Cicero's Philosophical Rhetoric

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Contents

Abstract

The modern scholarly debate on the relation between rhetoric and philosophy in Cicero originates in the work of Hans von Arnim, who introduced two key ideas that informed subsequent interpretations of Cicero's *De Oratore*: 1) Cicero's reconciliation of rhetoric and philosophy is inspired by a single Greek source (Philo of Larissa); 2) Cicero's *De Oratore* belongs to the Greek debate on education (*Bildung*). Many scholars disagreed with von Arnim on which Greek source should be regarded as Cicero's main inspiration; in contrast, another philological tradition rightly emphasized that Cicero provided his own synthesis of different sources. However, this second tradition operates within von Arnim's conceptual framework insofar as it interprets the relation between rhetoric and philosophy as a Latin chapter of the ancient debate on *Bildung* that is primarily addressed in Cicero's rhetorical writings. This reading paradoxically divorces rhetoric from rhetoric from Cicero's philosophy. Against von Arnim's interpretation, this thesis will investigate the relationship between rhetoric and philosophy as a general trait of Cicero's way of philosophizing, emphasizing that the interaction between these two disciplines cannot be limited to the interaction between form and content, but is something that informs the very content of his philosophy. Accordingly, I will show how this interaction plays a key role in the following issues, which are addressed throughout the whole Ciceronian corpus: 1) the role of speech in Cicero's conception of human nature and sociability; 2) the right balance between the contemplative and active life and Cicero's conception of the statesman; 3) the interaction between Academic scepticism and rhetoric, which significantly affects Cicero's way of assessing and reworking the philosophical doctrines advanced by other schools. This inquiry will show that rhetoric plays a larger and more pervasive role in Cicero's philosophical and political thought than it is usually assumed, helping us truly appreciate the distinctiveness of his way of philosophizing.

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Introduction

The modern scholarly debate on the relation between rhetoric and philosophy in Cicero originates in Hans von Arnim's *Leben und Werken des Dio von Prusa*. The first chapter of this work, which is mostly focused on Dio of Prusa, an outstanding representative of the Second Sophistic, presents a wide-ranging and influential account of the history of philosophy from the Ionian revolution of the 6th century B.C. to the beginning of the Roman empire in the first century B.C. The architectonic idea that informs this excursus is the competition between rival models of education – the sophistical, the philosophical and the rhetorical – that vied for the education of the youth. Accordingly, von Arnim's analysis of Cicero's *De Oratore* is set in the context of this Greek debate on what constitutes the best kind of education (*Bildung*). More specifically, von Arnim argues that Cicero presented an early intervention of the incipient revival of the sophistical *Bildungsideal*, which would subsequently culminate in the Second Sophistic.[1] Furthermore, consistently with the assumptions regarding the *Quellenforschung* approach, which regarded Ciceronian texts as nothing more than sources of information for earlier Greek philosophers, von Arnim rejected the idea that Cicero could have sought to reconcile philosophy and rhetoric on his own, advancing the thesis that a single Greek source was behind this idea, namely his teacher Philo of Larissa.[2] All in all, von Arnim's interpretation introduced these two key ideas that informed subsequent interpretations of Cicero's *De Oratore*: the assumption of a single, or at least predominant, source at the basis of Cicero's project of reconciling oratory and philosophy; the tendency to read the *De Oratore* as a chapter of the ancient debates on education.

On the one hand, many scholars criticised von Arnim's interpretation of *De Oratore*, although they ultimately shared his idea that there was a predominant Greek source that inspired Cicero. Wilhelm Kroll argued that Cicero was instead following Antiochus of Ascalon, who was one of his instructors.[3] Harry Mortimer Hubbell instead thought that Cicero's ideas on eloquence were strongly influenced by Isocrates, a contemporary of Plato and the leader of a highly prestigious school of eloquence in Athens during the first half of the 4th century.[4] Hans Schulte identified Posidonius of Apamea, another philosopher with whom Cicero was well acquainted, as the main source of *De Oratore*.[5] In his seminal studies on the Aristotelian rhetorical tradition, Friedrich Solmsen observed

[1] von Arnim 1898, pp. 112-114.
[2] *Ibid.*, p. 104.
[3] Kroll 1903.
[4] Hubbell 1913.
[5] Schulte 1935.

that many distinctive doctrines of Aristotle's *Rhetoric* are featured in Cicero's account of persuasion.[6] More recently, it was also emphasized by Schütrumpf that Plato's *Phaedrus* was a major inspiration for Cicero.[7] Finally, Reinhardt and Brittain have underlined that Philo of Larissa might have played a major role, as he reportedly taught both rhetoric and philosophy.[8] This brief list of scholarly interpretations shows that virtually no philosopher was exempt from being identified as Cicero's main source.

On the other hand, another philological tradition that culminated in the so-called "Amsterdam commentary" to *De Oratore* questioned the validity of this approach of identifying a single source.[9] Specifically, these scholars illustrated that Cicero's rhetorical theory is a highly complex and elaborate construction composed of materials drawn from distinct rhetorical sources – this is the reason why it is possible to identify so many sources – and adapted for Roman culture. Accordingly, the coexistence of different Greek authorities and Roman elements in *De Oratore* suggests that Cicero developed his own synthesis of philosophy and rhetoric, rather than following one Greek author. In this light, it is also relevant to underline that individuating a single source contravenes what Cicero himself writes in the preface to Book II of *De Inventione*: 'I did not set before myself some one model which I thought necessary to reproduce in all details, of whatever sort they might be, but after collecting all the works on the subject I excerpted what seemed the most suitable precepts from each, and so culled the flower of many minds'.[10] Now, given that the young Cicero adopted the method of selecting and combining the best precepts from different sources, it would be surprising if he did not maintain this attitude in his adulthood after decades of experience as an orator, switching to following a single master in all or most details. However, while meritoriously pointing out that Cicero was capable of developing his own synthesis of rhetoric and philosophy, this second tradition still operates within von Arnim's conceptual framework, insofar as these scholars limit the treatment of this topic to Cicero's rhetorical writings and the ancient debate on *Bildung*, without exploring the ramifications of the reconciliation between philosophy and rhetoric across the whole Ciceronian corpus. This paradoxically results in the divorcing of rhetoric from Cicero's philosophy.

In the light of these concerns, this thesis will challenge von Arnim's interpretation by analysing the role of rhetoric against the backdrop of Cicero's philosophy, treating the cooperation of rhetoric and philosophy advocated by Cicero as a distinctive feature of his way of philosophizing

[6] Solmsen 1938; Solmsen 1941.
[7] Schütrumpf 1990.
[8] Reinhardt 2000; Brittain 2001.
[9] Prümm 1927; Barwick 1963; Kennedy 1963 and 1972; Leeman, Pinkster, Wisse 1981-2008.
[10] Cic. *De Inv.* 2.4. All translations of *De Inventione* in this thesis are taken from Hubbell 1949 with slight modifications indicated in bold.

that informs not only the form, but also the content, of his philosophy. Accordingly, I will work under the assumption that Cicero did not regard his rhetorical and philosophical writings as rigidly distinct from one another.[11] On the contrary, key issues that are essential to our understanding of the role of rhetoric in Cicero are addressed in both types of works.[12] These issues include: 1) the conception of speech as a distinctive trait of human nature, the role of oratory in the foundation and preservation of human civilization (especially in a free society), and the concept of *decorum*; 2) the relation between the contemplative and active life, and Cicero's conception of the statesman and the building of a successful political career; 3) the impact of the interaction between academic scepticism and rhetoric on Cicero's conservatism, and on how he assesses, criticizes and reworks philosophical doctrines advanced by other schools. This approach will result in a better understanding of the distinctive role of rhetoric in Cicero's philosophy and political thought, and, at the same time, it will allow us to shed new light on issues that cannot be addressed satisfactorily, if limited either to his rhetorical or philosophical writings (*e.g.* the relation between rhetoric, ethics, and politics). This thesis will be structured as follows.

Chapter I will address the issue of whether or not Cicero provided a solid ethical foundation to rhetoric. This issue has been traditionally framed as the question of whether or not Cicero's account of the interaction between rhetorical expertise and philosophical knowledge guarantees that his orator will be a morally good individual. Some scholars have argued that ethical concerns played only a secondary role in Cicero's conception of the orator, concluding that, while he prescribes that the orator should be virtuous, Cicero's account of how moral goodness derives from his expertise is insufficient.[13] Alternatively, a second line of thought suggests that the moral integrity of Cicero's ideal orator will necessarily result from his philosophical knowledge,[14] although this position has been shown to be untenable in the light of Cicero's discussion of the subject.[15] By focusing exclusively on the moral integrity of the person of the orator, these two interpretations pose the following dilemma: either we ascribe to Cicero a kind of ethical intellectualism that does not fit well with his works, or we conclude that Cicero's account of the moral integrity of the orator is simply defective.

[11] It is noteworthy that in the preface to Book II of *De Divinatione* Cicero himself includes his rhetorical treatises in the list of his philosophical works (Cic. *Div*. 2.1-2).
[12] I will focus on *De Inventione*, *De Oratore*, *Orator*, *Brutus*, and on virtually all Cicero's philosophical works, especially *De Finibus* and *De Officiis*.
[13] Radermacher 1899; Kennedy 1972; Classen 1986; Leeman, Pinkster, Wisse 1996, vol. 4.
[14] Hubbell 1913; Grant 1943; Barwick 1963.
[15] Cic. *De Or.* 3.55. Leeman, Pinkster, Wisse 1996, vol. 4, pp. 200-201.

I will show that a fundamental flaw in both approaches is that they focus exclusively on the moral goodness of the orator, which cannot be guaranteed, rather than investigating the ethical foundation of rhetoric itself. This shift of focus compels us to examine whether there are ethically good reasons why, according to Cicero, the study of rhetoric is worthy of being pursued, despite the potential misuse of eloquence. My claim is that this is the case, and that the explanation lies in Cicero's conception of human nature and sociability. Indeed, Cicero holds that human beings are superior to other animals because they are endowed with reason and speech alike, and that the interaction of these two natural faculties plays a key role in: 1) the foundation and preservation of human civilization, constituting the very essence of our humanity; 2) the preservation of a free society, as eloquent speech is essential to the correct working of deliberative institutions. Accordingly, I will show that Cicero held this view consistently throughout his life, and that this picture can be found in both his rhetorical and philosophical works (*esp*. *De Inventione, De Oratore*, *De Republica*, *De Legibus* and *De Officiis*). As a result, the study of rhetoric can be regarded as intrinsically moral insofar as it pursues the fulfilment of one of the natural faculties that, together with reason, makes us truly human, allowing us to live peacefully with other members of our species. Significantly, Cicero stresses that reason alone cannot achieve this result, since all our speculations would be useless if we cannot properly communicate them to others, suggesting that the cooperation between philosophy and rhetoric is grounded in human nature as well, as they respectively represent the perfection of reason and speech.

This chapter will also contextualise Cicero's idea that eloquence played a key role in the foundation of human civilization against the backdrop of contemporary Greek theorists who engaged with the issue of explaining the origin of human society and included language in their accounts, namely Diodorus Siculus, whose account was probably influenced by one of the disciples of Democritus,[16] and Lucretius. I will show that language plays a marginal role for both these authors in establishing human society, which formed before human beings started to speak. Accordingly, I will highlight that Cicero drew the theme of eloquence from the rhetorical traditions that derived from Isocrates and his school. Another important aspect that I will investigate is how the foundational role of eloquence interacts with Stoicism. Indeed, while always maintaining the idea that eloquence is essential to human society, in his philosophical writings Cicero focuses on more Stoicizing views, emphasizing the role of reason and identifying *oikeiōsis* or appropriation as the mechanism that explains how human sociability works. In this regard, I will show that eloquence plays no role in the Stoic doctrine of *oikeiōsis*, which works on the assumption that human beings *qua* social animals are

[16] Reinhardt 1912; Vlastos 1946; Cole 1990; Muntz 2011.

by nature moved to feel affection towards the other members of their species. In contrast, in *De Officiis* Cicero introduces a modified version of *oikeiōsis*, which, unlike standard accounts, is based on the interaction of reason and speech. This synthesis, which I interpret as an integration of Stoicism and Isocratean teachings, can arguably be considered as an improvement on the standard Stoic *oikeiōsis*, which, as scholars have pointed out,[17] is problematic insofar as the instinct to love others as if they were a part of us do not easily explain social ties that go beyond family members. For Cicero, eloquence can help to the effect that, by engaging in public speech with other members of the community, we can come to perceive them as our own.

Chapter II will investigate Cicero's treatment of the right balance between the theoretical and the active life, emphasizing how the study of rhetoric and the attainment of eloquence represent the necessary intermediary between theory and practice, constituting a necessary requirement for anyone who wishes to engage in public life. Indeed, I will show that in *De Inventione* and *De Oratore* Cicero makes clear that eloquence is what allows reason to unfold itself in a way that can benefit everyone, and that refraining from public speech amounts to secluding oneself from the active life altogether, as a voiceless wisdom would be unable to positively affect the community. I will also emphasize that many themes of the right balance between the active and the contemplative life, which are first introduced in *De Oratore*, are discussed by Cicero transversally across subsequent philosophical and rhetorical writings alike: the idea that the value of knowledge lies primarily in its impact on the common good; the criticism of the σχολαστικὸς βίος; and the idea of subordinating contemplative studies to the life of action. Hence, this chapter will investigate the role of eloquence in Cicero's conception of the statesman. In his study of Cicero's ideal statesman, Jonathan Zarecki has defended the thesis that Cicero's ideal orator-statesman is essentially distinct from the *rector rei publicae* of *De Republica*;[18] in his view, the latter would represent an exclusively civic figure that reflected Cicero's loss of hope that oratory could play any significant role in the administration of the state.[19] Against this reading, I will demonstrate by way of an examination of his writings even after *De Oratore* that Cicero continues to conceive of eloquence as one of the essential traits of his ideal ruler until the very end of his life. I will also argue that, in the wake of the civil war and Caesar's dictatorship, Cicero increasingly regarded eloquent statesmanship as the sole true alternative to a form of political power based on military might and factionalism.

[17] Pembroke 1971, pp. 123-126; Schofield 1995; Radice 2000; Vogt 2008; Klein 2016, pp. 153-158.
[18] On this much debated figure see Heinze 1924; Nicgorski 1991. Powell 1994; Zarecki 2014; Schofield 2021; Zetzel 2022; Mebane 2022.
[19] Zarecki 2014, p. 68.

The chapter will also devote two sections to specific issues that arise from an examination of Cicero's political theory from the vantage point of rhetorical theory and *vice versa*. Firstly, I will examine Cicero's discussion of the role of the statesman in improving the morals of his fellow citizens. Crucially, Cicero argues that positive legislation is not sufficient to attain moral betterment and, in both *De Republica* and *De Legibus*, he holds that the statesman should offer himself up as a role model (*exemplum*) that his people can imitate. Now, this idea of improving oneself by imitating another individual has been understood to be inspired either by Plato or Xenophon.[20] However, I will show that the idea of improving one's moral character through the imitation of a role model is better explained as an application to political theory of pedagogical and stylistic teachings widely featured in the rhetorical tradition that originated from Isocrates. Secondly, I will examine the issue of accounting for the overwhelming emphasis of Cicero's rhetorical theory on forensic oratory, which appears to be at odds with the wide political ramifications of eloquence in the encomia of eloquence pronounced by Crassus and Antonius in *De Oratore*.[21] That Cicero puts so much stress on forensic oratory is also very interesting, if we consider what little opinion Greek rhetorical theorists – Plato, Aristotle and Isocrates – held of the judicial genre, favouring the political discourse delivered before an assembly. This apparent oddity has been explained as a consequence of the way Hellenistic rhetorical handbooks were structured and by observing that many precepts of *De Oratore* are easily applied in both forensic and political oratory, so that adding a separate treatment for each rhetorical genre would have been uneconomical.[22] However, while this reading is plausible, I will show that such an emphasis on the oratory of the forum not only is consistent with Roman culture, which regarded the activity of acting as a legal *patronus* on behalf of a client as worthy of a member of the elite, but also with Cicero's political thought. On the one hand, I will show that, among other things, one of the main tasks Cicero assigns to the state is the protection of the rights of the citizens, and the forum is the ultimate place where such rights are either protected or established, since, unlike his Greek counterparts, who regarded trials as primarily concerned with issues that concern private citizens, Cicero holds that, behind each particular issue at the basis of a trial, there is a more general juridical issue that potentially involves everyone. On the other hand, I will emphasize how in his writings, especially *De Officiis*, Cicero insists on the importance of eloquence in building a successful political career; indeed, by defending important cases in the forum, the aspirant ruler can become a well-known and respected member of society, a true protector of the common good that deserves the trust and benevolence of his people. As a result, the chapter will illustrate that, for Cicero, oratory is

[20] Ferrary 1995; Dyck 2004, p. 523.
[21] Fantham 2004, pp. 209-210.
[22] Leeman, Pinkster, Wisse 1996, vol. 4, pp. 43-46.

a necessary tool the statesman needs to master to rule the state effectively, and that it plays a key role in the building of a successful political career, which allows the orator to be entrusted with public responsibility.

Chapter III will focus on the interaction between Academic scepticism and rhetoric in Cicero. Specifically, I will examine how the sceptical criterion of assenting to what is most probable relates to: 1) the rhetorical consideration that the worst possible mistake an orator can make is distancing himself from the opinions and the mode of speaking of the common people, especially those belonging to the orator's community; 2) Cicero's idea that the degree of persuasiveness of a thesis depends, to a large extent, on the way it is presented. In this regard, Cicero criticizes those philosophers (especially Stoics and similarly philosophically minded orators, such as the *exemplum* of Publius Rutilius Rufus) who distance themselves from the common way of talking.

I will start from an examination of the background of Cicero's conception of probability. Specifically, I will highlight how two distinct conceptions of probability coexist in Cicero's probabilism. Firstly, as *Academica* testifies, the concept of probability is introduced by Carneades in order to respond to the criticism that Academic scepticism does not represent a viable way of life, as, by denying the possibility of cataleptic impressions, it makes action impossible. Significantly, Carneades' probable (πιθανὸν), which is introduced in the context of his *querelle* with the Stoics, primarily concerns the way we assess the plausibility of our sense impressions; besides, as noted by modern scholarship, the concept of probability is no stranger to Stoic epistemology, as it is used by Carneades to develop an argument that largely draws his premises and conclusion from his Stoic adversaries.[23] Secondly, the same key terminology of probability (*probabilis*, πιθανὸν) and verisimilitude (*verisimilis*, εἰκός) was employed by Greek philosophers, such as Plato and Aristotle, who analysed rhetoric and its epistemological status, and became commonplace in later rhetorical handbooks. While differing on the degree of scientific certainty rhetoric should aim at, Plato and Aristotle agreed that the opinions of uneducated people play an essential role in the practice of rhetoric.[24] Such a rhetorical probability identifies the πιθανὸν with what people believe. As a result, I will show that these two conceptions of probability – one deriving from the epistemological debate on cataleptic impressions, and the other rhetorically-inflected – coexist in Cicero.

Accordingly, the chapter will investigate the role of opinions widely shared by a community in Cicero's rhetorical and philosophical theory. Firstly, I will show that, in his view, the orator needs to adapt his speech to what is commonsensical for his fellow citizens, if he wishes to be persuasive.

[23] Coussin 1983; Bett 1989; Obdrzalek 2006.
[24] Glucker 1995, Reinhardt 2023, xcvii-c.

Neglecting to do so motivates the enmity of the public, rather than its favour, as exemplified by Socrates, whom the Stoics imitated.[25] At the same time, I will show that, compared to Plato and Aristotle, not only does Cicero show no confidence in the truth of the arguments developed by the orator, but he also suggests that the non-argumentative features of a speech – ethos, pathos and style – are greater factors in persuasion and more distinctive of a truly accomplished speaker.[26]

Secondly, I will analyse the role of rhetorical probability in Cicero's way of assessing and adapting the teachings of other philosophical schools in his works. On the one hand, I will illustrate how Cicero consistently makes use of rhetorical strategies in his philosophical writings, and that this is a distinctive feature of his way of writing that contributes to the overall quality of his argumentation.[27] On the other hand, I will argue that the rhetorical probability of a philosophical position is an important part of Cicero's evaluation of other schools, as he works under the assumption that a philosophical doctrine is acceptable if it can be publicly advocated without incurring the wrath of the public. In this regard, Epicureanism is rejected insofar as it proposes a philosophical doctrine that is incompatible with the *mos maiorum*, whereas Stoicism is criticised for its abstruse way of speaking and its paradoxical doctrines alike – although Cicero admits that the Stoic system is at least sophisticated and consistent.

Indeed, Cicero recognizes not only that Stoicism offers the most sophisticated philosophical system available, but also that is the most compatible with Roman culture, if casted in rhetorically acceptable terms. However, I suggest that Cicero is not committed to Stoicism *per se*, but rather that he simply makes use of the doctrines that seem more promising to him in a given argumentative context. In the light of this, I will hold that Cicero's extensive use of Stoic doctrines does not imply a qualified commitment to a modified form of Stoicism, but that he approaches philosophical issues in a way that is similar to the rhetorical approach to the handling of a forensic case: after having chosen the side of the question to defend, Cicero says everything that can be said on behalf of that case, and this means that he is not necessarily committed to the truth of the arguments he borrows from others schools.[28] In other words, if Cicero, for example, should seek to defend the case of organized religion, it would make sense for him to employ doctrines drawn from Stoic theology, but

[25] Atherton 1988; Aubert-Baillot 2008.
[26] In this context, I will argue against Remer's thesis that Aristotle's rhetoric is more vulnerable to the charge of manipulation than Cicero's (Remer 2017, pp. 34-62).
[27] Brinton 1988; Inwood 1990; Langland 2018.
[28] Modern Ciceronian scholarship is divided on whether to consider Cicero as a mitigated or radical sceptic. Mitigated scepticism would allow Cicero to commit himself to some doctrine without giving dogmatic assent to them (Brittain 2001; Görler 2011; Thorsrud 2012; Nicgorski 2016). The proponents of Radical scepticism put the stress on the open-ended and antidogmatic dimension of Cicero's writings (Brittain 2016, Cappello 2019, Brittain & Osorio 2021; Reinhardt 2023).

this does not imply that he commits to their truth. Indeed, I think that, if Cicero had any commitments, he would be committed to broadly pre-theoretical ideas that are compatible with Roman culture and his own experience as a member of the republican elite. As a result, I will suggest that, in one sense, Cicero's philosophical writings can be understood as expressions of philosophical rhetoric insofar as, by adapting philosophical doctrines so that they can be accepted as 'probable' by a Roman audience, they represent his attempt to engage in public discourse despite his forced retirement from active political life.

After having summarized the main findings of this dissertation, the general conclusion will provide some remarks on Cicero's significance for the history of political philosophy – in particular, whether he made any significant theoretical contributions to the philosophical inquiry into politics compared to Greek theorists, and how his recovery might contribute to modern debates, highlighting how reading Cicero might benefit all those political cultures that accept to operate within a liberal-democratic framework.

Before proceeding to the body of this thesis, I wish to address two preliminary issues. The first concerns the role of Isocrates in my interpretation of Cicero. Indeed, the reader will readily notice that I give far more space to Isocrates than most studies on Cicero's philosophy have done.[29] This is partly due to the focus of my research, which attempts to read Cicero's philosophy in the light of his rhetorical theory and *vice versa*. Indeed, given that Cicero's rhetorical works feature clearly Isocratean ideas, putting his rhetorical works in dialogue with his philosophical writings led me to realize that in some cases Cicero transfers insights from rhetorical theory, often originating in Isocrates, to his philosophy and political thought. However, I wish to clarify this statement. I think that there are many analogies to be drawn between Isocrates and Cicero, which are not strictly limited to the role of eloquence, but also involve what one might call their "philosophical" perspective; however, as I will explain more in detail in Chapter II, I am strongly persuaded that Cicero and Isocrates belong to different stages of intellectual history and, for this reason, pursue deeply different cultural projects. Unlike Cicero, Isocrates is a liminal figure who operated in a cultural context where there were no clear disciplinary boundaries between rhetoric and philosophy, and where the very meaning of the word 'philosophy' was disputed.[30]

The second issue is more general and concerns my approach to Cicero's works. Indeed, this thesis investigates how the interaction of philosophy and rhetoric informs essential aspects of Cicero's thought. However, as most issues are analysed in the context of the whole Ciceronian corpus, this

[29] The only study that puts a particular emphasis on Isocrates in the interpretation of Cicero is Hubbell 1913.
[30] Timmerman & Schiappa 2010.

seems to postulate a continuity in Cicero's work that might be problematic. Firstly, there is the question of Cicero's affiliation. In the 19th century Hirzel advanced the thesis that Cicero changed his affiliation twice.[31] More specifically, after being an enthusiastic disciple of Philo, he is alleged to have followed Antiochus' teachings until around 46 B.C., when, disillusioned with the project of the Old Academy, he decided to return to the New Academy. More recently, this thesis has been defended and more thoroughly articulated by Glucker and Steinmetz,[32] who argued that Cicero's affiliation to the Old Academy of Antiochus of Ascalon significantly affects the way we should approach Cicero's corpus.[33] Accordingly, Glucker holds that this shift of position presents us with two distinct philosophical corpora: the works written in the 50s (*De Oratore*, *De Republica* and *De Legibus*), in which Cicero advanced a positive view and, more generally, operated within an Antiochean framework, and the works of the 40s, which, due to Cicero's return to the New Academy, adhere to a sceptical methodology.[34] All in all, Glucker synthesises this position as follows: 'Put briefly, the writings of the 50s are "dogmatic", while those of the 40s are "sceptic"'.[35]

Two key passages are provided as the main evidence for Cicero's change of school. On the one hand, in Book I of *Academica Posteriora* there is an exchange with the Antiochean Varro that would appear to indicate that Cicero changed his allegiance from the Old to the New Academy: 'Then Varro replied: "I will certainly think this over, though not without your help. But what's this I hear about you?", "In what connexion?" I said. "That you have abandoned the Old Academy," he said, "and are dealing with the New"'.[36] On the other hand, in *De Legibus*, before delving into his treatment of natural law, Cicero strongly criticized the New Academy as only an outsider could: 'As for the Academy, the new one of Arcesilaus and Carneades that confuses all these questions, we request it to remain silent. For if it attacks these things that seem to us neatly arranged and composed, it will cause excessive damage. I would like to conciliate it, and I don't dare push it aside'.[37]

Woldemar Görler provided a strong critical response to the latter passage. Specifically, he argued that the silencing of the New Academy reflects more a necessary requirement to carry through Cicero's argument on natural law than a change of allegiance.[38] Indeed, if the Academic method of arguing on either side of a question were applied in this dialogical context, which requires the widest

[31] Hirzel 1883, pp. 488-91.
[32] Glucker 1988; Steinmetz 1989, pp. 13-14.
[33] Glucker 1988, p. 50.
[34] *Ibid*., pp. 57-58.
[35] *Ibid*., p. 60.
[36] Cic. *Acad*. 1.13. Glucker 1988, p. 42. All translations of Cicero's *Academica* in this thesis are from Brittain 2006.
[37] Cic. *Leg*. 1.39. Glucker 1988, pp. 48-50; Steinmetz 1989, p. 14. All translations of Cicero's *De Legibus* in this thesis are from Zetzel 1999.
[38] Görler 1995, p. 94.

agreement among the participants, powerful arguments that would potentially undermine Cicero's account of the best laws for the best state would be advanced, disrupting his overall project in this work. Significantly, that the argument of *De Legibus* requires a compromise among participants who are asked to sideline any problematic view is also shown by Atticus' concession to put aside his own Epicureanism, which for different reasons would be incompatible with Cicero's account of natural law that, among other things, implies an active role of the gods in the administration of the cosmos.[39]

The passage of *Academica Priora* quoted above is interpreted by Görler by way of an analysis of the meaning of the verb *tractari*, used by Varro in his exchange with Cicero in reference to his alleged shift of allegiance. Accordingly, *tractari* primarily means 'to handle, to deal with' and, for this reason, what Varro is referring to is not the fact that Cicero changed school, but to the change of subjects he addressed in his writings. Indeed, in the previous set of works written in the 50s, Cicero had dealt with subjects that, broadly speaking, are more Platonizing, and the subsequent works focused more on Academic Scepticism, both in the extensive use of the method of arguing on either side and the presence of openly Academic characters.[40] However, I do not find this explanation completely persuasive, because it would make Cicero's reply quite odd: 'Was it more permissible for our friend Antiochus to leave his new home for an old one than for me to switch to the new from the old? Isn't the latest thing always the most up-to-date and corrected?'.[41] Now, if Varro was truly talking about a change of topics, it would be very strange for Cicero to reply by saying that Antiochus too changed his allegiance at some point, founding a new school. It might be very hard to reconstruct the context of this particular exchange beyond any reasonable doubt, but I would suggest that Cicero's response might reflect how adherents of the two schools, which had for a long time been the same, could have seen one other. Indeed, from the point of view of Antiochus and his followers, the Academic Sceptics could be collectively described as 'those who abandoned the Old School for embracing some extraneous innovative doctrine'. In this sense, Varro might be asking Cicero whether it is true that he is one of those who defected the old doctrine; and Cicero's reply to this would be that this defection would not only be legitimate, because even Antiochus was once an Academic sceptic, but that the New Academy is compatible with the views of the early Academics (as demonstrated by Philo of Larissa, who denied the existence of two separate Academies).[42]

However, even if the highly fragmentary status of *Academica Priora* might not allow us to reconstruct the context behind Varro's remark beyond any reasonable doubt, I agree with Görler that

[39] Cic. *Leg*. 1.20. Görler 1995.
[40] Görler 1995, pp. 107-108. This reading is also accepted by Charles Brittain and Tobias Reinhardt (Brittain 2006, p. 91 n.10; Reinhardt 2023, p.114).
[41] Cic. *Acad*. 1.13.
[42] *Ibid.* 1.13.

there are many indications that Cicero remains an Academic Sceptic even in those works where he appears to be advocating a positive view. Indeed, in *De Oratore*, not only do both the main characters, Antonius and Crassus, show a good degree of engagement and admiration towards the most outstanding members of the New Academy of Carneades, but the New Academy is presented as the sole surviving school whose teachings can actually contribute to the education of the ideal orator. Plus, the character of the young Cotta, who is also featured in *De Natura Deorum* as the representative of the New Academy, decided to convert himself to the New Academy in the course of the dialogue.[43] The same applies to *De Republica*, where, as Görler pointed out, Book III is constructed as a classical Academic debate on either side of the question of justice, even though Plato's *Republic* remains a major inspiration for the themes of the book.[44] I would only add that there are some signs of scepticism in Book I as well. Indeed, Scipio, one of the main characters, expresses the desire to have Panaetius there to discuss the astronomical phenomenon of the two suns and, at the same time, he criticises him for making 'such definite statements about things the nature of which we can scarcely guess, that he seems to see them with his eyes or even touch them with his hands'.[45] Given that the impossibility of uncovering with absolute certainty realities far removed from us is a distinctive feature of Academic Scepticism, I think that this kind of view is not easily compatible with Antiochus, who, among other things, was a strong advocate of cataleptic impressions and Stoic epistemology, which assumed that we human beings are capable of acquiring a solid knowledge of virtually the whole world. For all these reasons, I am persuaded that Cicero continued throughout his life to be an Academic Sceptic and that his epistemological attitude in earlier works that advance positive views such as *De Republica* and *De Oratore* does not differ from what is found in his later writings, where some positive doctrines appear to be approved (such as *De Officiis* and *Tusculanae Disputationes*) without putting aside his Academic Scepticism.[46]

It is reasonable to think that Cicero was an Academic Sceptic for his whole life. However, does the Ciceronian corpus as a whole advance more or less systematic views characterised by a lesser degree of certainty than those displayed by dogmatics, or should we regard his corpus as a collection of writings that are disconnected from each other and should be each analysed *per se*? The latter approach has been recently pursued by Orazio Capello, who has argued that Cicero's philosophy is anti-systematic, a true 'philosophy of chaos', whose goal is destroying all certainties.[47] According to this view, there is no global philosophical view to reconstruct, as Cicero is strongly affected by the

[43] Cic. *De Or.* 3.145. Görler 1995, p. 98.
[44] Görler 1995, p. 98.
[45] Cic. *Rep*. 1.15. All translations of Cicero's *De Republica* in this thesis are taken from Zetzel 1999.
[46] Görler 1995, p. 94.
[47] Capello 2019, p. 9.

quickly-changing political circumstances of the Roman Republic.[48] I think that the approach of atomizing Cicero's work presents the disadvantage of making it more difficult to identify important aspects of his thought. Indeed, among other things, this dissertation aims to show that, on a variety of key issues, there is an astonishing degree of continuity in Cicero. However, what do we make of these ideas which appear to be defended by Cicero consistently throughout his whole work? Is there actually a Ciceronian system that only differs from a dogmatic system in the recognition of a lesser degree of certainty? I think that the answer to this question is no. There is no Ciceronian system, as not only does Cicero make his own evaluation on the basis of the issue at hand, but he clearly suggests that what strikes him as probable might change over time.[49] As a result, I work under the assumption that, while no Ciceronian system exists as such, there are regularities in Cicero's thought that on a very general level can be construed as commitments to traceable ideas that struck him as probable; such ideas, which are very general and largely pre-theoretical (*e.g.* the idea that moral virtue is the greatest good for a human being), can be casted into different forms and defended by means of different philosophical doctrines, depending on their context of application.

