24-43 and 4.44-61, treat separately Cato's efforts to differentiate his position from both the Peripatetics (3) and Aristo (4). This debate between rival ethical views reaches its climax when Cicero presents imagined figures who defend their own position at 4.62-73. Thus, overall, we can see that Book 4 is intended to present an intense debate between rival schools of thought, rather than to refute sequentially every point in the Stoic ethical theory.

Secondly, the dilemmatic arrangement of Cicero's refutation does not undermine his overall project of offering a general survey of the philosophical position discussed. The first part of Book 4 (4.4-23) contrasts Stoic theory with the doctrines of the Peripatetics, which is said to have constituted a complete system. Here Cicero undermines Stoic originality by stressing the similarity between the two schools. Also in many places, we see that he takes great care to make his argumentation as complete as possible. When Cicero inserts a few arguments against Stoic paradoxes (74-7), for example, the aim of this untimely addition can only be explained by the fact that he includes everything which he had prepared for the refutation.³⁵⁹ So, it is hard to deny that he also has in mind the goal of arguing against every point of Stoic theory which Cato offers in Book 3.

These two features of the second dialogue help to explain the seemingly incoherent structure of Book 4. We can now see why similar arguments appear over again. The same arguments are used in three different places according to the different contexts and aims of the passage. Thus the apparent mismatch between Book 3 and 4 may not be entirely inexplicable.³⁶⁰ The arguments mounted for the Peripatetic position are in many cases similar to those against Aristo's position; thus, similar arguments appear in quite different places.

As regards the apparent gaps and omissions, Cicero drops, or only briefly mentions, the points which are not directly related to the main issue; the Stoic theory regarding social *oikeiōsis* (*Fin.* 3.62-8) is not directly attacked, for example.³⁶¹ But this omission is explicable since one of his intentions is to prove

³⁵⁹ This aim is shown, for example, in the inclusion of the 'remaining arguments' at 4.44.

³⁶⁰ As regards repetitions, these already appear in Book 3, and not only in Book 4. For instance, 'proper functions' (καθήκοντα) are mentioned at 3.20 in connection with the developmental account of human understanding; but the topic is also treated thematically at 3.58-61.

³⁶¹ The Antiochean view of social *oikeiōsis* appears as part of the fuller account of development offered in Book 5 (at 5.65-6). Although there are differences between this account and the Stoic one (3.62-8), they are not accentuated in Book 4 or 5, presumably because Cicero does not regard this as a major point of difference as compared with the ones he does stress.

that the Stoics share the same core assumptions with the Peripatetics; thus, he acknowledges or ignores premises they have in common and highlights points of difference.³⁶² Since the Peripatetics have (at least) broadly similar views about social *oikeiôsis*, Cicero treats this as being one of the shared assumptions, and therefore not a topic for refutation, as we will see shortly.

To sum up, Cicero's refutation in Book 4 reflects his main dialectical concerns, which are also evident in the structure and content of Cato's speech in Book 3. On the one hand, Cicero's speech aims to give a comprehensive refutation of Cato's account; hence, it parallels the structure of Book 3 as closely as possible. On the other hand, not every doctrine of the Stoics is equally accentuated; the question of the relationship of the Stoic theory to other theories, that of the Peripatetics and the unorthodox Stoic Aristo, receives much more attention. There is thus a general difference between Books 3 and 4, as regards the relative importance of systematic exposition and dilemmatic structure. Cato's speech makes an effort to accentuate the systematic feature of Stoic account, while also, by implication at least, meeting the challenge of the dilemma. Cicero's criticism, on the other hand, focuses closely on the (alleged) inconsistency in Stoic theory between the valuation of primary natural things and of virtue. This does not bear only on specific points but takes us to the core of Stoic ethical theory. But beneath the surface of this debate, Cicero still maintains the fundamental affinity between two schools.

2. The Academic Tradition and Zeno's Disagreement

At the opening of his speech, Cicero promises to present the whole of the doctrines of the ancients, which will be opposed at each point to those of Stoicism. I have suggested that this comment on his approach only applies fully to his account at 4.4-18. Why does he claim to review all the doctrines of the Peripatetics, instead of limiting himself to a discussion of ethics ?

Before presenting each branch of Peripatetic philosophy, Cicero offers a general sketch of their teachings, which can be summarized in the following way.³⁶³

³⁶² See further 6.5 below.

³⁶³ *Fin.* 4.4.

- (i) primary motivation - we are naturally constituted to be well-adapted for acquiring the familiar and noble virtues of justice, temperance and the rest of that class. → (3.16)
- (ii) primacy of virtue - we pursue the virtues with a particularly overriding passion. → (3.26-8, 36-9)
- (iii) knowledge - our desire for knowledge is something deeply ingrained in human nature → (3.17-8)
- (iv) social motivation - we are naturally disposed to form societies and to promote community and partnership among the whole human race. These qualities are most prominent in those with the most highly developed natures. → (3.62)
- (v) the Peripatetics divided philosophy into three parts. → (3.62-73)

This brief summary is concerned primarily with ethics, although not exclusively. In this overview, the last topic (v), the division of philosophy into three parts, is presented as a part of Peripatetic teachings. The topic of the three divisions of philosophy does not seem to be wholly essential for the discussion of the ethical end, since logic and physics do not *per se* form part of ethics. The appearance of this final topic may reflect the contents of the source or sources he is using. Frequent appearances of a similar theme, though with slight variations, may lead us to suppose that Cicero bases this account on Antiochus' source book.³⁶⁴ For example, the presence of a similar passage at the beginning of the speech by the Antiochean spokesman Piso in Book 5 may allude to the Antiochean origin of this theme.³⁶⁵ Or we might suppose that this topic is simply inserted here for the purpose of dealing with the complete system of the ancients, since the theme of the three branches of knowledge is common to all three dialogues in *De Finibus*. So the examination of different accounts of all three branches of knowledge must be one of Cicero's recurrent concerns in *De Finibus*.³⁶⁶

³⁶⁴ This account shows strong Peripatetic influence. From here, I will attribute this system of doctrines to the ancients or the Peripatetics interchangeably.

³⁶⁵ *Fin.* 5.9-11. Piso informs us of the three parts of the Peripatetic system. Of these, ethics is concerned with rules for living well, not only in one's private life, but also in public affairs; and it recommends the contemplative life as the most god-like one. These ideas are very similar to those presented in this passage.

³⁶⁶ The account of the three parts of philosophy is repeated elsewhere in *De Finibus*. Three parts of the Epicurean system are discussed in Cicero's critical introduction to Epicurus at *Fin.*

However, when we take into account of the last part of Cato's speech (3.62-73), the reference to the other parts of philosophy would be much more relevant. His speech as a whole includes a long discussion of ethics, including reference to social development and engagement in politics (3.62-8), and concludes with a reference to logic (3.72) and physics (3.73), at least as these bear on ethics. When the outline of the Old Academic system presented here is considered as a reply to the whole of Cato's exposition, the former follows roughly the sequence of the latter. Each branch of their philosophy seems designed to correspond to each part of Stoicism as presented by Cato. Cicero deals firstly with politics (4.5-7), logic (4.8-10) and physics (4.11-3) and defers ethics to the end (4.14-23). Therefore, the review of all three doctrines of the Ancients corresponds, at least roughly, with the structure of Book 3 as a whole. In addition, Cicero proposes to deal with ethics, considered as forming part of their whole system, and not just restricted to one part of it, since the account of politics, logic and physics has a close connection to ethics proper. Thus, Cicero's description of philosophy in this context is neither a straightforward exposition of the entire system of the Peripatetics nor the expression of his desire to deal with all topics comprehensively, but rather expresses a response to the Stoic view that ethics is intimately related to the system of philosophy as a whole.³⁶⁷ Cicero's approach also reminds us of Cato's explicit preference for expounding the whole system of Zeno, instead of answering Cicero's questions point by point.³⁶⁸

Why does Cicero want to bring out this similarity between two theories? His claim is that Zeno, in fact, adopted most of the teachings of the ancients and that Zeno did not have any reason to change their doctrines. We have seen that this theme of lack of originality appeared in the first dialogue.³⁶⁹ The analogous treatment of the theme of the three parts of Epicurean philosophy is found in Cicero's critical introduction at 1.17-25. Here, the point of dealing with each part of Epicureanism is to show that Epicurean physics is unoriginal, that Epicurus' logic lacks proper methods of argument, and that his ethics showed lack of insight and was derivative. This criticism expresses Cicero's belief that

1.17-26 and in Torquatus' speech at 1.63-4. See 4.2 above. Three parts of the Old Academic system are presented by the Antiochean Piso at the opening of his speech at 5.9-11.

³⁶⁷ For further discussion of this issue, see 5.4 below.

³⁶⁸ *Fin.* 3.14. See 5.1 above.

³⁶⁹ See 4.2 above.

Epicureanism is not original and that every attempt at improvement of the original system would ultimately fail. We also recognize a similar approach in the case of Stoicism. Cicero intends to show that the Stoic theory is based on that of the ancients (but with slight modifications). For each branch of knowledge, Cicero presents a brief outline of the main teachings of the Peripatetics, and explains similarities and differences from Zeno's theory.³⁷⁰ In other parts of philosophy, Cicero highlights mainly Zeno's methodological incapacity (that is, the fact that he overlooked the whole subject of politics and does not treat the issues of logic and physics in an appropriate manner). But in ethics, Zeno's disagreement lies not only in his methodology but also his doctrines, as we will see below.³⁷¹ Whatever modification Zeno made to Peripatetic doctrines, Cicero claims, he made no improvement at all. Cicero claims to offer the system of the Old Academy, a body of doctrines 'full of richness and refinement' (*satis et copiose et eleganter*), in order to highlight Zeno's debt to the Ancients.

Therefore, Cicero seems to aim at presenting the Stoics as sharing the same set of assumptions as those offered by the ancients. When we focus on the claims (i) - (iv), which are concerned with ethics proper, Zeno does not seem to have good reason to deny them, since these assumptions are already present in his account. However, we can argue that Cicero misrepresents the situation and that, in fact, Stoic ethics is based on a set of assumptions which are substantively different from those of the ancients. This salient difference becomes clear when we look at the discussion in 4.14-8. Here a number of points are made by Cicero concerning Stoic views on the final good and human nature.

(vi) The supreme good is 'to live in accordance with nature' (*secundum naturam vivere*).³⁷²

(vii) Human nature is subdivided into mind (*animus*) and body (*corpus*).

³⁷⁰ The importance of clarifying these similarities and differences is emphasized at 4.4-23. Zeno is criticized for failing to do this at 4.45.

³⁷¹ The Antiochean Varro lists six main Stoic revisions of Old Academic ethics at *Ac.* 1.35-9. As we can see from *Ac.*1 and *Fin.* 5, Antiochus accepted four of them, that is, he agreed with the Stoics in rejecting the Platonic division of the soul into rational and non-rational parts, and he recognized the implications for some further Old Academic views about virtue and emotion. See Brittain (2006) xxxii.

³⁷² *Fin.* 4.14-15.

- a. Each of them is valuable in its own right.
- b. Mind is ranked as infinitely higher in worth than body
- (viii) Wisdom (*sapientia*) maintains and preserves both body and mind.
- (ix) The goods of the mind contain seeds (*semina*) of all virtues.

These ideas, except (vi), are formulated neither clearly nor exactly in the same way as Cato expresses them in Book 3. Point (vii), which expresses a typical Platonic-Aristotelian concept of human nature, becomes a key basis for Cicero's criticism. In Cicero's speech, Stoic ethical theory is criticized for offering an incomplete picture of human nature, since it presents only the mind, and not the body, as valuable, and thus implies that we are nothing but minds. The objection can be made that a distinctive feature of Stoicism is the presentation of human beings as psychophysical wholes, rather than as a combination of (distinct) body and mind.³⁷³ Nevertheless, Cicero makes this crucial assumption as 'common' to both theories, without providing any supporting argument for this view. When Cicero finishes his presentation of the scheme of the Peripatetics, he tries to secure a quick consent from Cato, concluding that 'the Stoics will admit that all these precepts are excellent ones, and were not the reason for Zeno's secession.'³⁷⁴ Cicero then argues against Zeno and the Stoics on the basis of these shared assumptions in the subsequent speech. Thus, at least at this point, he takes it for granted that Zeno shares the same ideas with the Peripatetics.

Cicero may not intentionally misrepresent Stoicism. Cato himself highlights the distinction between mind and body at some points of his speech. When he compares various views of different philosophers about the ethical end at 3.30, he classes Stoicism in the same group as the philosophers who located the supreme good in the mind (*animus*), and expresses his preference for this group over the other two groups (i.e. three simple views and three combined views).³⁷⁵ But when we consider that Cicero as author always lies behind the characters in his books, the category of mind and body was probably

³⁷³ This is Antiochus' way of criticizing the view of human nature implied in Stoic ethics, when the Stoic theory is translated into Platonic-Aristotelian language. Although the criticism misdescribes the Stoic theory, the misdescription is intelligible, granted Antiochus' assumptions. See further Gill (2006) 168-70.

³⁷⁴ *Fin.* 4.19.

³⁷⁵ See 4.1 above.

incorporated in this context by Cicero himself deliberately. It is suggestive that this distinction is used in relation to Carneades' division. This may imply that the emphasis on virtue as a mental quality in this passage reflects Cicero's dialectical objectives, rather than because it forms part of the original conceptual language of Stoic theory.³⁷⁶

Whether Cicero's misrepresentation of Stoicism is intentional or a genuine misunderstanding, he simply takes the assumptions of the Peripatetics for granted in his subsequent discussion. Cicero describes the theory of the Peripatetics as a set of correct intuitions, from which every ethical theory has to start. As Cicero adopts this assumption from the Peripatetics, he emphasizes that he will use what is common and taken for granted (*quae sunt igitur communia vobis cum antiquis, iis sic utamur quasi concessis*).³⁷⁷ This may be one reason for him to highlight the common ground between both theories.

In this comparison of Stoicism with the theory of the ancients, Cicero does not highlight the theoretical consistency of the theory of the ancients, but rather the comprehensiveness of the topics covered and the practical utility that this view can offer. Cicero, by and large, simply enumerates their doctrines, without presenting any distinctive logical structure, which Zeno can claim that Stoicism offers more effectively, as we will see shortly.

3. The Systematic Character of Stoic Ethics

Cato concludes his speech by praising 'the marvellous structure of the Stoic doctrines and the miraculous sequence of its topics'.³⁷⁸ This systematic character of the Stoic theory has been questioned by Inwood, who claims that this is the only place in which we can find this grand claim made for the unity of the Stoic system, and that, even in this passage, the claim is not articulated very clearly.³⁷⁹ Here, I will not examine this question, that is, whether the Stoics themselves really made this claim about the systematic nature of their theory, a question which would require separate discussion. I focus simply on the question how far Cato's own account conveys this feature of the Stoic theory (as he characterizes it) and how far Cicero responds to this feature in Book 4.