[48] Capello 2019, p. 10.
[49] Cic. *Tusc*. 5.33. Cf. Roskam 2023.

Chapter I

Reason and Speech in Cicero's Conception of Human Nature

The ethical foundation of rhetoric is a long-standing and complex issue, which is arguably as old as rhetoric itself, having its philosophical roots in Plato, who made a powerful critique of rhetoric in his *Gorgias*. According to this critique, rather than an art of persuasion grounded in knowledge of what is just and what is unjust, rhetoricians were actually teachers of a knack that, by sheer flattery and appealing to the opinions of the masses, allowed their pupils to appear wise before an ignorant audience.[50] Cicero is aware that, in the wrong hands, the power of oratory, when divorced from wisdom and virtue, can produce potentially disruptive effects in the community, as in the case of eloquent demagogues such as Tiberius and Gaius Gracchus.[51] However, while it is certainly the case that Cicero holds that an orator should also be a morally good individual, his own account of how rhetorical expertise, philosophical knowledge and moral virtue are connected is controversial, and modern scholarship is divided on the issue of whether or not he provided a sufficiently adequate and credible account of the ethical status of rhetoric.

In this regard, some scholars advocate a sceptical interpretation, according to which ethical concerns played only a secondary role in Cicero's conception of the orator and that, generally speaking, his discussion of the orator's moral integrity is rather lacking and limited to wishful thinking.[52] This reading appears to be corroborated by the fact that Cicero holds that the orator will not necessarily tell the truth, as 'it is always the business of the judge in a trial to find out the truth; it is sometimes the business of the advocate to maintain what is plausible, even if it is not true'.[53] This suggests that the relation between truth, virtue and persuasive speech is not such a stringent requirement as it would appear to be for Plato.[54] Accordingly, the morality of Cicero's orators would be limited firstly to the fulfilment of his social duty as a *patronus* towards his clients and, secondly, to the selection of the cases that are worthy of being defended.[55] However, if compared with Plato, while correctly pointing out how the morality of the orator is a generally not fully developed theme

[50] Pl. *Grg*. 463b-c.
[51] Cic. *De Or.* 1.38; Cic. *Inv*. 1.1; Cic. *Brut*. 103-105. Cf. Zarecki 2014, p. 65.
[52] See especially Kennedy 1972, pp. 227-229. The article that originated the debate was written by Radermarcher, who argued, unconvincingly, that *De Oratore* was mostly inspired by a work by the Stoic Diogenes of Babylon and that Cicero's inadequacy in dealing with the ethical side of rhetoric would be due to his not fully following his source (Radermacher 1899).
[53] 'Iudicis est semper in causis verum sequi, patroni non numquam veri simile, etiamsi minus sit verum, defendere' (Cic. *Off*. 2.51). All translations of Cicero's *De Officiis* in this thesis are taken from Miller 1913 with slight modifications indicated in bold.
[54] Leeman-Pinkster-Wisse 1996, vol. 4, pp. 200-201.
[55] *Ibid.*, p. 200; cf. Classen 1986.

in Cicero's works, this interpretation is unsatisfactory insofar as it depicts Cicero as no better than any other run-of-the-mill advocate of rhetoric.

In contrast, other scholars have advocated an idealistic interpretation, according to which Cicero would have conceived of his orator as a true *vir bonus, dicendi peritus*.[56] This reading, which tends to be apologetic and concerned with showing that Cicero 'is definitely on the side of the angels',[57] is based on the idea that Cicero's discussion of the technical expertise of the orator necessarily implies moral integrity. It is emphasized how the study of philosophy, which would also include knowledge of ethics, would necessarily lead Cicero's orator to be morally virtuous. [58] Still, this second line of thought is untenable insofar as it takes for granted that Cicero worked on the assumption of an almost Socratic ethical intellectualism, which can hardly be grounded in his work.[59]

On the contrary, the evidence lends strength to the idea that Cicero rejected such a form of ethical intellectualism. In this regard, it is noteworthy that in Book III of *De Oratore* Crassus remarks that the full power of eloquence wielded by the ideal orator, which encompasses philosophical knowledge, can stir the audience towards any desirable direction, but 'the greater this power is, the more necessary it is to join it to integrity and the highest measure of good sense. For if we put the full resources of speech at the disposal of those who lack these virtues, we will certainly not make orators of them, but will put weapons into the hands of madmen'.[60] This is a clear admission that it is theoretically possible for evil individuals to acquire the full power of speech, including philosophical knowledge, suggesting that this philosophical knowledge does not guarantee that orators are turned into good people. Moreover, it implies that the moral goodness of the orator does not depend on his knowledge, but that goodness is a further requirement independent of rhetorical expertise.

Both these approaches try to address the issue of whether Cicero's account of the orator is sufficiently coherent from an ethical point of view by focusing on the person of the orator himself. This perspective, however, poses the following dilemma: either we ascribe to Cicero a kind of ethical intellectualism that does not seem to fit particularly well with his works, or alternately we conclude that Cicero neglected to provide a philosophically adequate account of the moral integrity of the orator.

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[56] Grant 1943, p. 475.
[57] *Ibid*., p. 476.
[58] *Ibid*., p. 473; Barwick 1963, p. 35. A variant of this line of thought is offered by Hubbell, who argued that for Cicero the practice of speaking would also lead to moral improvement (Hubbell 1913, pp. 36-39).
[59] Cf. Classen 1986.
[60] Cic. *De Or*. 3.55. Cf. von Arnim 1898, pp. 101 and Leeman-Pinkster-Wisse 1996, vol. 4, pp. 200-201. All translations of Cicero's *De Oratore* in this thesis are taken from May & Wisse 2001 with slight modifications. indicated in bold

I think that the fundamental flaw in both approaches is that they focus exclusively on the moral goodness of the orator himself, which cannot be guaranteed, rather than analysing the ethical foundations of rhetoric itself. This shift of focus compels us to examine whether there are ethically good reasons why, according to Cicero, the study of rhetoric is worthy of being pursued, although it might well be the case that eloquence is misused. First, if we consider that rhetoric is applied in deliberative assemblies and courts, where speakers advocate mutually exclusive alternatives (which imply that one of them is wrong but not necessarily morally bad)[61] suggests that rhetoric plays an essential role, if one adopts the method of resolving controversies through debate rather than violence.

I will argue that Cicero's preference for rhetoric is not grounded in the merely pragmatic reason that talking things out is better than violence, but rather in his conception of human nature. Indeed, human beings, in his view, are superior to other animals because they are endowed with reason and speech alike, and the interaction of these two natural faculties not only plays a key role in the foundation and preservation of civilization, but also constitutes our very essence. In this light, the study of rhetoric can be regarded as intrinsically moral insofar as it pursues the fulfilment of one of the natural faculties that makes us truly human. More specifically, the complete development of eloquent speech is essential to human society, since our thoughts would be useless and ineffectual, if we were not able to properly communicate them to others. This also suggests that the cooperation between philosophy and rhetoric is grounded in human nature as well, as they respectively represent the perfection of reason and speech. Accordingly, this thesis will argue that Cicero held this view consistently throughout his life, and that this claim can be found not only in his rhetorical writings (*esp*. *De Inventione* and *De Oratore*) but also in his philosophical writings (*esp*. *De Republica*, *De Legibus* and *De Officiis*), where it sometimes coexists with more Stoicizing doctrines. This chapter will be divided into the following sections:

In the first section, I will analyse Cicero's account of human nature and the origin of civilization featured in *De Inventione* and *De Oratore.* In both these two works, Cicero holds that eloquent speech is the distinctive feature of human nature that was instrumental in putting an end to the savagery of the first men, who, before being joined together through speech, lived as solitary and wild animals. However, given that human prehistory and the foundation of human civilization are subjects that by Cicero's time had been widely investigated by Greek theorists, I will take into account Book I of Diodorus Siculus' *Bibliotheca Historica* and Book V of Lucretius' *De Rerum Natura*. I have chosen to focus on these two works, which by no means exhaust the rich classical corpus of

[61] Cf. Cic. *De Or*. 2.30.

texts on primitivism and related ideas,[62] because they share two key traits with Cicero, namely they regard primeval men as savages and include language in their account of the development of human civilization,[63] and these make Diodorus and Lucretius, who are also direct contemporaries of Cicero, particularly relevant for a comparison. In particular, I will highlight how Cicero inserts his own narrative that emphasizes the role of eloquence and rhetoric in a well-established tradition in Greek anthropology. Secondly, I will contextualize the idea that speech is the distinctive feature of human nature that enabled the foundation of society, by considering its Isocratean roots and by comparing it with Aristotle's account of human sociability, which also includes language. In particular, I will emphasize that Aristotle regarded man as a political animal endowed with speech, whereas Isocrates claimed that the faculty of speech is the foundation of his political nature.

In the second section, I will turn to Cicero's picture of human nature in his philosophical works. More specifically, I will show how, while the main focus in these works is on reason, there are good reasons to think that Cicero did not change his mind on the role of speech in the preservation of human civilization. On the contrary, I will conclude that Cicero never abandons this idea and that the complementarity of reason and speech in defining human nature is another aspect of his general commitment to the cooperation between philosophy and rhetoric. This survey suggests that, rather than a rhetorical commonplace limited to rhetorical works, Cicero's commitment stands firm throughout his life and work, spanning from *De inventione* to *De Officiis*.

In the last two sections, I will address the question of how Cicero's account of human sociability relates to Stoicism. Indeed, it is certainly true that, especially in his philosophical works, there are clear signs of Stoic influence and Cicero himself openly recognizes his debt towards this school. In the preface to Book I of *De Officiis*, where is found one of the key texts on the relation between reason and speech that will be examined in Section II, Cicero declares that he will 'at this time and in this investigation follow chiefly the Stoics, not as a translator, but, as is my custom, I shall at my own option and discretion draw from those sources in such measure and in such manner as shall suit my purpose'.[64] In the light of this, Michele Kennerly has recently advanced the thesis that the picture of human sociability in *De Officiis*, including its emphasis on the role of speech, is substantially derived from the Stoics. According to her interpretation, *De Officiis* would represent a caesura in Cicero's rhetorical thought reflecting the irreversible crisis of the Roman Republic. More specifically, she argues that, compared with his earlier works, which advocated a more forceful and

[62] See the collection of texts and commentary in Lovejoy and Boas 1935.
[63] Cf. Campbell 2003, pp. 330-353.
[64] Cic. *Off.* 1.6. On the issues connected to *Quellenforschung* in *De Officiis* and the extent of Cicero's originality in his reworking of Stoic doctrines see also Long 1995; Dyck 1996; Woolf 2015, pp. 170-200.

emotional style of speaking and dismissed the Stoic rhetorical style as unsuitable to rhetorical setting, in *De Officiis* Cicero would have substantially recognized the decline of *contentio*, the form of agonistic speech that is employed in deliberative settings, and, at the same time, he would have turned to *sermo*, a form of conversational style of speech, which would have been substantially inspired by the Stoics. It is significant that, according to Kennerly's reading, sermonic speech would be as much politically significant as *contentio* used to be for Cicero, prescribing that the orator 'converses' with his fellow citizens in a mild and non-agonistic manner.[65] In one sense, this interpretation makes Cicero a forerunner of contemporary theorists of deliberative democracy, who understand deliberation as a form of public discourse that should be conducted according to a non-adversarial and rational political conversation.[66]

In contrast, this chapter's survey will suggest that Cicero's emphasis on the foundational role of speech cannot be considered as a simple borrowing from the Stoics, since the interaction between reason and speech as the foundation of human sociability is not a novelty introduced in *De Officiis*, but something that Cicero consistently advocated throughout his whole career. Furthermore, it is significant that this idea is well-attested in rhetorical writings such as *De Oratore*, where Crassus' praise of eloquence is received with hostility by the character of Scaevola, who leans towards Stoicism and claims to be associated with Panaetius, whose treatise on appropriate action was Cicero's model for *De Officiis*. However, I think this remains circumstantial evidence that cannot rule out a Stoic influence on Cicero. To ascertain whether or not and to what extent Cicero's picture of human nature should be considered as a borrowing from the Stoics, it will first be necessary to determine what the Stoics themselves understood to be the distinctive traits of human nature and the foundation of our sociability.

Section III will be devoted to reconstructing the Stoic position, by focusing primarily on two Stoic doctrines, namely the theories of the final end and *oikeiōsis*. On the one hand, I will show that, according to the Stoics, reason alone is the distinctive trait of human nature that makes us superior to other non-rational living beings and related to the gods themselves. Accordingly, the perfection and exercise of this faculty, which is one and the same as moral virtue and the life according to nature, primarily involves the discharge of two distinct but deeply interrelated functions, namely uncovering the general order that rules the *cosmos* and deliberating correctly on the basis of this understanding. On the other hand, the doctrine of *oikeiōsis* ostensibly plays an essential role in the Stoic account of

[65] Kennerly 2010.
[66] It is noteworthy that Kennerly's contribution is, to a significant extent, a reply to a paper by Gary Remer, who argued, I think convincingly, that Cicero's conception of oratory constitutes a model for public speech that is substantially different from the one advocated by deliberative democracy theorists, because of its strong emphasis on the agonistic nature of oratory and on the non-rational means of persuasion, ethos and pathos (Remer 1999).

human sociability. *Oikeiōsis* is an inborn mechanism, shared by human beings and animals alike, by means of which nature compels living beings to cherish themselves, their offspring and, if they are social animals, the other members of their species.[67] The key idea conveyed by this almost untranslatable word *oikeiōsis*, which for the purpose of this chapter I will render in English as 'appropriation', is ownership, meaning that once we appropriate something we regard it as something belonging to ourselves and, for this reason, something that we should cherish and protect.[68] Significantly, the Stoics not only attributed to *oikeiōsis* an important role in their account of human sociability, but they regarded it as the very foundation of their conception of justice.[69]

I will focus my treatment on Book III of *De Finibus*, which presents the most complete account of both doctrines, taking into account relevant passages from other sources wherever this might shed further light on the exact working of the mechanism of *oikeiōsis*. Among other things, I will give particular attention to the following difficulty that has been raised by modern commentators: the Stoic doctrine takes self-love not only as the starting point of the process of appropriation but also as the foundation of the *primum officium*, namely preserving one's life; how does this square with the successive levels of *oikeiōsis* that push us to help others to the point of self-sacrifice? One explanatory strategy to resolve this is inserting the Stoic doctrine of *oikeiōsis* in the context of Stoic cosmology. In particular, Roberto Radice and Katja Vogt take the Stoic doctrine of the cosmic city as playing the role of completing the bottom-up and biological mechanism of *oikeiōsis*, offering the ultimate foundation of human sociability.[70] However, I will hold that, while helpful, this interpretation is based on the assumption that human agents possess a general understanding of the universe and our place in it. This might hold true for the Stoic sage and, perhaps, for those proficient in Stoicism, but it would hardly be the same for common people. I will argue that, according to Stoic doctrine, the guidance provided by impulse and self-love is sufficient for people who lack the wisdom to select things according to nature, implying that it would make them capable of forming associations and helping each other. As a result, I will suggest that the doctrine of the cosmic city and the bottom-up approach of *oikeiōsis* based on human impulse towards sociability constitute alternative foundations to sociability, depending on whether or not the human agent is a sage. The sage will see in other human beings rational beings who, like him, are participants in the reason that pervades the *cosmos*, whereas the common people, similarly to other social animals, will feel affection towards fellow humans *qua*

[67] Cf. Bees 2004, p. 258.
[68] Cf. Long and Sedley 1987, pp. 364-365.
[69] Cic. *Fin*. 3.65-66; Plut. *De Stoic. Rep*. 1035c. See Schofield 1995.
[70] Pembroke 1971; Radice 2000; Vogt 2008.

members of their species. Given that most people are not sages, the primary foundation of actual human societies will be represented by our innate social instinct.

In the light of this examination of Stoic doctrines in Section III, I will draw a comparison between the Stoic and the Ciceronian accounts of human nature and sociability. More specifically, I will conclude that the Stoics held two alternative foundations of human sociability. The one is based on the innate mechanism of *oikeiōsis*, which compels us to love other human beings as belonging to the same natural species, a social instinct substantially shared with other social animals. The other is based on the doctrine of the cosmic city and on a theoretical understanding of our nature as rational beings and children of the god, leading us to pursue the well-being of other human beings *qua* rational beings. Neither of these accounts ascribes any role whatsoever to eloquence, and the only activity involving the use of speech that the Stoics seem to emphasise is teaching. By contrast, Cicero emphasizes the role of eloquence, stressing the rhetorical dimension of speech in the establishment and preservation of human society, as well as establishing a way to make cooperation and government possible without the beastly rule by violence. I will also suggest that in *De Officiis* Cicero introduces a new mode of *oikeiōsis* based on the interaction of reason and speech, filling a gap in Stoic theory. Given that the stronger foundation provided by the doctrine of the cosmic city will not be accessible to most human beings, who are not sages, the Stoic account of the appropriation of people other than our family members can hardly justify the high level of cooperation that is at the basis of human society. Hence, Cicero introduces a further element by emphasizing that through speech people can come to cherish the other members of their community. Finally, I will conclude that it is reasonable to regard Cicero's account of the foundation of human civilization as his own synthesis of Isocratean and Stoic doctrines.

Section I – The Rhetorical Foundations of Human Civilization

In the preface to Book I of *De Inventione*, Cicero praises eloquence as a source of great benefits, holding that everyone who wishes to take part in the civil life of the community should pursue the study of rhetoric. However, beyond the immediate practical usefulness of rhetoric, Cicero advances the question of the origin of this power that we are trying to achieve by means of rhetoric. After having briefly listed the possible alternatives (an art, a study, a skill or a natural faculty),[71] Cicero

[71] 'Ac si volumus huius rei, quae vocatur eloquentia, sive artis sive studii sive exercitationis cuiusdam sive facultatis ab natura profectae considerare principium' (Cic. *De Inv.* 1.2).

remarks that eloquence originated from the best possible source. To answer this question, he provides an account of man in his primeval age:

> For there was a time when men wandered at large in the fields like animals and lived on wild fare; they did nothing by the guidance of reason, but relied chiefly on physical strength; there was as yet no ordered system of religious worship nor of social duties; no one had seen legitimate marriage nor had anyone looked upon children whom he knew to be his own; nor had they learned the advantages of an equitable code of law. And so through their ignorance and error blind and unreasoning passion satisfied itself by misuse of bodily strength, which is a very dangerous servant. At this juncture a man – great and wise I am sure – became aware of the power latent in man and the wide field offered by his mind for great achievement if one could develop this power and improve it by instruction. Men were scattered in the fields and hidden in sylvan retreats when he assembled and gathered them in accordance with a plan; he introduced them to every useful and honourable occupation, though they cried out against it at first because of its novelty, and then when, through reason and eloquence (*propter rationem atque orationem*), they had listened with greater attention, he transformed them from wild savages into a kind a gentle folk. (Cic. *De Inv.* 1.2)

According to this picture, in the remote past human beings lived scattered like wild animals devoid of reason, which, guided by their passions alone, satisfied their needs using bodily strength. Significantly, not only they lacked civil institutions and common laws, but they also neglected the care of their offspring, which might be regarded as an instinctual part of our nature that we share with other animal species. This state of nature that obtained before the establishment of civilization is characterized by inhumane and brutal men, without establishing any kind of stable association with one another and exerting violence to satisfy their desires. The transition from the state of nature to civilization started when one man became aware of his natural abilities and realised how his fellow men could be improved by the power of instruction. So having gathered them in one place, by the power of reason and speech (*ratio* and *oratio*) he turned those violent and savage brutes into gentle and fully human beings capable of living together.

Now, it appears that in this process the interaction between reason and speech plays a key role, and Cicero makes it clear that without *oratio* the generalised awakening of *ratio* in all humans and the following establishment of society would have been hardly possible:

> To me, at least, it does not seem possible that a mute and voiceless wisdom could have turned men suddenly from their habits and introduced them to different patterns of life.

> Consider another point; after cities had been established how could it have been brought to pass that men should learn to keep faith and observe justice and become accustomed to obey others voluntarily and believe not only that they must work for the common good but even sacrifice life itself, unless men had been able by eloquence (*eloquentia*) to persuade their fellows of the truth of what they had discovered by reason (*ratione*)? Certainly only a speech at the same time powerful and **pleasant** (*nisi gravi ac suavi commotus oratione*) could have induced one who had great physical strength to submit to justice without violence, so that he suffered himself to be put on a par with those among whom he could excel, and abandoned voluntarily a most agreeable custom, especially since this custom had already acquired through lapse of time the force of a natural right. (Cic. *De Inv*. 1.3)

From this passage we can gather further indications on how Cicero conceives of the relation between *ratio* and *oratio*, and why the former remains incapable of exerting an effective influence on reality without the help of the latter. Firstly, the discoveries made by the use of reason must be communicated by speech to others, making uttered speech a precondition of teaching and the progression of human beings towards common life and civilization. Secondly, it is noteworthy that, in emphasizing the necessity of using speech, Cicero does not merely mean the plain communication of our thoughts to others, but rhetorically persuasive speech capable of influencing our behaviour. Indeed, he observes that only a powerful and agreeable speech could have persuaded primeval men to act according to virtue and respect laws willingly, convincing them to renounce their own interests for the sake of the common good. This is especially clear in the case of those individuals, who, being endowed with a greater physical strength that allowed them to easily satisfy their needs at the expense of others, were greatly advantaged in the state of nature. Moreover, they were persuaded to renounce their privilege, willing to be made equal to others.[72] In this respect, there is a stark contrast between brutish primeval men who abuse one another with physical strength and civilized men who persuade one another and accept obeyance of common laws willingly.

As a result, according to Cicero, the origin of eloquence is a natural faculty that characterizes, first and foremost, human beings, setting them apart from animals and compensating for their natural weakness: ‘men, although lower and weaker than animals in many respects, excel them most by having the power of speech’.[73] As we have seen, speech plays a key role in the awakening of reason in human beings and the foundation and preservation of civilization. Furthermore, Cicero adds that

[72] Cic. *De Inv*. 1.3
[73] *Ibid*. 1.5.

'man appears to me to have won a splendid possession who excels men themselves in that ability by which men excel beasts'.[74] This remark is significant because it justifies pursuing eloquence insofar as it allows us to improve an outstanding feature of human nature.

As we have seen, Cicero holds that rhetoric is worthy of being pursued on the grounds that eloquence is the natural power that sets us apart from other animals, allowing us to escape a savage state of nature and to initiate human civilization. However, it is noteworthy that by Cicero's time the subjects of human prehistory and the origins of human civilization had been widely investigated by Greek theorists and, for this reason, the preface to Book I of *De Inventione* should be contextualized against this backdrop. More specifically, I will focus on the contemporary accounts advanced by Diodorus Siculus and Lucretius. Naturally, these two authors do not exhaust the rich tradition of Greek anthropology; still, they are particularly relevant to a comparison because their pictures of human prehistory share two key elements with Cicero.[75] Firstly, against the myth of a happy and prosperous Golden Age, Diodorus and Lucretius work under the assumption that, before the establishment of civilization, human beings not only led a wretched and dangerous life, but they also behaved like wild solitary animals.[76] Secondly, they both include the emergence of language in their history of the passage from prehistorical savagery to human civilization, although, as I will illustrate, they attribute to language a less prominent role than Cicero.

Our first passage is drawn from Book I of *Bibliotheca Historica*,[77] where, in the context of his project of composing a universal history, Diodorus Siculus describes the condition of the first men as follows:

> [1] they say that the first men to be born in the beginning, leading a disordered and bestial life (ἐν ἀτάκτῳ καὶ θηριώδει βίῳ), dispersed and went out to the pastures and nourished themselves with the healthiest herbs and the fruits that grew spontaneously on the trees.

[74] Cic. *De Inv*. 1.5.
[75] For a useful overview of the common themes of Greek anthropology and their occurrence in Greek and Roman authors see Appendix B of Campbell's commentary on Lucretius' *De Rerum Natura* (Campbell 2003, pp. 336-353).
[76] On the relevance of the myth of the Golden Age and other primitivistic ideas in classical antiquity see the collection of texts in Lovejoy and Boas 1935. For a more detailed discussion on the relation between primitivism and the idea of progress in Lucretius see also: Lovejoy and Boas 1935, pp. 222-242; Taylor 1947; Merlan 1950; Keller 1951; Borle 1962; Beye 1963; Nethercut 1967; Campbell 2003.
[77] It is generally agreed that here Diodorus Siculus is drawing from a philosophical source, which scholars tend to identify as Democritus' disciple Hecataeus of Abdera. The first to defend the thesis of a Democritean influence on Diodorus was Reinhardt 1912, whose reconstruction has been accepted in the Diels-Kranz edition and more recently in the edition of early Greek Philosophers by Most and Laks. Given that Democritus' influence on Diodorus would have been mediated by Hecataeus, the classification of Chapter 8 of Diodorus' *Bibliotheca Historica* as a fragment by Democritus himself might be criticised. On that note, while conceding that Diodorus' anthropological excursus could possibly be Democritean, Charles Muntz criticised the tendency of modern scholars to exaggerate Diodorus' reliance on Hecataeus and argued that his work is rather a combination of several sources and his own research (Muntz 2011, p. 576). On the issue of *Quellenforschung* in Diodorus Siculus see also Vlastos 1946 and Cole 1990.

[2] When they were attacked by wild animals, they came to one another's help, being taught by utility (ὑπὸ τοῦ συμφέροντος), and, gathering together out of fear (διὰ τὸν φόβον), they gradually came to recognize one another's features (ἐπιγινώσκειν ἐκ τοῦ κατὰ μικρὸν τοὺς ἀλλήλων τύπους). [3] Their voices being meaningless and confused, they gradually articulated their words, and establishing in accord with one another signs regarding each object, they made understandable to one another their way of expressing all things. [4] Since groups of this sort came into being throughout the whole of the inhabited world, they did not all have the same language, since each one organized the words according to the circumstances. And that is why the characters of the various languages are so different and how the first groups that came into being came to be the original ancestors of all the nations. [5] Now the first men lived wretchedly, since none of the things useful for life had been discovered: they were bare of clothing, ignorant of dwellings and fire, completely unaware of domestic food. [6] Indeed, knowing nothing of the communal provision of wild food, they made no reserves of fruits against eventual need. And that is why many of them died during the winters, because of cold and scarcity of food. [7] But being taught gradually by experience (ἐκ δὲ τοῦ κατ' ὀλίγον ὑπὸ τῆς πείρας διδασκομένους), they took refuge in caves during the winter and stored away those fruits that could be conserved. [8] Once fire and other useful things came to be known, the crafts were gradually discovered, and everything else that can assist life in common. [9] For in general, it was need itself that taught humans all things (καθόλου γὰρ πάντων τὴν χρείαν αὐτὴν διδάσκαλον γενέσθαι τοῖς ἀνθρώποις), and that supplied instruction about everything in an appropriate way for a creature that was well endowed by nature and possessed hands, reason (χεῖρας καὶ λόγον καὶ ψυχῆς), and subtlety of mind to assist in everything. (Diod. Sic. 1.8.1-9 = Democr. D202 LM = DK68 B5 DK)[78]

In this passage the condition of savagery and wretchedness of primeval men is described in terms substantially similar to what we found in *De Inventione*. Indeed, the first men lived as solitary animals whose nutrition was based on foraging, their behaviour was short-sighted and aimless, and they completely ignored the crafts, although this account does not explicitly state that they exerted violence against each other. Given their vulnerability to external dangers, especially wild beasts, human beings started to form societies; however, it is important to underline that men did not aggregate because of their political nature, as Aristotle argues in *Politics*,[79] but they were motivated by utility and the fear of succumbing to wild animals. As a result, human beings formed societies in order to increase their

[78] All translations of Democritus' fragments and testimonia in this thesis are from Laks and Most 2016.
[79] Arist. *Pol*. I 2, 1253a3-5.

own chances of survival. Moreover, the very fact that human beings 'gradually came to recognize one another's features (τύπους)' suggests that not only primeval men were not naturally drawn to each other, but they also seemed to be not fully aware of belonging to one and the same species. After the formation of these first proto-communities, Diodorus mentions two further factors that pushed forward the civilizing process.

The first is language, which men learned to use as a medium to communicate with each other. In the passage above, the development of language is described as a gradual process, gradually turning inarticulate utterances into meaningful speech composed of distinct words, whose meaning was decided by the members of the community according to circumstances. The fact that each community chooses by convention how to name things also explains the existence of many languages, as in the beginning there were many groups of people scattered throughout the world and, consequently, their agreements on how to name things differ from one another.[80]

The second factor is technology, which plays a key role in delivering humanity from the condition of misery that characterised the state of nature. Indeed, according to Diodorus, one of the main reasons why uncivilized life was undesirable and dangerous is that human beings lacked the arts and the basic knowledge to manage their food reserve and to identify places where they could take shelter during winter. As a result, many died out of cold and starvation. The discovery of the arts, which received a strong impulse by the discovery of fire, marked a real turning point in the civilizing process, allowing human beings to compensate for their own natural vulnerability by creating an anthropized space where they could live safely and comfortably. These achievements were certainly the result of the accumulation of experience; however, it is significant that Diodorus identifies need (χρεία) as the main factor that allowed human beings to fully develop their natural powers, namely their intelligence and their hands. Indeed, this suggests that primeval beings evolved into fully human beings, that is social and rational animals capable of using their hands to transform the natural world to meet their own needs, because it was the best way to escape the uncertainty of the state of nature and increase their chances of survival.[81] To the end of our inquiry, it should be observed that, in this passage from Diodorus, language is mentioned but it is far from being a central element of human evolution as in Cicero, and the language involved, rudimental and based on convention, is certainly

[80] Given that Democritus is credited with a conventionalist theory of the origin of language, scholars interpreted this account of language as a sign of Democritean influence on Diodorus (DK68 B26 DK; Cole 1990, p. 67).
[81] The explanatory role of necessity is regarded as a distinctive Democritean feature in Diodorus' account (DK68 B144 DK, cf. Vlastos 1946, pp. 57-58). On the role of necessity in Democritus see also Lowell 1972 and Furley 1987, pp. 115-151.

far from being the powerful eloquent speech that is capable of persuading wild beasts to behave as truly human beings.

In contrast, it might be argued that Diodorus provided just a general outline of what his Democritean source might have discussed in more detail and that there are indirect signs that Democritus would have ascribed to language a more important role in the civilizing process than what transpires from Diodorus.[82] However, given the fragmentary status of our evidence, it is reasonable to assume that Diodorus Siculus only included the most essential features of his Democritean source, emphasising technology rather than language.

Unlike the rather concise treatment in Diodorus' *Bibliotheca Historica*, Book V of Lucretius' *De Rerum Natura* provides a more detailed account that, like Cicero's and Diodorus's, characterises the first men as substantially similar to wild animals:

> And the race of men at that time was much hardier on the land, as was fitting inasmuch as the hard earth had made it: it was built up within with bones larger and more solid, fitted with strong sinews throughout the flesh, not such as easily to be mastered by heat or cold or strange food or any ailment of the body. Through many lustres of the sun rolling through the sky they passed their lives after the wide-wandering fashion of wild beasts. No sturdy guider of the curved plough was there, none knew how to work the fields with iron, to dig new shoots into the ground, to prune off old branches from the tall trees with a sickle. What sun and rain had given, what the earth had produced of her own accord, that was a gift enough to content their minds. Amidst the acorn-laden oaks they refreshed themselves for the most part; and the arbute-berries, which in winter-time you now see ripen with crimson colour, then the earth bore in abundance and even larger than now. Many another kind of food besides the flowering infancy of the world then produced, hard but amply sufficient for poor mortals. But to quench thirst, rivers and springs invited them, as now the rushing of water down from the great mountains calls loud and far to the thirsting tribes of beasts. Moreover, they dwelt in woodland precincts of the Nymphs, familiar to them in their wanderings, whence they knew that some running rivulet issued rippling over the wet rocks, rippling over the wet rocks in abundant flow and dripping upon the green moss, and in parts welling up and bubbling out over the level plain. Not yet did they know how to work things with fire, nor to use skins and to clothe themselves

[82] Thomas Cole argues that, given that in fragment B30 Democritus ascribes to 'people versed in speech' (λόγιοι) the foundation of religion, we can generalize that, for Democritus, skilled speech plays the role of spreading new ideas, which originally arise in a few individuals, within the community (DK68 B30 DK; Cole 1990, pp. 57-58).

> in the strippings of wild beasts; but they dwelt in the woods and forests and mountain caves, and hid their rough bodies in the underwoods when they had to escape the beating of wind and rain. They could not look to the common good, they did not know how to govern their intercourse by custom and law (*nec commune bonum poterant spectare neque ullis moribus inter se scibant nec legibus uti*). Whatever prize fortune gave to each, that he carried off, every man taught to live and be strong for himself at his own will. And Venus joined the bodies of lovers in the woods; for either the woman was attracted by mutual desire, or caught by the man's violent force and vehement lust, or by a bribe—acorns and arbute-berries or choice pears. And by the aid of their wonderful powers of hand and foot, they would hunt the woodland tribes of beasts with volleys of stones and ponderous clubs, overpowering many, shunning but a few in hiding-places. (Lucr. *DRN* V, 925-969)[83]

Lucretius portrays human beings as solitary, ferocious, and ignorant of justice and the arts. However, it is significant that this state of savagery and solitude is far from making the first men as much vulnerable as Diodorus maintains. Their very physical structure was sturdier, allowing them to compete with the most ferocious wild beasts by making use of rudimental weapons such as stones and clubs.[84] At the same time, prehistoric men were resistant to both cold and heat, and, for this reason, they did not need to cover their bodies and build houses. Furthermore, they were also resistant to poisonous food and illnesses.[85] In the light of this, given that primeval men were substantially fit to survive on their own, the genesis of human societies cannot be explained by men's need to preserve their own lives. Unlike Cicero, Lucretius does not explicitly say that the first men were violent against each other, but two aspects of his account suggest that the relations between them were far from idyllic back then: 1) their lack of any notion of common good and of any laws or custom to regulate their interactions; 2) the occurrence of sexual violence against women. In addition, Lucretius argues that the overall degree of suffering and death in human prehistory was not substantially different from what men experience in civilized life. In the context of civilized life human beings die and suffer for different reasons. Indeed, if in human prehistory it was more likely to perish out of starvation and in

[83] All translations of Lucretius' *De Rerum Natura* in this thesis are taken from the revised translation of Rouse 1924 provided by Martin Smith.
[84] The sturdiness of first men appears to be a consequence of their being born from earth itself (Lucr. *DRN* V, 820-835). The theory that living beings were originally born from earth seems to be endorsed by the Democritean source that Diodorus follows, without drawing the conclusion that this would positively affect the constitution of the first men (DK68 B5 DK).
[85] Lucr. *DRN* V, 925-930; cf. Campbell 2003, pp. 184-192.

the fight against wild beasts, today people die because of overabundance of food and other dangers that simply did not exist, such as wars and shipwrecks.[86]

In the following passage, Lucretius provides an account of how primeval men started to form the first communities, turning from their past condition of savagery into social animals:

> Next, when they had got themselves huts and skins and fire, and woman mated with man moved into one [home, and the laws of wedlock] became known, and they saw offspring born of them, then first the human race began to grow soft. For the fire saw to it that their shivering bodies were less able to endure cold under the canopy of heaven, and Venus sapped their strength, and children easily broke their parents' proud spirit by coaxings. Then also neighbours began to join friendship (*amicitiem coeperunt iungere*) amongst themselves in their eagerness to do no hurt and suffer no violence, and asked protection for their children and womankind, signifying by voice and gesture with stammering tongue (*vocibus et gestu cum balbe*) that it was right for all to pity the weak. Nevertheless concord (*concordia*) could not altogether be produced, but a good part, indeed the most, kept the covenant unblemished, or else the race of mankind would have been even then wholly destroyed, nor would birth and begetting have been able to prolong their posterity to the present day. (Lucr. *DRN* V, 1010-1027)

Here Lucretius illustrates how the civilizing process of the first humans started with the discovery of fire, rudimental housebuilding, and clothing. These technological innovations resulted in major changes in the lifestyle of primeval men, who started to form families and to look after their own offspring, growing gradually gentler. Significantly, Lucretius suggests that technology not only affects human customs and habits, but also the very physical constitution of the human body, making it softer and more vulnerable. Overall, this process of physical weakening is accompanied by increasingly more humane and rational behaviour. Indeed, having formed the first communities, human beings started to befriend their neighbours, forming with them pacts of friendship and mutual assistance that introduced common rules within the community. More specifically, men agreed to refrain from mutual harm, to assist each other in the protection of their families, and not to exert violence on vulnerable members of the community. These first pacts are informed by a contractarian bottom-up approach that is based on the utility of the parties involved, guaranteeing mutual protection and safety.[87] Despite the misdeeds of some individuals, Lucretius remarks that most people complied

[86] Lucr. *DRN* V, 988-989.
[87] Cf. Long 2006, pp. 189-193 and Campbell 2003, pp. 252-261. On the Epicurean theory of justice see also Mitsis 1987; Vander Waerdt. 1987 & 1988; Alberti 1995.

with these pacts and that, if that had not been the case, the whole human race would have perished. Indeed, if the first earthborn men were strong enough to be self-sufficient and could lack any notion of justice, it is imperative at this stage of evolution that human beings, having grown physically weaker and more vulnerable, cooperate and regulate their common life according to justice.[88]

Now, it is important to underline that, even though the terms of these contracts were agreed through speech, Lucretius' account of the role of language in the foundation of society is significantly different from *De Inventione* for at least three reasons. Firstly, in *De Inventione* the speech at the basis of human civilization is described as eloquent speech from the very beginning, whereas in *De Rerum Natura* Lucretius makes clear that the language used at the beginning of society was rudimental and not fully verbal, being composed of stammering words and gestures.[89] Secondly, in this context language is not characterised as the natural power of persuasion but as the medium through which human beings agree on the terms of their coexistence. Thirdly, Lucretius characterises the emergence of language as a bottom-up process that involved all human beings who are part of a community uniformly, whereas Cicero holds that the power of speech awoke in few individuals before the existence of any society, and that it was the eloquence of these few talented individuals who persuaded human being to change their feral behaviour and to form societies together.[90]

Furthermore, Lucretius holds that at first men uttered instinctively their first sounds on the basis of the impression they received from external things and then this protolanguage would have been refined by the introduction of words based on utility, whereas the existence of multiple languages is accounted for by postulating that, depending on circumstances, each people had different reactions to similar things, producing different sounds that in turn led to different languages.[91] This naturalistic theory of the origin of language appears to be incompatible with what Cicero maintains in *De Inventione* as the following passage suggests:

> To suppose that someone then distributed names amongst things, and that from him men learnt their first words, is folly. For why should he have been able to mark all things with titles and to utter the various sounds of the tongue, and at the same time others not be

[88] Cf. Campbell 2003, p. 254.
[89] Cic. *De Inv.* 1.3.
[90] *Ibid*. 1.2.
[91] Lucr. *DRN* V, 1028-29; cf. Ep. *ad Hdt*., 75-6. On language in Lucretius and Epicureanism see: De Lacy 1939; Long 1971; Schrijvers 1974; Ferguson 1987; Long & Sedley 1987, pp. 100-101) Blickman 1989; Asmis 1996, pp. 763-78; Campbell 2003, pp. 283-322; Reinhardt 2008. On the φύσις/θέσις debate in Greek philosophy See also Baxter 1992; Everson 1994; Barney 2001; Sedley 2003. The emphasis on φύσις in the Epicurean theory of the origin of language is one of the key features that suggests that Diodorus is drawing from a Democritean source rather than an Epicurean one, since Democritus is associated with a conventionalist understanding of the origin of language, whereas Epicurus endorsed a naturalistic stance on language (Democr. DK68 B26; Vlastos 1946; Cole 1990).

> thought able to have done it? Besides, if others had not also used these terms in their intercourse, whence was that foreknowledge of usefulness (*utilitatis*) implanted in him, and whence did he first gain such power, as to know what he wanted to do and to see it in his mind's eye? Compel them again he could not, one against many, nor could he master and conquer them, that they should wish to learn the names of things; nor is it easy to teach in any way or to persuade what is necessary to be done, when men are deaf; for they would not have suffered or endured in any way that he should go on dinning into their ears sounds of the voice which they had never heard, all to no purpose. (Lucr. *DRN* V, 1041-1056)

Here Lucretius advances three arguments against the idea that language was created by a few individuals, who in turn taught it to others.[92] Firstly, he holds that there is no reason why language, being a natural power, should develop in just some humans and not in all of them. Secondly, if some were actually able to name things before others, they would have no notion of its utility, given that they could not communicate with others. Thirdly, contrary to what Cicero claims, a few people skilled in speech neither could teach names to others nor persuade them to do anything they like, because non-verbal men are functionally deaf to their words, whose meaning they would not grasp.

Furthermore, beyond the rudimental language used by men to form the contract that keeps together society, Lucretius assigns no particular role to eloquent speech in the subsequent stages of human civilizations, whose progress is rather determined by technological innovations:

> Ships and agriculture, fortifications and laws, arms, roads, clothing and all else of this kind, all life's prizes, its luxuries also from first to last, poetry and pictures, artfully wrought polished statues, all these as men progressed gradually step by step were taught by practice and the experiments of the active mind. So by degrees time brings up before us every single thing, and reason lifts it into the precincts of light. For they saw one thing after another grow clear in their minds, until they attained the highest pinnacle of the arts. (Lucr. *DRN* V, 1448-1457)

The discovery and improvement of the arts are described by a gradual progress that is driven by three factors, namely *usus, experientia* and *ratio*. By accumulating experience human reason can increase its knowledge, allowing men to achieve the highest perfection of the crafts.[93] As a result, in Lucretius' history of mankind, rather than eloquent orators, the real protagonists are men of genius (*ingenium*),

[92] Cf. Atherton 2005.
[93] Campbell 2003, pp. 322-328.

as human beings 'were shown how to change their former life and living for new ways and for fire by those who were pre-eminent in genius and strong in mind (*magis hi victum vitamque priorem commutare novis monstrabant rebus et igni ingenio qui praestabant et corde vigebant*)'.[94] It might also be observed that this process of accumulating experience is not only limited to technological innovation, which is also the source of many evils in Lucretius' view, but it is also instrumental in the attainment of happiness for civilized mankind, as it allows us to understand natural phenomena as natural, dispelling fear of the gods and superstition.[95]

As we have seen, similarly to *De Inventione*, both Diodorus and Lucretius include in their accounts of the origin of human civilization the emergence of speech; however, in either case, speech is not the reason why human beings associate but rather a human power that emerges once human beings form communities. To the end of our comparison, it is important to underline that the kind of speech at the basis of human civilization Cicero thinks of is eloquent speech capable of persuading and transforming feral human beings into fully-fledged human beings; however, from the point of view of Lucretius and Diodorus, eloquent speech might only be considered as a later development which, by definition, could not be the origin of civilization.

Apparently, in *De Inventione* Cicero draws from a longstanding tradition on the prehistory of mankind but provides his own account of the reasons why that state of savagery was brought to an end, identifying eloquent speech as the main factor in the establishment of civilization. I think that we might draw further indications on Cicero's source of inspiration by considering *De Oratore*, where Cicero sets out his views on the ideal orator and his expertise, advancing the thesis that the orator needs philosophical knowledge to fulfil his function effectively.[96] The main speakers featured in this dialogue are two outstanding Roman orators who were active when Cicero was young, Lucius Licinius Crassus and Marcus Antonius. The interaction of the two main speakers is highly complex and it is likely the case that they both reflect the complexity of Cicero's views on the subject under investigation.[97] More specifically, on the issue of the degree of philosophical knowledge the orator needs to acquire, Antonius represents a more or less pragmatic stance, whereas Crassus tends to advocate the idealistic requirement of all-encompassing philosophical knowledge, although this is

[94] Lucr. *DRN* V, 1105-6.
[95] Cf. Ep. *ad Hdt*., 75. See also Taylor 1947, pp. 184-5 and Asmis 2008, pp. 149-157.
[96] Cf. Wisse 2002.
[97] Zetzel 2022, p.58.

certainly an oversimplification of his character, as Crassus tries to take into account the risks of excessive contemplation, advancing at times an anti-philosophical narrative.[98]

At the beginning of the dialogue, Crassus extols eloquence as the natural gift that makes men superior to other animals: 'for the one thing that most especially sets us above animals is that we converse with one another, and that we can express our thoughts through speech'.[99] Accordingly, 'who, then, would not rightly admire this ability, and would not think that he should take the greatest pains in order to surpass other human beings in the very thing which especially makes human themselves superior to beasts'.[100] Secondly, Crassus remarks that this natural ability does not consist in merely constative utterances with no consequence to our life; on the contrary, language is emphasized as a natural power that allows us to perform actions that play a key role in our way of life as social animals. By the power of speech, a skilled orator can advise the senate over the best course of action in affairs of state, defend the rights of his fellow citizens in the forum and quench popular upheaval, promoting goodwill within the community.[101] These are just some of the actions that can be performed by means of speech, which make the study of eloquence worthy of being pursued by those who intend to benefit the community, and this capacity guarantees that social issues are sorted out by discussion and not by violence.[102] Thirdly, Crassus declares that the power of eloquence is not limited to the preservation of a free society, but plays an instrumental role in the very foundation of human civilization:

> What other force could have gathered the scattered members of the human race into one place, or could have led them away from savage existence in the wilderness to this truly human, communal, way of life, or, once communities had been founded, could have established laws, judicial procedures, and legal arrangements? (Cic. *De Or.* 1.33-34)

There are three aspects of this account, which is substantially similar to what we found in *De Inventione*. Firstly, prior to the emergence of the power of eloquence, human beings did not live together in one place as social animals but scattered, and speech lays the very foundation for human civilization and sociability by bringing people together in one place, turning them into fully-fledged social animals. Secondly, by the power of eloquence, not only society but also institutions and laws

[98] See May and Wisse 2001, pp. 3-20. James Zetzel recently remarked that Crassus is at the same time philosophical and anti-philosophical, Socratic and anti-Socratic, or 'a Socrates-figure who blames Socrates for what has gone wrong; he is a Platonist who recognizes the impossibility of his Platonic ideals' (Zetzel 2022, p. 156).
[99] Cic. *De Or.* 1.32.
[100] *Ibid.* 1.33.
[101] *Ibid*. 1.31-32.
[102] *Ibid*. 1.32.

are established.[103] Thirdly, in his praise of eloquence Crassus points out that 'it is this ability, more than anything else, that has ever flourished, ever reigned supreme in every free nations and especially in quiet and peaceful community'.[104] This suggests that eloquence plays a particularly prominent role in the correct working of a free society.[105]

However, this narrative that presents the study of eloquence as the study of the force that creates and preserves human civilization is harshly criticised by Scaevola who objects that these very achievements are to be ascribed to philosophical wisdom rather than eloquence.[106] In his reply to Crassus, Scaevola, who leans towards Stoicism,[107] points out that the Roman kings who founded Rome, starting from Romulus, certainly stood out for wisdom but their speech was far from being polished, suggesting that eloquence developed later and that should not be considered as an improvement on the wisdom of old, given how most eloquent men such as the Gracchi brothers turned into threats for the Republic. In addition, it is very interesting how Scaevola portrays Crassus' thesis that speech represents the foundation of human civilization as something that would be unanimously rejected by every philosopher. More specifically, Scaevola mentions the following philosophers as possible opponents to Crassus' claims: Pythagoras, Democritus and all the remaining physicists, Socrates, the Academy, the Stoics and the Peripatetics.[108] This indicates that Cicero's source of inspiration could be construed as a common enemy of all philosophical schools.

I think that this objection on behalf of philosophers is not surprising if we consider that the claim that eloquence established human society traditionally belonged to the camp of the rhetoricians, having its roots in Isocrates.[109] Indeed, in his *Antidosis*, Isocrates argues that eloquence is the most distinctive feature of human nature and by its power, while humans are weak and fragile creatures compared to other animals, 'not only have we escaped the life of wild beasts, but we have come together and founded cities and made laws and invented arts; and, generally speaking, there is no institution devised by man which the power of speech has not helped us to establish'.[110]

Significantly, in the context of his proposal of reconciling philosophy and oratory in Book III, Crassus not only reiterates the claim that eloquence 'establishes traditions, laws and legal

[103] Cf. Cic. *De Inv*. 1.2-3.
[104] Cic. *De Or.* 1.30-31.
[105] The other main character of *De Oratore*, Antonius, makes the same point in his own praise of eloquence at the beginning of Book II (Cic. *De Or.* 2.33).
[106] Cic. *De Or.* 1.35-44.
[107] *Ibid.* 1.43, 45, 75.
[108] *Ibid.* 1.42-43.
[109] Cf. Fantham 2004, p. 23. See also Hubbell 1913.
[110] Isoc. *Antid*. 254-255; cf. Garver 2004, pp. 190-192. All translations of Isocrates' *Orations* in this thesis are taken from Norlin and Van Hook 1986-1992.

arrangements, governs the state, and addresses with distinction and copiousness all questions belonging to any area whatsoever', [111] but also extends the realm of eloquence so that it 'includes the origin, essence, and transformation of everything: virtues, moral duties, and all the laws of nature that govern human conduct, characters, and life', turning eloquence into an all-encompassing force that embraces both thought and speech.[112] Accordingly, the bottom line of Crassus' argument is that the heated debate between rhetoricians and philosophers is nothing but a verbal dispute that ends up separating two dimensions that are actually related and interdependent, since 'discovering words for a distinguished style is impossible without having produced and shaped the thoughts, and that no thought can shine clearly without the enlightening power of words'.[113]

This interdependence between thought and speech is the theoretical assumption on the basis of which Isocrates concludes that philosophy understood as a training of the mind is one and the same as the study of eloquence. Indeed, he claimed that not only eloquence plays a key role in establishing human society and institutions, but it is also the foundation of thought, as he postulates that thought is nothing but a form of inner speech that complements uttered speech, 'for the same arguments which we use in persuading others when we speak in public, we employ also when deliberate in our own; and, while we call eloquent those who are able to speak before a crowd, we regard as sage those who most skilfully debate their problems (περὶ τῶν πραγμάτων) in their own minds'.[114] Accordingly, Isocrates holds that 'none of the things which are done with intelligence take place without the help of speech, but that in all our actions as well as in our thoughts speech is our guide (ἡγεμόνα λόγον ὄντα), and is most employed by those who have the most wisdom'.[115]

In order to contextualize Isocrates' account of the beginning of human civilization, I think it will be useful to draw a comparison with Aristotle's account of man as a political animal in Book I of the *Politics*. Indeed, Aristotle emphasizes that 'man is more of a political animal than bees or any other gregarious animals', since he is 'the only animal who has the gift of speech'.[116] Indeed, other animals have a voice that allows them to communicate the perception of pain and pleasure to one another, whereas human beings can use speech to signify the just and the unjust. At the same time,

[111] Cic. *De Or.* 3.76.
[112] *Ibid*.
[113] *Ibid*. 3.24.
[114] Isoc. *Antid*. 256-257.
[115] *Ibid*. 257. Even Plato and Aristotle conceive of thought as a form of internal speech. However, unlike Isocrates, who puts the stress on the practical dimension of an internal speech περὶ τῶν πραγμάτων which is a true extension of the public deliberative speech uttered before an assembly, they mostly use the notion of thought as internal speech in the context of epistemological and logical investigations (Pl. *Tht*. 189e4-190a6; Arist. *Int.* 16a13, 23a32-36; cf. Duncombe 2016).
[116] Arist. *Pol*. I 2, 1253a8-18. All translation of Aristotle's works in this thesis are from Barnes 1995.

Aristotle points out that man 'alone has any sense of good and evil, of just and unjust, and the like, and the association of living beings who have this sense makes a family and a state'.[117]

However, while duly remarking that speech is a distinctive feature of human nature, Aristotle does not openly attribute a particular role to speech neither in the foundation of the state nor in the establishment of human institutions. On the contrary, Aristotle's account of the formation of the state suggests that human sociability itself drives people towards communal life. This is clear if we consider his account of the genesis of the state and its parts, which, according to Aristotle, all exist by nature. Firstly, the union of male and female exists for the sake of procreation, which is prompted by the same natural urge pushing other animals to propagate themselves. Secondly, the combination of master and slave amounts to the combination of the intelligence of the former and the strength of the latter to the end of the mutual preservation. These two pairs combined with the pair of father and children compose the household, which is the association that exists for the sake of providing daily needs of life. 'When several families are united, and the association aims at something more than the supply of daily needs, the first society to be formed is the village'.[118] Furthermore, the more natural way for a village to come into existence is as the formation of 'a colony from the family composed of the children and grandchildren'.[119] Finally, the state is generated by the union of several villages, forming 'a single complete community, large enough to be nearly or quite self-sufficing', which exists for the sake of guaranteeing the good life.[120]

Overall, compared to the Democritean and Epicurean traditions, which we have examined above, Aristotle's conception of human nature stands out as optimistic, as from the very beginning human beings are characterized as naturally sociable and choose to aggregate with one another as something desirable on its own account and not as a useful strategy to increase their chances of survival in a hostile environment. Indeed, the process of formation of the state begins because 'among all men there is a natural impulse towards this kind of association (φύσει μὲν οὖν ἡ ὁρμὴ ἐν πᾶσιν ἐπὶ τὴν τοιαύτην κοινωνίαν)'.[121] At the same time, Aristotle remarks that, without a state, man would not be self-sufficient and would degenerate into a savage condition, 'for man, when perfected, is the best of animals, but, when separated from law and justice, he is the worst of all; since armed injustice is the more dangerous, and he is equipped at birth with arms, meant to be used by intelligence and excellence, which he may use for the worst ends'.[122] Aristotle also mentions that, even though the

[117] Arist. *Pol*. I 2, 1253a8-10.
[118] *Ibid*. I 2, 1252b16-18.
[119] *Ibid*. I 2, 1252b16-17.
[120] *Ibid*. I 2, 1252b28-29. Cf. Kullmann 1991.
[121] *Ibid*. I 2, 1253a29-30. Cf. Reeve 2009, pp. 516-517.
[122] *Ibid*. I 2, 1253a19-39.

principle of association of human beings is something innate, the one who first founded the state was a great benefactor, but he provides no indication of the means by which he succeeded in this feat. Also, it should be observed that the first founder of the state would only be responsible for the transition from the village form of association to the state, rather than the association of human beings in general.

As a result, it might be argued that, while both recognized that speech is a distinctive trait of human beings, Isocrates and Aristotle advanced two different accounts of human sociability that emphasised different aspects of human nature. Aristotle regarded man as a political animal, whose specific *differentia* would certainly include speech, making it capable of more complex and political associations than other animals, but he does not ascribe the ultimate source of human sociability to the capacity to communicate with one another, and he is far from arguing that a kind of rhetorical eloquence would be at the basis of human societies, rather than man's natural desire to stay with other members of his species, a desire that he shares with other animals that belong to the genus of the political animals. On the other hand, Isocrates claims that man is a political animal capable of forming associations with other men insofar as it is capable of speech, putting uttered and public *logos* at the foundation of human civilization and sociability. Basically, for Isocrates man's sociability depends on speech, whereas Aristotle sees speech as a further endowment that furthers man's political nature.

From the foregoing discussion, we might draw the conclusion that Cicero's account of human nature provided in *De Inventione* and *De Oratore* indicates that oratory is a worthy pursuit insofar as it implies the development of the outstanding part of our nature that sets us apart from other animals and make us capable of forming societies, especially in free commonwealths. More specifically, his account of human prehistory describes the life of the first men as the epitome of savagery and the merit of eloquence allowed a few talented individuals, who were the first to realize the potentiality of speech, to gather their fellow humans and transform them into fully human beings, rational and capable of living with one another. From my examination of analogous genealogies of human civilization in Diodorus Siculus and Lucretius, I have also illustrated how Cicero's picture of human prehistory draws from a broadly established anthropological tradition in Classical antiquity. More specifically, I have shown how these two authors, while sharing common features with Cicero's account of the foundation of civilization (such as the conception of human prehistory as a time of savagery and the role of speech as part of the civilizing process), identify different dynamics when it comes to explain the reasons why human beings formed society and the main factors behind the progress of civilization. Indeed, compared to Lucretius and Diodorus, Cicero's account distinguishes itself by making powerful and persuasive speech in its rhetorical sense the foundation of human

civilization, which indicates how Cicero reworks and adapts themes advanced by the Democritean and the Epicurean traditions. By an examination of *De Oratore*, I have also suggested that it is reasonable to think that Cicero draws from Isocrates the idea of the role of eloquence as the distinctive feature of human nature and the foundation of society.

In contrast, it might certainly be objected that by Cicero's time, the Isocratean theme had become a rhetorical commonplace conventionally attached to rhetorical treatises in order to exhort prospective pupils to pursue the study of rhetoric. If that be the case, Cicero might have included this theme because such a narrative was an appropriate introduction to a work on rhetoric, without being truly committed to the validity of this account of human nature.[123] To counter this objection, I will turn to Cicero's account of human nature in his philosophical works in the following section. More specifically, I will try to ascertain whether and to what extent the account of human nature in those works diverges from the one provided in the rhetorical writings. I will show that the idea that human beings are capable of association in the light of being both endowed with reason and speech is generally retained.