³⁷⁶ See my discussion in Chapter 3 and 4.

³⁷⁷ *Fin.* 4.24-5.

³⁷⁸ *Fin.* 3.74: *Verum admirabilis composition disciplinae incredibilisque me rerum traxit ordo.*

³⁷⁹ Inwood (2012).

Although Cato's account presents the main Stoic doctrines more coherently than to those of Arius or Diogenes Laertius and brings out more clearly their underlying rationale, this famous claim about the systematic character of the Stoic theory appears rather too strong as the conclusion to his account, and also does not seem to be expressed in a wholly plausible way. Cato has not stressed explicitly the systematic feature of Stoic theory anywhere in *Fin.* 3 up to this point. In their initial interchange, neither Cato nor Cicero emphasizes the integration or unity of Stoic doctrines. Admittedly, Cato says that he prefers to expound 'the whole theory' (*tota sententia*) of Zeno and the Stoics, instead of answering Cicero's questions point by point.³⁸⁰ But the ostensible reason is to avoid Cicero's 'dialectical quibbling', which is also criticized by Torquatus for the same reason.³⁸¹ Cicero agrees with Cato's suggestion gladly, since he believes that the exposition of the whole theory will be 'of great assistance in resolving the questions' of their investigation. How does the exposition of the whole theory help to resolve the current issue? The issue between them, as we saw above, is whether the Stoic theory is only verbally different from that of the Peripatetics. Thus, the presentation of the whole theory offers Cicero a chance to bring out the essential similarity between these two theories. Nevertheless, this passage does not refer explicitly to the systematic features of the Stoic theory.

What is, then, the systematic feature of Stoic theory which Cato admires in his conclusion? Cato describes the Stoic theory as 'such organization, such a firmly welded structure' (*tam compositum tamque compactum et coagmentatum*), of a kind that we cannot find elsewhere in natural or artificial works.³⁸² The features of this theory are spelled out in various ways: '(i) the conclusion unfailingly follows from its premises (*quid posterius priori non convenit?*); (ii) the later development follows from the initial idea (*quid sequitur quod non respondeat superiori?*); (iii) the removal of a single letter, like an interlocking piece, would cause the whole edifice to come tumbling down (*quid non sic aliud ex alio nectitur ut si ullam litteram moveris labent omnia?*); (iv) nothing here could possibly be altered (*nec tamen quidquam est quod moveri*

³⁸⁰ *Fin.* 3.14.

³⁸¹ *Fin.* 2.17: 'An end to questioning, if you please,' said Torquatus, 'I told you my own preference right from the beginning, precisely because I foresaw this kind of dialectical quibbling.'

³⁸² *Fin.* 3.75-6.

possit).' These features can be understood in various ways.³⁸³ (iii) and (iv) can be seen as based on the idea of an artificial (especially architectural) structure rather than on that of living things. (i) and (ii) can be understood in either a temporal or non-temporal way, by reference to a developmental sequence or logical analysis. Whether or not these ideas are mutually compatible, they constitute various ways of understanding the unified or holistic character of Stoic theory, as presented in a number of sources (and not just this passage).³⁸⁴ I think that Cato's account as a whole displays these features of Stoic theory in a relatively clear way, as shown below.

The kind of coherence found in the Stoic ethical theory is illustrated in the description of the wise man in the final section of Cato's speech. Granted that virtue is the only good (*quod honestum esset, id esse solum bonum*), the wise man will have a dignified, noble and constant character; he will always be happy, rightly king, rightly master of the people, rightly rich, the owner of all things, rightly beautiful, uniquely free, the servant of no master, the slave of no appetite, rightly unconquerable; we do not have to wait for any time before it can be determined whether he is happy. Some of these characteristics may be deduced directly from the unique goodness of virtue; some of them may be derived from the theses already argued for. All these characteristics of the wise man can be understood by reference to the close and natural interconnection between each predicate, rather than by deductive inference.

In fact, in Cato's account of Stoic ethics, strictly deductive inference is used only in a few places. After presenting the account of (personal) development as *oikeiōsis*, Cato draws the conclusion that nothing is good except virtue and that all things except virtue and vice are matters of indifference. From this, he draws certain theoretical consequences (*consequentia*) and implications.³⁸⁵ His main focus is on the final end, which is presented as living consistently and harmoniously with nature. Here Cato infers in a deductive way the claim that the wise man necessarily lives a happy, perfect and blessed life. He also offers proof for the claim that the right is the only good by using a syllogism: first, it is proved that what is good must be right; then in turn, that what is right is good.

³⁸³ For various ancient accounts of the way that the branches of knowledge fit together in Stoic theory, see D.L. 7.39-41 (LS 26B).

³⁸⁴ On the unity or holism of the Stoic theory and the question of the relationship posited by Stoics between the three branches of knowledge, see Gill (2006) 145-66.

³⁸⁵ *Fin.* 3.26-9.

This is a typical case of deductive inference in Stoicism, which is used in only a few cases in Cato's account.

We can now consider how far, and in what sense, Cato's account as a whole is systematic. The prevalent form of investigation in his account does not come from logical deduction, but rather from the coherence between the broader theoretical framework and specific observations. At 3.16-25, Cato gives much space to the acquisition of moral understanding, which is drawn from the Stoic theory of *oikeiōsis*.³⁸⁶ The initial appropriate action is presented as being to preserve oneself in one's natural constitution, a claim which is supported by observational evidence, such as our natural preference for the soundness of the body. Then we are told that the selection of these primary natural things becomes increasingly continuous and stable. At this point, that which can truly be said to be good first appears. Finally, order and concordance (*homologia*), which constitutes right action and virtue itself, is found. This is presented as the supreme human good, which should be praised on its own account, and which constitutes the goal towards which everything else ought to be directed. This account presents the (allegedly) natural development of human beings in a temporal sequence. Likewise, the account of social *oikeiōsis* at 3.62-71 is not based on logical deduction. It begins from parents' love for their children, which is claimed to arise naturally. From this starting point, we are told, we can trace the development of all human society.³⁸⁷

Finally, Cato briefly mentions the topics of 'logic' and 'physics' at the end of his speech.³⁸⁸ We have seen that this passage does not only have the function of referring to the Stoic system as a whole. The other factor, especially relevant for the Stoics, is that they conceive a kind of 'virtue' that is correlated specifically with logic and physics. Logic provides a method of reasoning that enables us to guard against assenting to anything false and being deceived by the appearance of probability; it also enables us to protect and preserve all we

³⁸⁶ See Long (1996) 124-5: 'Diogenes actually quotes Chrysippus on this subject (7.85), but his own exposition is more perfunctory than Cicero's. Arius... knows all about *oikeiōsis*, but omits it completely from his Stoic section.'

³⁸⁷ I leave aside the question whether personal and social *oikeiōsis* each constitute a single and distinct pattern or aspects of a combined pattern; on this question, see e.g. Annas 1993: 275-6. Whether or not social *oikeiōsis* was a later addition to the theory, it seems important that this account of social development is here seamlessly interwoven in the account and is placed between the discussion of appropriate action (58-61) and of friendship (69-71). Thus 58-71 forms a continuous discussion that bears both on individually and socially appropriate action.

³⁸⁸ *Fin.* 3.72-3. See 5.2 above.

have learnt about good and evil.³⁸⁹ Physics functions as the starting point for anyone who is to live in accordance with nature, by informing us about the universe as a whole and its governance; one cannot make a correct judgement about good and evil, unless one understands the whole system of nature. Here, Stoic logic and physics are not being considered in their own right, but in so far as they support, or are integrated with, Stoic ethics. So far, virtue has been presented as providing Stoic ethics with the foundation for its 'marvellous unity'. We are now reminded that the Stoic account of virtue does not only draw on ethics but also on aspects of logic and physics.

Therefore, it seems clear that Cato's account is meant to show that each part of Stoicism is coherently fitted to the other parts.³⁹⁰ Cicero, in his general treatment of the Stoic theory in Book 4, challenges this picture in two ways. First, as we have seen, he claims that the main ideas of their system have already been examined thoroughly by the old Academics and the Peripatetics. Thus, the Stoic contribution to this system is almost nothing. Secondly, the systematic edifice of Stoic theory fails to be consistent in one, absolutely crucial, step, namely, the transformation of motivation from attraction to primary natural objects to attraction to virtue. Cicero claims that this move constitutes the abandonment of the original starting point (attraction to primary natural things) and the adoption of a different final end, which is drawn from Aristo or Pyrrho. Now I will examine this second point of criticism in the next section.

4. Stoic Dilemma

We saw that the salient feature of the second dialogue is the dilemmatic structure. Cicero seems to compose this dialogue in this way so that the distinctive features – and potential weaknesses - of Stoic theory can be displayed more effectively. The dilemma to which Stoic theory is subject, according to Cicero, is the consequence of modifications made by Zeno to Peripatetic ideas.³⁹¹ Zeno claims that a life consisting of virtue alone is just as happy as a life which also contains the other natural advantages. To

³⁸⁹ On this defensive aspect of Stoic logic, see 2.4 above.

³⁹⁰ Schofield (2003) 235: 'Zeno will not have perceived himself as presenting a philosophy of human life different from Socrates' or Diogenes', but as communicating that very same philosophy in a new form: the form of a system.'

³⁹¹ *Fin.* 4.20-3.

demonstrate this point, Zeno was said to make virtue the only good and discards the goods of body, such as health and well-functioning organs, calling them 'preferred indifferents' instead. This view leads, according to Cicero, to various absurd conclusions, including some of what are called the 'Stoic paradoxes'.

Cicero presents these problems in a rather rhetorical manner at 4.19-23. If the ethical end is just as Zeno describes it, there would be no difference of degree between virtue and vice; thus all wrongdoings are equal; all men are either completely virtuous or completely evil; moral progress is impossible since this does not admit of degrees; people are equally miserable unless they have attained virtue. Cicero presents this set of ideas as useless as a basis for practical ethical life. The Stoics cannot declare their teachings in the law-courts or the Senate because the public cannot make sense of their language and ideas.

In this section, I will focus on the sections of the discussion in which Cicero discusses these difficulties in a more theoretical way, highlighting two distinct points. Firstly, the Stoics begin from the same principles shared with the Peripatetics, but end up with a different final end, namely, 'living virtuously'. But this move cannot be justified since it will abandon these first principles ultimately (4.24-43). Secondly, when they arrive at this final end, which is said to be the same as that of Aristo and Pyrrho, they appeal to their starting points again, in order to find the basis for proper actions and avoid absurd consequences. But they can achieve this goal only by changing names (4.44-60). These two perspectives constitute the Stoic dilemma: either their view is a merely verbal variant of the Peripatetic thoughts or they must suffer from uncomfortable consequences, as Pyrrho and Aristo do.

4.1. Question about Stoic Developmental Account (4.24-43)

At the beginning of this part, Cicero suggests that the discussion needs to be conducted more seriously (*pressius agamus*). Cato agrees that the previous criticism against Zeno is only 'popular' (*popularia*), and needs something 'more refined' (*subtilius*). Although the meaning of *popularia* and *subtilius* is not clearly indicated, it seems likely that this more refined argument refers to the

controversy between the Stoics and the Peripatetics, judging from the parallel between the arguments at 3.41-50 and at 4.25-38. In both places, the discussion comes after the outline of each theory. The discussion is also said to be restricted to the controversial area (*controversia*), which alludes to a 'great controversy' (*magna contentio*) between them in Book 3.

At 3.42-50, Cato explains why Stoic theory is substantially different from that of the Peripatetics. The Peripatetics regard pain as an evil (3.42). They also claim that there are three kinds of goods; the richer one is in bodily or external goods, the happier one is (3.43). Thus, no life is completely happy without bodily wellbeing, meaning that happiness admits of degrees (3.43-4). On the other hand, Cato suggests that ethical development can lead someone to transform the initial attraction to primary natural things and to see that these things are only preferred indifferents. Thus pain is not evil by its inherent nature, but only something to be rejected, which one's virtuous character can make less intense. Also, bodily goods do not make one happier. These goods command a certain value, but their value cannot be compared with virtue, the splendour of which is not influenced by the addition of them. Cato then elaborates the features of virtue. Virtues do not admit of cumulative enlargement, just as something 'ripe' (*eukairia*), which has already reached its full measure, does not increase with length of time. Likewise wisdom is not affected by length of time, since one person can neither have more wisdom than another nor act more wrongly or rightly than another. Thus, someone who has made some progress towards the acquisition of virtue is just as unhappy as one who has made no progress at all.

This distinctive feature of personal *oikeiôsis* in Stoicism can be seen as being in contradiction to our continuing valuation of primary natural goods even when we have reached a complete understanding of the intrinsic value of virtue as the basis of happiness. Cicero presents this point by assuming that both theories share the same premise, that is, that human nature is composed of mind and body. It is granted that we have the natural desire to preserve ourselves both in mind and body. Thus, our final end must consist in obtaining as many of these natural goods as possible. These assumptions are exploited in a series of anti-

Stoic arguments to show the inconsistency of Stoic ethics, which denies the existence of goods other than virtue.³⁹²

The Stoics start from the same natural principles as those of the Peripatetics, but end up with a different account of the supreme good, that is, 'living virtuously'. Cicero maintains that they suddenly abandon attachment to the body and all natural things, for the reason that these are beyond our power, and abandon the valuation of appropriate action after all. However, he objects, the significance of bodily goods is not so small as to be eclipsed completely or to disappear.³⁹³ This point is illustrated by an analogy with an imaginary creature which has mind only; even such a creature would like to preserve its mental attributes, such as health and freedom from pain, which are parallel to the bodily attributes. Moreover, the fact that a doctor who alleviates bodily deformity or agonizing pain is greatly appreciated proves that bodily goods make a positive contribution to life that is worth striving for. Thus, although natural advantages may be relatively unimportant elements in a happy life, they still constitute an integral part of that life.

Cicero allows that the Stoics might argue that we should be concerned with the security of our best part, and not the whole. However, leaving aside the distinctive qualities of human nature and considering nature in general, the final goal is self-love, which includes love of the whole of each nature, not a part of it. How is it, then, he asks, that human nature alone should forget the body and place the highest good in a part, not in the whole? There is no reason to think that rational development in human beings would lead us to abandon all concern for bodily needs.³⁹⁴ This thought is elaborated further by referring to the conception of wisdom presupposed by the Peripatetics. They assume that wisdom takes over the unfinished human race from nature and cultivates it. Likewise, the best part of every living being needs to be free from pain and to be healthy, since it is disposed to take care of body. Some philosophers locate the supreme good in mind, some in body. But a complete account would not leave any human element un-provided for.