Section II – Reason and Speech in Cicero's *Philosophica*

In Book I of *De Legibus*, Cicero, who features himself as one of the main characters of the dialogue, declares that the aim of the discussion is the following: 'we must retain and preserve that constitution of the State which Scipio proved to be the best in the six books devoted to the subject, and all our laws must be fitted to that type of State, and since we must also inculcate good morals, and not prescribe everything in writing, I shall seek the root of Justice in Nature, under whose guidance our whole discussion must be conducted'.[124] As it was already expressed in Book III of *De Republica*, it is necessary that justice is grounded in nature, if we want to escape the negative consequences that would result from a conventionalist conception of justice. Otherwise, if justice were based on convention, powerful individual might impose their own interest as justice, and many would be tempted to act unjustly on whenever occasion this might go undetected.[125]

Cicero holds that the method of uncovering the fountainhead of natural justice is an inquiry into human nature.[126] More specifically, he advocates the Stoic thesis that justice is based on natural

[123] Cf. Leeman and Pinkster 1981, vol. 1, pp. 102-104.
[124] Cic. *Leg*. 1.20.
[125] *Ibid.* 1.40-47; Cic. *Rep*. 3.30.
[126] Cic. *Leg*. 1.17.

law, or 'the highest reason, implanted in Nature, which commands what ought to be done and forbids the opposite. This reason, when firmly fixed and fully developed in the human mind, is Law'.[127] This highest reason was indeed implanted in us by god, 'and since it exists both in man and god, the first common possession of man and god is reason. But those who have reason in common must also have right reason in common. And since right reason is Law, we must believe that men have Law also in common with the gods. Further, those who share Law must also share Justice'.[128] As a result, being based on reason equally distributed to all men as part of their natural endowment, Cicero concludes that the knowledge of justice is potentially attainable by all, and its neglect is due only to bad habits corrupting our nature.[129]

To the end of our present inquiry, which revolves around Cicero's picture of human nature in his philosophical works, it is relevant, as the following passage suggests, that reason not only plays a key role in the foundation of natural justice,[130] but also in the definition of human nature:

> Indeed reason, which alone raises us above the level of the beasts and enables us to draw inferences, to prove and disprove, to discuss and solve problems, and to come to conclusions, is certainly common to us all, and, though varying in what it learns, at least in the capacity to learn it is invariable. For the same things are invariably perceived by the senses, and those things which stimulate the senses, stimulate them in the same way in all men; and those rudimentary beginnings of intelligence to which I have referred, which are imprinted on our minds, are imprinted on all minds alike; and speech, the mind's interpreter, though differing in the choice of words, agrees in the meanings expressed (*interpresque mentis oratio verbis discrepat, sententiis congruens*). (Cic. *Leg*. 1.29-30)

This picture clearly emphasises the role of reason as the natural faculty that distinguishes human beings from other animals, and, in particular, it is emphasised the cognitive dimension of reason, especially man's capacity for learning. The faculty of speech is briefly mentioned here and described as the interpreter of the mind that allows us to express our thoughts, and it is observed that, while different people express their opinions using different words, there is no divergence when it comes

[127] Cic. *Leg*. 1.18. On the subject of natural law in Stoicism and Cicero see Watson 1971; Vander Waerdt 1994; Zetzel 1996; Schofield 1999, pp. 93-111; Striker 1996; Asmis 2008; Vogt 2008, pp. 161-216; Atkins 2013, pp. 155-187.
[128] Cic. *Leg*. 1.23.
[129] *Ibid.* 1.33. For a discussion of the origin of errors and vices in Cicero see Graver 2012.
[130] It is noteworthy that there is a strong relation between justice and the preservation of society in Cicero. Indeed, Scipio maintains 'the profound truth of the idea that the commonwealth cannot possibly function without justice' (Cic. *Rep*. 2.70). Accordingly, in *De Officiis*, the virtue of justice (*iustitia*) is defined as what 'deals with the preservation of organized society, rendering to each man his due, and the faithful discharge of obligations assumed (in hominum societate tuenda tribuendoque suum cuique et rerum contractarum fide)' (Cic. *Off*. 1.15).

to the meaning expressed. This appears to lend strength to the possibility that, after all, the foundational role of speech is for Cicero nothing but a conventional *topos*, whose role is merely exhorting to pursue eloquence in works dealing with rhetorical theory.

However, while it is certainly true that Cicero's account of man in *De Legibus* is more focused on reason than speech, this does not mean that he abandoned the idea that speech plays a key role in our nature of social animals. Instead, Cicero makes clear that he is not going to delve into this topic as it is not at the centre of the present discussion and was mostly covered elsewhere:

> I will pass over the special faculties and aptitudes of the other parts of the body, such as the varying tones of the voice and the power of speech, which is the most effective promoter of human **society** (*moderationem vocis, orationis vim, quae conciliatrix est humanae maxime societatis*); for all these things are not in keeping with our present discussion or the time at our disposal; and besides, this topic has been adequately treated, as it seems to me, by Scipio in the books which you have read. (Cic. *Leg*. 1.27-28).

From this passage we learn two things. Firstly, the reason why Cicero does not focus on this aspect is not that he changed his mind or did not take it seriously, but because it is not relevant to the purpose of the present discussion (*i.e.* providing an account of universal justice based on natural law) to reiterate what was discussed in detail elsewhere. However, unlike what might be expected, it is striking that here Cicero does not make a reference neither to *De Inventione* nor to *De Oratore*, but to *De Republica*, where the topic would have been handled by Scipio, suggesting that Cicero did not intend the role of speech and eloquence as the foundation of human society as an idea limited to rhetorical treatises.

Unfortunately, Scipio's treatment of the role of eloquence as promoter of human society is not included in the surviving sections of *De Republica*, and, for this reason, we cannot know what exactly Cicero had Scipio advocate and how this would relate with similar doctrines expressed in his rhetorical writings.[131] However, a surviving section of Book III gives us some clues on Cicero's view in this regard:

> …and by vehicles [to remedy] his slowness of motion... and [reason] likewise, when it found men uttering unformed and confused sounds with unpractised voices, separated these sounds into distinct classes, imprinting names upon things just as distinguishing marks are sometimes placed upon them, thus uniting the race of men, solitary before, by

[131] On the relation between Cicero's *De Republica* and *De Legibus* see Powell 2001 and Schmidt 2001. See also Rawson 1973; Sharples 1986; Benardete 1987; Annas 2013; Atkins 2013.

> the pleasant bond of communication by speech (*sermonis vinclo*). Reason also marked and represented all the sounds of the voice, which seemed innumerable, by a few characters which it invented, so that conversation could be carried on with persons at a distance, and indications of our desires and records of past events could be set down. (Cic. *Rep*. 3.3)

This passage appears to confirm the picture provided in *De Inventione* and *De Oratore*. Indeed, primeval human beings are here described as solitary, scattered, and incapable of articulating meaningful speech. At the same time, reason by means of speech unites men into communal life, allowing them to communicate with each other. This reiterates the idea that language and speech are the means that allow our rationality to unfold itself.

However, even if Cicero refers to *De Republica* for the full treatment of the power of eloquence in establishing human society, it will be significant to consider the encomium of philosophy that concludes Book I of De *Legibus*. Here Cicero praises wisdom as 'the mother of all good things, from the love of which philosophy took its name in Greek'.[132] Accordingly, the first lesson the individual will learn in the pursuit of wisdom is the obscurest of all things, namely the knowledge of oneself, following the Delphic Maxim, 'know thyself'. This knowledge of oneself comes with the realization that our own reason is 'a sort of consecrated image of the divine',[133] and, moved by this awareness, the philosopher will proceed in his investigation that will lead him to the knowledge of himself and of his place in the *cosmos*. This will make him aware of his being connected with all his fellow human beings who belong to him as his own.[134] The pursuer of wisdom will by this means develop his capacity to select good things and reject the bad ones, which is called prudence. He will also study the nature of all things, eventually recognizing that 'when he has (so to speak) got a grip on the god who guides and rules these things and has recognized that he is not bound by human walls as the citizen of one particular world spot but a citizen of the whole world as if it were a single city – then in this perception and understanding of nature, by the immortal gods, how he will know himself, as Pythian Apollo commands, how he will scorn and despise and think as nothing all those things which are commonly called magnificent!'.[135] Once the philosopher will achieve this knowledge, he will have reached full knowledge of himself, and he will strengthen his knowledge by means of dialectic, which allows him to clearly distinguish the true from the false.

[132] Cic. *Leg*. 1.58.
[133] *Ibid*. 1.59.
[134] *Ibid*. 1.60.
[135] *Ibid*. 1.61.

However, according to Cicero, the development of the one who pursues wisdom is not limited to the knowledge of himself achieved by the study of nature and the mastery of dialectic:

> When he realizes that he is born for civil society (*ad civilem societatem natum*), he will realize that he must use not just that refined type of argument but also a more expansive style of speaking, through which to guide peoples, to establish laws, to chastise the wicked and protect the good, to praise famous men and to issue instructions for safety and glory suited to persuading his fellow citizens, to exhort people to honor, to call them back from crime, to be able to comfort the afflicted, to enshrine in eternal memorials the deeds and opinions of brave and wise men together with the disgrace of the wicked. (Cic. *Leg*. 1.62)

It is significant that Cicero concludes his praise of philosophy with a recommendation that the philosopher should be eloquent as well. Indeed, the philosopher remains a political animal and bears the responsibility to guide his fellow citizens. Yet, given that he could not possibly address his people making use of the subtle and concise art of dialectic, he will adopt the more expansive style of rhetoric and, significantly, he will adapt his instructions to make them suitable to persuade his fellow citizens. Moreover, the list of tasks performed by speech is substantially similar to the one we find in *De Oratore*.[136] In the light of this, we may conclude that in *De Republica* and *De Legibus*, while playing an obviously less central role than in the rhetorical works, speech remains an important part of Cicero's conception of human nature.

This relatively less central role of speech in favour of reason appears also to be confirmed by an examination of the praise of philosophy featured in the preface to Book V of *Tusculanae Disputationes*:

> O philosophy, thou guide of life, o thou explorer of virtue and expeller of vice! Without thee what could have become not only of me but of the life of man altogether? Thou hast given birth to cities, thou hast called scattered human beings into the bond of social life (*tu dissipatos homines in societatem vitae convocasti*), thou hast united them first of all in joint habitations, next in wedlock, then in the ties of common **letters** and speech (*litterarum et vocum communione),* thou hast discovered law, thou hast been the teacher of morality and order: to thee I fly for refuge, from thee I look for aid, to thee I entrust myself, as once in ample measure, so now wholly and entirely. Moreover one day well spent and in accordance with thy lessons is to be preferred to an eternity of error. Whose

[136] Cf. Cic. *De Or.* 1.30-34; 2.33-36. In the context of the next chapter, I will discuss more in detail how all this bears on Cicero's conception of the statesman.

> help then are we to use rather than thine? thou that hast freely granted us peacefulness of life and destroyed the dread of death. And yet philosophy is so far from being praised in the way its service to the life of man has deserved, that most men ignore it and many even abuse it. Dare any man abuse the author of his being and stain himself with such atrocity, and be so wickedly ungrateful as to upbraid her whom he ought to have reverenced, even if his powers had not allowed him comprehension? But, as I think, this deception and this mental darkness have overspread the souls of the uninstructed, because they cannot look back far enough into the past and do not consider that the men by whom the means of human life were first provided have been philosophers. (Cic. *Tusc*. 5.5-6)[137]

This encomium substantially ascribes to philosophy and philosophers the same merits that were ascribed to eloquence in the rhetorical writings, namely the role of gathering scattered human beings to form societies. One might wonder whether Cicero endorses here Scaevola's thesis that society was founded and thrived because of the actions of men who were wise and completely devoid of any shred of eloquence.[138] However, from the examination of this text, which clearly emphasizes the role of philosophy rather than eloquence, we should not draw the conclusion that in *Tusculanae Disputationes* Cicero's stance is significantly different from what we found in the other philosophical works we just examined. Firstly, this account fairly resembles what we found in *De Republica*, where reason unites men by means of speech. Indeed, even here, language is mentioned as one of the things that united human beings together with life in a common space, the formation of households, legislation and morality. Secondly, in the preface to Book I of *Tusculanae Disputationes* Cicero reiterates his claim that philosophy and eloquence need to work together: 'it is my design not to lay aside my early devotion to the art of expression, but to employ it in this grander and more fruitful art: for it has ever been my conviction that philosophy in its finished form enjoys the power of treating the greatest problems with adequate fulness and in an attractive style'.[139]

I will now examine if the role of speech in Cicero's last work, *De Officiis*. In Book I Cicero starts his treatment of moral goodness (*honestum*) with an examination of human nature. According to this picture, human beings share with other living beings the reproductive instinct and a certain degree of care for their offspring.[140] However, they far surpass animals, for 'the beasts, just as far as it is moved by the senses and with very little perception of past or future adapts itself to that alone

[137] All translations of Cicero's *Tusculanae Disputationes* in this thesis are taken from King 1989 with slight modifications indicated in bold.
[138] Cic. *De Or.* 1.35-40.
[139] Cic. *Tusc*. 1.7. Cf. Douglas 1995.
[140] Cic. *Off*. 1.11.

which is present at the moment; while man – because he is endowed with reason, by which he comprehends the chain of consequences, perceives the causes of things, understands the relation of cause to effect and of effect to cause, draws analogies, and connects and associates the present and the future'.[141] Significantly, the possession of reason does not only make man more intelligent than animals, but it constitutes the very foundation of moral goodness, for, by the power of reason, man 'surveys the course of his whole life and makes the necessary preparations for its conduct'.[142]

In the following sections, Cicero provides an account of how nature unites men in increasingly broader forms of associations. First, the reproductive instinct produces the first form of society, the one between husband and wife, which together with their children form a household, which is a true *principium urbis*.[143] Indeed, from this single household more households will spread, and 'from this propagation and after-growth states have their beginnings'.[144] Significantly, it is pointed out that what keeps these household together is blood ties, 'for it means much to share in common the same family traditions, the same forms of domestic worship, and the same ancestral tombs'.[145]

So far, we have a picture that stresses reason alone as the distinctive trait of man, whose sociability seems to be driven as an extension of his love for the members of their families,[146] and society itself appears to be in this regard a large household. Still, Cicero adds a further element to this picture:

> The interests of society, however, and its relationship, common bonds will be best conserved if kindness be shown to each individual in proportion to the closeness of his relationship. But it seems we must trace back to their ultimate sources the principles of fellowship and society that nature has established among men. The first principle is that which is found in the connection subsisting between all the members of the human race; and that bond of connection is reason and speech (*ratio et oratio*) which by the processes of teaching and learning, of communicating, discussing and reasoning associate men together and unite them in a sort of natural **society** (*naturali quadam societate*). In no other particular are we farther removed from the nature of beasts; for we admit that they may have courage (horses and lions, for example); but we do not admit that they have justice, equity, and goodness; for they are not endowed with reason **and** speech. This,

[141] Cic. *Off*. 1.11.
[142] *Ibid.*
[143] *Ibid*. 1.54.
[144] *Ibid*.
[145] *Ibid*. 1.55.
[146] Schofield 1995, pp. 201-204.

then, is the most comprehensive bond that unites together men as men and all to all. (Cic. *Off*. 1.50-51)

This passage makes clear that what unites men is, first and foremost, their being endowed with reason and speech alike. Indeed, it is the joint use of both reason and speech that unites men in a form of natural society, which here primarily means the universal connection of all human beings *qua* creatures in possession of reason and speech, but this would certainly also affect people belonging to the same national community, whose fraternity is strengthened further by blood ties and the mark of common history and tradition. Secondly, man's superiority over other animals is based on the possession of these two natural faculties, but also another distinctively human trait, moral virtue, is said to be dependent on reason and speech. How does speech influence moral virtue? This passage suggests that, similarly to what Cicero argued in *De Inventione*, a voiceless reason would not be able to spread its discoveries, including knowledge of what is morally right, throughout the community and that that very process of teaching and learning from one another, which presupposes speech and communication, is essential to our moral improvement. This conjecture appears to be corroborated by Cicero's discussion of the rankings of the four virtues, where *sapientia* is subordinated to *iustitia* and the active life. Indeed, here Cicero remarks that 'mere speculation is self-centred, while speech (*eloquentia*) extends its benefits to those with whom we are united by the bonds of society'.[147]

According to Andrew Dyck's reading of the passage above (*Off*. 1.50-51), *ratio et oratio* would constitute a hendiadys, and by this expression Cicero only means reason. This would amount to the following formula: *ratio* + *oratio* = λόγος = reason (*ratio*).[148] However, as the foregoing discussion suggests, *ratio* and *oratio*, while being certainly two possible Latin translations of the Greek word λόγος, define distinct semantic areas in Cicero, the former indicating reason and the latter speech, including oratory. As a result, the expression *ratio et oratio* cannot be interpreted as signifying reason alone, but it indicates the coordination of both natural faculties.

A further element we should consider is Cicero's discussion of propriety (*decorum*). Cicero introduces this notion in the context of his treatment of the fourth cardinal virtue, temperance (*moderatio*) , which consists in 'the orderliness and moderation of everything that is said and done'.[149] Now, Cicero suggests that *decorum* is one and the same as moral virtue, since 'what is proper is morally right and what is morally right is proper'.[150] Provided that human beings are composed of reason and appetite, temperance, which embodies the very essence of propriety, prescribes primarily

[147] Cic. *Off*.1.156.
[148] Dyck 1996, pp. 167-168; cf. *ibid*. pp. 86-67.
[149] Cic. *Off*. 1.15.
[150] *Ibid*. 1.94.

that the former rules over the latter.[151] However, Cicero observes that there is actually something proper in every morally virtuous action and, for this reason, propriety underlies every and each moral virtue.[152] However, while characterizing temperance, the notion of propriety turns out to be an overarching feature that underlies the other virtues as well. Indeed, Cicero remarks that propriety involves what follows:

> To employ reason and speech rationally (*ratione uti atque oratione prudenter*), to do with careful consideration whatever one does, and in everything to discern whatever one does, and in everything to discern the truth and to uphold it – that is proper. To be mistaken, on the other hand, to miss the truth, to fall into error, to be led astray – that is as improper as to be deranged and lose one's mind. And all things just are proper; all things unjust, like all things immoral, are improper. The relation of propriety to fortitude is similar. What is done in a manly and courageous spirit seems becoming to man and proper; what is done in a contrary fashion is at once immoral and improper. (*Cic*. *Off*. 1.94)

In more general terms, the notion of *decorum* turns out to be 'that which harmonizes with man's superiority in those respects in which his nature differs from that of the rest of the animal creation'.[153] However, this still does not clarify what *decorum* actually means. Especially, this does not explain what kind of relation it bears with moral virtue, a distinction that, according to Cicero, is more felt than expressed in words.[154] To explain this distinction, Cicero draws an analogy: *decorum* is related to *honestum*, as the beauty of a body is related to its health, meaning that a healthy body will also be beautiful. This suggests that *decorum* should be considered as the outwardly aesthetic expression of moral virtue, which can only theoretically be conceived of as distinct.[155]

But if *decorum* and *honestum* are essentially two aspects of the same thing, how does *decorum* relate to moral duty? Should we regard the attainment of propriety as a moral duty? Cicero's discussion indicates that this is the case. If we consider that, in a general sense, *decorum* belongs to virtue as a whole and consists in harmonizing with nature, [156] it is clear that, by pursuing *decorum*, we will also pursue the *honestum*, which also consists in following nature's guidance, and Cicero remarks that 'as to the duty which has its source in it [*quod decere dicimus*], the first road on which it conducts us leads to Harmony (*convenientia*) with Nature'.[157] The relation between *decorum* and

[151] Cic. *Off*. 1.101.
[152] *Ibid.* 1.100.
[153] *Ibid*. 1.96.
[154] *Ibid*. 1.94.
[155] Cf. Dyck 1996, pp. 241-242 and Schofield 2012.
[156] Cic. *Off*. 1.96.
[157] *Ibid*. 1.96.

convenientia with Nature is also strengthened by the fact that the aesthetic dimension of propriety is characterised by Cicero as something inherently human as 'man is the only animal that has a feeling for order for propriety, for moderation in word and deed (*in factis dictisque*). And so no other animal has a sense of beauty, loveliness, harmony in the visible world'.[158] At the same time, *decorum* will also be a source of duties insofar as it represents the essence of the fourth virtue *(moderatio).*[159] Therefore, we can conclude that there are moral duties connected to *honestum* and *decorum*, which both ultimately derive from human nature.[160]

It is significant that Cicero, as he delves deeper into the details of what duties are prescribed by propriety, includes a treatment of the power of speech (*vis orationis*).[161] Accordingly, speech is twofold, as it encompasses *contentio*, the oratorical discourse that is delivered in public settings, and conversation (*Sermo)*, which belongs to private social gatherings. Given the context of *De Officiis*, Cicero's treatment of what it takes to excel in oratory is limited. Firstly, to the end of perfecting our speech in public settings, he remarks that there are precepts drawn by the rhetoricians. Secondly, Cicero prescribes that, 'since we have the voice as the organ of speech, we should aim to secure two properties for it: that it be clear (*clara*), and that it be agreeable (*suavis*)'.[162] However, both these properties require that we are naturally well-endowed by nature.[163] Thirdly, the clarity of our voice can be improved by exercise (*exercitatio*) and, fourthly, the agreeableness can be achieved through imitation (*imitatio*) of orators who possess this quality of speech. In this regard, Cicero names a number of *exempla* of great Roman orators whose eloquence should be imitated (among these it is included Crassus, who is featured as one of the main characters in *De Oratore*).[164] All in all, in this summary, Cicero includes the triad of nature (*ingenium*), doctrine (*ars*) and training (*exercitatio*), and the choice of a model to imitate (*imitatio*), which are subjects discussed in detail in Book I and II of *De Oratore*.[165] To the end of our present investigation, it is significant that Cicero concludes his treatment of *contentio* by saying that 'if, therefore, we are aiming to secure propriety in every circumstance of life we must master all these points'.[166] In regard to *sermo*, Cicero initially observes that conversation has no formal rules, but that 'the same rules that we have for words and sentences in rhetoric will apply also to conversation'.[167] In addition, he adds that a conversation, an activity in

[158] Cic. *Off.* 1.14.
[159] *Ibid*. 1.96.
[160] Cf. Schofield 2012, p. 51.
[161] Cic. *Off.* 1.132.
[162] *Ibid.* 1.133. Cf. Dyck 1996, pp. 311-312.
[163] Cic. *Off.* 1.133.
[164] *Ibid.*
[165] For a general treatment of these issues see Fantham 2004, pp. 78-101.
[166] Cic. *Off.* 1.133.
[167] *Ibid*. 1.132.

which the Socratics excelled, should be conducted: 1) with an openminded attitude and wittily; 2) respectfully of the turns of each participant; 3) in a manner appropriate to the subject of conversation; 3) without displaying any passion (*perturbatio*), especially anger.[168] As a result, these sections on *contentio* and *sermo* suggest a link between *oratio* and *decorum*.[169]

Overall, Cicero's treatment of *decorum* adds a further element to the passages mentioned in this section. Indeed, the other passages indicated speech as an important natural faculty that greatly contributes to other essential aspects of human nature, such as sociability and rationality. In contrast, the attainment of *decorum*, which is as much as a moral duty as the pursuit of moral goodness, provides a deontological reason why we should pursue eloquence on its own account as a way of perfecting one of the natural faculties that set us apart from other animals.

This section illustrated how the idea that speech plays a key role in both defining human nature and grounding human society is not limited to Cicero's rhetorical writings, but it is also consistently featured in *De Republica*, *De Legibus* and *De Officiis*. Given that there is no major discontinuity in the philosophical writings, this excursus suggests that, far from being a merely rhetorical *topos*, Cicero was committed to his conception of man as the creature whose distinctive feature is the interaction between *ratio* and *oratio*. At the same time, there are at least two significant differences in Cicero's handling of this idea in the *Philosophica*. Firstly, even though the role of speech remains important in Cicero's philosophical works, the focus of the attention is shifted from eloquence to reason, as it is appropriate to the main subject of those works. Secondly and more importantly, rhetorical and philosophical writings significantly differ in their treatment of the interaction between reason and speech. Indeed, as we have seen in the previous section, *De Inventione* and *De Oratore* extol the role of eloquence in putting an end to a savage state of nature, which, insofar as the non-idyllic human condition that would have obtained before the establishment of civilization is involved, strongly resembles the Democritean and Epicurean traditions on human prehistory, which, nonetheless, treat language as something secondary that emerges only after communities are founded; however, even though in *De Republica* and in *Tusculanae Disputationes* it is mentioned that human beings lived scattered, the state of nature is not described as a condition of savagery and violence in the philosophical works. Furthermore, compared to the rhetorical writings, in *De Officiis* Cicero

[168] Cic. *Off.* 1.132.

[169] It is relevant to underline that Cicero's appraisal of conversation here should not be considered as a fully novel idea, since *sermo* is mentioned among the distinctively human activities that can be performed by the means of speech in Crassus' encomium of eloquence: 'But really, let us not always be preoccupied with the forum, with the court-benches, the rostra, and the senate house: if we consider our leisure time, what can be more pleasant or more properly human than to be able to engage in elegant conversation (*sermo facetus*) and show oneself stranger to no subject?' (Cic. *De Or.* 1.32-33).

appears to be committed to the originally Aristotelian thesis, defended by his time by the Stoics, that human beings are by nature social animals who form association as something desirable on its own account: 'as swarms of bees do not gather for the sake of making honeycomb but make the honeycomb because they are gregarious by nature, so human beings – and to a much higher degree – exercise their skill together in action and thought because they are naturally gregarious'.[170] This raises the issue, which will be investigated in the next two sections of this chapter, of whether and to what extent Cicero follows the Stoics in his treatment of the relation between *ratio* and *oratio* in the philosophical writings.

Section III – The Stoic Doctrine of *Oikeiōsis* and Human Sociability

As we have seen in the foregoing section, Cicero's picture of human nature and sociability emphasises the interaction between reason and speech, describing these two natural faculties as what is distinctive of our humanity and makes possible the complex degree of cooperation that is at the basis of civilization. Furthermore, I have shown that these ideas are present throughout Cicero's philosophical corpus. However, provided that in philosophical works such as *De Officiis* Cicero admittedly borrows from Stoic doctrines, this raises the question of how the above outlined picture of the origins of human civilization relates to Stoicism. More specifically, it is necessary to ascertain whether we should regard Cicero's view, including its emphasis on eloquence, as a borrowing from his Stoic sources or as an original contribution deriving from his own reworking of rhetorical and philosophical doctrines.[171] However, before being able to draw any meaningful comparison between Cicero and the Stoics, it will first be necessary to reconstruct the Stoic account of human nature and sociability.

In this section I will lay the groundwork by taking into account the Stoic doctrine of the final end and the theory of *oikeiōsis*. Indeed, both doctrines are essentially connected to the issues under discussion. Firstly, a key role in Hellenistic ethics was played by the individuation of the τέλος, or 'the end to which all other things are means, while it is not itself a means to anything else'.[172]

[170] Cic. *Off.* 1.157.

[171] Some attempts to connect Cicero's rhetorical theory to Stoicism had been originally made by Radermarcher 1899 and Schulte 1935. More recently, this reading has been defended by Michele Kennerly on the basis of a close reading of *De Officiis* (Kennerly 2010), who deepens Robert Hariman's insights, who argued that Cicero represents the embodiment of what he defined as a 'republican style', namely a rhetorical style based on a conversational way of speaking (Hariman 1995). However, I think that Kennerly's interpretation is limited insofar as it is focused exclusively on *De Officiis*, without taking into account the rest of the Ciceronian corpus, whose examination suggests a continuity rather than a rupture in Cicero's thought on the role of speech in human sociability.

[172] Cic. *Fin.* 1.29. All translation of Cicero's *De Finibus* in this thesis are from Rackham 1914 with minor changes in bold.

However, Hellenistic philosophers developed their doctrines of the final end under the assumption that the τέλος can only be uncovered by investigating human nature. Indeed, they generally agreed that the final end of human beings consists in the fulfilment of their own nature and that this would not only lead to right action but also to happiness.[173] This general assumption applies particularly to the Stoics, who held that 'the end may be defined as life in accordance with nature, or, in other words, in accordance with our own human nature as well as that of the universe, a life in which we refrain from every action forbidden'.[174] It is also significant that, from a methodological point of view, the investigation of what nature demands of us is, to a large extent, based on the observation of the behaviour of nonrational animals and children.[175] Secondly, *oikeiōsis* is a natural mechanism, shared by humans and animals alike, that pushes living beings to feel affection towards: 1) themselves, 2) their offspring and 3) the other members of their own species.[176] The key idea that this hardly translatable term conveys is a feeling of ownership by means of which we perceive something as belonging to ourselves and, for this reason, an object of our concern.[177] This feeling of attachment becomes an essential factor in our conduct, insofar as pushes us to help those we have appropriated as belonging to ourselves.

In the present section, I will focus my attention on Book III of Cicero's *De Finibus*, taking into account other relevant sources whenever they can provide further clarification. Indeed, this work is particularly suited to our investigation because not only provides us with a detailed presentation of the Stoic doctrine of the final end, but also it arguably represents the most comprehensive surviving account of the three levels of *oikeiōsis*.[178] Furthermore, in this work, *oikeiōsis* constitutes an important component in the general argument on the final end,[179] and it is not surprising that Cato, the character who presents the Stoic doctrine in Book III, takes as the very starting point of his presentation of stoic ethics the first level of *oikeiōsis*,[180] namely appropriation of oneself:

> It is the view of those whose system I adopt, that immediately upon birth (for that is the proper point to start from) a living creature (*animal*) feels an attachment for itself and an

[173] Cf. Long and Sedley 1987, pp. 398-401.
[174] D. L. VII, 87-88. All translations of Diogenes Laertius' *Lives of Eminent Philosophers* in this thesis are from Hicks 1925.
[175] Inwood 2015, 147-148.
[176] The difficulty of precisely translating the term in English is proverbial (Pembroke 1971; Schofield 1995). Translations include: 'appropriation', 'endearment', 'identifying with'. In the present chapter I will mostly use the latinised form '*oikeiōsis*' or the term 'appropriation', which captures the feeling of ownership that characterises *oikeiōsis* and it is potentially less misleading or archaic than other translations (Long and Sedley 1987, p. 351).
[177] Long and Sedley 1987, p. 351; Cf. Pembroke 1971.
[178] Klein 2016, pp. 149-156.
[179] Cf. Striker 1996.
[180] Cicero renders *oikeiōsis* with two Latin terms: *conciliatio* and *commendatio*.