³⁹² *Fin.* 4.25-43.

³⁹³ *Fin.* 4.26-32.

³⁹⁴ *Fin.* 4.33-9.

Cicero continues by saying that the Stoics might argue that virtue cannot be secured if anything other than virtue contributes to a happy life.³⁹⁵ On the contrary, virtue cannot be brought into play at all unless the actions which it chooses pertain to the final good.³⁹⁶ The Stoics thus make the same mistake as Aristo, who neglects the natural advantages completely, or Erillus, who does not neglect primary natural things but fails to relate them to the final good. The Stoics say that certain natural things should be taken for their own sake (the so-called 'preferables'); yet these things form no part of their highest good.

The arguments criticized by Cicero in this way are the ones taken by Stoics to provide a basis for the radical motivational shift from securing natural advantages to recognizing that only virtue is intrinsically desirable and that the other advantages are relatively indifferent.³⁹⁷ Cicero seems to fail to grasp the nature and significance of the transition from primary motivation to virtue as presented in Cato's account of ethical development. Cicero simply seems not to believe that nature herself can lead us to renounce our first impulses and to care only about virtue. Hence, he regards as highly problematic the Stoic claim that the strong motivational shift posited as part of ethical development is a natural one.

4.2. Questions about the Consequences of the Stoic Ethics (4.44-60)

Next, Cicero proposes to deal with the 'remaining issues' (*nunc reliqua videamus*); Cato too wishes to see the disputation completed. These remaining issues are introduced by Cicero without any further comment on their scope. They are supposed to cover the topics which have not been examined yet. When we consider the arguments taken on their own, it does not seem that he adduces any new points for discussion, making this part of his speech look more or less redundant. It is true that there are some ideas which have not yet been included in the previous speech, for instance, a question about Stoic syllogisms at 4.48-55 and about Stoic paradoxes at 4.74-7. Most of the other arguments, however, appear to have been provided previously.

³⁹⁵ *Fin.* 4.40-3.

³⁹⁶ *Fin.* 4.40: *introduci enim virtus nullo modo potest, nisi omnia quae leget quaeque reiciet unam referentur ad summam.*

³⁹⁷ See e.g. in *Fin.* 3.20-2.

What remains for Cicero to refute in Cato's account? As we saw, the previous part of Cicero's speech has two goals. One is to present the doctrines of the Peripatetics as a set of correct assumptions, fundamentally agreed by both the Stoics and the Peripatetics, as suggested at 4.4-23. The other is to demonstrate that the Stoic claim that nothing is good except virtue cannot be derived from these shared assumptions, as argued at 4.24-43. Zeno cannot succeed in supporting this claim without abandoning the valuation of bodily goods. Therefore, the previous discussion shows that Zeno takes over most of his ideas from the Peripatetics, and that he does not need to change them at all. Thus, I think that Cicero's statement at 4.44 should be taken seriously: 'up to this point, I have been explaining why Zeno had no good reason to depart from the teaching of his predecessors'.

So far, Cicero's arguments have been based on the plausibility of Peripatetic ideas. Now he grants that Zeno's position can be seen as distinct from that of the Peripatetics, as Cato strongly insists. From this point onwards, most of Cicero's criticisms in Book 4 treat Stoic theory as similar to that of Aristo and Erillus, as distinct from that of the Peripatetics. Thus, his speech focuses on the absurd consequences of the Stoic claim that nothing is good except virtue and that if anything except virtue is to be sought, virtue will be destroyed.³⁹⁸ This move in fact has an effect of driving Zeno's position to a dilemma, since Cato also considers that the position of Aristo or Erillus cannot be maintained due to their extremely unorthodox views on virtue.

Fin. 4.44-60 can be analysed as consisting of three distinct steps. Each step aims at showing that the Stoic strong claim of the intrinsic goodness of virtue is the source of many counter-intuitive consequences, which can only be corrected by returning to their starting point, that is, primary natural things. Firstly, Zeno is criticised for having adopted virtually the same arguments and doctrines as the philosophers who locate the highest good in virtue alone, such as Pyrrho and Aristo.³⁹⁹ This criticism constitutes a response to Cato, who

³⁹⁸ 4.62-73 should be also seen as part of the 'remaining issues', since there is no distinction between this part and the previous part (i.e. 4.44-60). However, contrary to my assumption that the remaining part deals with the issue of the distinction between Zeno and Aristo (or Pyrrho and Erillus), 4.62-73 also deal with the Peripatetics. Therefore I suggest that Cicero's treatment of the remaining issue goes in two directions. The one is Cato's attempt to distinguish Stoic ethics from Aristo's (44-61). The other part is concerned with the critical dialogue between Zeno and the proponents of two other competing theories (both Aristo and the Peripatetics) (62-73).

³⁹⁹ *Fin.* 4.45-8. See also 3.30-1.

claims to distinguish his position from that of Aristo.⁴⁰⁰ Cato maintained that appropriate actions are still possible because they involve the sphere of indifferents, in which some of the indifferents should be adopted (the 'preferables') and others rejected (the 'dispreferables'). Thus, a rational explanation can be given of an action that is performed reasonably. The wise person, no less than the foolish, can adopt natural advantages and reject what is contrary.⁴⁰¹ Thus, Cicero objects, despite having presented the primary natural things as indifferent, Zeno appeals to them again as a reference-point for proper actions. This is as much as to admit that one cannot find any principle of appropriate action on the basis of virtue alone.⁴⁰² Likewise, when Zeno tries to define the nature of virtue, he specifies it as selection among the primary natural things, which assumes that the ultimate good lies in pursuit of some things other than virtue. Therefore, Cicero objects, although Zeno's theory involves the devaluation of primary natural things, he is forced to identify principles of action, and indeed virtue, by reference to such natural things.

Secondly, it is hard to justify the Stoic claims with the help of their own syllogisms (that is, 'everything good is praiseworthy'; 'everything praiseworthy is virtuous'; therefore, 'everything good is virtuous').⁴⁰³ Zeno's syllogism would not be so effective unless he persuade others to accept the Stoic claims, since no opponent would accept their assumptions (especially that everything good is praiseworthy). Cicero claims that only philosophers such as Pyrrho and Aristo would agree with Zeno, since they are supposed to share the same assumptions. Without gaining consent from others, the Stoics should not adopt assumptions which have not been generally agreed. Even if someone agrees, though reluctantly, with the formal validity of their syllogisms, he would not be persuaded to change his life; thus it is useless to him.⁴⁰⁴ Another point about the Stoic syllogisms is that many paradoxical conclusions can be seen as logical consequences of their extremely counter-intuitive premises. Zeno's

⁴⁰⁰ *Fin.* 3.50-61.

⁴⁰¹ The Stoics divide proper functions (or 'appropriate actions', *kathēkonta*) into those which do not depend upon circumstances and those that do. Taking care of one's health is among the former, while mutilating oneself is among the latter (See LS 59E). Regarding suicide, it is sometimes appropriate for the wise person to depart from life though he is happy, and the fool to remain in it though miserable. One who is endowed with virtue need not be detained in life, nor need those without virtue seek death (LS 66 G-H).

⁴⁰² Cicero's criticisms are directed at points such as those made by Cato at *Fin.* 3.50-9.

⁴⁰³ *Fin.* 4.48-55. For Stoic syllogisms, see *Fin.* 3.26-9.

⁴⁰⁴ See also *Fin.* 3.27.

conclusions are so contradictory to common sense and the facts of nature that the premises from which they arise cannot be true.⁴⁰⁵ The conclusion that happiness is not affected by the loss of bodily and external goods, for example, runs counter to most people's intuitions. Thus, these paradoxical consequences prove that their basic premises cannot be true.

Finally, Cicero complains, in order to avoid these paradoxical consequences and to make his theory more acceptable, Zeno devised new terms.⁴⁰⁶ The criticism mainly centres on two new coinages, i.e. 'preferred' (προηγμένα; *praeposita*) and 'rejected' (ἀποπροηγμένα; *reiecta*) indifferents, and their cognates.⁴⁰⁷ Cicero allows that the use of neologism is at least effective in making the Stoic theory look more intuitively attractive. By inventing new words, Zeno believes that even the wise person can act in the sphere of the indifferents by judging some actions to be appropriate. However, Zeno does not, in fact, set any lower value on the objects which he denies are goods than did those thinkers who called them goods. Cicero claims that Zeno's contrived words express ordinary thoughts only; and there is thus no disagreement between the Stoics and the Peripatetics as regards facts.⁴⁰⁸

As we saw earlier, Cicero considers the Stoic dilemma as merely illusory, compared to the Epicurean dilemma. Whereas an interest in terminology lies at the heart of both dilemmas, the focus seems to be different in each case. In Book 2, Cicero highlights the ambiguity of the word 'pleasure'. The highest good is presented as pleasure, which refers to the actual titillation of the senses; but Epicurus also defines it as the absence of pain. The key to this dilemma is the precise reference of a term to the object referred to. In the second dialogue, likewise, Cicero indicates that a problem with the Stoics is their terminology.⁴⁰⁹

In Book 3-4, however, he praises Cato's effort to deliver an exposition 'accurately and lucidly'.⁴¹⁰ He continues by saying that the theory is constructed with great care (*diligenter*) and certainly elaborately (*accurate*) in its foundation (*fundatam*) and in the edifice itself (*exstructam disciplinam*). This appreciation of Cato's style, or rather of the Stoic style, seems not to be mere politeness, since

⁴⁰⁵ See also *Fin.* 3.46-8, 4.21.

⁴⁰⁶ *Fin.* 4.56-60.

⁴⁰⁷ See e.g. *Fin.* 4.22; 56-7; 72. See also 3.15.

⁴⁰⁸ See also 4.2.

⁴⁰⁹ *Fin.* 3.2-6.

⁴¹⁰ *Fin.* 4.1: *Ne tu... ista exposuisti, ut tam multa memoriter, ut tam obscura, dilucide.*

Cicero has already praised the clarity and subtlety of Cato's exposition in Book 3.⁴¹¹ Moreover, the dialectical rigour of the Stoics makes the debate with them even fiercer (*acrior*).⁴¹² Hence, the ambiguous use of terminology does not seem to be a serious problem in the Stoic theory. Cicero's opening comment that they are fiercer opponents does not mean that the Stoics are more blameworthy than Epicurus.⁴¹³ They are just opponents of a different type.

What then leads Cicero to present the Stoic use of terminology as a major problem? The criticism of Stoic vocabulary (i.e. Stoicism is not fundamentally different from the theory of the ancients) centres on their eccentric neologisms. But we have seen that Cicero does not oppose the use of neologism in principle. He acknowledges the need for a new vocabulary in any field of knowledge, such as logic, physics geometry, and music, which uses a large number of new terms to specify their subject matter.⁴¹⁴ Likewise, the terminology for the Stoics' new ideas was not accepted even in Greece at first, and only long habituation has made it familiar.⁴¹⁵ Thus, Cicero does not have any problem with introducing new terminology in itself.

Cicero's comparison of new terminology with translation may imply that the problem in Stoic theory is not neologism itself, but rather its proper application. He indicates that, just as the new coinage was not familiar to the Greek readers, Greek philosophical terminology is not familiar to Roman readers.⁴¹⁶ When Cicero translates Greek philosophical terms into Latin words, he says that he would translate Greek language into Latin correctly by adopting the following procedure. Firstly, he would employ a more familiar term, which conveys the same meaning. Secondly, he would use several Latin ones, if there is no single word which corresponds exactly. Although he does not demand that philosophy

⁴¹¹ *Fin.* 3.40: 'How lucidly your language conveys your exact meaning, Cato.'

⁴¹² *Fin.* 3.2.

⁴¹³ *Fin.* 3.3-5.

⁴¹⁴ *Fin.* 3.3-4.

⁴¹⁵ *Fin.* 3.15.

⁴¹⁶ The problem of writing philosophical works in Latin was not so much that educated Romans were not interested in philosophy, but that the Roman intellectuals regarded philosophy as something best done in Greek, since they were effectively bilingual. But Cicero set out to naturalize Hellenistic philosophy in his own culture. This explains the emphasis on philosophical terminology in the *Academica*, in which the interlocutors are actively forging a new vocabulary. See *Ac.* 2.17-8 on the Greek terms *katalēpsis*, *enargeia*, and *phantasia*; *Ac.* 1.25 on *poiotēs*. On Cicero's translations of Greek philosophical terminology, see Powell (1995).

should employ none but common words, he suggests that common words should not be rejected without due caution.⁴¹⁷

I suggest that Cicero's principle of translation can be applied to his criticism of Stoicism, although this is not the argument which he actually applies to the Stoic use of language. This argument can be reconstructed in the following way. The Stoics may be allowed to deviate from the Peripatetics, if the latter made either of the following errors in their arguments: (i) if they are ignorant of facts; and (ii) if they misapply their terminology.⁴¹⁸ In the case of Epicurus, both errors seems to be committed at the same time by creating new facts and by employing the term (i.e. pleasure) ambiguously.⁴¹⁹ If the Peripatetics commit neither of these errors, the Stoics must 'employ the most familiar and appropriate terminology, namely that which reveals the facts'. But Cicero claims that the Peripatetics have a more suitable terminology, because 'they are right about the facts' (*si in re ipsa nihil peccatur a superioribus*).⁴²⁰ Therefore, the Stoics should adopt the terminology which the Peripatetics use and then 'the difference between the Stoics and the Peripatetics,' Cicero says, 'lies only in terminology, not in fact.' If he has in mind this line of thought, the question which he raises about Stoicism becomes simply a matter of correspondence between language and the facts.

This answer can be countered by Cato, who admits that there are some obscure elements in Stoicism, but states that these are not due to a deliberate affectation by the Stoics but are ingrained in reality.⁴²¹ In other words, if the facts which both parties are referring to are different, the difference between them must be substantive, not only terminological. Cicero's answer is that there is no obscurity in the subject-matter, as Cato maintains, because the same facts are explained by the Peripatetics – but clearly. Cicero suggests that, if we observe the facts carefully, the difference between the two theories can be eliminated. This comment may be taken as meant only to indicate the problems inherent in the Stoic theory and to deny the originality of the Stoic view. Alternatively, it might mean that these facts, which are supposed to be well

⁴¹⁷ Howes (1972) 46. See also *Fin.* 3.4.

⁴¹⁸ *Fin.* 4.57.

⁴¹⁹ See 4.4 above.

⁴²⁰ *Fin.* 4.58.

⁴²¹ *Fin.* 4.2: *Obscura... quaedam esse confiteor; nec tamen ab illis ita dicuntur de industria, sed inest in rebus ipsis obscuritas.* Also see *Fin.* 4.15: 'Then let us make the attempt however difficult and obscure Stoic doctrine may be.'

understood by both the Stoics and the Peripatetics, can reasonably be accepted by Cicero as granted as common ground for both theories. On the contrary, we have seen that the (alleged) facts which Epicurus refers to are always rejected.⁴²² Therefore, it seems that, in Cicero's view, the dilemma to which he exposes Stoic theory can be resolved - in favour of the Peripatetic position, although Cato would not agree with this conclusion (i.e. that the difference between the two theories is merely verbal).

According to Cicero, the Stoics begin from the assumption that the desire for primary natural things and appropriate actions are given by nature. Yet when they arrive at the supreme good, they skip over everything else and leave us with two tasks, that of 'adopting' some things, and 'seeking' others, rather than including both of them under a single end.⁴²³ Cicero criticizes the Stoics for their aberration from the ordinary usage of language, which is alleged to result from their distinguishing themselves as offering a new philosophical system.

In Book 4, Cicero prefers the Peripatetics to the Stoics. Here at least, he is inclined to accept the idea of fundamental agreement between two schools rather strongly. I have suggested that the reason for Cicero's strong support of fundamental agreement is that he presents the system of the Peripatetics as a set of correct ethical intuitions, from which every investigation of the ethical end needs to start. In this respect, the Peripatetics have some strong advantages, in so far as they accommodate widely held beliefs. Cicero's criticism of the Stoic ethical theory is based on these plausible premises. He seems to suggest that any theory should be based on correct intuitions, and that a correct intuition consists in having proper regard to what ordinary people believe and say about things. Thus, their moral framework may find it hard to fit in with conventional ethical ideas.

⁴²² See 4.4 above.

⁴²³ *Fin.* 4.40-3.

Chapter 6

Cicero's Criticism of Antiochean Ethics in *Fin. 5*

In the previous chapter, we have seen that, in response to Cato's account of Stoic ethics, Cicero offers two objections in Book 4: one based on the substantive affinity between Stoicism and the theory of the ancients; the other based on the alleged closeness of Zeno to such philosophers as Aristo (who, Cato claims, locates the ethical end in mind alone).⁴²⁴ These two arguments formed a dilemma which is presented as characteristic of the Stoic position. Cicero's refutation of Stoicism was based largely on the idea of a fundamental agreement between the philosophers falling within the Academic tradition and on the set of assumptions purportedly shared by them (notably, the division of mind and body, and the three kinds of good). This view, which Cicero appears to adopt in Book 4, does not contradict Piso's account of Antiochean ethics in Book 5. Thus, it is generally agreed that both Cicero's speech in Book 4 and Piso's speech in Book 5 are derived from Antiochus.

In Book 5, however, Cicero attacks Piso's account of Antiochean ethics. Cicero's criticism at 5.77-86 centres on the issue of the consistency of the Antiochean position with the Stoicizing claim that virtue is sufficient in itself for a happy life. In order to counter the Antiochean position, Cicero recommends the Stoic position, which is presented here as being more self-consistent, to have the better of the argument on this point, and to be stronger to this extent. The theoretical consistency of Stoicism regarding the claim that the wise person always lives a happy life is generally presupposed and endorsed by Cicero; and it is significant that he did not question this aspect of Stoic ethics in Book 4.⁴²⁵ Even Piso himself concedes the superiority of the Stoics on this point, as we will see below. Thus both Cicero and Piso himself do not deny the consistency of the Stoic theory.

Cicero does not make an authorial comment about the rival merits of these two competing ethical theories, just as he refrains from doing in his other

⁴²⁴ On Cicero's criticism of Stoicism in these respects, see 5.2 and 5.4 above.

⁴²⁵ See 5.4.2 above.

dialogues.⁴²⁶ The author's neutral attitude to the views discussed in *De Finibus* seems to imply that neither Stoic nor Antiochean ethics have, in the end, passed the test of critical examination or failed it and that readers are not encouraged to endorse any of them but to suspend judgment on the issue of ethical ends.

However, there is some reason to think that Cicero's criticism of Antiochus is less severe than his criticism of the other philosophers examined in the previous books of *De Finibus* (especially the Stoics). The following features of Book 5 appear to support this impression.

(a) Cicero's overall attitude to the inconsistency of Antiochean ethics appears not to be totally negative. In his concluding statement, Cicero promises to follow Antiochus along with his cousin Lucius, if this position can be defended (*tenueris*).

(b) There is no separate book refuting the Antiochean view as a whole in a systematic manner, by contrast with the Stoics, who are thoroughly criticized in a separate book (i.e. *Fin.* 4). Thus Cicero does not seem to refute Antiochean ethics as a whole in Book 5 and his criticism appears to be limited to the single issue of the sufficiency of virtue for happy life.

(c) Piso is offered a chance to reply to Cicero's criticism, while Torquatus and Cato do not have a chance to reply to Cicero's criticism.

However, I think that these features of *De Finibus* do not necessarily support the conclusion that Cicero considers the Antiochean view as more probable than that of the Stoics. In the first two sections, I will give a brief analysis of Piso's account of Antiochean ethics at *Fin.* 5.24-72 and Cicero's criticism on this account at *Fin.* 5.77-86. Then, in the following three sections, I will argue that the rationale for the Antiochean reading of *De Finibus* mentioned above is not strong enough to show that Cicero prefers the Antiochean view to that of the Stoics in *De Finibus*. I will show that Cicero's criticism of Antiochus is intended

⁴²⁶ A possible exception is *De Natura Deorum*. Although Cicero does not appear as a character in the dramatic setting, he seems to indicate his approval of a specific theological doctrine in the closing statement: 'Cotta's argument seemed to Velleius to be the more truthful, but in my eyes Balbus' case (i.e. the Stoic view) seemed to come more closely to a semblance of the truth (*DND* 3.95)'. Contrary to our expectations of Cicero, who is generally supposed to be identical with the sceptic Cotta, the writer's curious sanctioning of the Stoic view on the nature of gods, rather than Cotta's Academic criticism, has long puzzled readers. It is often assumed that the intention of his pronouncement is merely to avoid public criticism of scepticism regarding religion, or to reinforce the basis of the state religion. I agree that his predilection for Stoic theology does not contradict his general stance of Academic scepticism. See Pease (1913); Schofield (2008) 82.

to contrast the Antiochean position with that of the Stoics and that this contrast has already been taken account of by Antiochus himself in his attempt to compete with Stoicism. I will also suggest that this contrast between the two positions is not restricted to Cicero's final criticism in Book 5, but also reflects his overall plan in Book 5. In the final section, I will suggest that the attitude of Cicero as author of *De Finibus* is broadly neutral but that Cicero as persona is not neutral in the debate about the ethical end. Also, I will consider how the attitude of the Cicero persona reveals important aspects of the author's project in *De Finibus* as a whole.

1. Piso's Account of Antiochean Ethics at *Fin.* 5.24-72

Varro presents Antiochean ethics at *Ac.* 1.19-23 by enumerating the following views.

(i) Antiochus derives ethics from nature: the highest good should be sought from no other source than nature. The goal of desire (or the ethical end) is to have obtained everything natural in mind, body, and life as a whole.

(ii) He introduces the tripartite theory of goods: bodily goods, mental goods and circumstances conducive to the exercise of virtue.

(iii) The ethical end is to obtain all or the greatest of the primary natural objects (assumed to be sought for their own sake). But the greatest primary objects are goods of the mind, especially virtue.

(iv) The happy life depends on virtue alone, while it would not be 'completely' happy without the addition of some bodily (and also presumably some external) goods.

(v) He considers the aim of appropriate action as 'obtaining primary natural things', which is the source of every virtue (such as friendship, justice, and equity) and of the preference for these over pleasure and other advantages.

Piso's account of Antiochean ethics at 5.24-72 is essentially similar to Varro's bare summary in its contents and order, but in a form of more fluent and elaborate speech, which can be analysed as the following steps:

- (1) primary natural things seen as a basis for self-preservation (24-45)
- (2) the desire to realize the inherent capacity of each part of our nature (46-67)
- (3) the highest good (68-74)

The turning point in Piso's account is marked by the crucial methodological statement at 5.46. Up to this point, Piso maintains the theory on the basis of 'primary natural affection' (*prima commendatione naturae*). Now he will take 'a different line of reasoning' (*aliud... argumentandi... genus*). This methodological turn marks a change of focus: we are instinctively concerned with each part of our body and mind, not only because we love ourselves, but also because each part has its own particular capacity. The subsequent discussion explains the characteristics of these parts, based (allegedly) on empirical evidence. This account progresses to discussion of virtue, highlighting as its foundation various social relations, which are also said to be valuable in their own right. Thus, these three kinds of goods (those of body and mind, and the external goods) are sought for their own sake.

Now, Piso's speech leads to the distinctive Antiochean thesis on the highest good: namely that virtue is necessary and sufficient for the 'happy life' (*beata vita*), but that the 'completely happy life' (*beatissima vita*) also requires bodily goods. Bearing in mind the sequence of ideas in Piso's account, I will now explain each step in rather more detail.⁴²⁷

(1) Piso's main account begins with the description of the natural development of every living being.⁴²⁸ This brief illustration is based on the idea of primary natural motivation, that is, a desire for self-preservation and for maintaining oneself in the best possible state. At first, the new-born creature seeks only basic protection because this desire is initially vague due to the creature's lack of awareness of its own nature. As it develops and realizes its own nature with growing self-awareness, it pursues the things which are adapted to its nature. Finally, the highest good for each creature is recognized

⁴²⁷ For detailed discussion of *Fin.* 5.24-74, see Gill (2006) 166-73 and (forthcoming); Annas (1993) 419-25; Tsouni (2011) 115-21.

⁴²⁸ *Fin.* 5.24.

as being the best and most suitable state which nature prescribes for that creature.⁴²⁹

Human nature consists of body and mind (*animus*), of which the dominant element is intellect (*mens*).⁴³⁰ The human body has a constitution superior to that of all other creatures in shape, structure, and bearing in general; the human mind is equipped not only with sense-perception but also intellect, which includes reason, understanding, knowledge and all the virtues. All the component parts of human beings should be unimpaired and all their virtues present. Corresponding to body and mind, there are good qualities of these parts; mental qualities are subdivided into non-volitional and volitional ones (i.e. virtues). The value (*dignitas*) of the proper functioning of each part is graded according to the importance of each part. Thus, the virtues (the functioning of our most desirable parts) are presented as more valuable than other mental qualities; and these other qualities are more valuable in turn than bodily ones. Self-love directs us towards all these component parts of body and mind, as well as the human being as a whole.⁴³¹ We seek a life in which the virtues of both mind and body are fully realized.

This account of natural development is designed to provide a comprehensive explanation of the highest good for human beings. This highest good for human beings should not be defined solely by reference to their highest functions. It should be conceived as the combination of full bodily integrity with the perfection of reason. This idea is illustrated in the thought experiment of a vine which is able to acquire also the vine-keeper's rational functions.⁴³² If the vine could acquire features of animal nature, such as senses, desire, and self-motion, the vine would wish to protect these newly obtained animal faculties. However, although the vine would place greater value on these higher qualities, the lower vegetative functions characteristic of the original vine would still be valued to an appropriate extent. The same analogy can be developed further to take in even

⁴²⁹ Although self-love is taken as self-evident, it is also reinforced by the following arguments (*Fin.* 5.27-33): (i) one cannot form an intelligible conception of a creature that hates itself; (ii) no one considers their own condition to be a matter of indifference to themselves; (iii) it is absurd to think that we love ourselves, but that this love is essentially directed towards some other object, such as pleasure, not towards the actual person maintaining the self-love; (iv) we instinctively fear death and pain.

⁴³⁰ *Fin.* 5.34-6. The Antiochean account of development recognizes each person as an embodied human being.

⁴³¹ *Fin.* 5.37-8.

⁴³² *Fin.* 5.39-40.

higher functions, that is, the rational functions of a human mind. Just as this thought experiment illustrates the relationship between the higher and lower functions of the imagined vine-creature, the account of human development includes two distinctive lines of thought: that some of our natural functions (especially, reason as exercised in the virtues) are more inherently valuable than others; and that we are naturally concerned with our nature as a whole, including bodily functions. Our nature is conceived as having an inherently motivating force; but this only develops gradually, since initially we only have a vague and indistinct understanding of our nature. Since nature herself seems to have generated us in order to acquire the virtues, the seeds (*semina*) or sparks (*scintillas*) of these virtues are found already in human children, who become completely virtuous only when they utilize their reason fully.

The framework of this account, namely *oikeiōsis*, has a close affinity to the Stoic treatment of this theme at 3.16-21, in so far as both accounts provide a theoretical basis for a conception of the highest good (*summum bonum*). However, there are salient differences. The Stoic theory of *oikeiōsis* draws a sharp distinction between rational adult humans and non-rational animals.⁴³³ By contrast, the Antiochean version offers a single underlying motivation for all creatures including plants and animals. Human development is located in the context of animal development and motivation more broadly. Just as every living creature has the goal of realizing its own distinctive nature, the ultimate good for human beings is also to live in accordance with human nature.

(2) The first part of the account is concerned with the idea of self-love as a primary underlying motivation for each natural being. The focus of the second part of the account shifts towards the idea of the inherent power and desirability of each part of our nature, especially the higher and more advanced ones.⁴³⁴ The reason for this shift is not clearly stated in Piso's speech. But it is clear that this change of focus does not imply that the virtuous agent abandons self-love. The second phase highlights different aspects of the same process, rather than different stages of development, by contrast with the Stoic account of *oikeiōsis* in 3.16-22.

⁴³³ In this sense, the Stoic view can be considered to be anthropocentric. Antiochus' scheme seems to be based on a biological approach, probably originating from Aristotle.

⁴³⁴ *Fin.* 5.46: 'We all by nature think of ourselves as desirable in our entirety, and not on account of some other thing but on our account; so where a whole is desired on its own account, its parts are too.'

Two features of this part of the Antiochean account need to be noted. First, the inherent value of each part of our nature, both body and mind, is still justified by a series of examples based on empirical observations, which highlight the naturalness of these tendencies. Some aspects of the body (such as bodily gestures worthy of a free citizen, beauty, health, strength, and freedom from pain) are considered as being genuinely important, as if nature herself judged them to be. Also other empirical evidence is cited as showing the inherent value of our bodily activities: we want all of its parts to be fully realized; humans, like other animals, are naturally inclined to engage in constant activity of a kind that expresses natural capacities.⁴³⁵ This kind of empirical observation is presented as valid for mental functions too: for example, we are naturally disposed to use our minds to gain knowledge, even if this does not serve any immediate practical function. These observations are offered to show that we are naturally inclined to give our body and mind the best possible form and appearance, even if there is no practical utility in doing so.