> impulse to preserve itself and to feel affection for its own constitution and for those things which tend to preserve that constitution; while on the other hand it conceives an antipathy to destruction and to those things which appears to threaten destruction. In proof of this opinion they urge that infants desire things conducive to their health and reject things that are the opposite before they have ever felt pleasure and pain; this would not be the case, unless they felt an affection for their own constitution and were afraid of destruction. But it would be impossible that they should feel desire at all unless they possessed **self-perception**, and consequently felt affection for themselves. This leads to the conclusion that it is love of self which supplies the primary impulse to action. (Cic. *Fin*. 3.16)

From this passage we can gather at least three initial indications that can help us clarify the role of *oikeiōsis* in Stoic ethics. Firstly, *oikeiōsis*, by making the animal feel love towards itself provides a behavioural pattern that leads it to preserve its own constitution (*status*, σύστασις) and to avoid those objects that threaten its survival.[181] The implications of this argument can be extended beyond animal behaviour, making clear that *oikeiōsis* works under the general assumption that nature would not act in a way that would undermine itself in the pursuit of its ends.[182] Overall, if nature creates living beings, it will construct them in a way that makes them fit to survive. This also means that nature does nothing in vain and adopts a principle of economy in the constitution of each and every living being. This is apparent, if we consider that in Book II of *De Natura Deorum*, Balbus, the Stoic speaker, holds that 'all organs, at least those contained within the body, are so formed and so placed that none of them is superfluous or not necessary for the protection of life'.[183] Then, nature pursues the perpetuation of life and makes living beings fit to survival by making them feel attachment towards themselves and by providing them with a bodily constitution that gives them the necessary equipment for reaching that goal. More specifically, nature has endowed animals with 'both sensation and desire (*sensum et appetitum*), the one to arouse in them the impulse to appropriate their foods, the other to enable them to distinguish things harmful from things wholesome'.[184]

Secondly, in this process of *oikeiōsis* that makes the animal capable of successfully pursuing its own survival, self-perception (*sensus sui*) plays a key role in at least two ways. Firstly, in the passage above Cato holds that 'it would be impossible that they [*i.e*. the animals] should feel desire at all unless they possessed self-perception (*nisi sensum haberent sui eoque se diligerent*), and

[181] Cf. D. L. VII, 85.
[182] Cf. Inwood 2015.
[183] Cic. *DND* 2.121-122. All translation of Cicero's *De Natura Deorum* in this thesis are from Rackham 1933.
[184] *Ibid.* 122.

consequently felt affection for themselves'.[185] This means that self-perception is a necessary condition for the animal to love itself, as it could not feel attachment towards itself if it did not perceive its own constitution. The exact role of self-perception in the activation of *oikeiōsis* can be clarified, taking into account Hierocles' discussion of the subject in his *Elements of Ethics*. Indeed, he argues that every animal at the moment of birth is presented with an impression (φαντασία) of itself and being pleased by this impression 'to become its own and familiar to itself (οἰκειοῦσθαι ἑαυτῷ) and to its own constitution'.[186] Furthermore, Hierocles emphasises that by self-perception animals perceive their own constitution, allowing them to distinguish what is beneficial from what is harmful and use their bodies effectively.[187] Similarly, in *De Natura Deorum*, Balbus rhetorically asks, 'why should I speak of the amount of rational design displayed in animals (*quanta ratio in bestiis*) to secure the perpetual preservation of their kind?'.[188] And some of the examples of 'animal wisdom' are strikingly compared to arts: 'dogs cure themselves by vomiting and ibises in Egypt by purging-modes of treatment only recently, that is, a few generations ago, discovered by the talent of the medical profession'.[189] This example indicates that animals can achieve by instinct what human beings were only able to discover through the cumulative experience of many generations of medics.[190]

Thirdly, Cato clarifies that this does not mean that our first impulse consists in pursuing pleasure and avoiding pain, since the appropriation towards oneself operates independently of pleasure.[191] The aim of this remark is to clearly distinguish the Stoic approach from the Epicureans, who identified pleasure as the object towards which our first impulses are directed.[192] Against this view, Cato argues that children pursue things conducive to health and avoid things harmful to their constitution before even knowing what pleasure and pain are, and for this reason pleasure should not be considered as the first motive that drives their behaviour.[193] Secondly, Cato adds that living beings avoid unnatural states, even when these conditions are not inherently painful, 'there is no one who, given the choice, would not prefer to have all the parts of his body sounds as whole, rather than maimed or distorted though equally serviceable'.[194] In conclusion, pleasure should not be ranked

[185] Cic. *Fin*. 3.16.
[186] Hierocl. VII, 48-50. Cf. Bastianini and Long 1992, pp. 435-439. All translations of Hierocles' *Elements of Ethics* in this thesis are from Konstan 2009.
[187] Hierocl. II, 1-5.
[188] Cic. *DND* 2.1.129.
[189] *Ibid.* 2.126.
[190] Cf. Sen. *Ep.* 121.6.
[191] Cic. *Fin*. 3.16.
[192] *Ibid.* 1.29-30.
[193] *Ibid.* 3.16. On the so called 'cradle argument' see Brunschwig 1986 and Inwood 2015.
[194] Cic. *Fin* 3.17. Cf. Sen. *Ep*. 121.7-8.

among the primary objects of nature but, at best, as a by-product that accompanies the successful preservation and thriving of one's constitution.[195]

In the light of this, it is clear that appropriation towards oneself is an innate mechanism that pushes living beings to pursue their own survival by making them feel attachment towards their own constitution as something belonging to themselves. This process of appropriation, which is activated once the animal receives the first impression of itself, enables it not only to feel concern about its own wellbeing but also provides it with the capacity to discern what is harmful and beneficial, and, crucially, the capacity to effectively employ its own constitution. In contrast, even though animal behaviour displays such an astonishing degree of skill that in some cases it almost appears to be a kind of instinctive art, animals are completely devoid of rationality and, in one sense, they are not real agents, because they are automatically guided by nature itself towards what is beneficial to them.[196] Conversely, human beings are endowed with reason, which makes them not only superior to other living beings but also kindred of the gods and crucially the only mortal species endowed with the capacity for making choices.

After having discussed the appropriation towards oneself, Cato makes clear that this kind of *oikeiōsis* guided by impulse is far from being the conclusion of human development, which includes the emergence of reason.[197] The following step prescribes that what is in accordance with nature (*secundum naturam*) or is conducive to something that is according to nature, is valuable (*aestimabilis*) and, for this reason, is worthy of being selected (*selectione dignum*). As a result, having established that what is according to nature is to be pursued for its own sake, whereas what is contrary to nature is to be rejected, the *primum officium* corresponds to the initial impulse that nature implanted in all living beings: 'to preserve oneself in one's natural constitution'.[198] The next step consists in adopting the principle of choosing what is according to nature and rejecting what is contrary to nature. The difference with what children or animals choose and reject under the guidance of nature is that the principle of selection is here no longer adopted instinctively, but consciously and under the guise

[195] D. L. VII, 87.
[196] Robert Bees observes that in our Greek sources on *oikeiōsis* when the active voice 'οἰκειοῦν' is used, the subject of the sentence is nature, whereas in the sentences where the middle-passive voice 'οἰκειοῦσθαι' the subject is the living being itself. The same applies to our Latin sources, where the Latin verbs used to translate *oikeiōsis*, *conciliare* and *commendare*, are active when the subject is nature and passive when the subject is the living being, taking the passive forms *conciliari* and *commendar*i. As a result, the animal passively receives from nature what Bees defines as a 'genetische Programmierung des Verhaltens' (Bees 2004, pp. 202-203).
[197] Cic. *Fin*. 3.20.
[198] *Ibid*.

of a duty one should discharge towards oneself. Finally, we reach our full development, when 'such choice becomes a fixed habit; and finally, choice fully rationalized and in harmony with nature'.[199]

This rationalized conformity to nature (ὁμολογία, rendered in Latin as *convenientia*) is one and the same with moral goodness, 'which alone is counted as a good, although of subsequent development, is the sole thing that is for its own efficacy and value desirable, whereas none of the primary objects of nature is desirable for its own sake'.[200] The primary objects of nature fall into the category of what the Stoics termed as 'indifferent'(*indifferens*, ἀδιάφορον), which includes those things that do not contribute to either the happiness or the misery of the individual. In contrast, while not constituting happiness, the category of the indifferents plays a substantial role in Stoic ethics as it is suggested by Cato's remark that 'with the Stoics good and evil, as has repeatedly been said already, are a subsequent outgrowth; whereas those things that are either in accordance to nature or opposite to it, fall under the judgement and choice of the wise man, and form so to speak the subject-matter, the given material with which wisdom deals'.[201]

Taking stock of the first level of *oikeiōsis* and the development of reason in human beings, we can draw the conclusion that, similarly to other animals, human beings, once grown into full-fledged rational agents, will continue pursuing the primary objects of nature, which were from the very beginning the objects of our first impulses as something that is appropriate to our nature, but, differently from other living beings, humans are the only living beings that can select of their own accord what nature recommends and this is what constitutes living according to nature for them. Non-rational animals instead remain passive, as they will pursue the objects that can preserve their constitution and reject what is harmful; still, they will do so not because of a choice based on rational deliberation, but because of the instincts that nature implanted in them by making them appropriate their own constitution, so that they can both feel concern for their wellbeing and protect themselves by making the best possible use of their bodies. In one sense, behind the rationality of animal behaviour always lies nature itself, which directs their impulses, whereas human beings are rational and, for this reason, can direct their impulses on their own.

Let us now turn to the two subsequent levels of *oikeiōsis*, which lead us to feel attachment towards our children and then all the members of our species as something belonging to ourselves and, for this reason, as something we should strive to protect:

[199] Cic. *Fin*. 3.21. Cf. D. L. VII, 86.
[200] Cic. *Fin.* 3.21.
[201] *Ibid.* 3.61.

> It is held by the Stoics to be important to understand that nature creates in parents an affection for their children; and parental affection is the source to which we trace the origin of the association of the human race in communities. This cannot be but be clear in the first place from the conformation of the body and its members, which by themselves are enough to show that nature's scheme included the procreation of offspring. Yet it could not be consistent that nature should at once intend offspring to be born and make no provision for that offspring when born to be loved and cherished. Even in lower animals nature's operation can be clearly discerned; when we observe the labour that they spend on bearing and rearing their young, we seem to be listening the actual voice of nature. Hence as it is manifest that it is natural for us to shrink from pain, so it is clear that we derive from nature herself the impulse to love those to whom we have given birth. From this impulse is developed the sense of mutual attraction which unites human beings as such; this also is bestowed by nature. The mere fact of their common humanity requires that one man should feel another man to be akin to him. (Cic. *Fin.* 3.62-63)

As in previous cases, the Stoic case in favour of *oikeiōsis* towards children is based on essentially teleological assumptions. Indeed, it is argued that, given that the frame of our bodies makes us capable of making children, it is in nature's plan that we perpetuate our species. Yet, nature would undermine herself, if she gave us reproduction without making us feel attachment towards our offspring, which would risk death without the necessary care. From this passage it is also clear that parental love is not a human prerogative, but a mechanism that nature promotes in animals and humans alike so that they are led to protect their own offspring.[202] This kind of care is outstanding if we consider that the starting point of *oikeiōsis* is selflove, which pushes us towards the preservation of our bodily constitution, and providing care and protection to one's offspring comes with a cost in terms of efforts and dangers on the part of the parents.

Now, this feeling of attachment that makes parents attached to their own offspring as something belonging to themselves is said to be the foundation of the appropriation of the whole human race, constituting the foundation of our ability to associate with other members of our species. The impulse towards socialized life is here described as an extension of the impulse to love the ones we generated and it is from this impulse that 'we are by nature fitted to form unions, societies and

[202] A similar point is also made in *De Natura Deorum*, where Balbus remarks that nature pursue the perpetuation of all animal species, and, for this reason, provided animals with the necessary reproductive organs, a powerful desire for copulation, and, crucially, a strong attachment towards their offspring: 'why should I describe the affection (*amor bestiarium*) shown by animals in rearing and protecting the offspring to which they have given birth, up to the point when they are able to defend themselves?' (Cic. *DND* 2.128).

states'.[203] Again, in this account of human sociability the comparison with other social animals stands out. When it comes to social instinct, Cato remarks that nature created some animals for the sake of themselves alone, whereas others, such as bees and ants, exist also for the sake of others and, for this reason, are directed by nature to act in the interest of other members of their species as well.[204] Human beings belong to this beings class of social animals and their desire to associate with other human beings is so strong that 'the fact that no one would care to pass his life alone in a desert, even though supplied with pleasures in unbounded profusion, readily shows that we are born for society and intercourse, and for a natural partnership with our fellow men'.[205] Furthermore, the recognition of belonging to the same species makes humans actively help others. In this regard, the following example made by Cato is telling: 'just as bulls have a natural instinct to fight with all their strength and force in defending their calves against the lions, so men of exceptional gifts and capacity for service, like Hercules and Liber in the legends, feel a natural impulse to be the protectors of the human race'.[206] Again, even philanthropy is described as a form of impulse that is substantially comparable to animal behaviour.

Now, the scholarly debate emphasized that, whereas *oikeiōsis* can effectively account for the process of being well-disposed towards oneself and towards one's children, as they are well-attested behavioural patterns, the passage from the *oikeiōsis* towards one's children to the *oikeiōsis* towards the whole human species appears to be extremely problematic. Given that the Stoics felt the necessity to prove even the existence of the impulse of self-preservation, it is puzzling how the extension of appropriation to the whole mankind is described as a substantially smooth process, implying no particular difficulty.[207]

This passage from appropriation of one's children to appropriation of the whole mankind is even more problematic if we consider that the starting point of the Stoic account of human nature based on *oikeiōsis* is self-love, which guides living beings towards the preservation of themselves and their constitution. Indeed, as we have seen, the first impulse, which also informs the *primum officium*, compels us to preserve our own constitution, selecting what contributes to its own preservation and rejecting what instead might lead to its destruction. Now, the two subsequent levels of appropriation, which direct our affection towards human beings other than ourselves, necessarily require that we sacrifice part of our wellbeing for the sake of others as if they belonged to us, making their concern

[203] Cic. *Fin* 3.63.
[204] *Ibid.*
[205] *Ibid*. 3.65.
[206] *Ibid.* 3.66.
[207] Pembroke 1971, pp. 123-126; Klein 2016, pp. 153-158.

our own concern.[208] The protection of children at the expense of one's wellbeing appears to be justified in the light of experience of both animal and human behaviour, and it might also be reasonable for the parents to love their children as a part of themselves, because children physically derive from their parents and bear resemblance to them.

In contrast, it is more difficult to justify a generalized *oikeiōsis* that encompasses all human beings on account of their common humanity as something that can be as strong as parental love. A possible solution to this big leap from children to all humans could be found if the Stoics postulated that cooperation and care for others should not diminish the chances of survival of the individual. In this light, it could be argued that the individual preserves itself by helping, even when this means sustaining some damage, insofar as human beings are social animals that can hardly survive on their own, both because of their fragility and of their innate desire to stay with others, and, therefore, a working human society is a necessary condition for the own survival. In this way the *primum officium* of protecting our own natural constitution would be compatible with our concern for others. However, the Stoic position appears to hold exactly the opposite:

> Again, they hold that the universe is governed by a divine will; it is a city or state of which both men and gods are members; and each one of us is a part of this universe; from which it is a natural consequence that we should prefer the common advantage to our own. For just as the laws set the safety of all above the safety of the individuals, so a good, wise and law-abiding man, conscious of his duty to the state, studies the advantage of all more than of himself or of any single individual. The traitor to his country does not deserve greater reprobation than the man who betrays the common advantage or security for the sake of his own advantage or security. This explains why praise is owed to the one who dies for the commonwealth, because it becomes us to love our country more than ourselves. (Cic. *Fin.* 3.64)

From this passage it is clear that the Stoics, who took selflove as the starting point of their inquiry, not only prescribe that one should not pursue their own interest at the expense of the common good, which by undermining society in the long run would amount to self-harm, but they also draw the conclusion that the pursuit of the common interest is so important that people should love their own countries more than themselves to the point of sacrifice themselves if necessary. At the same time, the passage introduces in the picture of *oikeiōsis*, which, as we have seen, proceeds from the

[208] In this regard, Roberto Radice rightly observes that in the above considered passage, it is clearly established that both parental care and the social instinct derive from nature, but there is no clear account of how the latter is a development of the former (Radice 2000, pp. 223-224).

individual to the species, the idea of the cosmic city. The gist of this concept is that the cosmos should be considered as a city in at least two senses : 1) the cosmos is regulated by law, which is the reason that pervades the universe, being one and the same with the god; 2) the cosmos is a place which is inhabited by two kinds of citizens, with different status, some ruling and others ruled, namely gods and human beings, and it exists for the sake of both, 'for they alone have the use of reason and live by justice and by law'.[209]

Now, an interpretative strategy employed by Roberto Radice and Katja Vogt to explain and solve the difficulties in the Stoic doctrine of *oikeiōsis* is to read *oikeiōsis* in the broader context of Stoic cosmology, by making reference to the doctrine of the cosmic city.[210] According to Radice, the doctrine of the cosmic city adds a new dimension to social *oikeiōsis* that allows the Stoics to extend the attachment we feel towards people with whom we share blood ties to the whole human race. Indeed, if human beings are considered to have family ties with the gods, it means that they are not only related to the gods, but also with one another. More specifically, if the gods are the parents of the human race, all other human beings should be considered siblings.[211] This would imply a double conception of sociality, the one based on biological mechanisms implanted in us by nature and substantially similar to animal behaviour, the other based on rationality and our place in the universe, which pushes us to desire the wellbeing of all rational beings.[212] However, Radice concludes that this leads to a surprising reversal of the foundation of human sociability, as it is not social instinct that constitutes the ultimate foundation of human society, but the existence of the cosmic society of all rational beings, which predates any actual civil society, which is the ultimate foundation of human sociability.[213] Vogt also emphasises that in the context of Stoic cosmology the notion of reason should be regarded as a physical notion, and that the process of *oikeiōsis* pushes us to understand ourselves literally as parts of the world, especially of its rational active principle.[214] I think that taking into account the doctrine of the cosmic city is a very helpful strategy, which can significantly enrich our understanding of *oikeiōsis*. However, the limit of these interpretations is that they seem to require that basically each human being clearly understands the general structure of the universe and their place in it, which appears to be difficult, considering the demanding standards the Stoics postulate to classify someone as a sage. As a result, it is necessary to explain how human beings, despite being

[209] Cic. *DND* 2.154; Cf. Vogt 2008, pp. 65-66.
[210] Radice 2000, pp. 225-226; Vogt 2008, pp. 65-110.
[211] Cic. *Leg*. 1.22-24, SVF 3.229a.
[212] (Radice 2000, pp. 227-228). Malcolm Schofield applies a similar strategy in his account of the Stoic conception of justice, distinguishing a bottom-up approach to justice based on *oikeiōsis* and a top-down approach based on theology. (Schofield 1995).
[213] Radice 2000, p.234. Cf. Vogt 2008, pp. 66-67.
[214] Vogt 2008, pp. 107-108.

mostly unwise, can in practice build functioning societies, looking after their children and other members of their species.

It might be helpful to consider the distinction between appropriate actions (καθήκοντα) and right actions (κατόρθωμα), which, in turn, helps us to understand the difference between the sage and the common man. The difference does not lie in the object of appropriate actions and right action, since the primary objects of nature are said to be the things over which the sage's capacity of selecting according to nature deliberates, nor it is based on the result of the actions performed by the sage and the common man, since the Stoics make clear that what is essential is aiming straight, whereas actually hitting the target is certainly to be preferred but substantially immaterial to one's moral virtue. It is the attitude of mind that distinguishes the sage from the common man.[215] Cato explains the distinction between appropriate and right action as follows: 'we observe that something exists which we call right action; but this is an appropriate action perfectly performed; therefore there will be such a thing as an imperfect appropriate act; so that, if to restore a trust as a matter of principle is a right act, to restore a trust must counted as an appropriate act; the addition of the qualification *rightly* (*iuste*) makes it a right action: the mere restitution itself is counted as an appropriate act'.[216] This suggests that the performance of a particular action on its own account cannot be considered as a right action, which occurs only with the right mental attitude of the agent.

This is also connected to the fact that the role of reason is to perfect the impulse, so that humans turn themselves into active and conscious agents, which, however, will basically act on their own accord in the same way impulse prescribes.[217] In this light, one can also understand why the Stoic sage, despite his superiority to all his peers, will act in everyday life in a way not radically different from other members of his species, by taking wife, begetting children and taking part in the political life of his community; however, he will do with a different understanding of the reasons why he should act the way he acts.[218] Furthermore, as we have seen, Nature employs *oikeiōsis* to the end of promoting the preservation of the species and the individual alike, and the guidance provided by impulse appears to be more than sufficient to guarantee the necessary functionality that is required for survival. It is significant that Cato remarks that, 'since the love of self is implanted by nature in all men, both the foolish and the wise alike will choose what is in accordance with nature and reject the contrary'.[219] Furthermore, it should be added that unwise people are not completely devoid of

[215] Kidd 1971, pp. 155-157.
[216] Cic. *Fin*. 3.59.
[217] D. L. VII, 86.
[218] Cic. *Fin*. 3.63.
[219] *Ibid.* 3.59.

reason, but are endowed with an imperfect reason, without attaining the virtue of the sage, makes common people capable of functioning adequately in their everyday life, as Cato observes that 'in the sphere of neutral things there is an element of reasonableness (*est enim aliquid in his rebus probabile*), in the sense that an account be rendered of it, and therefore in the sense that an account can be rendered of an act reasonably performed'.[220]

As a result, my suggestion is that the two accounts of human sociability, the bottom-up approach based on the biological mechanism of *oikeiōsis*, and the top-down account based on the cosmic city, constitute alternative accounts of how human sociability works depending on whether one is a sage or a common man. On the one hand, the common man will have a form of benevolence and care for their peers based on a social instinct which is substantially the same as the one observed in other social animals and it will be based on the recognition of belonging to the same animal species and accompanied by the deliberation of imperfect reason. On the other hand, the sage will be pushed towards socialization because he will discern that he is a part of the reason that pervades the universe and that also his fellow human beings are such, even though most of them might not be aware of this, and, for this reason, he should care for them as if they were himself. As a result, given that the vast majority of the human race is not composed of sages, the most relevant foundation of actual human civilization will be the innate impulse of human beings to form associations with other members of their species.

There is another reason why I think that there is no continuity between the account of human sociability based on impulse and the account based on reason. As we have seen, the argument from *oikeiōsis* unfolds throughout Book III of *De Finibus* taking the following steps: 1) appropriation of oneself; 2) the development of reason in human beings; 3) appropriation of one's children; 4) appropriation of the whole of mankind. Now, the appropriation of children is introduced after Cato's account of the development of reason as the distinctive trait of human nature, but care for children is in no way described as connected to the development of reason in adult human beings, instead it refers to ethological observations of animal behaviour, and the same substantially applies to the social impulse that pushes us to form associations with others and to pursue its wellbeing. It is significant in this regard that even great human heroes such as Hercules are here described as protectors of the human race, whose philanthropy does not depend on reason but on a natural impulse to protect the weak, and again the behaviour of Hercules is compared to the behaviour of bulls protecting their own calves from lions at the risk of their own lives.[221]

[220] Cic. *Fin*. 3.58.
[221] *Ibid.* 3.66.

Section IV - A Ciceronian Synthesis?

Taking stock of the foregoing examination of Stoicism, we can now draw a comparison with Cicero's account of human sociability. As we have seen, while Cicero's focus changes depending on the scope of each of his works, it has been showed in the first two sections of this chapter that the interaction between reason and speech never fails to be mentioned as both a distinctive feature of human nature and as an essential component of our sociability, and this holds true for Cicero's philosophical and rhetorical works alike. In contrast, the Stoics regard reason alone as the outstanding faculty that makes us human beings superior to other animals and kindred to the gods, and, more specifically, reason for them is first and foremost a faculty that allows us to uncover the secrets of the universe and to live virtuously and in conformity to nature, two functions that the Stoics regarded as substantially interdependent. At the same time, the examination of the theory of *oikeiōsis* showed that human sociability for most human beings is driven by a social instinct that is shared with other social animals, which makes us feel affection towards other people *qua* members of our species, so that we pursue their wellbeing as something that concerns ourselves. *Oikeiōsis* constitutes the mechanism that makes this possible, but there is no indication in extant accounts that eloquence would play any significant role in it, nor that eloquence is something we should try to achieve as something that contributes to the establishment of human society. The only activity that implicitly involves the use of language in Cato's presentation of Stoicism is the teaching of the principles of wisdom to others: 'it would be hard to discover anyone who will not impart to another any knowledge that he may possess; so strong is our propensity not only to learn but also to teach'.[222] However, this would only include the transfer of information from a teacher to a learner, a far cry from defending the importance of the rhetorical dimension of language in the correct work of deliberative procedures by means of which society can be effectively organized, which is what Cicero seems to advocate.

I am aware of only a significant counterexample that might provide some strength to the claim that, for the Stoics, eloquence was more important to human sociability than what I have argued so far. In Book II of *De Natura Deorum*, in his case for divine providence, Balbus insists on the number of outstanding faculties nature endowed human beings with, including eloquence:

> Take the gift of speech, the queen of arts as you [Cotta] are fond of calling it – what a glorious, what a divine faculty it is! In the first place it enables us both to learn things we do not know and to teach things we do know to others; secondly it is our instrument for exhortation and persuasion, for consoling the afflicted and assuaging the fears of the

[222] Cic. *Fin.* 3.66.

> terrified, for curbing passions and quenching appetite and anger; it is that that has united us in the bonds of justice, law and civil order, this that has separated us from savagery and barbarism. Now careful consideration will show that the mechanism of speech displays a skill on nature's part that surpasses belief. In the first place there is an artery passing from the lungs to the back of the mouth, which is the channel by which the voice, originating from the mind, is caught and uttered. Next, the tongue is placed in the mouth and confined by the teeth; it modulates and defines the inarticulate flow of the voice and renders its sounds distinct and clear by striking the teeth and other parts of the mouth. (Cic. *DND* 2.148-149)

In this passage we can see how Balbus ascribes to speech some functions that are substantially compatible with the ones extolled in the praises of eloquence attached to the beginning of *De Inventione* and *De Oratore*: 1) the capacity of learning and spreading our knowledge to others, 2) persuasion and the management of the emotions of the audience; 3) a faculty that allowed us to transform ourselves into fully-fledged human beings. This might suggest that speech was important for the Stoics after all, serving the same functions as the ones envisaged by Cicero. However, I think there are at least three reasons why we should not draw the conclusion that this was the standard Stoic view. Firstly, these remarks should be read in the context of Book II of *De Natura Deorum*, where the Stoic Balbus constantly refers to the rhetorical background of Cotta.[223] In the light of this, in the passage above Balbus makes a reference to eloquence because Cotta was an orator who is expected to cherish eloquence, hence he should be compelled to agree that the existence of such an astonishing ability indicates the existence of a providential design. Secondly, it is striking that the role of eloquence appears in a fairly detailed list of human faculties that proves the existence of the gods, whereas in *De Finibus*, where we might expect it to be included in a general account of human nature and sociability, it is never mentioned, not even as something secondary. Thirdly, if the role of eloquence as the foundation of human civilization had been standard Stoic doctrine or at the very least among the possible options explored by the Stoics, it would be hardly understandable the reason why in *De Oratore* Cicero had the Stoic-leaning character of Scaevola, reportedly acquainted with Panaetius, strongly oppose Crassus' praise of eloquence as something that would not only be contrary to the Stoics, but to every single philosophical school.[224] Furthermore, it is significant that, against Crassus, Scaevola does not argue that the great statesmen of old were wise *and* eloquent, but he stresses that what they achieved was achieved thanks to their wisdom and without any shred of

[223] Cf. Cic. *DND* 2.2 and 2.147. On the character of Balbus and his project of reforming Roman religion see Wynne 2019, pp. 111-181.
[224] Cic. *De Or*. 1.43, 45, 75.

eloquence.[225] This suggests that Panaetius did not endorse an interactionist view of the role of reason and speech in the establishment and preservation of human society.

However, this explanation risks not doing justice to the Stoics, who devoted a great deal of attention to the study of language, including rhetoric.[226] Firstly, it is noteworthy that the Stoics not only wrote rhetorical handbooks, but they also categorized rhetoric as a proper part of their philosophical system, especially of the logical part together with dialectic.[227] Secondly, from an epistemological point of view, the Stoics regarded rhetoric as a form of scientific expertise (ἐπιστήμη), which is a higher epistemological status than what Cicero himself is willing to ascribe to rhetoric.[228] More specifically, they understood by rhetoric 'the science of speaking well on matters set forth by plain narrative, and by dialectic that of correctly discussing subjects by question and answer'.[229] This relation between dialectic and rhetoric is exemplified by the anecdote according to which 'Zeno, the founder of the Stoic school, used to give an object lesson of the difference between the two arts; clenching his fist he said logic was like that; relaxing and extending his hand, he said eloquence was like the open palm'.[230] This indicates that the Stoics understood the distinction between rhetoric and dialectic as a purely formal one, which concerns the manner in which we address a subject. Significantly, Cicero adds that 'still earlier Aristotle in the opening chapter of his Art of Rhetoric said that rhetoric is the counterpart of logic, the difference obviously being that rhetoric was broader and logic narrower'.[231] This indicates that the Stoics took up the challenge launched by Plato's *Phaedrus* of developing a philosophical rhetoric that could rightfully stand as a counterpart of dialectic, as Aristotle asserted.[232] Still, as Catherine Atherton pointed out, differently from Aristotle, who devised an account of the modes of persuasion that, while regarding the quality of the arguments as the essence of persuasion, assigns a fundamental role to the non-rational means of persuasion (especially the skilful management of human emotions), the Stoics developed a philosophical rhetoric that was barely distinguishable from dialectic.[233]

Secondly, the Stoics regarded eloquence as a virtue the sage will possess.[234] Indeed, in the context of his visit of Athens, Antonius describes as follows the Stoic stance on the matter:

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[225] Cic. *De Or*. 1.37-40.
[226] SVF 2.288-289; cf. Kennedy 1963, pp. 290-299.
[227] D. L. VII, 41-42.
[228] SVF 2.290; 293; 294-297; cf. Cic. *De Or*. 2.30-33.
[229] D. L. VII, 42. See Atherton 1988, pp. 396-402.
[230] Cic. *Or*. 113; cf. SVF I 75, 1-4; III, 294. All translation of Cicero's *Orator* in this thesis are taken from Hendrickson, and Hubbell 1939.
[231] Cic. *Or*. 114.
[232] Arist. *Rhet*. I 1, 1354a1.
[233] Atherton 1988, pp. 424.
[234] SVF 3.294 and [DB] 117.