Secondly, this part of the account is designed to help to explain that we are naturally disposed to see virtue as inherently desirable. The idea of ‘seeds of virtue’, considered as already implanted by nature, is illustrated by observations such as that even children or uneducated people display some primitive form of moral qualities (for example, children are eager to win a contest with their rivals and feel shame in defeat).⁴³⁶ Unlike physical functions (such as perception, which is already fully available at birth), we have only ‘small inklings’ (*notitias parvas*) or ‘the building blocks’ (*tamquam elementa*) of virtue. In addition, more important activities, for instance, the study of natural philosophy, politics and ethics, are also presented as those which we are naturally inclined to perform.⁴³⁷ These developments are completed by the exercise of skill. This process culminates in the wondrous ‘perfection of the intellect’ (*mentis ... perfectio*).⁴³⁸ The conceptual basis of all the virtues includes ethical concern and affection for other human beings, that is, a motive naturally arising from parental love, gradually spreading throughout the whole human race.⁴³⁹ This

⁴³⁵ *Fin.* 5.55-7.

⁴³⁶ *Fin.* 5.61-4.

⁴³⁷ *Fin.* 5.58-9

⁴³⁸ *Fin.* 5.60: ‘That is why honour, admiration and enthusiasm are directed exclusively at virtue and at actions consistent with virtue’.

⁴³⁹ *Fin.* 5.65-7.

motive is called justice. This is claimed to be combined with other virtues, and 'the communal feeling' (*politikon*) in-built in human nature is expressed in this combination of virtues. A life in accordance with this combination of virtues is said to be 'in harmony with nature'. Thus, every virtue possesses an outward-looking as well as inner-looking aspect. In this way, these different approaches (emphasizing either self-realization or the idea of human functions as being inherently desirable) can be seen as compatible parts of a single explanation.

(3) The last part of Piso's account is concerned with the characteristic Antiochean theory of happiness. Piso's account of development is closely linked with his ethical conclusions. This theory is based on distinctive Antiochean ideas about the kinds of good. Two categories of things are seen as valuable in their own right: (i) goods of mind and body; (ii) external goods including friends, parents, children, relatives and one's own country. The first category, namely, the goods of the mind and body together, forms the highest good, but in different degrees. The second category, that is, other people and our relationships with them, does not constitute the highest good, though it is intrinsically valuable: for, if these external goods were included in the highest good, the happy life could never be attained.⁴⁴⁰

The distinction between mind and body is intended to support the Antiochean view that virtue is sufficient for the happy life but that the completely happy life also requires bodily goods. Highest value is placed on virtue, without which the happy life simply cannot exist. The possession of the virtues renders happiness invulnerable, through the inherent value of the virtues, despite all the vicissitudes of time and circumstance. But this account does not deny that some goodness needs to be ascribed to bodily advantages. The goods of the body do make some contribution to the most, or completely, happy life, though their contribution is insignificant compared to that of virtue.

2. Cicero's Criticism of the Consistency of Antiochean Ethics

In this section, I will examine how Cicero questions the consistency of the Antiochean position, that is, whether the Antiochean account of goods can consistently support his conclusion that virtue is necessary and sufficient for

⁴⁴⁰ But these are still subordinate to the highest good in the way that performing right action towards them constitutes the highest good (*Fin.* 5.69).

happiness. Cicero highlights the inconsistency in Antiochus' position, in particular, the logical inconsistency between his account of *oikeiōsis* and the conclusion about the sufficiency of virtue for happiness.⁴⁴¹ This contrast is especially clear in the last part of this dialogue, in which Cicero criticizes Piso's account by reference to Stoic theory.

As regards the Stoicizing claim of the sufficiency of virtue for the happy life, the Stoic view is sharply contrasted to the Antiochean one. Cicero's point is that Antiochus intends to make his theory consistent by applying the idea that moral concepts allow 'excess' or 'degree'. However, Cicero's criticism seems to have broader implications for the consistency and credibility of Antiochus' ethical theory as a whole. Cicero contrasts the Antiochean position with that of the Stoics in order to highlight the problem that is characteristic of the Antiochean position. Thus, I suggest that this final book is designed to assess the consistency of Antiochean ethics by comparison with that of the Stoics.

In his response to these criticisms, Piso also admits the validity of Stoic theory on this issue and does not deny the consistency claimed by the Stoics.⁴⁴² Moreover, each step of Piso's answer to this criticism confirms that Piso also has in view the Stoic position as his target. Thus *Fin.* 5.77-86 is heavily reliant on a Stoic standpoint.⁴⁴³ But Piso still maintains that the Peripatetic approach can provide an adequate, and indeed better, account of ethics, and one that is more securely based on ordinary intuitions and language. Piso aims to support the consistency of Antiochean ethics by offering the following argument.⁴⁴⁴

(i) Virtue has such a 'power' that it is sufficient in itself for a happy life (*virtutisne tantam esse vim, ut ad beate vivendum se ipsa contenta sit*).

(ii) When this is granted, those who possess virtue can be happy even when suffering certain evils.

The first premise is certainly Stoicizing by contrast with Antiochus' Aristotelian heritage. But Piso intends to make the Stoic claim look more

⁴⁴¹ *Fin.* 5.77-86.

⁴⁴² *Fin.* 5.78; 88. See also 4.1 above

⁴⁴³ We have seen that this point of comparison between two theories, namely, logical consistency, is also one of the main topics in Book 4. See 5.4 above.

⁴⁴⁴ *Fin.* 5.77.

persuasive as part of Antiochean theory. Thus the key to this argument is how to make the first premise look more persuasive.

Piso's first attempt is to emphasize the great 'power' of virtue, which can explain in turn its sufficiency for happiness (5.77-81). Cicero replies to this suggestion by demonstrating that virtue's power cannot be so great if anything except virtue is counted as good. He says that the sufficiency thesis does not follow from Piso's previous speech and that the inference is not logically valid.

In reply to the first criticism, Piso suggests that the happy life can allow some degrees; thus, virtue is sufficient for the happy life, but the completely happy life also needs some bodily goods (5.81-5). Cicero answers that no happy person is happier than any other happy one. The idea of being happy but not happy enough is highly implausible, most of all, regarding the very concept of 'sufficient', which does not allow their being 'too much' happiness (81). In addition, Antiochus' theory implies that moral concepts can allow 'excess' or 'degree'. But virtue cannot come in degrees. Since the only thing which counts for happiness cannot admit of degrees, there is no way in which one person can be happier than another (82-4). Moreover, Piso's suggestion is intuitively implausible both to ordinary people and to experts: ordinary people will not be convinced that a person so afflicted is even happy. The expert will doubt that virtue is so powerful. Thus, although both the Stoics and Antiochus are involved in a counter-intuitive claim about virtue and happiness, the Stoic position is at least self-consistent, whereas the Antiochean position is self-contradictory (85).

(1) Piso's first attempt to support the sufficiency thesis is to appeal to the 'power' (*vis*) inherent in virtue. This suggestion has been described at various places of his speech mainly in a rhetorical manner.⁴⁴⁵ Especially at the second part of Piso's speech, it is claimed that we are naturally disposed to realize our highest functions (notably those expressed in the virtues) and to see the expression of the virtues as intrinsically desirable.⁴⁴⁶ These claims are supported by some renowned examples of Greek and Roman heroism. When one becomes virtuous, one realizes that all the whims of fate, all the changes of time and circumstance are trivial, compared to the power of virtue. Thus, one can secure a stable and happy life by the belief that the vicissitudes of circumstances can hardly affect one's happiness.

⁴⁴⁵ For example, *Fin.* 5.64; 71.

⁴⁴⁶ *Fin.* 5.46-60 and 61-4

Cicero's concession that virtue has this great power is not odd considering his Stoic stance in Book 5. But as one taking the Stoic side at this point, he may well ask whether this power of virtue can suffice for happiness. What Piso can establish by virtue's power is only the capacity to value virtue for its own sake (and sometimes vigorously). What Cicero is asking is not the question how much the power of virtue is needed in order to secure happiness, rather the question whether the happy life is the logical consequence of virtue's power. In other words, virtue's power (no matter how great it is) cannot be sufficient cause to secure happiness, if (s) there is something good except virtue. It is highly likely that Antiochus cannot support his claim (that is, that virtue is both necessary and sufficient for happiness) on this basis without drawing a more fundamental distinction between virtue and other goods than he does.

Piso seems to realize the significance of this point, which can only be satisfied by adopting the Stoic radical distinction between virtue and other goods. His approach to this question is to appeal to the typical Antiochean claim that the Peripatetic position is not substantively different from that of the Stoics. If the Stoics can secure happiness only by appealing to virtue, why cannot the Peripatetics make the same appeal? The difference lies only in vocabulary (what the Stoics call 'worthy of rejection' the Peripatetics call evil; but there is no substantive difference between them). Granted this identity in what is being described, the Peripatetics are in a position to make the same Stoic claim, namely, that those who possess virtue can be happy, without regard to the fact that certain evils afflict them. By appealing to the Stoics, Piso may have in mind a distinction analogous to the Stoic one between virtue and the indifferents.⁴⁴⁷ In this case, he holds fast to the formula that we only need to consider the nature of virtue itself in order to recognize that it is sufficient to secure happiness, while also maintaining that other goods are also needed for the happy life to some extent.

The feature of Stoic consistency is expressed clearly in Cicero's praise of the remarkable cohesion of Stoic's ideas.⁴⁴⁸ This passage reminds us of Cato's

⁴⁴⁷ Antiochus might have supported this claim by appealing to the Stoic concession to those who want to describe preferred and non-preferred indifferent as goods and evils. See Irwin (2012) 162.

⁴⁴⁸ *Fin.* 5.83: 'Their conclusions are in agreement with their first principles (*respondent extrema primis*), the intermediate steps are in agreement with both (*media utrisque*). Indeed every part agrees with every other part (*omnia omnibus*). They know what follows from what, and what is inconsistent. It is like geometry, since if one concedes the premises, then one must grant

praise of his own position in Book 3.⁴⁴⁹ But this passage indicates clearly that the consistency which Cicero is concerned with is logical. Cicero's emphasis falls on the logical inferences drawn in Piso's account, not its truth. To highlight this point, Cicero offers a comparison between Epicurus and Zeno, both of whom make the same claim that the wise person is always happy. Zeno, on the one hand, not only makes the claim, but also offers valid reason (i.e. it is 'because' nothing is good other than virtue). Thus Cicero presents Zeno's claim as manifestly self-consistent (*praeclare inter se cohaerere*) whether it is true or false (*non quaero iam verumne sit*). Epicurus, on the one hand, is not able to show that this claim is logically consistent with his theory as a whole; and so, logically, he should draw the opposite conclusion (that is, that if pain is evil, the wise man on the rack cannot be happy, because the greatest evil afflicts him).⁴⁵⁰ Cicero takes the Antiochean theory as being closer to that of Epicurus in the sense that neither position recognizes the consequences of their theory, in this respect like ordinary people lacking in philosophical reasoning.

Cicero's attitude to the views of common people is rather nuanced in this passage.⁴⁵¹ He does not reject completely the views of ordinary people, who think that health, strength, physical stature, good looks and the proper functioning of every part of body are good; and that ugliness, disease and disability are evil; and also that external goods, such as friends, children, relatives, wealth, honour and power must be considered to be good. But whether or not these common beliefs are true, he insists that there is another crucial factor needed to secure the sufficiency thesis, that is, logical consistency.

(2) Piso's next suggestion to meet the Stoic charge is typically Antiochean: virtue is not sufficient for the completely happy life (*beatissima vita*), but is certainly sufficient for a happy life (*beata vita*).⁴⁵² Cicero considers this formulation as implausible, since:

everything. Concede that there is nothing good except what is moral, and the happy life must consist in virtue; and so the other way round; concede the latter, and you have conceded the former.'

⁴⁴⁹ Stoic self-consistency is also praised by Cato at *Fin.* 4.74-6. See 5.2 above.

⁴⁵⁰ *Fin.* 5.80. On Epicurus' claim about virtue's power to produce happiness, see 4.2 above.

⁴⁵¹ *Fin.* 5.80: *contra hoc attende me nihil dicere*

⁴⁵² This move has already been made in Piso's speech: 'it is true that what we count as bodily goods make some contribution to the completely happy life; but a happy life can exist without them (*Fin.* 5.71)'.

(i) anything added to what is sufficient is too much (*quod autem satis est, eo quicquid accessit, nimium est*)

(ii) no one has too much happiness (*nemo nimium beatus est*)

(iii) therefore, no happy person is happier than any other happy one (*ita nemo beato beatior*).

Cicero's argument depends on the notion of 'sufficient' (*satis*).⁴⁵³ In using this term, Piso seems to have in mind a borderline conception of happiness, beyond which any life can be called 'happy'. Thus, this idea allows for increase of happiness by adding something to that life. On the other hand, Cicero seems to accept the Stoic understanding of it, as something which is complete in itself. Cicero's explanation reminds us of Cato's criticism of the Peripatetics.⁴⁵⁴ In that criticism, virtues are said to admit of no cumulative enlargement, because they have already reached their full measure. Thus, someone who has made some progress towards the acquisition of virtue is just as unhappy as one who has made no progress at all.

Piso offers the counter-example of Metellus and Regulus: surely everyone can agree that Metellus is happier than Regulus. Cicero avoids answering this question himself. Rather, he calls on the Stoics themselves to answer this question.⁴⁵⁵ The Stoics located goodness in virtue alone, and this has no degrees, as far as they are concerned. And the only good is that whose possession necessarily makes one happy. So since the only thing which they count as happiness cannot admit of degrees, there is no way in which one person can be happier than another. When the question of degree of happiness is dismissed, Cicero think that the distinction between the 'happy' and 'completely happy' life loses its point.

Here, Piso appeals to the merits of the Antiochean position. Is it at least true that Antiochean ethics is more intuitively acceptable than that of the Stoics? He insists that Zeno's claim sounds unbelievable (*incredibile*), whereas his own view is based on clear facts. Cicero rebuts Piso, on the ground that his view is implausible both to ordinary people (*populum*) and to experts (*prudentes*). The former will refuse to accept the counter-intuitive claim that a person so much

⁴⁵³ Irwin claims that Cicero's argument fails because of the ambiguity of the term '*nimis*'. See Irwin (2012) 163-4.