> Some of them were for maintaining, as did your authority Mnesarchus himself, that those whom we called orators were nothing but a sort of artisans with ready and practised tongues, whereas no one was an orator save the wise man only, and that eloquence itself, being, as it was, the science of speaking well, was one type of virtue, and he who possessed a single virtue possessed all of them, and the virtues were of the same rank and equal one with another, from which it followed that the man of eloquence had every virtue and was a wise man. (Cic. *De Or.* 1.83.)

According to this argument, the only truly eloquent orator is nobody other than the sage, who, possessing all virtues, possesses the virtue of being eloquent as well.[235] That the Stoics regarded eloquence as one virtue that characterizes the sage chimes particularly well with their idea that 'the Wise Man should desire to engage in politics and administration'.[236] Indeed, given that eloquence can assist in taking part in public life and in promoting virtue within the community, rhetoric appears a discipline worthy of being studied. As a matter of fact, Roman Stoics shared this view and became orators, Cato himself being the most renowned among them.[237] In the light of this, the Stoic stance on the role of language and the value of rhetoric as a discipline needs further qualification.

Firstly, I think that useful indications can be drawn from Epictetus, as one of his discourses preserved by Arrian precisely addresses the question of the value we should attach to the faculty of speech and the discipline of rhetoric. Indeed, starting from a theological consideration, not dissimilar from what we found in Balbus' appraisal of the faculties that nature lavishly bestowed upon human beings, Epictetus holds that 'we must not, therefore, say that there is no faculty of expression (δύναμίς ἀπαγγελτική), for this is to speak both as an impious man and as a coward. As an impious man, because one is thereby disparaging the gifts received from god, as though one were denying the usefulness of the faculty of vision, or that of hearing'.[238] However, man should be 'neither ungrateful for these gifts, nor yet forgetful of the better things, but for sight and hearing, yes and, by Zeus, for life itself and for what is conducive to it, for dry fruits, for wine, for olive oil, give thanks unto god; and at the same time remember that He has given you something better than all these things – the faculty which can make use of them, pass judgement upon them estimate the value of each'.[239] The faculty that makes use of all the other faculties is the faculty of choice (προαιρετική), and it is the most excellent faculty because it can decide how to use the others and whether to use them in the first

[235] SVF 3.557, 654, 655.
[236] Cic. *Fin*. 3.68. Cf. SVF 3.611, 615.
[237] Cic. *Brut*. 114-119.
[238] Epict. *Diss*. II, 23.2-3. All translation of Epictetus' *Discourses* in this thesis are taken from Oldfather 1925 and 1928.
[239] *Ibid.* II, 23.5-6.

place. This προαιρετική is one and the same as reason, and defines our very nature as human beings, as Epictetus remarks: 'you are not flesh, nor hair, but moral purpose'.[240] As it is our reason to choose how to make use of our impressions, it makes use of the faculty of speech as well.

However, this does not mean that the faculty of eloquence should be despised, and Epictetus observes that 'there is a certain value (τις ἀξία) also in the faculty of eloquence, but it is not as great as that of the faculty of moral purpose'.[241] In this comparative context it is significant to underline how Epictetus makes use of the expression τις ἀξία, since, provided that this term in Stoic terminology designates the value of objects belonging to the class of the indifferents, this indicates that Epictetus classifies the faculty of speech as one of the indifferent.[242]

More specifically, there are at least two reasons why eloquence should be esteemed as valuable. On the one hand, disregarding the aesthetic value of the adornment provided by eloquence to our speech would amount to arguing that 'there is no difference between beauty and ugliness. What! Could a man be affected in the same way by the sight of Thersites and that of Achilles? Or by the sight of Helen and that of an ordinary woman?'.[243] On the other hand, the faculty of speech plays an important role in the progression towards virtue insofar as instruction to others can only be given through speech (διά λόγου), which should be shaped 'by means of certain principles, and in a particular style, and with a certain variety and impressiveness in the form of these principles'.[244] However, this potential contribution to the progression of virtue does not mean that eloquence should be valued as much as virtue itself. Epictetus clarifies this by drawing an analogy between the progression towards virtue and the traveller's journey back to his country. Virtue should be regarded as the true destination, and eloquence as just a comfortable inn, where one might rest during the journey. Problems occur only when the travellers decide to stop at the inn of eloquence, forgetting their real destination. As a result, this discourse by Epictetus indicates that Stoics might regard the faculty of speech as one of the valuable indifferents, which, without being something as much as valuable as reason, are nevertheless worthy of being selected if their selection is according to nature.

Secondly, another indication that, for the Stoics, reason and not language is the distinctive trait of human nature, can be drawn from their commitment to the distinction between two kinds of *logoi*, namely uttered speech (προφορικός λόγος) and internal speech (λόγος ἐνδιάθετος).[245] Sextus

[240] Epict. *Diss*. III, 1.40. See Dobbin 1991 and Dyson 2009.
[241] Epict. *Diss*. II, 23.25-26.
[242] Cf. SVF 3.124, 128, 137. See also Schofield 2003 and Long &Sedley 1987, pp. 357-358.
[243] Epict. *Diss*. II, 23.32-33.
[244] *Ibid*. II, 23. 39-41.
[245] On the development of the notion of the two *logoi* in classical antiquity see Pohlenz 1939; Chiesa 1991 & 1992.

Empiricus offers us a key testimony on this distinction, which, even though modern scholars tend to consider as not exclusively Stoic, the Stoics endorsed:

> They say that a human being does not differ from nonrational animals in uttered discourse (τῷ προφορικῷ λόγῳ) (for crows and parrots and jays also utter articulate sounds), but in discourse within the mind (τῷ ἐνδιαθέτῳ), and not in the merely simple appearance (for those animals have appearances), but in the one that involves transitions and combinations. Because of this, since he has a conception of following, he immediately grasps the concept of a sign as well, because of following; for the sign, of course, is of the form "If this, this.". (Sext. Emp. *M.* 8.275-276=SVF 2.135.2)[246]

This passage is particularly helpful because it relates the distinction between uttered and internal speech to the distinction between human beings and other animals.[247] In particular, it is significant that here the προφορικός λόγος is characterised as a faculty that both human beings and animal share.[248] In addition, in the passage, the choice of animals taken as examples is quite significant, insofar as they are animals capable of articulate sounds, the parrot being also capable of uttering words belonging to the human language.[249] Accordingly, what distinguishes human beings from animals is not uttered speech but the internal one, which allows men to grasp the conditional 'if p then q', and this, in one sense, makes the meaningful external speech that is properly human dependent on internal speech, insofar as each sign is a word that refers to an object and the connection between the object signified and the word can only be grasped by the means of internal speech.[250]

Thirdly, there is certainly evidence that Stoics conceived of eloquence as one of the virtues their sage will possess, and that speaking well is generally something desirable, if the Stoic adept intends to discharge his duty of taking part in the political life of the community, pursuing the general aim of promoting virtue. However, it is relevant to underline that eloquence is just only one of the sage's virtues, which, it should be remarked, are described as a form of knowledge (ἐπιστήμη) based on the perfection of the rational part of the soul.[251] Indeed, the Stoic sage is characterised as

[246] All translations of Sextus Empiricus' *Adversus Mathematicos* in this thesis are from Bett 2006.
[247] Cf. SVF 2.135.1. See Chiesa 1991, pp. 304-308.
[248] This is vaguely reminiscent of Aristotle's *Politics*, where both animals and human beings are described as capable of uttering sounds. The former only have voice (φωνή) that is suited to indicate the perception of pain and pleasure to one another, whereas the other are endowed with speech (λόγος) that allows them to signify what is expedient or inexpedient, just or unjust (Arist. *Pol*. I 2, 1253a8-38).
[249] Cf. Chiesa 1991.
[250] For more on the complex subject of the Stoic theory of language see Long 1971; Frede 1987, pp. 338-360; Frede 1994; Blank and Atherton 2003; Allen 2005; Bronowski 2019.
[251] SVF 1.199, 200; 3.260, 262, 263, 264; cf. Schofield 2003, pp. 240-248. See also Schofield 2013.

beautiful,[252] rich,[253] strong,[254] pious, immune to refutation,[255] strategist, king, lawmaker, judge, rhetor and so on.[256] As a result, eloquence in this virtually infinite list of excellences and virtues loses the centrality that occupies in Cicero's thought, which tries to complement wisdom and eloquence, reason and speech. Furthermore, the very fact that all virtues can be ascribed to the perfection of the rational part of the soul, including eloquence, strengthens the idea that, for the Stoics, speech is subordinated to reason.

Fourthly, once we have established that neither eloquence nor speech seem to play a substantial role in standard accounts of *oikeiōsis*, it still remains difficult to account for the passage from the appropriation of our children to the whole humanity. One might wonder whether this biological mechanism promoted by nature is sufficient to explain the complex degree of cooperation that characterises human beings, whom the Stoics regard as more capable of association than any other social animals. When it comes to accounting for the appropriation of fellow human beings who are not sages, it seems that there is a gap in the Stoic doctrine of *oikeiōsis*.

In the light of the foregoing discussion, I think it is reasonable to assume that the key role played by the interaction between *ratio* and *oratio* in *De Officiis* Cicero can be considered as a Ciceronian innovation that *de facto* enriches the mechanism of *oikeiōsis* devised by the Stoics, justifying how one can appropriate people who are neither their children nor members of their family. I think the main indication that Cicero introduced a new component to the articulation of the mechanism of *oikeiōsis* is to be found in a key passage of *De Officiis*, which was already considered in Section II, where, after having examined the love one feels towards one's children and relatives as a starting point of human sociability, Cicero turns to the ultimate principle of connection promoted by nature between all human beings: 'that bond of connection is reason and speech, which by the processes of teaching and learning, of communicating, discussing and reasoning associate men together and unite them in a sort of natural society (*conciliat inter se homines coniungitque naturali quadam societate*)'.[257] Now, the use of the verb *conciliare*, which is one of the two terms together with *commendare* used by Cicero to render *oikeiōsis* in Latin, suggests that the interaction of reason and speech is a form of rhetorical *oikeiōsis*, so that human beings by talking to each other comes to feel concerned for the wellbeing of their fellow human beings. This suggests that Cicero's reworking of the Stoic notion of *oikeiōsis* represents a way of filling what might be considered a conceptual gap

[252] SVF 1.221.
[253] *Ibid.* 1.220, 1-2.
[254] *Ibid.* 1.216.
[255] *Ibid.* 2.131.
[256] *Ibid.* 3.332, 612, 615.
[257] Cic. *Off.* 1.50.

in the mechanism as it is framed by the Stoics by inserting speech, in its rhetorical dimension, as part of the mechanism of appropriation of people other than us and our family.[258]

Of course, it cannot be completely excluded that Panaetius included speech in his theory of *oikeiōsis*. However, I think there are good reasons to think that Cicero might well be presenting his own version of *oikeiōsis*. Firstly, it is necessary to observe that it is extremely challenging to discern Panaetius from Cicero in *De Officiis*. Indeed, not only the lack of external evidence makes it almost impossible to distinguish what is Panaetian from Cicero, who is our primary source for Panaetius, but also Cicero makes clear that he does not follow the Stoics 'as a translator, but, as my custom, I shall at my own option and discretion draw from those sources in such measure and in such a manner as shall suit my purpose'.[259] As Dyck observes, relying on mostly internal evidence can easily result, when doctrines that cannot be sufficiently attested through an examination of other sources are involved, in circular readings of the text that strengthen our bias on what doctrines should be considered as Stoic borrowings.[260] In this regard, from a methodological point of view, my reading of Cicero has attempted to include as many texts as possible from other works, both from Cicero and other authors. Secondly, there is circumstantial evidence that Panaetius might not have been particularly keen on eloquence since, as we have seen, in *De Oratore*, Scaevola, who presents himself as a Stoic who studied with Panaetius, strongly opposes Crassus' claim that eloquence should be regarded as the foundation of human society, defending the thesis that men who were wise and far from eloquent played a key role in this process. Thirdly, I have shown that, even if the Stoics took up Plato's challenge of developing a philosophical rhetoric and held that only the Stoic sage is eloquent, proficiency in speech is just one of the long list of virtues of the sage, which ultimately derive from the excellence of the rational part of the soul; as a result, eloquence plays a substantially less significant role in their philosophy compared to Cicero, who, as we have seen, defends the complementarity of reason and speech in his picture of human nature. This lack of centrality is also testified by the absence of an account of the role of speech in the doctrines where we might expect to find it, such as the theory of *oikeiōsis*. Fourthly, as I have illustrated throughout this chapter, the theme of eloquence as the foundation of human sociability is a theme that is advanced consistently throughout the Ciceronian corpus, from Cicero's first youthful work, *De Inventione*, to the last, *De Officiis*. Rather than postulating that Cicero was inspired by Panaetius or another Stoic in each of his works (including *De Inventione* and *De Oratore*), I think it is more reasonable to conclude that

[258] *Contra* Kennerly 2010. Of course, this Ciceronian version *oikeiōsis* should not be considered as something at work in all the texts examined in this chapter, but rather as a later development of Cicero's views on the role of eloquence.
[259] Cic. *Off.* 1.6.
[260] Dyck 1996, pp. 18-21.

Cicero's thesis of the centrality of the interaction between *ratio* and *oratio* as the distinctive feature of human nature and the foundation of civilization is inspired by the rhetorical tradition originated from Isocrates and, in his philosophical treaties, he integrates this conception of human nature with Stoicism.

Chapter II

Action, Contemplation and Eloquence in Cicero's picture of the Statesman

Ancient political philosophers from Plato onwards directed most of their reflections on the issue of preventing internal strife and factionalism within the community by establishing a just political order. This effort was largely devoted to constitutional theory and translated into the question of the best political regime. However, a far from negligible role in the political philosophy of thinkers such as Plato and Aristotle is played by the expertise of the individuals who would be entrusted with the government of the city; and, for this reason, they framed the problem of politics, to a large extent, as a problem of the ruler's competence and capacities. Indeed, they worked on the assumption that no political order could be stable unless its leaders were adequately prepared for the task. Similarly, Cicero worked on the assumption that the best constitution could not survive alterations that are naturally bound to occur, unless competent leadership is able to steer wisely the helm of the state,[261] and much depends on the customs and morals of the ruler and his people.[262] In this regard, modern scholarship has examined the so called *rector rei publicae* and his exact role within the Republic.[263] Now, one issue concerning Cicero's conception of the *rector rei publicae*, which appears to be a central figure in *De Republica*, is how this figure relates to the ideal orator promoted in *De Oratore*. Indeed, not only the ideal orator is characterised from the very beginning of the dialogue as an eminently political figure meant to guide the community, but also the very expression *rector rei publicae* is first introduced in this dialogue. Given that *De Oratore* and *De Republica* were written in the same years, Jonathan Powell argues that Roman readers would have understood this expression in a very similar sense.[264] Furthermore, as James Zetzel remarks, that Cicero's idea of *rector* is contained *in nuce* in *De Oratore* is also suggested by the fact that the two main speakers of *De Republica*, Laelius and Scipio, are named there as examples of *rectores*.[265]

In contrast, in *Cicero's Ideal Statesman in Theory and Practice*, Jonathan Zarecki has contended that, while being figures that share several features, such as knowledge of philosophy and law, Cicero's ideal orator and the *rector rei publicae* should be regarded as sharply distinct figures,

[261] Cic. *Rep*. 1.45.
[262] Schofield 2021, p. 84.
[263] Heinze 1924; Nicgorski 1991. Powell 1994; Zarecki 2014; Schofield 2021; Zetzel 2022; Mebane 2022. A much debated and long-standing issue is whether or not Cicero's *rector* foreshadows the Augustean principate. In recent times this interpretation has been defended by Zarecki 2014, whereas the essentially republican and not necessarily 'monarchic' nature of the rector has been defended by Heinze 1924, Powell 1994, and recently by Mebane 2022. Overall, I find the latter view more persuasive, as Cicero conceives of his *rector* as a figure that is meant to operate within the mixed constitution and there is no reason to think that there might not be more than one *rector* per time.
[264] Powell 1994, p. 21.
[265] Cic. *De Or*. 1.211; Zetzel 2022, p. 166.

due to their respectively different political ideals. Indeed, Zarecki claims that not much time after the composition of *De Oratore* Cicero changed his mind about the role of oratory:

> While *De Oratore* emphasizes the utility of philosophy for the orator, there was, by 52, no longer any tangible reason to believe that oratory could make a significant impact. *De Re Publica*, therefore, leaves oratory to the past, and focuses instead on more practical means by which a statesman can preserve the *res publica*. Wilkinson has written that 'if the *De Oratore* is Cicero's apologia, the *De Re Publica* is his *consolatio*'. (Zarecki 2014, p. 68)

In other words, according to this view, after *De Oratore* Cicero switched from a conception of an eloquent orator-statesman to an essentially civic leader. I think that this picture is rather partial and does not take into account Cicero's subsequent remarks on the role of oratory in the conduct of public affairs. Overall, this chapter aims to illustrate that, throughout his philosophical career, and despite the dire political situation, Cicero continued to advocate an ideal of statesmanship that includes eloquence, and that this alliance between oratory and statesmanship is something inherently embedded in his conception of what it means for him to act politically in the context of a free state governed through deliberative institutions.

In the first section, I will focus mostly on *De Inventione* and *De Oratore*. More specifically, I will show how Cicero considers eloquence as playing an essential role in the discharge of the duty of leading a *vita activa*, enabling reason to exert a real influence on the community. Furthermore, I will also discuss the idea, expressed in these works, that the statesmen of old combined wisdom and eloquence as one and the same expertise and, more generally, the proposal of reconciling philosophy and oratory. In this regard, for heuristic reasons, I will take into account the interpretation of Cicero's synthesis of philosophy and oratory advanced by Harry Mortimer Hubbell, who, in his study of Isocrates' influence on Cicero, advanced the thesis that Cicero drew his general conception of oratory from Isocrates.[266] However, while agreeing that the character of Crassus expresses views that can be characterized as Isocratean, I will argue that, unlike Isocrates, who operated in a transitional period in which there were no clear boundaries between disciplinary fields, Cicero is aware that at his time rhetoric and philosophy were highly specialized and differentiated from each other, making it particularly hard to imagine an all-inclusive expertise capable of restoring the original unity of thought and speech.[267] Therefore, Cicero prescribes a coordination of philosophy and rhetoric rather than a new discipline that surpasses established disciplinary boundaries. His orator-philosopher will

[266] Hubbell 1913, p. 19.
[267] Schiappa & Timmermann 2010.

learn from traditional philosophers the theoretical knowledge that is functional to his task of delivering speeches, leaving to them that contemplative activity that Aristotle regarded as the very core of philosophy.

The second section will be mostly focused on the issue of the right balance between contemplative studies and participation in the political life of the community. In particular, I will show how in *De Oratore* Cicero introduces key themes in his speculation on the best kind of life and on the way to turn philosophy into something beneficial for human welfare. Among these themes: the idea that the value of philosophy lies in its possibility of being applied to the government of the state; the criticism of a self-secluded and ineffectual σχολαστικὸς βίος; and the idea of limiting the amount of time devoted to contemplation, lest action be hindered. I will show how these themes, which are first introduced in *De Oratore*, are discussed transversally in later works by Cicero, both philosophical and rhetorical. Moreover, I will examine Cicero's evaluation of the different contributions each of the three subdivisions (natural philosophy, dialectic, and ethics) has to offer, establishing a hierarchy among philosophical disciplines.

The third section will be devoted to the issue of whether Cicero continues to regard eloquence as a key trait of his statesman after *De Oratore*. I will begin by examining the works written soon after *De Oratore*, namely *De Republica* and *De Legibus*, showing how there are several indications that eloquence plays an important role in those works, even though the emphasis is generally shifted to the civic dimension of statesmanship, as it befits the subject under investigation. The same holds true in later works, especially *Brutus* and *De Officiis*, where, in the context of the civil war that plagued the Republic and the subsequent dictatorship of Caesar, Cicero is consistently committed to the idea that eloquence plays a key role in developing an alternative to a politics centred on military power, political violence, and factionalism.

In the remaining two sections, I will focus on more specific issues that emerge from an examination of Cicero's political theory from the perspective of rhetorical theory and *vice versa*. In Section IV, I will focus on an important aspect of Cicero's conception of the mechanism that allows the statesman to improve the morals of the ruled. Indeed, in *De Republica* and in *De Legibus*, a central role is played by the character of the statesman, which influences the behaviour of his fellow citizens not only through wise legislation, but also by making himself into an *exemplum* that is to be imitated by others. Overall, modern scholarship regards this idea as deriving either from Plato or from Xenophon.[268] However, I will argue that the kind of imitation described by Cicero is not compatible

[268] Ferrary 1995; Dyck 2004, p. 523.

with this reading and is more easily understood as a transfer of the theory of imitation from rhetorical theory into political theory.

In Section V, I will examine Cicero's overwhelming emphasis on forensic oratory. Even though the greater emphasis put on forensic oratory is somehow a general trait of Cicero's rhetorical theory, this is particularly striking in *De Oratore*, where, as Elaine Fantham has highlighted, there is a contrast between the encomia of eloquence uttered at the beginning of Book I and II by Antonius and Crassus, which clearly emphasise the political dimension of oratory, and the actual treatment of the three rhetorical genres. Indeed, Antonius devotes most of his attention to forensic oratory, dedicating only a rather brief appendix on *contio*.[269] This issue had been already examined in the fourth volume of the commentary to *De Oratore* by Leeman, Pinkster and Wisse, where it is rightly observed that, on the one hand, this focus on forensic oratory is perfectly compatible with the forensic-oriented Hellenistic handbooks, as is testified by comparison with *De Inventione* and *Rhetorica ad Herennium*.[270] On the other hand, the significantly reduced amount of space devoted to deliberative oratory would be accounted for if we take into account that much of the material covered by Antonius on forensic oratory is actually applicable to all genres of speech, and, therefore, there would be no need to repeat the same things in the treatment of deliberative oratory.[271]

This explanation is reasonable, but I think that there are more general reasons why Cicero seems to give preference to the forensic genre. Firstly, compared to the Greeks, at the base of Cicero's stance on the matter there is a different cultural attitude unique to the Romans, who held forensic activities as a worthy pursuit for a member of the elite.[272] Secondly, I will show that Cicero's emphasis on forensic oratory can also be explained in the light of his conception of the state, whose role is to guarantee the protection of individual rights which are defended first and foremost in the forum.[273] Thirdly and finally, I will focus on another aspect which is present as early as *De Inventione*, but which receives the most detailed account in *De Officiis*, namely the role of forensic oratory in the construction of a successful political career that would allow the aspirant statesman to become a prominent figure within the community. In this regard, the activity of protecting the rights of fellow citizens under trial allows the statesman to conquer the benevolence of the people, becoming before their eyes a true protector to which they can entrust their future.

[269] Fantham 2004, pp. 209-210.
[270] Leeman, Pinkster, Wisse 1996, vol. 4, pp. 43-46.
[271] Especially in Cic. *De Or*. 2.104, 114–15, 131, 145–6, 147–50, 162–175; Cf. Leeman, Pinkster, Wisse 1996, vol. 4, pp. 44-46.
[272] For a discussion of the Roman cultural context for Jurisprudence see Kennedy 1972, pp. 7-18; Rawson 1985, pp. 201-214; Fantham 2004, pp. 102-130.
[273] Atkins 2013, pp. 120-154. Schofield 1995; Schofield 2021, pp. 37-38 and pp. 68-88.

Section I – Eloquence between *theōria* and *praxis*: From *De Inventione* to *De Oratore*

Cicero starts his youthful *De Inventione* with the issue of 'whether men and communities have received more good or evil from oratory and a consuming devotion to eloquence'.[274] On the one hand, Cicero observes that, especially in recent times, men skilled in speech have been responsible for no small number of misdeeds and calamities; on the other hand, he remarks that history indicates that in a remote past 'many cities have been founded, that the flames of multitude of wars have been extinguished, and that the strongest alliances and most sacred friendships have been formed not only by the use of reason but also more easily by the help of eloquence'.[275] Nonetheless, eloquence depends on wisdom to become an effective force in the community, and those who take up eloquence without the support of reason and morals are bound to cause harm to themselves and their country.[276]

Consistently with the picture of the origin of civilization we examined in Chapter I, in *De Inventione* Cicero portrays the statesmen of old as individuals who mastered both *sapientia* and *eloquentia*, and in virtue of that fruitful alliance they were able to serve the common good.[277] However, this original unity was disrupted, 'when a certain agreeableness of manner—a depraved imitation of virtue—acquired the power of eloquence unaccompanied by any consideration of moral duty, then low cunning supported by talent grew accustomed to corrupt cities and undermine the lives of men'.[278] Cicero explains this process as follows. Originally, the wise and eloquent statesmen of old were the only ones who took part in the administration of the state and applied their expertise to the most important affairs of state, but, at the same time, a second group, endowed with a certain degree of skill, handled the private cases in the forum that the former group overlooked.[279] Now, in this context, those people were accustomed to defending the side of falsehood and, eventually, their growing influence in the state compelled the best class of orators to defend their fellow citizens from them. Shockingly, the skilled immoral speakers defeated the orators of old, as 'one who had acquired eloquence alone to the neglect of the study of philosophy often appeared equal in power of speech and sometimes even superior, such a one seemed in his own opinion and that of the mob to be fit to govern the state'.[280] The result was that due to the misdeeds of immoral speakers the reputation of eloquence itself was damaged to the point that the best citizens started to shun oratory and secluded

[274] Cic *De Inv*. 1.1.
[275] *Ibid*.
[276] *Ibid.*
[277] *Ibid.* 1.3.
[278] *Ibid*.
[279] *Ibid*. 1.4.
[280] *Ibid*. 1.4.

themselves from society in the pursuit of other studies.[281] Cicero openly criticises this escape from public life, 'for the more shamefully an honourable and worthy profession was abused by the folly and audacity of dull-witted and unprincipled men with the direst consequences to the state, the more earnestly should the better citizens have put up a resistance to them and taken thought for the welfare of the republic'.[282] Cicero insists that the greatest statesmen of the previous generations had been aware that the fact that immoral speakers might misuse oratory to the detriment of the state makes the necessity of political participation to safeguard the common good even more compelling. In particular, he takes as *exempla* Cato the Elder, Laelius, Africanus and, interestingly (considering how Tiberius is later considered by Cicero as the embodiment of how oratory might harm the community)[283] the Gracchi.[284] Furthermore, Cicero adds that eloquence is worthy of being pursued on account of its utility for individual citizens. Indeed, by attaining eloquence, not only can one defend himself and his friends, but also acquire 'renown, honor and dignity' (*laus, honos, dignitas*)'.[285] This indicates that Cicero envisages eloquence as a way for ambitious individuals to acquire prestige within the community.[286]

Now, I want to stress that, according to this picture, the divorce between *sapientia* and *eloquentia* did not simply result in the statesmen of old exerting their own function without the assistance of speech; instead, they completely stopped involving themselves in public life, suggesting that rejecting oratory leads to the abandonment of the political life itself and to the exclusive pursuit of other activities. This makes clear that *sapientia* without *eloquentia* is turned into a voiceless wisdom that could hardly influence society on its own. However, while action and oratory appear so deeply connected that an individual cannot act politically if he is incapable of delivering a speech before an audience, Cicero makes clear that the art of ruling should not be regarded as one and the same as oratory. On the contrary, the art of rule, which here Cicero calls *civilis ratio*, is composed of many parts, and, while being a very important one, oratory is just one of them. Cicero concludes as follows: 'For I do not agree with those who think that political science has no need of eloquence, and I violently disagree with those who think that it is wholly comprehended in the power and skill of the rhetorician. Therefore we will classify oratorical ability as a part of political science'.[287] At the same time, it is worth remembering that, according to the picture provided in *De Inventione*, eloquence is

[281] Cic *De Inv*. 1.4.
[282] *Ibid*. 1.5. It is noteworthy that in *De Republica* Cicero makes this very argument that the presence of vicious individuals in the political arena is even more reason for wise citizens to intervene in public affair, lest the state is undermined (Cic. *Rep*. 1.9).
[283] Cf. Cic. *De Or.* 1.38.
[284] Cic. *De Inv.* 1.5.
[285] *Ibid*. 1.5.
[286] Cf. Levy 2014, pp. 63-66.
[287] Cic. *De Inv*. 1.6.

the medium that allows wisdom to become something capable of putting to profit the discoveries of reason so that they benefit human beings, starting, as we have seen in the last chapter, with the foundation of society itself.[288] As a result, from the preface to Book I of *De Inventione* we can infer that, from the very beginning of his intellectual career, Cicero regarded the pursuit of eloquence as something inherently connected to the pursuit of a *vita activa*.