⁴⁵⁴ *Fin.* 3.41-50. Also see 4.2 above.

⁴⁵⁵ *Fin.* 5.83.

afflicted is happy, for the same reason that they reject the Stoic claim that virtue alone is sufficient for happiness. Experts, though similarly doubting the power of virtue, will judge the Stoic system to be self-consistent, whereas the Peripatetics are self-contradictory (85-6). Thus, contrary to Antiochus' original intention, he gets the worst of both worlds. His view is neither intuitively persuasive nor theoretically consistent.⁴⁵⁶

It is likely that Book 5 is deliberately shaped to set up a contrast between the theories of development maintained by Antiochus and the Stoics. The question which Cicero raises about the coherence of Antiochean ethics is considered as substantive, and not marginal. In this sense, Cicero's refutation of Antiochus must be considered as being serious as that of the Stoics.

3. Antiochean Reading of *De Finibus*

I offered at the beginning some reasons for the impression that Cicero inclines towards the position of Antiochus in *De Finibus*. In this section, I suggest that these reasons do not necessarily support the conclusion that the Antiochean view is considered by Cicero as more probable than that of the Stoics.

First of all, in his concluding statement, Cicero says that the Antiochean position 'needs to be strengthened (*confirmandus*) over and over (*etiam atque etiam*).'⁴⁵⁷ Then Cicero promises to follow Antiochus if his position can be defended. This comment appears to show that his attitude towards Antiochean ethics is not entirely negative, but rather positive, though also qualified. However, Cicero's expectation of a modified (or advanced) version of the opponent's view is not unique in case of Antiochus. Rather his encouragement to further inquiry can be found also in the case of two other theories (namely, the Epicurean and the Stoic one). In Book 4, Cicero suggests to Cato some ways to avoid or escape from the Stoic dilemma, and encourages Cato to follow Panaetius' means of inquiry as a more or less successful model (and also to read Plato, Aristotle, Xenocrates, Theophrastus and Dicaearchus).⁴⁵⁸ At the end of Book 2, Torquatus suggests that Cicero refer to more experienced

⁴⁵⁶ Annas (1993) 423

⁴⁵⁷ *Fin.* 5.95. '*etiam atque etiam*' indicates that an action is done uninterruptedly, incessantly; and so it also conveys the idea of intensity, 'constantly, perpetually; repeatedly, again and again; pressing, urgently' (Lewis and Short, '*etiam*', 2(F))

⁴⁵⁸ *Fin.* 4.79.

practitioners (i.e. Siro and Philodemus). Here Cicero's reaction to this suggestion is rather nuanced, since he avoids answering this suggestion and says that they are fine (*optimos*) and learned (*doctissimos*) men. But we can say at least that Cicero does not reject this suggestion strongly.⁴⁵⁹ These comments seem to me to imply that both theories are seen as being open to the possibility of being improved to some degree.

Secondly, Cicero does not compose a book which would deal with Antiochean view as a whole in a systematic manner. This is contrasted with the Stoics, who are thoroughly criticized in a separate book (i.e. *Fin.* 4).⁴⁶⁰ This may imply that Antiochean ethics is subject to criticism only regarding the points made in Book 5. However, I think that the absence of another book devoted to criticizing Antiochean ethics need not be taken as indicating Cicero's favouring Antiochus in any decisive way. In examining each theory in *De Finibus*, Cicero tends to highlight the points which are central for the issue being discussed.⁴⁶¹ Although he aims to survey the entire system of each ethical theory, he does not seem to discuss every point of the opponent's view with equal attention. Rather, he makes an effort to highlight the main issues of the debate and deals with other questions later. In Book 2, he seems to be concerned mainly with the ambiguity of the Epicurean idea of pleasure and Epicurus' inability to present a consistent account of virtue.⁴⁶² After having completed the main part of his criticism, Cicero returns to the remaining arguments, 'in case it should look like I have failed to respond to all your arguments'.⁴⁶³ Here we can certainly notice that his intention is to treat the entire system of Epicurus, but also that the main part of his refutation has been completed by this point. Likewise, in Book 4, the original question raised by Cicero is whether Stoicism is or is not substantively different from the system of the ancients. After having answered this question, he proposes to deal with the 'remaining issues' (*nunc reliqua videamus*), which

⁴⁵⁹ *Fin.* 2.119.

⁴⁶⁰ An interesting suggestion has been made by Leonhardt who claims that the relative length of the speech being criticized to the critical speech shows the relative degree of plausibility. In *Fin.* 1-2, for instance, the proportion is approximately 1: 2.4, whereas in *DND* 2-3, this proportion is more like 1: 0.8. Also, Cicero in *Fin.* 2 introduces his speech rather aggressively, while Cotta in *DND* 3 does so more tentatively. See Leonhardt (1999) 31-50.

⁴⁶¹ See further 6.6 below.

⁴⁶² See 4.2 above.

⁴⁶³ *Fin.* 2.85.

are supposed to cover the topics which have not been examined yet.⁴⁶⁴ Here the contrast between the main concern and the remaining issues is clearly visible. If so, we may say that Cicero seems to raise questions about Antiochean theory in Book 5, but only on the major issue that divides Stoicism and Antiochean theory.

Finally, Piso is offered a second chance to reply to Cicero's criticism, while Torquatus and Cato do not have a chance to reply to Cicero's criticism. However, we see that Piso's second reply constitutes only a restatement of his previous points, adding nothing new on the main issue, that is, the question of logical consistency. Two similar points are repeated in his second reply. Firstly, we should adopt the same language in all situations; nor should philosophers (*philosophi*) or the educated (*docti*) use it differently from laymen (*homines*) or the uneducated (*indocti*). Given this demand, the Peripatetic position (since it is not substantively different from that of the Stoics) should be allowed to have the same logical consistency as the Stoic one. Secondly, we normally judge a thing on the basis of its largest part.⁴⁶⁵ If virtue plays the largest part in human affairs, this life must be called happy.⁴⁶⁶ Thus, if the weight placed on virtue is so great that it takes such precedence over all bodily goods, then we can say that all the wise are happy; but one person can nevertheless be happier than another. As we have already seen, these two points are already thoroughly discussed in the debate between Cicero and Piso at *Fin.* 5.77-86.

Moreover, even in his second reply, Piso seems to acknowledge the superiority of the Stoics, since he tries to present the Antiochean theory as being as strong as its alternative (i.e. Stoic ethics) as regards explaining the sufficiency thesis.⁴⁶⁷ The Antiochean strategy is not, it seems, to deny the self-consistency of the Stoic position. Piso presents the Peripatetic account as being as effective in explaining the sufficiency thesis as the Stoic one, by appealing to the similarity between them. Hence, Piso intends to suggest that both theories

⁴⁶⁴ *Fin.* 4.44. Also see 5.4.2. Later Cicero also adds a few further arguments against the Stoic paradoxes in order to present everything which he had prepared for the refutation (*Fin.* 4.74-7).

⁴⁶⁵ *Fin.* 5.90-3.

⁴⁶⁶ This is explained by the analogy of the crop. If any life that has some evil in it cannot be happy, there would be no crop, however rich and abundant the corn, if you noticed a weed anywhere.

⁴⁶⁷ *Fin.* 5.87-95. *Fin.* 5.90: 'You locate inconsistency in words. I thought it depended on facts. Let it be well understood – and here we have the Stoics as our greatest supporters (*adiutores*) – that virtue has such power that were all other things to be weighed against it they would not register at all.' See 4.3 above.

are successful in this respect and that the difference between them consists only in words, not in facts.

In the light of these counter-indications to an Antiochean reading of *De Finibus*, the work does not necessarily support the conclusion that the Antiochean view is considered by Cicero as being more probable than that of the Stoics.

4. Comparison between Antiochus and the Stoics in Book 5

One may observe that the comparison between Antiochus and the Stoics does not seem to be articulated explicitly anywhere except in the last part of the final book. The larger part of Book 5 is devoted to Piso's elaborate statement of Antiochean theory at *Fin.* 5.24-72, which neither highlights this contrast nor refers to the Stoics explicitly at all. Antiochus, seemingly deliberately, disregards any influence of the Stoics on his ideas. The only places in which the Stoics are mentioned by Piso are *Fin.* 5.22 and 74 in a brief manner. In both places, the Stoics are treated as only verbally different from the Peripatetics.⁴⁶⁸

Moreover, the initial setting of the dialogue in Book 5 does not mention the Stoics at all.⁴⁶⁹ Indeed this dramatic setting is presented in a more elaborate and friendly way than in the previous books. In the previous dialogues between Cicero and Torquatus or Cato, the discussion takes place in a rather combative atmosphere.⁴⁷⁰ In contrast, the conversation in Book 5 began with each character expressing the feelings associated with specific places in Athens and with their favourite historical figures mentioned in a rather nostalgic tone.⁴⁷¹ Piso was then encouraged to give a speech on Old Academy by the group, in order to help young Lucius, who is eager to pursue a political career, to engage with the philosophy of the Old Academy. Piso prefaces his speech by stressing that the Old Academic writings present complete liberal education, a complete history, and a complete manual of style, which will be helpful to orators,

⁴⁶⁸ *Fin.* 5.74: 'they have transferred not one or other small part of our philosophy over to themselves, but the whole of it. Thieves generally change the labels on the items they have taken. So the Stoics have changed the names that stand for the actual things in order to treat our views as their own.'

⁴⁶⁹ *Fin.* 5.1-8.

⁴⁷⁰ See 4.1 and 5.1 above.

⁴⁷¹ *Fin.* 5.1-8. In this dramatic setting, Quintus is reminded of Sophocles; Atticus praises Epicurus; Cicero likes to follow Carneades; Lucius is interested in Demosthenes or Pericles.

generals and political leaders. In this manner, Book 5 is not placed in a combative atmosphere between rival philosophical positions, but rather presented as an exhortation to philosophical education for the young Roman elite. This dramatic setting, both nostalgic and exhortatory, appears to create a suitable background for stating the philosophy of the Old Academy (which is presented as a kind of 'consensus' position). Cicero's positive attitude to the Old Academy may be implied by his creation of this favourable atmosphere, which makes it inappropriate for Cicero to challenge Piso's account fundamentally.

But I still believe that the contrast between the Stoics and Antiochus constitutes a core theme of Book 5, regarding both its argumentative structure and its specific contents. The Stoics are mentioned in two passages of Piso's speech, as noted above. These passages are located at the beginning and end of the main account of Antiochean ethics. The Stoics are mentioned in connection with Carneades' division.⁴⁷² At 5.16-23, Antiochus deploys Carneades' anti-Stoic argument (that the Stoic position is only verbally different from that of the Peripatetics).⁴⁷³ The same argument is adopted again at the end of the speech at 5.73-4, in which the Stoics are also alleged to adopt the theory of the ancients wholesale but to disguise the influence by changing some of the names.

The comparison with the Stoics is accentuated in Piso's main account at 5.24-72, which is located in the middle of these two places. Piso's account is based on the framework of natural development, that is, *oikeiōsis*, just as Cato's speech is (at least Cato's speech gives this idea a prominent place). Also, in both cases, we have seen a similar pattern of change in perspectives, moving from instinctive self-preservation towards the recognition that virtue is inherently desirable. This change of focus lies at the centre of Piso's account, but without the kind of radical leap found in Cato's account (in the recognition that virtue alone is good and desirable, and not the things sought previously). This feature of Book 5 implies that Piso's account at 5.24-72 is designed to offer an

⁴⁷² In both places, Carneades' division seems to be adopted by Antiochus in order to give an all-inclusive framework for setting out earlier ideas: the ethical system offered by Piso is presented as the most complete and perfect (*completa et perfecta*), of which most other schools bring out one aspect only. This Old Academic system alone is said to be 'worthy of the student of the liberal arts, worthy of the learned and distinguished, worthy of princes and of kings'.

⁴⁷³ For the reconstruction of this anti-Stoic argument, see 3.1 above and also Bonazzi (2009) 34-44.

alternative account (to the Stoic view) of the good and happiness and a correlated account of ethical development.

As regards the initial setting of Book 5, although it is likely that Cicero intends to present Antiochus' view in an appropriate setting, substantive philosophical problems still lurk beneath the surface. Cicero's preference for this setting matches the kind of presentation which Piso will give in his main speech. In Books 3 and 5, we can recognize the different manner of presentation for each of the two accounts of *oikeiōsis* (i.e. those of the Stoics and Antiochus).⁴⁷⁴ In Book 3, Cato's speech includes two relatively compressed accounts of 'personal' and 'social' *oikeiōsis*, which are embedded tightly into a much fuller analysis of Stoic ethics.⁴⁷⁵ In these two accounts, the theoretical connection between the developmental account and the associated doctrines is expressed in a very clear manner. In Book 5, on the other hand, Piso's account of Antiochean ethics is presented in the form of a single narrative account, with a brief summary of his doctrines about virtue and happiness.⁴⁷⁶ The evident links between the account of development and the conclusions (although visible) are not fully articulated as in Cato's account. This format seems adopted by Cicero in order to highlight the intuitive attractiveness of the Antiochean account. Thus these two accounts of development seem designed by Cicero to contrast the internal consistency of the Stoic account with the intuitive attractiveness of the Antiochean account.

Considering these formal characteristics of Book 3 and 5, it seems reasonable for us to see Cicero as setting out to compare Antiochean ethics with Stoic theory. His explicit contrast at 5.77-86 between the Stoics and Antiochus (and the presentation of the former as better suited to explain the sufficiency of virtue for happiness than the latter) seems to imply that the overall framework of *De Finibus* is carefully designed to compare both theories.

5. Antiochean Dilemma

This contrast between Antiochus and the Stoics does not seem be entirely the result of Cicero's presentation, but also the consequence of Antiochus' own

⁴⁷⁴ On the presentation of these two versions of *oikeiōsis*, see Gill (2006) 129-77; and (forthcoming).

⁴⁷⁵ *Fin.* 3.16-22; 62-8. See 5.3 above.

⁴⁷⁶ *Fin.* 5.24-68; 69-72. See 6.1 above.

theory. Cicero presents Piso's exposition in Book 5 as a faithful presentation of Antiochean ethics. Cicero often attended Antiochus' lectures during his stay in Athens for six months.⁴⁷⁷ Cicero informs Brutus that the discussion with Piso in this dialogue took place in Athens, after they had been listening to Antiochus.⁴⁷⁸ Cicero also confirms that Piso is the right person to present the views of the Old Academics and the Peripatetics on the ethical end, because Piso is well acquainted with both a Peripatetic Staseas of Naples and Antiochus.⁴⁷⁹ Piso, at the end of his speech, confirms that his speech was based on their views.⁴⁸⁰ This does not necessarily mean that Cicero's ultimate source for this dialogue is constituted by the books written by Antiochus himself, as has sometimes been assumed.⁴⁸¹ Brutus, a sincere adherent of Antiochus, would perhaps not have been asked to judge whether Piso's account is faithful to Antiochus' teaching – he is asked to do this - if Cicero's source had actually been Antiochus' books.⁴⁸² Considering that Cicero's text is almost the only available source providing detailed information on Antiochean ethics, this question is hard to settle. But we can at least concede that Piso's account is genuinely Antiochean.