In *De Oratore*, these insights, which are only sketched in the youthful *De Inventione*, are more thoroughly articulated, and significantly reworked in the light of Cicero's maturity both as a philosopher and as a leading politician. In particular, this holds true for the idea that eloquent rulers can more effectively benefit the state, but only if their eloquence is accompanied and guided by wisdom; also in *De Oratore*, statesmen of old are portrayed as men who mastered both *eloquentia* and *sapientia* until that original unity was broken, leaving secluded philosophers on the one side, and, on the other side, orators totally deprived of any substantive knowledge that can inform their speech and guide their actions for the sake of the community. In the preface to Book I of *De Oratore*, Cicero makes clear that the education of the true orator requires far more than what the precepts that rhetorical handbooks have to offer. [289] More specifically:

> It is at least my opinion that it will be impossible for anyone to be an orator endowed with all praiseworthy qualities, unless he has gained a knowledge of all the important subjects and arts. For it is certainly from knowledge that a speech should blossom and acquire fullness: unless the orator has firmly grasped the underlying subject matter, his speech will remain an utterly empty, yes, almost childish verbal exercise'. (Cic. *De Or.* 1.50-51)

In this regard, Cicero advances a criticism of the inadequacy of standard rhetorical handbooks that only deal with the formal aspect of oratory and neglect the subjects over which the orator is called to speak, *de facto* undermining the possibility of delivering a truly eloquent speech.[290] As we will see, throughout the dialogue the issue of what kind of knowledge and at what depth the orator should possess it is at the centre of the discussion, with a tension between a requirement of all-encompassing knowledge that would allow the orator to speak on any subject – which, as Jakob Wisse has pointed out, should be considered as a normative ideal whose role is to inspire aspirant orators with a model of the orator in his perfect form – and more pragmatic observations that take into account the limited

[288] Cic. *De Inv*. 1.2-3.
[289] Cic. *De Or.* 1.20, 1.60-61, 3.24. See also Wisse 2002 and Wisse & May 2004, pp. 9-12.
[290] Wisse 2002.

amount of time available, which would not allow the orator to discharge his duties as well, assigning priorities to different pursuits.[291]

Secondly, the connection between the pursuit of eloquence and the fulfilment of one's ambition of taking part in the political life of the city is suggested by Cicero's remark that, once Rome pacified the Mediterranean basin, and Greek ideas started to spread among members of the Roman elite, 'every ambitious young man (*cupidus adulescens*) thought he should devote himself to oratory with all the energy he had' [292] and started to learn what Greek teachers and writings had to offer in terms of theoretical knowledge of the principles of rhetoric. Their endeavours were motivated by 'the greatest rewards for this pursuit, in terms of influence, power and prestige (*exposita praemia vel ad gratiam vel ad opes vel ad dignitatem*)'.[293]

Thirdly, that eloquence plays a key role in the political life of a community is a central theme in Crassus' encomium of eloquence, which I already mentioned in the last chapter with regards to the issue of human nature and the origin of civilization. There Crassus emphasises how eloquent speech is something very powerful, through which we can perform truly political acts, such as directing our fellow citizens, quenching popular unrest, defending oneself or others in the forum, or persuading the senate to follow a given line of action.[294] Crassus concludes that:

> the leadership and wisdom (*moderatione et sapientia*) of the perfect orator provide the chief basis, not only for his own dignity, but also for the safety of countless individuals and of the state at large. Therefore, young men, continue your present efforts and devote all your energies to the pursuit you are following, so that you can bring honor to yourself, service to your friends, and benefit to the state. (Cic. *De Or.* 1.34)

As with *De Inventione*, in *De Oratore* Cicero (via Crassus) extols eloquence as something conducive to these three following benefits: 1) the commonwealth and the community at large; 2) the orator's friend; 3) the fulfilment of one's desire for honor.

As we have already seen, Scaevola raises objections against Crassus' encomium, criticizing both the idea that eloquent speakers rather than wise men were responsible for the establishment of civilization and the idea that 'the orator has the ability to express himself with all fullness in every discussion, whatever the subject of the conversation might be'.[295] In particular, against the former

[291] Wisse 2002.
[292] Cic. *De Or.* 1.14-15. Cf. Cic. *Tusc*. 1.5. For an historical account of how Greek formal rhetoric started to be cultivated in Rome Kennedy 1972, p. 3-103.
[293] Cic. *De Or*. 1.15.
[294] *Ibid*. 1.30-32.
[295] *Ibid*. 1.41.

claim Scaevola opposes examples of harmful politicians of the past who were eloquent and wise statesmen who were far from being proficient speakers – naming especially Tiberius and Gaius Gracchus – and opposing the eloquent harmful sons with their wise and not particularly talkative father.[296] Even if Crassus later mentions *en passant* that figures such as Solon, Laelius and Servius Galba were outstanding statesmen who stood out for their eloquence,[297] most of the subsequent discussion of the book is devoted to the issue of whether and to what extent the orator needs to master philosophical knowledge as a part of his expertise.

This theme comes back in Book III, where Crassus provides a historical account of an ancient time, when, far from being two separate things, wisdom and eloquence were practiced by the most excellent individuals who took upon themselves the administration of their community. Crassus claims that eloquence and wisdom were originally joined together into the same expertise: 'this method of thought and expression, this power of speaking is what the Greeks of Old called wisdom'.[298] Among the Greeks Crassus names Lycurgus, Pittacus, and Solon and, among the Romans, Coruncanius, Fabricius, Cato, and Scipio, who are all mentioned as outstanding examples of statesmen of old in possession of such a wisdom.[299] Accordingly, this ancient form of wisdom that combined thought and speech was instrumental in training outstanding statesmen both in Greece and Rome by teaching 'both right actions and good speech. Nor were the teachers separated from each other, but the same people gave instructions for living and for speaking'.[300] This implies that in ancient times, far from being two distinct disciplinary fields, philosophy and oratory used to belong to one and the same expertise. In a later passage, Crassus emphasizes that most of these sages of old were also the leaders of their communities.[301] In contrast, other thinkers (such as Pythagoras, Anaxagoras, and Democritus) preferred to devote themselves to the theoretical contemplation of the universe, rather than to the administration of their communities. Nonetheless, the ancient wisdom continued to be cultivated by outstanding statesmen such as Pericles, and some intellectual figures, while not being engaged in active politics, were teachers of this very wisdom. Isocrates was one of these teachers, together with Gorgias and Thrasymachus.[302]

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[296] Cic. *De Or*. 1.38.
[297] *Ibid.* 1.58-59.
[298] *Ibid.* 3.56.
[299] *Ibid.* 3.56; Cf. *Ibid*. 3.137.
[300] *Ibid*. 3.57.
[301] *Ibid.* 3.137.
[302] In regard to the relation between Gorgias, Thrasymachus and Isocrates, it is noteworthy that these three figures are treated together in Cicero's *Orator* as representatives of the epideictic genre. In particular, Isocrates is regarded as the apex of that kind of oratory, rather than its inventor: 'Both Gorgias and Thrasymachus were predecessors of Isocrates, so that his superiority to them was not in originality but in adaptation' (Cic. *Or*. 175-176; Fortenbaugh 1989, pp. 51-54).

In this context, it is also important to underline how Crassus describes those who opposed the last teachers of the ancestral wisdom: 'But in reaction to this, others appeared who on their part were amply endowed with learning and natural ability, but shirked politics and its responsibilities on deliberate principle; they criticized and scorned this practice of speaking'.[303] This indicates that those thinkers were against political participation, and their battle over the word "philosophy" eventually led to a life of retirement from active political duty, which was allowed by the joint use of an expertise that encompassed reason and speech alike. The rupture between eloquence and philosophy was caused by Socrates, who, despite being most eloquent, denied the title of "philosophers" to those who engaged in the study of eloquence, and 'in his discussions he split apart the knowledge of forming wise opinions and of speaking with distinction, two things that are, in fact, tightly linked'.[304] From here on all philosophers continued to follow Socrates in their despise of eloquence, leading to a fierce opposition between philosophy and oratory, whereas the rhetoricians became hostile towards wisdom, and the only interactions between the two camps were limited to borrowing what belonged to the other without restoring the original partnership of wisdom and eloquence.

Now, I want to consider more closely the role of the figure of Isocrates, who seems to play an important role in this narrative, being identified as one of the last teachers of the wisdom of old. In the context of the *Quellenforschung* approach many interpretations have been given on the single source that would have inspired Cicero's idea of reconciling philosophy and oratory[305], and, at the same time, other scholars have rightly observed that what Cicero is doing is just his own synthesis of many distinct elements drawn from his Greek learning, Roman culture and his own personal experience as an orator and prominent politician.[306] However, for heuristic reasons, I will now ponder the interpretation developed by Harry Mortimer Hubbell, who tried to show that 'Cicero's debt to Isocrates is not merely in rhythm and style, as has commonly been supposed, but that his whole attitude toward oratory as an art is drawn from Isocrates'.[307] Now, this thesis is helpful for two reasons. On the one hand, I think that Hubbell is right insofar as Isocrates' conception of philosophy plays a key role in Cicero's picture of the original unity of reason and speech, which I think is substantially similar to Isocrates' conceptualization of philosophy, as I will go on to show. On the other hand, I think that identifying this picture of the original unity of wisdom and eloquence as an

[303] Cic. *De Or.* 3.59
[304] *Ibid.* 3.60. It is significant to note the change of emphasis in Cicero's narrative. Compared to *De Inventione*, where the rupture of the original unity was broken by dishonest speakers, here the responsibility is mainly ascribed to the side of the philosophers (Cic. *De Inv.* 1.4-5).
[305] Kroll 1903: Antiochus of Ascalon; Hubbell 1913: Isocrates; Schulte 1935: Posidonius; Solmsen 1938 & 1941: Aristotle; Schütrumpf 1990: Plato; Reinhardt 2000 and Brittain 2001: Philo of Larissa.
[306] Prümm 1927; Barwick 1963; Kennedy 1963 and 1972; Leeman, Pinkster, Wisse 1981-2008.
[307] Hubbell 1913, p. 17.

Isocratean conception does not justify the general claim that Cicero's attitude to oratory is also Isocratean. On the contrary, I will show that, even though their similarities make this conclusion appear very attractive, Cicero and Isocrates belong to two very different stages of Western culture, and, for this reason, Cicero could not simply be pursuing the same cultural project of Isocrates.

From the foundation of his school, Isocrates depicts himself as the proponent of a conception of philosophy that combines the ability to act virtuously and speak effectively, promoting an education that has at its very core the composition of speeches. However, Isocrates vehemently emphasizes that he does not teach how to compose speeches suitable to be pronounced before a court, dismissing forensic rhetoric as it deals with private affairs that do not concern the public. Conversely, his eloquence addresses the most important topics that either pertain to affairs of state or issues involving the whole of Hellas, composing orations that are worthy of being delivered on the occasion of Pan-Hellenic assemblies.[308] The seriousness of the topics addressed by Isocrates is accompanied by an artful use of stylistic devices, emphasizing that his works are composed with music and rhythm and abound in figures of speech, so that 'all men take as much pleasure in listening to this kind of prose as in listening to poetry'.[309]

Similarly to Cicero, Isocrates believed that the power of eloquence is necessary for effective rule. Indeed, those who handle public affairs must act for the sake of the common good, but, in order to do so, they also must gain the goodwill of their people. Isocrates cites as example his disciple Timotheus, who, despite having greatly benefitted Athens as a general, was unjustly tried for treason and condemned to pay a heavy fine.[310] Even if the Athenians acted unjustly against one of their most capable generals, Isocrates argues that Timotheus was at fault as well, for 'he was by nature inept in courting the favour of men as he was gifted in handling affairs'.[311] Accordingly, Timotheus was regarded as arrogant, whereas many worthless orators were praised by Athens. Indeed, given that the multitude 'like those who cultivate their favour better than those who seek their good',[312] the power of goodwill (εὔνοια) is so great that 'no matter what you do they will not judge your conduct by the facts but will construe it in a light favourable to you; and if you make mistakes, they will overlook them, while if you succeed, they will exalt your success to the high heaven'.[313] Now, not only did Timotheus not seek the favour of the people, but he also alienated the most influential speakers, who, in turn, smeared his reputation, furthering suspicions against him. Isocrates advised Timotheus to

[308] Isoc. *Antid.* 46; cf. Ober 1998, p. 255; cf. Poulakos 2004, pp. 71-74.
[309] Isoc. *Antid.* 47; cf. Isoc. *Panath*.1-2; cf. Too 1995, pp. 19-26.
[310] Isoc. *Antid*. 129-131.
[311] *Ibid*. 131.
[312] *Ibid*. 133.
[313] *Ibid*. 134.

'pay court to them in order that you may be held in honour because of your own deeds and because of their words (διὰ τὰς σαυτοῦ πράξεις καὶ διὰ τοὺς τούτων λόγους)'.[314] From Timotheus' story, we can conclude that competent leadership is not sufficient on its own, but it needs eloquence to gain the support of the ruled. It could be observed that Timotheus' failure is Isocrates' failure, but this actually corroborates Isocrates' point that natural dispositions cannot be radically changed by education.[315]

Now, Isocrates maintains that, by teaching how to speak well and think right, his philosophical curriculum offers a more fitting education than that of his philosophical rivals, whom he defines as teachers of the art of disputation (περὶ τὰς ἔριδας). By that definition, Isocrates lumps together a rather heterogeneous group of thinkers devoted to allegedly sterile and barren verbal quibbles that serve no purpose in life.[316] Some of them are openly named, such as Parmenides, Empedocles, Alcmeon, Protagoras, Gorgias (who taught Isocrates himself) Zeno and Melissus.[317] However, some of his remarks were certainly directed, among others, against Plato and his associates.[318] Especially in the *Antidosis*, Isocrates holds that some of these masters of disputations, despite knowing the power of eloquence, oppose the study of oratory and propose an alternative curriculum that aims to improve their students by teaching them geometry, astronomy and related theoretical disciplines.[319] Plato regarded those studies as instrumental in attaining scientific knowledge (ἐπιστήμη) that can act as a better foundation for action than ever-changing and defective opinion (δόξα); and, while holding different views on the matter throughout his philosophical career, he never approved outright of traditional rhetoric.[320] This is apparent if we consider that Plato required that each expertise, including the art of ruling, be grounded in a form of ἐπιστήμη, and that theoretical studies play a key role in the training of the rulers in *Republic* and *Laws*.[321] Isocrates does not condemn these studies but argues that they cannot benefit our life in the way his rivals claimed, complaining that 'the most ridiculous thing of all, in my opinion, is this, that by these arguments they seek to convince us that they possess knowledge of the science of government (περὶ τῶν πολιτικῶν ἐπιστήμην)'.[322]

Isocrates consistently questions the possibility of a scientific knowledge that can guide our life, holding that 'it is not in the nature of man to attain a science by the possession of which we can know positively what we should do or what we should say'.[323] Indeed, as we have seen before, he

[314] Isoc. *Antid*. 137.
[315] Cf. Ober 1998, pp. 268-271.
[316] Isoc. *Antid*. 258; Isoc. *Helen* 6-7; Isoc. *C. Soph.* 1-2.
[317] Isoc. *Antid*. 268-269; cf. Isoc. *Helen* 2-5.
[318] Cooper 2004, pp. 72-73; cf. Hutchinson & Johnson 2010, pp. 5-6.
[319] Isoc. *Antid*. 258-262.
[320] Pl. *Grg*. 463a-466a; Pl. *Phdr*. 267a-269c.
[321] Pl. *R*. VII 525b-536e; Pl. *Lg*. VII 818b-d.
[322] Isoc. *Helen* 8.
[323] Isoc. *Antid.* 270-271; cf. Cooper 2004, pp. 74-76.

stresses that, even though it is not particularly difficult to learn the elements for composing a speech, the main challenge is selecting the right parts and arranging them in a way that fits the occasion of the speech. Given that the circumstances are ever-changing, there is no stable knowledge that can guarantee that we chose the right words for a speech and the same goes for right actions.[324] Infallible scientific knowledge does not belong to human nature, because it would require a form of prescience human beings simply do not possess.[325] However, this does not mean that Isocrates denies that human beings can attain any form of knowledge whatsoever. Rather, he only raises the objection that it is impossible to attain stable knowledge that can safely guide us through any circumstance that may befall us. Conversely, disciplines such as mathematics can well achieve a high degree of precision, but they serve no purpose in life. Like Plato, Isocrates contrasts knowledge (ἐπιστήμη) with opinion (δόξα), but, given his epistemological objection against the former, he draws the opposite conclusion that, while involving a certain degree of uncertainty, plausible opinions are more suitable to guide our actions.[326] Indeed, provided that theoretical disciplines can only achieve precise knowledge of things that have no bearing on our lives, Isocrates holds that 'likely conjecture (ἐπιεικῶς δοξάζειν) about useful things is far preferable to exact knowledge (ἀκριβῶς ἐπίστασθαι) of what is useless, and that to be a little superior in important things is of greater worth than to be pre-eminent in petty things that are without value for living'.[327]

Overall, Isocrates does not conceive of philosophy as the pursuit of a wisdom (σοφία) that consists in the knowledge of the natural world and of the right way of life, but as a training that allows its students to 'bring their opinions into closer touch with the occasions for applying them'.[328] Accordingly, Isocrates maintains that 'what some people call philosophy is not entitled to that name'.[329] Rather, Isocrates thinks that the wise man is the one 'who is able by his powers of conjecture to arrive generally at the best course', and he holds 'that man to be a philosopher who occupies himself with the studies from which he will most quickly gain that kind of insight (φρόνησιν)'.[330] Thus, unlike his academic rivals, Isocrates' philosophy is inherently practical and exclusively devotes itself to those studies that are applicable to our life, first and foremost, the study of eloquence.[331] Moreover, Isocrates' high esteem for well-established opinions and his appeal to imitate the forefathers result in a certain hostility towards innovation: 'we should not seek novelties, for in these

[324] Isoc. *Antid*. 184.
[325] Cf. Isoc. *C. Soph*. 2-3.
[326] Cf. Poulakos 2004, pp. 52-53.
[327] Isoc. *Helen* 5; Isoc. *De Pace* 8; Isoc. *Panath*. 248.
[328] Isoc. *Antid*. 184.
[329] *Ibid*. 270.
[330] *Ibid*. 271; cf. Depew 2004, pp. 161-163.
[331] Timmerman 1998, pp. 155-156.

discourses is not possible to say what is paradoxical or incredible or outside the circle of accepted belief, but rather we should regard that man as the most accomplished in this field who can collect the greatest number of ideas scattered among the thoughts of all the rest and present them in the best form'.[332] This suggests that the philosopher does not have to introduce anything new, since all plausible opinions we need already exist. His task will be limited to selecting the most plausible opinions and arranging them elegantly and in a way that is appropriate for the occasion.[333]

Isocrates' philosophy does not involve an effort to unveil the secrets of the universe, but it instead pursues those studies that can train citizens capable of taking part in the political life of their communities. Still, this does not mean that Isocrates completely dismisses theoretical studies. Indeed, while recommending not spending too much time on these disciplines, he argues that they should be pursued to some extent, since theoretical studies can prepare students for worthier pursuits.[334] Even so, Isocrates makes clear that this training is not to be regarded as a part of philosophy, but rather as 'a gymnastics of the mind and a preparation for philosophy'.[335] Thus, Isocrates' philosophy stands out as eminently practical and hostile to the contemplation of absolutes, being a training that aims to turn students into citizens capable of taking part in the life of the city by teaching them how to think right and speak well.

Another significant analogy between Cicero and Isocrates is that Isocrates defends his conception of philosophy as the wisdom of speaking and thinking well by ascribing this expertise to the great statesmen of the past, who excelled 'not only in birth and reputation, but in wisdom and eloquence (τῷ φρονεῖν καὶ λέγειν)'.[336]. More specifically, he takes as examples great leaders such as Solon, Cleisthenes, Themistocles and Pericles, stressing that their achievements were accomplished thanks to their ability to combine wisdom and eloquence.[337] For instance, Pericles was able to turn Athens into the most beautiful and wealthiest city of Greece 'because he was a good leader of the people and an excellent orator',[338] and Solon applied himself so much to the study of eloquence that he 'was named one of the seven sophists and was given the title which is now dishonoured'.[339] As a result, Isocrates concludes that a good ruler needs to combine wisdom and eloquence.[340]

[332] Isoc. *Ad Nic.* 41.
[333] Cf. Poulakos 2004, pp. 61-65.
[334] Isoc. *Antid*. 265-266.
[335] *Ibid*. 266.
[336] *Ibid*. 308.
[337] *Ibid*. 233-236; cf. Ober 1998, pp. 265-268.
[338] Isoc. *Antid*. 234.
[339] *Ibid*. 235.
[340] Cf. Hubbell 1913, p. 11.

This brief upshot of Isocrates' conceptualization of philosophy and of the argumentative strategies he employed to defend it appears to be uncannily similar to what we find in Book III of *De Oratore.* However, even if there are signs of an Isocratean influence on Cicero's picture of the original unity of speech and thought, and of the centrality of eloquence as a foundation of society, Cicero's proposal of reconciling philosophy and oratory is far from being the restoration of an original unity that would resemble Isocratean philosophy. Firstly, Isocrates proposes a conception of philosophy that does not clearly distinguish wisdom from eloquence, as it predates the establishment of rigid disciplinary boundaries between the arts of *logos*.[341] He also excluded from his definition of philosophy natural sciences and dialectical studies, considering as parts of philosophy only those subjects that prepare for action. In contrast, by philosophy Cicero unequivocally understands a disciplinary field that includes the study of nature, dialectic and human conduct, giving a different scope to the meaning of the word than Isocrates.[342] Secondly, the ideal orator proposed by Cicero does not mend the schism of *logos* by creating a new discipline that encompasses rhetoric and philosophy alike. Traditional philosophers and rhetoricians will keep teaching their disciplines separately; what changes is that Cicero's orator will master both philosophy and eloquence, uniting them under the same person.[343] Crucially, Crassus suggests that by combining wisdom and eloquence the learned orator surpasses post-Socratic philosophers, who are hindered by their lack of eloquence that makes them unable to exert an effective influence on society. If they grant the title of philosopher to the learned orator as well, the quarrel between philosophers and rhetoricians can finally come to an end.

> If, however, they keep the two distinct, they will be inferior in that all their knowledge is present in the perfect orator, while the knowledge of the philosophers does not automatically imply eloquence. And although they scorn it, yet it is inevitably true that eloquence somehow sets a capstone upon their arts. (Cic. *De Or.* 3.142-143)

In the light of this, far from mending the disciplinary schism between philosophy and rhetoric, Cicero proposes that his orator-statesman will need to combine philosophical knowledge and eloquence, arguing that there is no eloquence that can be such unless underlying knowledge accompanies it, since 'fullness of content begets fullness of words'.[344]

[341] Cf. Schiappa & Timmerman 2010, pp. 61-63.
[342] Cf. Natali 1985, pp. 240-241.
[343] Cf. Wisse 2002, p. 397.
[344] Cic. *De Or*. 3.125.

Section II – *Philosophari velle, sed paucis*

In the previous section, we showed how for Cicero the coordination of eloquence and wisdom is necessary for anyone who wants to act politically within the community. However, given the high degree of specialization and the impossibility of restoring the all-encompassing wisdom of old, a central concern in the dialogue is to solve two issues: 1) finding a right balance between contemplative studies and the active life that would allow one to reap the benefits of philosophy without leading to self-secluding inactivity; 2) determining which philosophical disciplines contribute the most to the orator's function and political action and should be given priority. I will examine both issues starting from *De Oratore*, where they are first introduced by Cicero, considering how these themes are developed in later works, both rhetorical and philosophical.

As to the first question, it might be pointed out that attaining such a level of proficiency in philosophy and oratory can be very hard, especially if we consider that, according to Crassus, the ideal orator is expected to know jurisprudence as well, recommending that he also possess the gestures and the voice of a consummate actor.[345] However, Crassus makes clear that he is talking about the ideal orator, admitting that, despite his own success as an orator, he himself would not meet those stringent criteria, since 'it is customary whenever any art or skill is under examination, to examine it in its ideal and perfect form'.[346] In contrast, it is far from true that *De Oratore* promotes a merely ideal standard that no living human being can live up to.[347] The consummate orator who can speak with distinction on any topics in virtue of his all-encompassing knowledge and rhetorical skills represents a normative standard towards which real orators should tend. Furthermore, throughout the dialogue, Crassus consistently suggests that an aspirant orator can perform his tasks properly without attaining perfect philosophical knowledge, thereby setting out less demanding requirements. Indeed, he remarks that 'we must not waste an entire lifetime in learning all this. But once we have seen the sources (and only those who get to know them quickly will ever get to know them at all), we will whenever the need arises, draw from them only as much as the situation demands'.[348] This implies that, generally speaking, contemplation is left to traditional philosophers, and the orator will learn the basics of dialectic and ethics from them, without committing himself to a life full of study, but returning to them every time he needs to acquire further knowledge. The fact that the orator devotes

[345] Cic. *De Or*. 1.128, 167-172. Cf. Wisse 2002, pp. 389-390; cf. May 2002, pp. 59-60.
[346] Cic. *De Or.* 3.84.
[347] Cf. Zarecki 2014, pp. 63-64. Cf. Wisse 2002.
[348] Cic. *De Or.* 3.124.

himself only for a limited amount of time to these pursuits is a necessity that derives from the tasks he is called to perform.

Indeed, Crassus argues that all arts are 'treated one way by those who turn them to practical use and another by those who take so much delight in their actual treatment that they do not intend to do anything else in their lives (*qui eas ad usum transferunt, aliter ab eis, qui ipsarum artium tractatu delectati nihil in vita sunt aliud acturi*)'.[349] The latter consists in the pursuit of a discipline for no other purpose than the acquisition of knowledge itself by contemplation; the former is the practical use of a knowledge whose end is to be found in its application to action, especially allowing the orator-statesman to perform his civic duties in the best possible way. These two approaches to knowledge are mutually exclusive, based on their ends. Indeed, Crassus observes that, while it is relatively easy for a talented person to get acquainted with the principles of philosophy that can greatly contribute to turning them into men capable of ruling wisely and speaking well, to achieve exact and deep philosophical knowledge is an endless task that would inevitably consume an entire life without reaching completion.[350] Clearly, this kind of commitment to philosophy would not allow the orator to deliver speeches before the senate and in the forum, making his expertise virtually useless. As a result, Cicero's orator does not take up philosophy as an activity worthy of being pursued on its own account, but his end is applying philosophical knowledge to action.

Now, the idea that it is essential to put philosophical expertise to use is defended by Cicero in later philosophical works. In particular, in the preface to Book I of *De Republica* Cicero argues that:

> virtue is not some kind of knowledge to be possessed without using it (*Nec vero habere virtutem satis est quasi artem aliquam, nisi utare*): even if the intellectual possession of knowledge (*scientia*) can be maintained without use, virtue consists entirely in its employment (*virtus in usu sui tota posita est*); moreover, its most important employment is the governance of states and the accomplishment in deeds rather than words of the things that philosophers talk about in their corners (*in angulis*)'. (Cic. *Rep*. 1.2.)

Generally speaking, this idea that the value of something is in its actual use is regarded as an Aristotelian concept that Cicero would have accessed indirectly, either through the mediation of Antiochus of Ascalon and Panaetius or through the work of later Peripatetics.[351] However, what is important here is that this idea, independently of its source, is used in these passages to express the requirement that the acquisition of knowledge is subordinate to the duty of taking part in the public

[349] Cic. *De Or*. 3.86.
[350] *Ibid*. 3.88; cf. Cic. *Off*. 1.8-9.
[351] Grilli 1971, pp. 27-48; Zetzel 1995, p. 99. Cf. Levy 2014, p. 69.

life of the community, and that philosophical knowledge without application is useless. Similarly, in his later *De Officiis*, Cicero holds that 'to be drawn by study away from active life is contrary to moral duty. For the whole glory of virtue is in activity (*in actione*); activity, however, may often be interrupted, and many opportunities for returning to study are opened'.[352] Furthermore, it is noteworthy that in *De Officiis*, Cicero explicitly connects eloquence to the conversion of theoretical knowledge into practice: 'much speaking (if only it contain wisdom) is better than speculation without eloquence (*eloquentia*); for mere speculation is self-centred, while eloquence (*eloquentia*) extends its benefits to those with whom we are united by the bonds of society'.[353]

Now, it appears that, both in *De Inventione* and in the more mature *De Oratore*, Cicero is concerned with the issue of turning philosophical knowledge into a positive force that can spread its benefits in the community by speech. At the same time, especially in *De Oratore*, where the initial responsibility of breaking the original unity of reason and speech is ascribed to the philosophers – Socrates above all – Cicero mounts a criticism that involves not only the ideal of the contemplative life but also that particular kind of θεωρητικός βίος which might be called σχολαστικὸς βίος, namely the life of the scholar engaged in studying and teaching, which does not necessarily exclude an endorsement in principle of the active life. In this sense, this accusation of leading a purely 'academic' life can be directed not only to the Epicureans, who formally upheld the idea that the sage will refrain from taking part in politics unless absolutely necessary, but also to the Stoics, who, while including political participation among the duties the sage will discharge, in their actual life, in many cases led a purely theoretical life, and they did not work to guarantee the spread of their knowledge to the benefit of others in a way that Cicero would approve.[354]

In *De Oratore* Cicero criticises those philosophers who, while devoting their attention to those subjects of the highest import that naturally belong to the field of the true orator, are the bearer of a self-secluding wisdom: 'Well, I give them leave to discuss such matters in their secluded corners (*in angulis*), just to pass their leisure time'.[355] This expression *in angulis* is a direct reference to Plato's *Gorgias* and more specifically to the character of Callicles, who holds that the philosopher 'becomes unmanly and avoids the centre of his city and the marketplaces—in which, according to the poet, men attain "preeminence"—and, instead, lives the rest of his life in hiding, whispering in a corner with three or four boys, never uttering anything well-bred, important, or apt'.[356] The very same expression *in angulis* denoting a tendency to self-seclusion is reiterated in Book I of De *Republica*, where Cicero

[352] Cic. *Off.* 1.19.
[353] *Ibid.* 1.156.
[354] Cf. Plut. *de Stoic. rep.* 1033b-e; cf. Grilli 1971, pp. 68-70.
[355] Cic. *De Or.* 1.57.
[356] Pl. *Grg*. 485d-3. All translations of Plato's works in this thesis are from Cooper 1997.

says: ‘even if the intellectual possession of knowledge can be maintained without use, virtue consists entirely in its employment; moreover, its most important employment is the governance of states and the accomplishment in deeds rather than words of the things that philosophers talk about in their corners’.[357] According to Callicles, philosophy is not a bad thing if pursued by young people as a part of their education; however, it is shameful for older people to continue to devote themselves completely to contemplative studies, neglecting participation in public life (even though it is not clear to me who is supposed to teach those disciplines if everybody stopped studying them once become an adult).[358] A similar consideration is made by Crassus who holds that, in contrast with the ancient sages who were at the centre of the political life of the community, new contemplative philosophers ‘transferred their attention entirely, some to the poets, some to mathematics, some to music; and others, such as the dialecticians, even produced a new game for themselves to pursue. And in these arts, which were devised to educate children’s minds in humane culture and virtue, they spent all of their time—yes, their whole lives’.[359]

Overall, if we take into account the criticism of Socrates as the breaker of the original unity of wisdom and speech, this appeal to Callicles might suggest that Cicero decided to take the side of the character of Gorgias and the Sophists in Plato’s *Gorgias*, and, in this regard, it is also worth noting the direct reference to the dialogue between Gorgias and Socrates, ‘he [Gorgias] was never defeated by Socrates and this dialogue of Plato’s is untrue, or, if he was, Socrates was obviously more eloquent and a more skilful speaker and, as you call it, a better and more copious orator’.[360] However, as we have seen, Cicero makes clear that philosophical knowledge is indeed necessary – what we should gather from these passages is generally that Cicero urges us to take into account the most compelling objections he could find against the risks of a completely theoretical life, maintaining a balanced middle position.