Piso claims that this account is derived from the Old Academic tradition, which is allegedly shared by the followers of Plato, and the early Peripatetics, headed by Aristotle who is presented here as a pupil of Plato.⁴⁸³ The Stoics are treated as having stolen the entire theory of this tradition, changing its terminology only.⁴⁸⁴ In epistemology, Antiochus seems to rely on Stoic theory almost entirely.⁴⁸⁵ In ethics, however, he claims to have formulated his theory on the basis of the Old Academic framework of thought and, more precisely, Peripatetic ideas. Although the origin of Antiochean ethics and the nature of his project are a matter of serious scholarly debate, Cicero's attitude to this

⁴⁷⁷ *Brut.* 315; also *Fin.* 5.1.

⁴⁷⁸ *Fin.* 5.1.

⁴⁷⁹ *Fin.* 5.8: 'My cousin Lucius is keen to find out the views of the Old Academy that you mention, and also of the Peripatetics, on the question of the highest goods. We think that you are the one to explain them most fluently, since Staseas of Naples has been a member of your house hold for many years, and we know that you have been pursuing the same topic with Antiochus in Athens these past few months.'

⁴⁸⁰ *Fin.* 5.75.

⁴⁸¹ Glucker (1978) 391. I agree with Barnes who claims that the evidence shows only that Piso's speech is intended to represent the views of Antiochus, but not that it is drawn from Antiochus' books, such as *Κανονικά*. See Barnes (1997) 64-8.

⁴⁸² *Fin.* 5.8: 'Please concentrate, Brutus, and see if his [Piso's] talk adequately captures the philosophy of Antiochus.'

⁴⁸³ *Fin.* 5.6-8. Also see *Fin.* 4.3.

⁴⁸⁴ *Fin.* 5.22 and 74. Also see *Fin.* 4.2 and 19-20.

⁴⁸⁵ See 2.1 above.

question appears to be more or less clear.⁴⁸⁶ Cicero seems to have no doubt about Antiochus' claim that he draws the essence and the details of his theory from Old Academic and Peripatetic ideas.

Granted that Piso's speech captures the essence and details of Antiochean ethics, there remains the question of making sense of Cicero's criticism at *Fin.* 5.77-86 and *Fin.* 5.24-72 in terms of its relationship to Stoic ethics. Cicero's question about Antiochean ethics appears to be limited, at first sight, to his conclusion that the wise are always happy. However, we saw that the Antiochean dilemma posed by Cicero is directed towards Antiochus' ethics as a whole and this criticism is made by comparison with Stoic position. Cicero clarifies this point by presenting his criticism as a form of dilemma.

(i) If Antiochus holds fast to his characteristic notion of good and evil (that is, there are three kinds of goods which are to be sought for their own sake), this will ultimately lead to Theophrastus' position, a position which lays emphasis on the necessity of the bodily and external goods in achieving happiness and which concludes that the wise man will lose his happiness if he loses any of them.⁴⁸⁷ In other words, no matter how hard the Antiochean wise man aims to achieve a happy life, this effort would ultimately fail if the happy life should include some goods other than virtue. In relation to his account of development, the point is that this account fails to show how motivation towards virtue becomes primary so as to support the claim that virtue alone constitutes the happy life, while other motives become secondary (only forming part of the happiest life). Because of this failure, Cicero states that the only theory which

⁴⁸⁶ Scholars have generally regarded Antiochean ethics as a hybrid or eclectic theory, combining Platonic and Aristotelian with Stoic elements. See, for example, Dillon (1977) 74-7; Barnes (1997) 86-9; Annas (1993) 180-7. See also Bonazzi (2009) 33-44, who presents Antiochus' attempt as attempting to 'subordinate' Stoicism to Platonism. However, Antiochean ethics is sometimes seen as more unified in its approach; e.g. for a recent study of the Peripatetic origin of Antiochean ethics, see Tsouni (2011). I believe that, although we can identify a Peripatetic origin for the individual topics in *Fin.* 5, Antiochus must have been influenced by the Stoics in his basic framework, such as casting his analysis in the form of a theory of *oikeiōsis*. On similarities and differences between Stoic and Antiochean views of *oikeiōsis*, see Gill (2006) 145-77. He claims that the account is not hybrid or eclectic in the sense of simply combining Stoic and other (Platonic or Aristotelian) elements. Rather, it should be taken as a (perhaps) Peripatetic modification of the Stoic account, and one which is designed to provide a more effective version of the Stoic theory.

⁴⁸⁷ *Fin.* 5.77: 'I [Cicero] am afraid that Theophrastus will be vindicated in his view that no life can be happy if it involves ill fortune, sorrow or bodily anguish.' Also see *Fin.* 5.12; 85-6; *Ac.* 1.33; 35; *Tus.* 5.85.

offers a coherent version of Peripatetic position is that of Theophrastus and urges Piso to reject the Antiochean theory.⁴⁸⁸

(ii) However, Antiochus supports strongly the claim that the wise are always happy, since he feels the need to defend the power and value of virtue to secure the happy life against all the blows of fate or the vicissitudes of human condition. If Antiochus aims to maintain this claim, he must reject his distinctive theory of good and evil (namely, that there are three kinds of goods and that each of them is desirable on its own). In this case, however, Antiochus should no longer claim to support the Peripatetic position. He makes plain that these ideas constitute the core of Peripatetic theory, as both Piso's speech and Varro's account present them clearly.⁴⁸⁹ It is obvious that this second option can hardly be accepted by Antiochus, since he would not want to undermine the foundation of his entire theory.

Why then does Antiochus not choose the first option and follow Theophrastus, instead of Aristotle? Antiochus claims that this claim of the sufficiency of virtue for happiness constitutes the core of the Peripatetic position and thus of his own theory. According to Piso, Antiochus avoided Theophrastus' position, because his conclusion is 'too soft and delicate to do justice to the power (*vis*) and weight (*gravitas*) of virtue'.⁴⁹⁰ Piso emphasizes that 'those who possess high-minded character (*magno animo*) and uprightness (*erectoque*) always live happy lives'.⁴⁹¹ Also the Antiochean Varro reports that Theophrastus is the only exception to this Peripatetic view, and testifies to Antiochus' rejection of Theophrastus' insistence on the importance of fortune. Here, Theophrastus is blamed for breaking the authority of the ancient system.⁴⁹² Thus Antiochus himself may have believed that this Stoicizing claim about the overwhelming

⁴⁸⁸ See further Annas (1993) 386. See also *Tusc.* 5.24-5: 'How well he [i.e. Theophrastus] spoke is not in question: certainly he was consistent; and I certainly do not enjoy criticizing the conclusions once one has granted the premises. However, this most elegant and learned of all philosophers is not greatly criticized when he says that there are three kinds of good, but he is attacked by all...' (Annas trans.)

⁴⁸⁹ *Fin.* 5.68-72; *Ac.* 1.19-23.

⁴⁹⁰ *Fin.* 5.12. See also *Tusc.* 5.24-5.

⁴⁹¹ *Fin.* 5.71. See also *Ac.* 1.22.

⁴⁹² Theophrastus' claim is rejected by the Antiochean spokesman Varro at *Ac.*1.33: 'Theophrastus shattered the authority of the old tradition with even more violence: he stripped virtue of its beauty and rendered it weak by denying that the happy life depended only on it.'

power of virtue to secure the happy life is made not only by him, but is, rather, common ground among the Peripatetics.⁴⁹³

Antiochus' adoption of the Stoicizing claim about virtue may have been the consequence of his intention to offer an alternative to Stoicism by responding to (and accommodating) this influential Stoic claim about virtue. This is one of a number of Aristotelian moves to respond to, and compete with, Stoic ideas in the Hellenistic period.⁴⁹⁴ The dilemma, as presented above, also shows this contrast (or competition) between the Stoics and Antiochus. Cicero does not seem to present the Stoic position precisely as one of the options which Antiochean position collapses into. Rather, Cicero offers the Stoic position as an alternative for Antiochus to compete with. He does not seem to suppose that the Peripatetic theory can ever become assimilated to that of the Stoics, as this position appears in Carneades' division as repeatedly advocating only one ethical end, that is, virtue.⁴⁹⁵

Nevertheless the only position which can explain the sufficiency of virtue for the happy life consistently, Cicero suggests, is that of the Stoics. If Antiochus cannot derive this claim from his previous account in a valid way but still insists on this claim, he would need to abandon his previous account of ethical development. Thus, as long as Antiochus holds fast to this Stoicizing claim, not only his conclusion, but also the foundation of his theory, would be undermined. Cicero's criticism is directed at the Antiochean project as a whole (that is, to accommodate, and compete with, Stoicism), not simply at the consistency of the last stage of Antiochean theory.

6. Test of Persuasiveness in *De Finibus*

Although Cicero declares that he feels free to approve any persuasive view, it is certain that his approval should not be considered as arbitrary or merely subjectively attractive, but as subject to critical judgement. This is evident when he encourages Brutus, who is described as an erudite and fine student of

⁴⁹³ For instance, Critolaus (early second century BC) is said to have maintained that virtue is, overwhelmingly, the main factor in the good life, while claiming that happiness is only 'completed' by the presence of all three types of good. See Annas (1993) 413-15; Gill (2012).

⁴⁹⁴ For an overview and analysis of the Aristotelian response to, and attempt to counteract, Stoic ideas in the Hellenistic period, see Gill (2012).

⁴⁹⁵ With the exception of *Fin.* 5.16-23. See 3.1.1 above.

philosophy, to be a fair-minded judge of the issues discussed in *De Finibus*.⁴⁹⁶ This critical assessment seems to presuppose that a view would be plausible if it passes the test of rational scrutiny.

In earlier chapters, we have seen that Cicero exercises his dialectical practice by applying a certain criterion for assessing ethical views on the final end. I will conclude this chapter by replying to the questions raised at the end of Chapter 2 regarding Cicero's dialectical procedure.⁴⁹⁷ The first question was about the criteria needed for an ethical view to be considered as persuasive. The second question was whether there is any ethical view which is not impeded in any way. The final question is concerned with Cicero's conclusion in *De Finibus*, that is, what should we do if there is no 'unimpeded persuasive' view which the wise man should follow? I do not propose to offer a single and unequivocal answer to these questions, since Cicero himself does not offer the answers explicitly. I only offer some provisional solutions to these questions.

In order to answer the first question, it needs to be indicated beforehand that 'consistency' is the main objective of Cicero's inquiry into the ethical ends. He indicates this point explicitly, as regards Epicurus (2.5-25), Stoicism (4.78), and the Antiochean position (5.77-86). His doubt about the consistency of each ethical position is expressed in the following forms of dilemma.

Book 2 (Epicurus): pleasure (Aristippus) or freedom from pain (Hieronymus)⁴⁹⁸

Book 4 (the Stoics): virtue (Aristo) or virtue + primary natural objects (the Peripatetics)⁴⁹⁹

Book 5 (Antiochus): virtue + primary natural objects (Theophrastus) or virtue (the Stoics).⁵⁰⁰

Cicero may have adopted this kind of argument against each position from Carneades, who based them mainly on his ethical division. Thus, the crucial features of these dilemmas are closely related to Carneades' division. We have

⁴⁹⁶ *Fin.* 1.2; 1.7; 3.6; 5.8.

⁴⁹⁷ See 2.5 above.

⁴⁹⁸ See 4.2 above.

⁴⁹⁹ See 5.4 above. The choice of the position of Aristo (which is not included in the usual seven views of Carneades' division) as an alternative implies that the broader list in Carneades' division plays a role in leading the target theory into a dilemma.

⁵⁰⁰ See 6.3 above.

seen that Carneades' division plays a crucial role in determining Cicero's standpoint in the debate on the ethical end.⁵⁰¹ The requirements for a plausible ethical view (such as consistency between first principle and final end; comprehensiveness of the end; capacity to explain the sufficiency of happiness) are expressed explicitly in Carneades' division. Cicero refutes his opponent by skipping the points which he either accepts or has already refuted. Thus, it seems that Cicero suggests that the discussions of the three ethical views are concerned with different aspects of the same philosophical issue. Cicero uses these criteria for testing each view in *De Finibus*.

Cicero provides different reasons for disputing each view. In Book 2, Cicero focuses on the ambiguity of the Epicurean conception of pleasure by specifying in a certain way the precise reference of a term to the object referred to. Cicero here emphasizes the importance of the correct use of language. This should be based on correct ethical intuitions; thus the way we determine what counts as correct ethical intuitions is important. Cicero seems to think that both the Stoics and Antiochus stand on the right ground to a large extent, since they share the same ethical assumptions which are plausible (notably, primary natural things should be the starting point of our inquiry of ethical ends; and virtues are sought for their own sake).

In Book 4, we have seen that Cicero insists on taking account of what people in general say and believe and emphasizes the importance of the ordinary meaning of words.⁵⁰² This point is made especially in criticism of the Stoic theory. Cicero's assessment of the Stoics, however, can be viewed more positively since their problem is not one of ambiguity (as in the case of the Epicurean theory, as Cicero presents it) but of neologism. The introduction of neologism (notably the idea of 'indifferents') by the Stoics is at least effective in helping to explain the sufficiency of virtue for happiness, which is one of the intuitions Cicero regards as fundamental for a plausible ethical theory. But more importantly, Cicero also respects the systematic nature of Stoic theory, notably the internal coherence of its key points, for instance regarding the idea that virtue does not admit of degrees.

In Book 5, Cicero's attack on the Antiochean position does not depend on criticism of ambiguity or neologism. Here, the problem lies in the inconsistency

⁵⁰¹ See 3.3; 4.6; 5.4 and 6.5 above.

⁵⁰² See 5.4.2 above.

between two key claims made towards the end of Piso's speech and articulated in the criticism by Cicero; namely the belief that virtue is sufficient for happiness and that there are goods other than virtue. The second claim at least is presented by Piso as being in line with common views and language about what is good. Cicero's criticism of the theory in terms of its overall consistency is in line with his claim at *Tusc.* 5.32 that 'any thesis should be examined in relation to the whole system, not the individual statement'. Also Cicero's criticism shows the limitation of ordinary language, or intuitive plausibility. The sufficiency thesis does not rely on ordinary intuition, whereas the claim that there are goods other than virtue does. In addition to the question of inconsistency, Antiochus' account of development does not support the claim that virtue alone is sufficient for a happy life.⁵⁰³

In order to demonstrate the weakness of a given theory, Cicero manipulates the relative advantages of these various views. The theories offered as alternatives in each case to the theory under scrutiny are presented as being internally self-consistent. In the dilemma posed for Stoicism, for instance, the Peripatetic position is presented as one of the options which the Stoics should choose in order to be consistent. The Antiochean view that developing rationality brings both recognition of the overriding value of virtue as the basis of human happiness and the continuing valuation of other external goods is presented as providing a more coherent, as well as credible, position. On the other hand, in the dilemma posed for the Antiochean theory, the only consistent Peripatetic position is presented as being that of Theophrastus, who recognizes the force of the conclusion that loss of bodily and external goods can make the wise man lose his happiness, and so does not claim the sufficiency thesis. Alternatively, the Stoics can also support this claim consistently, (although they do so, obviously, on a different theoretical basis from the Peripatetic one). In this way, Cicero manipulates the strong points of each of the various dogmatic theories that he examines in his criticism of other theories. Therefore, the theories presented as options for these dilemmas are in each case presented as superior because of their consistency, which is the criterion needed for ethical views to be persuasive.

⁵⁰³ See 6.4 above.

The second question is whether Cicero believes that there is *any* ethical theory which is ‘unimpeded’ by the criteria he sets for examination. He suggests that the ethical views of the philosophers are incompatible and ‘at most one of them can be true, a good number of rather famous schools must collapse.’⁵⁰⁴ But Cicero seems to conclude that *no* ethical theory can meet this requirement for reaching an ‘unimpeded persuasive view’ on this question of ethical end, since none of the theories emerges as both wholly credible and completely self-consistent. This consequence is rather faithful to the teaching of his Academic scepticism, and its principle of *akatalēpsia*. Therefore, Cicero’s enquiry into the most persuasive view on ethical ends in *De Finibus* may end in a different consequence from the one which he reached in *Academica*, in which at least *akatalēpsia* turns out to be the ‘unimpeded persuasive view’ (having survived from the debate regarding possibility of knowledge).⁵⁰⁵

However, it is likely that Cicero believes that there are more persuasive views, namely the Antiochean and Stoic (though they are ultimately impeded by each other, incompatible with each other, and thus ‘equipollent’ in their persuasiveness). If Cicero considers these views highly plausible, he may have assumed that there are at least some degrees of plausibility in various ethical views. He presents these degrees of plausibility, by applying the above requirements in each dialogue in a systematic way. I think that the narrative order of the three dialogues in *De Finibus* carries some significance in the main line of reasoning.⁵⁰⁶ Judging from the discussion about Carneades’ division presented in Chapters 3-6, we can say that there are at least three levels of views in terms of their persuasiveness.⁵⁰⁷

⁵⁰⁴ *Ac.* 2.147

⁵⁰⁵ See 2.2 above.

⁵⁰⁶ Indeed, it has been suggested that the structure of *De Finibus* is far more complicated than it appears at first sight. *De Finibus* has four different ‘Cicero’ characters. For a detailed analysis of these structural features, see Brittain (forthcoming). According to this suggestion, the narrative frame of this work progresses in its authorial comments (from Book 1 to Book 5); on the other hand, its temporal order progresses in the opposite direction (from Book 5 to Book 1); and also each dialogue is associated with a different location (from home to Athens). He suggest that these complexities are designed to dramatize for us the depth of Cicero’s sceptical *aporia*. I agree that these various layers underlying *De Finibus* show its complexities (and also its richness) and play a guiding role in helping us to understand Cicero’s objectives. But I still believe that the narrative order plays a guiding role in his composition of *De Finibus*.

⁵⁰⁷ Görler (1974) 9-19 offers a similar interpretation on this issue of degree of plausibility. He claims that there are different levels of persuasiveness on every subject. The sufficiency of virtue as an ethical principle (Stoics) and *akatalēpsia* (New Academy) belong to the highest level. Epicurean ideas – e.g. pleasure as an ethical end and ‘all sense perception are true’ treated as an epistemological principle – almost always take the lowest level. All other views,

(i) We have seen that whether any theory reflects the ethical intuitions and widely held views of people in general is crucial in judging any theory to be tenable.⁵⁰⁸ There are some theories which stand up longer to scrutiny than others by this criterion. The standard list of Carneades' division, composed of seven theories, is presented as containing these theories which are defensible by this criterion.

(ii) We also have seen that some theories explain these intuitions more consistently than others.⁵⁰⁹ The theories which begin from primary natural things (i.e. the Stoics and the Peripatetics) can offer a consistent explanation of infant behaviour, for instance. Their theories can also include what Cicero regards as a key intuition to be respected (that is, that virtue should be sought for its own sake). In this respect, the Stoic and the Peripatetic ethical theories have distinct advantages over Epicureanism.

(iii) Finally, these requirements need to be explained and supported by the theoretical framework in a consistent manner. The Stoic and the Antiochean positions offer two different approaches to explaining these requirements (that is, they both begin their inquiry from primary natural things and propose to explain the sufficiency of virtue in a consistent way). However, both their approaches are only partially successful (as explained earlier) and so both remain possible alternatives without being wholly unimpeded and convincing. Cicero does not suggest that either theory (or any other, notably the Epicurean) can meet this demand for complete internal consistency, in addition to expressing key ethical intuitions.

If Cicero believes that there is no 'unimpeded persuasive' view which the wise man should follow, how can we be guided in our actions? We have seen that this question was answered by the New Academics by offering a practical criterion for action.⁵¹⁰ Cicero admits that the wise person is said to follow 'whatever strikes him as persuasive' (*quidquid acciderit specie probabile*), as long as nothing contrary to its persuasiveness presents itself.⁵¹¹ However, the

such as 'virtue plus other goods' (Old Academy or Antiochus), assent to probable impression' (Carneades), or 'assent to apprehensive impression' (Stoics), occupy some place on the middle level.

⁵⁰⁸ See 3.3 above.

⁵⁰⁹ See 4.6 above.

⁵¹⁰ See 2.2 above.

⁵¹¹ Ac. 2.99. The Stoic wise man should also follow persuasive impressions (*probabilia*) in many cases; otherwise, he cannot lead his life at all.

demand placed on ethical theory is much stronger, because the wise man will lead his whole life in the way that corresponds to the theory. If he only follows what seems plausible at the moment and without taking up any theoretical stance, how can he lead his whole life in a more or less consistent way? But if any theoretical view which is not impeded is not available to him, how can he guide his life in a consistent way?

In relation to *De Finibus*, I suggest that this final question can be reformulated in the following way: what is the author's attitude to both ethical theories, Antiochean and Stoic, which are impeded by each other, but also highly plausible in their own right? Although this question cannot be answered in a decisive way, I think it is clear that the method adopted by Cicero in *De Finibus* does not appear to constitute an entirely linear process of increasing plausibility in the way I illustrated above, especially in the case of the Stoics and Antiochus. It seems likely that Cicero considers that any ethical view should be examined and tested both by the logical consistency of their theories and by consistency with ethical intuitions, as viewed from a Roman standpoint. Each of Stoic and Antiochean theories has its own respective advantages in relation to these requirements, since the discussion in *De Finibus* examines different philosophical positions from different perspectives. In this sense, Cicero's dialectical exercise turns out to be a matter of the correct application of each theory to appropriate cases. Thus, his preference for one over the other can be understood in terms of the relative plausibility of the different views. We see that this kind of 'non-linear' procedure is similar to the way that Carneades tests the probable impressions.⁵¹²

Cicero's readiness to change his mind (or rather, to adopt a change of standpoint) is, indeed, a decisive factor which marks a crucial difference between him and the dogmatic opponents. His attitude can be contrasted to those of his opponents who do not admit that their theories can lead to a dilemma. The difference lies in the fact that the dogmatic opponents, when contradicted by their opponents, do not change their positions, because they believe that their theories are based on truth. Cicero's attitude (i.e. not having a fixed view on this question) is in line with his proclaimed position as a New

⁵¹² See 2.5 above.

Academic. It also shows that he is consistent in his philosophical position, which is a merit in his approach rather than a problematic feature.

Cicero also adopts this New Academic attitude for the purpose of writing philosophical dialogues which survey the views of all the schools in detail, in order to reach the more probable conclusion. His purpose is not only to free his readers from their dogmatic obstinacy, but also to help them to find out for themselves what they can regard as persuasive views (rather than reaching knowledge based on certainty) on each philosophical issue. This attitude on the part of the author allows Cicero's persona to take up a position on each question (or a series of such positions) without Cicero as author imposing his own view. In this respect, this work as a writer of dialogues such as *De Finibus* and his New Academic stance are consistent.

Conclusion

This thesis aimed to examine the extent of consistency between Cicero's epistemological position in *Academica* and his approach to ethical debate in *De Finibus*. I raised a question whether he can be understood as a consistent thinker. While his philosophical dialogues express a strongly sceptical attitude (that is, to derive suspension of judgment on every topic from the equipollence of opposing arguments), he also appears to employ another strategy (that is, to endorse persuasive views on a provisional basis). In order to answer this question, I chose to consider whether he expresses a radically sceptical view or a more moderate scepticism in *Academica* and *De Finibus*. In my thesis, I demonstrated that his scepticism can be understood in favour of a more moderate sceptical reading of both works, in other words, in such a way that he makes use of available philosophical doctrines, not only for the sake of attacking the opponent's position, but also for a more constructive purpose (that is, to find the most persuasive view).

In the first chapter, I examined the features of Cicero's philosophical dialogues and the two kinds of Cicero in these dialogues (that is, Cicero the author and the persona in the dialogues). I suggested that the persona is prone to represent certain philosophical positions and showed that the views on specific philosophical topics, which the persona supports in the dialogues, are often inconsistent and even contradictory. But this approval of a certain view by the persona is not final, and only forms a part of the dialectical inquiry into what is true. I showed that the purpose of dialectical practice in these dialogues, by both the author and the persona, is not only to lead readers to suspend their judgment, but also to search for the most persuasive views. I suggested that this purpose is in line with Cicero's moderate sceptical attitude.

In the second chapter, I examined the question whether Cicero's position in *Academica* can be understood as being a consistent one. While Cicero must have been influenced by Philo's moderate scepticism, he appears to maintain the more radical scepticism in *Academica*. However, I showed that we do not need to assume his vacillation between two (i.e. radical and moderate)

scepticism and suggested the ways that Cicero's confession of being an opinion-holder can be squared with his account of the wise man, in favour of his moderate sceptical approach. Cicero suggests that his inquiry would reveal the view which is 'most likely to be true', by arguing for and against every opinion. Although Cicero does not explain this characteristic process of investigating persuasive views in any detail, I suggested that Cicero's moderate sceptical approach to theoretical discussion has a close similarity with Carneades' procedure to test persuasiveness of any impression.

In the third chapter, I discussed the original form and purpose of Carneades' division. I suggested that Carneades originally designed this division in order to counter both Stoic ethics specifically and dogmatic theories in general. I showed that Cicero's main concern in *Lucullus* 129-41 is largely epistemological rather than ethical. Therefore, this application of Carneades' division in epistemological debate does not necessarily tell us about Cicero's preference for one ethical view over the other. Nevertheless, I suggested that this part of *Lucullus* can also have significance in the procedure for testing the plausibility of all 'ethical' theories, that is, to show that some of them stand up longer to scrutiny than others. The standard list of Carneades' division, composed of seven theories, is presented as containing these theories which are defensible by this criterion.

In the fourth chapter, I mainly focused on one case in which Cicero himself employs Carneades' division rather constructively in an ethical context, just as the same division is applied by Stoic Cato in *Fin.* 3 and Antiochean Piso *Fin.* 5 for securing their own positions. I suggested that Cicero's attack on Epicurean ethics is not purely dialectical. It is not only because he clearly rejects Epicureanism in *Fin.* 2 and his assessment of Epicurus remains unchanged in *De Finibus*. It is rather because Cicero adopts, as plausible bases for an ethical enquiry, the following two intuitions: (i) any ethical theory could be more plausible if it starts from the primary natural thing; (ii) any persuasive ethical theory needs to explain the inherent goodness of virtue consistently. I suggested that Cicero introduces Carneades' division in *Fin.* 2.34-44 in order to present these requirements for rationally acceptable views. Cicero opts for the Stoic or Antiochean position over Epicurean ethics, since both theories start from primary natural things and end in virtue (while Epicurus does not include

any of them properly). If this analysis is correct, *De Finibus* could be considered as a more constructive work than we might initially suppose.

In the fifth chapter, I examined the points of Cicero's criticism on Stoic ethics in *Fin.* 4. I suggested that his criticism has two aims: one is to offer an alternative account to the Stoic theory, and the other is to deny distinctive Stoic character by using a dilemmatic structure of argument. I demonstrated that Cicero achieves these goals by taking an Antiochean position. Cicero offers the theory of Antiochus as a set of correct ethical intuitions, from which every ethical theory has to start. In addition, Cicero indicates that the Stoic ethics is inconsistent due to its incorrect use of language. However, I indicated that, although he tackles the difficulties of Stoicism in explaining the transition from primary motivation to the final end (i.e. virtue), the idea that virtue is sufficient to secure happiness is not criticized *per se*. This thesis characteristic to Stoic theory is rather adopted by Cicero in *Fin.* 5. Thus it follows that persuasive views on ethical ends should be examined and tested on the basis of the logical consistency of their theories as well as the factor of Roman experience.

In the final chapter, I examined Piso's speech of Antiochean ethics in *Fin.* 5 and Cicero's criticism on this account at *Fin.* 5.77-86. I suggested that Cicero's criticism of Antiochus is intended to contrast the Antiochean position with that of the Stoics. This contrast between the two positions is not restricted to Cicero's final criticism at *Fin.* 5.77-86, but also reflects his overall plan of *De Finibus*. While Cicero admits that *akatalēpsia* is an unimpeded persuasive view in epistemology, he does not seem to believe that there is any ethical theory which can satisfy the requirements for an unimpeded persuasive view. However, I intended to demonstrate that Cicero believes that there are some rational criteria for the persuasive view and that there are at least some degrees of plausibility between various ethical views in these respects. I suggested that Stoic and Antiochean positions offer two most probable answers to the question of the ethical ends and that Cicero's provisional preference for the one over the other can be understood in terms of the relative plausibility in different dialectical situations. This kind of non-linear procedure is line with the way that Carneades tests the probable impressions, and also with Cicero's stance as a moderate sceptic.

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