The same holds true for the degree of depth of philosophical studies that is proper to achieve. In *De Oratore*, Antonius makes this statement: ‘I have decided rather to philosophize like Neoptolemus does in Ennius’ play: only a little—for doing so throughout doesn’t seem right’.[361] The same quotation of Ennius is repeated by Laelius in Book I of *De Republica*,[362] and by Cicero himself in the preface to Book II of *Tusculanae Disputationes*.[363] Similarly, the limitation of the amount of

[357] Cic. *Rep*. 1.2.; Grilli 1971, pp. 49-70.
[358] Pl. *Grg*. 484c-d.
[359] Cic. *De O*r. 3.58.
[360] *Ibid.* 3.129.
[361] *Ibid.* 2.156.
[362] Cic. *Rep*. 1.30.
[363] Cic. *Tusc*. 2.1. Cf. Levy 2014, pp. 72-73.

time devoted to contemplation is also an important theme in *De Officiis*, where Cicero holds that in the pursuit of the virtue of wisdom two errors must be avoided: 'first, we must not treat the unknown as known and too readily accept it; and he who wishes to avoid this error (as all should do) will devote both time and attention to the weighing of evidence. The other error is that some people devote too much industry and too deep study to matters that are obscure and difficult and useless as well'.[364]

However, in the preface to Book I of *De Finibus*, Cicero appears to defend a thesis that is different from the limitation of contemplative studies originally advanced in *De Oratore*. Indeed, here Cicero replies to those, who, for different reasons, would object to his philosophical endeavour:

> The second class of critics, who, however much they approve of philosophy, nevertheless would rather have it less eagerly prosecuted, are asking for a restraint that it is not easy to practice. The study is one that when once taken up admits of no restriction or control. In fact, the attitude of the former class, who attempt to dissuade us from philosophy altogether, seems almost less unreasonable than that of those who would set limits to what is essentially unlimited, and expect us to stop half-way in a study that increases in value the further it proceeds. (Cic. *Fin.* 1.2-3)

Strikingly, Cicero argues here that not only it is not possible to set a clear limit to contemplation, but also that the more one delves into philosophical studies, the more they become valuable. Now, this position might be explained on the basis of a change of circumstances in Cicero's life. Carlos Levy argued that Cicero struggled throughout his life to decide what kind of life he was going to live: a) a fully theoretical life dedicated to teaching and contemplation; b) a life where philosophy would play a role even though not the most important; c) a fully practical life.[365] In particular, Levy argues that in works such as *De Finibus*, given the condition of the Roman Republic, Cicero would have been tempted by the option of leading a fully theoretical life devoted to teaching – not as a true alternative to the practical life, but as something better than complete idleness.[366] Actually, Cicero, while disapproving of a completely theoretical life, gives an important role to professional philosophers as long as they investigate subjects that can be fruitfully employed in the government of the community. The necessity of such experts is *de facto* presupposed in *De Oratore*, given the limited amount of time available to study without hindering public duties and the resulting impossibility of attaining universal knowledge. Indeed, 'even in those cases that everyone admits to be the domain of the orators, there is often some element that cannot be derived from experience in the forum (the only

[364] Cic. *Off.* 1.19.
[365] Levy 2014, p. 61.
[366] *Ibid.*, pp. 71-72.

province that you grant them), but must be taken from outside, from some more obscure branch of knowledge'.[367] Here Crassus speaks of the contribution of figures that are not necessarily philosophers, such as military experts, scientists, architects, doctors and so on. Secondly, as we have seen, figures such as Gorgias and Isocrates are praised because they taught others what they needed to enter the political arena successfully, whereas professional philosophers will continue to exist and provide the orator with whatever knowledge he needs to fulfil his own function.[368] The same holds true in *De Republica*, where Cicero commends philosophers who investigated human conduct and politics, and observes that, even though civic duty and Roman ancestral wisdom are to be preferred, the best possible course for an aspirant statesman would be to combine such philosophical knowledge and practical experience built upon ancestral wisdom.[369] Similarly, In *De Officiis* Cicero holds that those philosophers who, while not directly taking part in the administration of the state, contribute to the common good by training the future statesmen and by writing on matters of political interest. Indeed, 'they seem to have devoted their retirement to the benefit of us who are engaged in public business (*ut otium suum ad nostrum negotium contulisse videatur*)'.[370] Therefore, this indicates how self-centred *otium* is disapproved by Cicero, because it leads to the neglect of the common good, whereas *otium* directed to *negotium* as a way to prepare oneself and others to *negotium* represents an alternative form of service to the community.

Now, for Cicero philosophy is a worthy pursuit and should be applied to action so that the whole community benefits from its discoveries with the help of eloquence. Given that too much speculation would necessarily lead to a self-secluded *otium*, the time devoted to philosophy should be limited. However, the issue of the extent to which one should study philosophy is not only quantitative, but also qualitative, raising the question of which philosophical studies should take priority in Cicero's eyes. In *De Oratore*, Crassus says that philosophy can be divided into three subfields: natural philosophy, dialectic and the study of human life and conduct. Of these three, 'this entire topic of human life and conduct must be thoroughly mastered by the orator, whereas the other two do not have to be learned with the same degree of precision'.[371] Whenever the occasion demands it, the orator can easily learn what he needs from the specialists of these other disciplines.[372] It is self-

[367] Cic. *De Or*. 1.59-60.
[368] *Ibid.* 3.59. Cf. Leeman, Pinkster and Wisse 1996, vol. 4, pp. 209-222.
[369] Cic. *Rep*. 3.4-6a. Cf. Zetzel 2022, pp. 238-239.
[370] Cic. *Off*. 1.156. Cf. Dyck 1996, p. 347.
[371] Cic. *De Or*. 1.69. A testimony by Sextus Empiricus suggests that this division was first introduced in Plato's Academy, especially by Xenocrates, and later adopted by the Peripatetics and the Stoics (D. L. VII, 39-41; Sext. Emp. *Adv. Math.* 7. 16; Long and Sedley 1987, pp. 160-162). The Epicureans accepted a similar tripartition; however, they substituted logic with 'canonic' or epistemology. Indeed, unlike the Stoics, the Epicureans held a rather critical stance towards logic (Cic. *Luc*. 97; *Fin*. 1.22; Fin. 2.18; D. L. X, 31; Sedley 2019).
[372] Cic. *De Or.* 1.69-70.

evident, even in the light of the previous paragraph, that Cicero thinks that the statesman will definitely benefit from the study of ethical-political subjects. However, Cicero's examination of the role of the other two branches of philosophy, dialectic and natural philosophy, is significantly more nuanced and should be looked at more closely.

Let us start with the other foremost art of *logos*, dialectic. In his handling of invention, Antonius clarifies the contribution that dialectic can give. Firstly, in the context of the presentation of his version of the status theory – a rhetorical theory devised by Hermagoras of Temnos that guided the discovery of the arguments by helping the speaker to identify the 'issue' at the basis of the dispute and prepare his case accordingly – Antonius holds that there are three possible kinds of status: what is done *(status coniecturalis*); what was its character (*status qualitatis*) and what name should be given to it (*status definitionis*).[373] Now, in many cases that concerns the character of some action, the point at dispute is related to the interpretation of a written document whose actual meaning is disputed because of the ambiguity of its formulation. The case can be solved by restoring the spirit of the law, adding those words to the formulation that lead to the solution of the case.[374] The study of these ambiguities is among the subjects covered by dialecticians and Antonius complains that, even if ambiguities are important in many cases, 'our dear friends the rhetoricians, who should be equally familiar with them, don't know them at all'.[375] Secondly, Antonius observes that dialectic can help us in evaluating the validity of arguments, however, he holds that 'this art—if it is indeed an art—offers no directions for how truth may be discovered, but only how it may be judged'.[376] A similar idea is expressed in *Topica*, where Cicero distinguishes διαλεκτική, the art of judgment thoroughly developed by the Stoics, from τοπική, 'an art which is both more useful and certainly prior in the order of nature'.[377] At the same time, Antonius criticises dialectic as a way of speaking that should not be employed in public speech as its subtleties make it unsuitable for achieving persuasion.[378] This makes clear that the role of dialectic is most important in the preparation of the case, helping the orator to identify some elements, such as the solution of ambiguities, that can be decisive in the construction of his argument.

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[373] For more details on the status theory see Clarke 1951, Leeman-Pinkster-Rabbie 1989, vol. 3, pp. 25-54. Heath 1994.
[374] Cic. *De Or.* 2.110-111.
[375] *Ibid*. 2.110-111.
[376] *Ibid*. 2.157-158.
[377] Cic. *Top*. 6-7. There is a consensus among scholars that there is little resemblance between Cicero's and Aristotle's *Topica*, and that, for this reason, Cicero's *Topica* is better understood against the background of contemporary Hellenistic rhetorical theory (Huby 1989, pp. 61-76; Barnes 1997, pp. 54-57; Reinhardt 2003, pp. 177-181). This is particularly striking, if we consider that in the prologue of his *Topica* Cicero claims that the aim of the work is to explain Aristotle's *Topica* to the rhetorician Trebatius, drawing from his own memory; however, as Barnes has pointed out, 'no one could read Aristotle's *Top*. and then "remember" it in the form of Cicero's *Topica*' (Barnes 1997, p. 56). All translation of Cicero's *Topica* in this thesis are from Hubbell 1949.
[378] Cic. *De Or*. 2.157-160.

However, it is important to observe that in his later *Orator*, Cicero adds that the definition of the subject under disputations is among the things dialectic can help the orator with, and, generally speaking, Cicero recommends that the orator masters logic, especially the logics of the Stoics and of Aristotle, 'although a speech is one thing and a debate another'.[379] Indeed, he writes that:

> The man whom we wish to be eloquent will, then, possess the ability to define the subject, and will not do it so briefly and compactly as is the custom in the learned discussion of philosophers, but with greater clarity and at the same time with greater fullness, and in a way better adapted to the ordinary judgement and popular intelligence. He will likewise, when the subject demands this, divide genus into definite species, so that no species may be left out or be superfluous. (Cic. *Or*. 117)

This indicates that the definition of the subject is important even though in the delivery of the speech will be conducted in a way that is adapted to the public and not in the same precise manner as in philosophical disputations. However, Cicero remarks that, while not using dialectic in his speech ordinarily, when the situation requires it, the orator will make use of more precise and thorough dialectical divisions.

A third aspect worth mentioning is that dialectic plays a key role in the organization of disciplines. In *De Oratore*, Crassus, while commending Roman laws, observes that Roman jurisprudence is hard to master because of the disorganization of its subject-matter, and that it would be extremely useful if its immense and confused material were to be systematized into a proper art (*ars*) in the same way as other disciplines, whose subjects were once disconnected and scattered. In this regard, the creation an art requires not only knowledge of the subject itself, but also another form of expertise 'that the philosophers claim is entirely theirs, in order to cement together material that had previously been disjointed and kept apart, and to tie it together with the help of a certain method'.[380] This art, which is nothing other than dialectic, enables the creation of new disciplines by reducing its subject material into a few classes.[381]

Finally, let us consider the study of nature. In *De Oratore*, Crassus remarks that natural science should not be cultivated with the same degree of precision as ethical studies and that, when necessary, the orator can learn what he needs for the composition of speech and unfolds scientific subjects more ornately and elegantly than what the experts themselves could do.[382] Similarly, in Book I of *De Re*

[379] Cic. *Or*. 113.
[380] Cic. *De Or.* 1.187-190. Cf. Cic. *Brut*. 150-157.
[381] Rawson 1978; Rawson 1985, pp. 132-142.
[382] Cic. *De Or*. 1.69-70.

Publica, the starting point of the discussion is the occurrence of a peculiar natural phenomenon, namely the appearance of two suns.[383] The issue is raised by Tubero who asks Scipio what he thinks about that, and Scipio expresses the desire to have the philosopher Panaetius there as he studied astronomy, although he expresses scepticism on the possibility of achieving precise knowledge of phenomena so apart from us. In this sense, Scipio argues that Panaetius has so much confidence in our ability to uncover the secrets of nature that 'he seems to see them with his eyes or even touch them with his hands'.[384] In this regard, Scipio regards Socrates 'all the wiser for having given up all concerns of this sort and for saying that research into natural philosophy seeks either things greater than human understanding can follow or things that have nothing at all to do with human existence'.[385] One after the other, other characters, Philus and Rutilius Rufus (who is ostensibly the one who told Cicero about the discussions reported in *De Re Publica*) join the discussion and express interest in uncovering the explanation of such an unusual natural phenomenon. At this point, Laelius enters the scene and, once having been informed of the subject under discussion, admonishes the participants:

> Laelius: Is that so, Philus? Are we so well informed about the things that concern our homes and the commonwealth that we are asking questions about what is going on in the sky? (Cic. *Rep*. 1.19)

Philus replies with the Stoic idea that the whole universe is our home that was given to us by the gods and represents a country we share with them.[386] Similarly, Philus remarks that the investigation into nature brings a lot of pleasure to those who desire to achieve wisdom, and that this holds true for himself and Laelius as well.[387] In the subsequent discussion, three important arguments in favour of the study of nature are advanced.

Firstly, Philus praises the celestial globe created by Archimedes, which was described to him by Galus, as a device that reproduced the motions of the sun, the moon and the five planets. This device shows how 'Archimedes had more genius than human nature'.[388] This suggests that the study of nature is a field where human intelligence can thrive, fulfilling its potential, and it is interesting how Scipio later contrasts Archimedes with another Syracusan, the tyrant Dionysius, whose accomplishment was the oppression of his fellow-citizens, something that is nothing more than what Archimedes with his globe achieved.[389]

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[383] Cic. *Rep*. 1.10.
[384] *Ibid*. 1.15.
[385] *Ibid*.
[386] *Ibid*. 1.19; cf. Zetzel 1995, p. 115.
[387] Cic. *Rep*. 1.19.
[388] *Ibid*. 1.22.
[389] *Ibid*. 1.28.

Secondly, it is observed that astronomical knowledge apparently unrelated to us can have an essential role in dispelling our fears and religious superstition. In particular, two examples are made. On the one hand, the aforementioned Galus who accompanied Lucius Aemilius Paullus, the father of Scipio, in a campaign in Macedonia, dispelled the religious fear caused by the sudden disappearance of the moon, clarifying how that was nothing but a natural phenomenon with fixed regularity and not a bad omen from the gods.[390] Similarly, it is also mentioned Pericles, who, instructed by Anaxagoras, was able to dispel the fears of the Athenian people by delivering a scientific explanation of an eclipse.[391]

Thirdly, Scipio himself observes that attaining knowledge of the working of the cosmos is something that can significantly contribute to changing our perspective of the world. Indeed, anticipating a theme which will be at the heart of the *Somnium*,[392] Scipio observes that, by gazing at the vastness of the universe, we learn that we live in a minuscule part of the universe and that earthly matters are far from having the importance that we attach to them: The man who is capable of entering into such a perspective 'thinks of military commands and consulates as necessary things, not as desirable ones, things that must be undertaken for the sake of performing one's duty, not to be sought out for the sake of rewards or glory'.[393]

To these arguments, Laelius concedes that these studies, which he does not hesitate to label as Greek, are indeed useful, but not as the highest pursuit. 'If studies of your kind have any value, it is this: they sharpen a little and seem to tickle the minds of boys, so that they can learn greater things (*maiora*) more easily'.[394] By greater things Laelius means primarily those things that affect the whole political community:

> Laelius: I will indeed speak, although I may earn your scorn, since you are asking Scipio about those things in the sky, while I think that the things before our eyes are more worth asking about. Why, I ask you, is the grandson of Lucius Aemilius Paullus, with an uncle like Scipio here, born into the most noble family and in this glorious commonwealth, asking how two suns could have been seen and not asking why in one commonwealth there are two senates and almost two peoples? As you see, the death of Tiberius Gracchus and, before that, the whole conduct of his tribunate have divided one people into two parts. […] Therefore, my young friends, if you listen to me, you should have no fear of

[390] Cic. *Rep*. 1.25.
[391] *Ibid*. 1.29.
[392] *Ibid*. 6.20-25.
[393] *Ibib*. 1.27. Cf. Zetzel 1995, pp. 117-118.
[394] Cic. *Rep*. 1.30. Cf. Isocr. *Antid*. 261-265.

> that second sun: either it is nothing at all, or – granting that it is as it appeared, so long as it isn't causing trouble – we can know nothing about such things, or, even if we knew all about them, such knowledge would make us neither better nor happier. But it is possible for us to have one senate and one people, and if we don't we are in very deep trouble; we know that things are not that way now, and we see that if it can be brought about, then we will live both better and happier lives. (Cic. *Rep*. 1.31-32)

Significantly, the astronomical anomaly of the two suns is used by Laelius to draw an analogy between the natural phenomenon itself and what actually happens before our eyes; while we are engrossed in this mystery of nature, the Republic is divided into two factions fighting each other.[395] Accordingly, Laelius conveys the urgency of paying attention to what happens on earth without being distracted by what happens in the skies and in the unfolding of the dialogue this observation marks the transition to the more properly political subject of constitutional theory. Laelius argues that we should not be distracted by the second sun, unless it creates troubles, because we could easily live without knowing the reason for this phenomenon but the same does not hold true for the discord within the community.

Now, as it has been rightly pointed out by James Zeztel, in the dialogue Laelius defends a pragmatic and action-oriented stance that is substantially similar to Antonius' position in *De Oratore*, and it is noteworthy that, not only they share a similar position, but they also make the same quotation from Ennius' *Neoptolemus*.[396] The same holds true for Scipio and Crassus, who defend a more philosophically-oriented approach. However, as we mentioned previously, while showing a more positive attitude towards scientific studies than Laelius, at the beginning of the discussion Scipio criticizes Panaetius for considering knowable something that cannot be known for certain and praises Socrates for having moved the focus of philosophy from the heavens to human affairs.[397] And, at the same time, the pragmatic Laelius is clearly described as someone with philosophical knowledge by Cicero himself: 'What can be imagined more perfect than Publius Scipio or Gaius Laelius or Lucius Philus In order to achieve the highest glory of great men, they added to the traditional knowledge of their own ancestors the imported learning of the Socratic school'.[398] This suggests that Scipio and

[395] Cf. Zetzel 1995, p. 121.
[396] *Ibid.*, p. 121. Zetzel 2022, p. 95.
[397] Cic. *Rep*. 1.15.
[398] *Ibid.* 3.5. In this context, the expression '*a Socrate adventiciam doctrinam*' indicates all Greek philosophers, who, one way or the other, descended from Socrates, rather than a particular philosophical school. This reading appears to be corroborated by the excursus of the history of philosophy presented in Book III of *De Oratore*, where all philosophers are presented as successors of Socrates (Cic. *De Or.* 3.56-73). It has been rightly observed that this picture is reductive and partially inaccurate (*e.g.* the Epicureans can hardly be presented as Socratics), but helps reinforce the overall narrative of a quarrel, initiated by Socrates, between philosophers and rhetoricians (Leeman, Pinkster, Wisse, 1996, vol. 4, pp. 220-223).

Laelius, as much as Crassus and Antonius, represent the tension within Cicero himself between the necessity of acquiring full philosophical knowledge and the necessity to avoid the neglect of one's duties towards the community.

This tension between scepticism on our possibilities to know the realities that are significantly apart from us, and the uplifting afforded by the study of nature is also expressed by Cicero himself in his *Academica*. On the one hand, there Cicero argues against Lucullus that no one can truly claim to 'know' the doctrine of physics: 'all these things are hidden, Lucullus, and shrouded in deep darkness: no gaze of the human intellect is strong enough to penetrate the heavens or enter into earth. We don't even know our own bodies or the locations or capacities of their various parts'.[399] This scepticism as we have seen is expressed by both Laelius and Scipio. At the same time, Cicero assigns an important role to the contemplation of nature, which is substantially similar to what Scipio argues in *De Republica*:

> And yet I don't think that such physical investigations should be dismissed. The observation or contemplation of nature provides the natural food, so to speak, for our minds and intellects. We rise up, we seem uplifted, we look down on human affairs, and, by thinking about lofty and celestial matters, we scorn our own affairs as small and petty. The process of investigation into the greatest (if also most hidden) matters has its own delight; and if we come across something that strikes us as truth-like, our minds are suffused with a thoroughly human pleasure. (Cic. *Ac*. 2.127)

Similarly to Scipio, Cicero argues that, even though true knowledge of nature might be extremely hard to achieve, the very attempt to investigate the mysteries of nature has a positive effect on our minds, changing the perspective from which we look at the world. And in this process, we can also enjoy a truly human pleasure. Significantly, these benefits are in no way undermined by the fact that we can hardly attain a level of knowledge that goes beyond probability. Analogously, it might also be argued that the scepticism over the possibility of attaining perfect knowledge, suggests that we take heed, lest our inquiry does not become an endless enterprise.

It is likely that the concern over not delving too much into the study of nature is not solely motivated by Cicero's scepticism, but also by a different approach to scientific disciplines in Roman culture compared to the Greeks, who were culturally more distinguished in those subjects. This observation is made by Cicero himself in the preface to Book I of *Tusculanae Disputationes*, where Cicero suggests that the extent to which a discipline is pursued depends on the degree of prestige

[399] Cic. *Ac*. 2.122.

enjoyed by that discipline in a given community. Now, 'with the Greeks geometry was regarded with the utmost respect, and, consequently, none were held in greater honour than the mathematicians, but we Romans have restricted this art to the practical purposes of measuring and reckoning'.[400] Instead, Cicero remarks the Romans were more focused on oratory.

However, even if it is true that for Cicero scientific knowledge is relatively less important than ethical studies and dialectic, he clearly thinks that his orator-statesman will need to have some command of them. Firstly, studying science as a general part of one's curriculum is meant to show that one is not ignorant. Indeed, in *De Oratore*, Crassus, making a reference to the opinion of the Roman poet Gaius Lucilius, holds that no one can be truly regarded as an orator unless he is educated in all liberal disciplines. Indeed, even though we do not use them in the handling of actual cases, the way we present ourselves to the public gives away whether we have learned about them, suggesting that being educated in scientific disciplines positively affects the way we speak, and, in turn, the way we are perceived by others.[401] Secondly, Cicero also suggests that in some cases themes drawn from natural sciences can be a magnificent adornment to a speech. This idea is substantially associated to the story told by Socrates in Plato's *Phaedrus* on the relation between Pericles and Anaxagoras:

> All the great arts require endless talk and ethereal speculation about nature: This seems to be what gives them their lofty point of view and universal applicability. That's just what Pericles mastered - besides having natural ability. He came across Anaxagoras, who was just that sort of man, got his full dose of ethereal speculation, and understood the nature of mind and mindlessness - just the subject on which Anaxagoras had the most to say. From this, I think, he drew for the art of rhetoric what was useful to it. (Pl. *Phdr*. 270a)

Cicero explicitly takes the anecdote that Pericles' eloquence was nurtured by the teachings of Anaxagoras, an eminently natural philosopher, from Plato's *Phaedrus*.[402] In *Orator,* referring to Pericles' case, he prescribes that the orator should certainly study thoroughly those ethical subjects that constantly come up in the course of a trial, but he 'should not be ignorant of natural philosophy either, which will impart grandeur and loftiness, as I said above about Pericles. When he turns from a consideration of the heavens to human affairs, all his words and thoughts will assuredly be loftier and more magnificent'.[403] Also, as we have seen above, in *De Republica* it is told how, by imparting

[400] Cic. *Tusc*. 1.4-5.
[401] Cic. *De Or.* 1.72-73. Cf. Leeman, Pinkster 1981, vol. 1, p. 129; Barwick 1963, pp. 5-6.
[402] Cic. *De Or*. 3.138-139; *Or*. 15; *Brut*. 44. Cf. Reydams-Schils 2015.
[403] Cic. *Or*. 119.

eloquently scientific knowledge, Pericles was able to dispel religious fears caused by not fully understood natural phenomena.[404]

Thirdly, theology should be regarded as a special case of a theoretical subject that should be thoroughly investigated, because the nature of the gods has a direct effect on the preservation of the commonwealth. Indeed, it is noteworthy that, in his account of the foundation of justice and legislation, Cicero makes use of the Stoic doctrine of the cosmic city, which understands the universe as the common home of human beings and gods. Accordingly, all rational beings are bound by a law, which coincides with the right reason of the divine mind that pervades the universe and provides the right standard for positive legislation.[405] Similarly, in the preface to Book I of *De Natura Deorum*, Cicero holds that the question of the nature of the gods is 'both highly interesting in relation to the theory of the soul, and fundamentally important for the regulation of religion (*ad moderandam religionem*)',[406] remarking that it is especially urgent to establish whether the gods intervene in human affairs because the devotion towards gods work on the assumption they take care of us and in a world without divine providence there could not be any piety, 'and in all probability the disappearance of the piety towards the gods will entail the disappearance of loyalty and social union among men as well, and of justice itself, the queen of virtues'.[407] And it is relevant to recall that in *De Legibus* Cicero assigns a very important role to the regulation of religion, concluding Book II with these words: 'once religion has been established, that is what is most important in creating a commonwealth'.[408] The same applies to divination. Overall, Cicero thinks that augury is a useful institution that deserves to be preserved for the sake of the common good;[409] however, Cicero remarks that any form of superstition should be removed from divinatory practices and religion in general, and that this result can only be achieved through a correct knowledge of nature.[410]

In the light of the foregoing discussion, we can draw the conclusion that, for Cicero, the life of political participation takes priority over a self-secluded contemplative life, and that philosophical studies, despite the truly human enjoyment they offer, should be pursued primarily to the extent that they can assist us in the discharge of our civic duties. In both philosophical and rhetorical works, Cicero addresses the question of what philosophical disciplines should be given priority, and he holds

[404] Cic. *Rep*. 1.29.
[405] Cic. *Leg*. 1.20-23. On the issue of natural law in Stoicism and its reception in Cicero see Watson 1971; Schofield 1995; Vogt 2008; pp. 161-216; Atkins 2013, pp. 155-187.
[406] Cic. *DND* 1.1.
[407] *Ibid.* 1.4.
[408] Cic. *Leg*. 2.69.
[409] Cic. *Rep*. 2.16-17; *Leg*. 2.31-33; *Div*. 2.148.
[410] Cic. *Div*. 2.149. For a discussion on Cicero's philosophy of religion see Wynne 2019. On Cicero's argument in *De Divinatione* see also Schofield 1986.

that the subject of human conduct is the most important and that dialectic and, especially physics, should be pursued to a lesser extent. However, it has been shown that not only in some cases the orator and the statesman will resort to the knowledge of experts in natural philosophy, but there are also specific theoretical subjects (such as the nature of the gods) that play a truly foundational role in legislation and in the organization of religion, and, for this reason, should be thoroughly mastered.[411]

Section III – Eloquence and Statesmanship after *De Oratore*

In the previous sections we showed how in his *rhetorica*, especially *De Oratore*, Cicero addressed the issue of finding the right balance between philosophical studies and the *vita activa*, so that his ideal orator will fulfil his function in the best possible way. At the same time, Cicero clearly conceives of his orator as a statesman to whom the welfare of the community is entrusted and, significantly, his idea of an eloquent ruler is strongly connected with his political ideals. Indeed, in their encomia of eloquence both Crassus and Antonius emphasise that not only the ideal orator is of great service to the state, but also that oratory as a method of conducting public affairs is at home in peaceful and free communities.[412] Secondly, it is significant that in *De Oratore* Cicero introduces for the first time the idea of the *rector rei publicae*, or 'he who understands as well as utilizes the means by which the state's interests are secured and advanced should be regarded as the helmsman of the state and the author of public policy (*hunc rei publicae rectorem et consili publici auctorem esse*)'.[413]

As has been observed by Zarecki, the *rector rei publicae* promoted in *De Republica* shares many key features with the ideal orator, such as the requirement of knowing philosophy, law, and possessing at least some practical experience.[414] However, even if it is certainly true, as Zarecki suggests, that Cicero does not explicitly say in *De Oratore* that the *rector rei publicae* is the *perfectus orator*, I disagree with the conclusion that the ideal of an orator-statesman advanced in *De Oratore* is abandoned by Cicero as soon as he wrote *De Republica* in favour of a *rector*, whose role is grounded 'in action, not words'.[415] Nor do I think that Cicero simply abandoned the idea that eloquence is necessary to the statesman because he would have lost hope in the possibility of oratory to exert a

[411] In this regard, I agree with Reydams-Schils' reading that, while restricting the role of natural philosophy, Cicero does not sever completely the connection, very strong in Stoic philosophy, between ethics and physics (Reydams-Schils 2015, p. 107).
[412] Cic. *De Or*. 1.30-31, 2.33-34.
[413] *Ibid.* 1.211.
[414] Zarecki 2014, pp. 62-63.
[415] *Ibid.*, p. 63.

real influence in a community increasingly plagued by civil strife and the ambitions of seditious military leaders.[416]

In this section, I will defend the thesis that Cicero consistently held that oratory is an essential part of statesmanship even after *De Oratore*. To this end, I will examine the works written after *De Oratore* in order to show that there is a continuity that is still present not only in the so called Platonic dialogues (*De Oratore*, *De Republica* and *De Legibus*), but also in later rhetorical and philosophical works, including *De Officiis*. I will illustrate that, despite his consternation concerning the current condition of the *Republic*, Cicero never gave up his ideals; on the contrary, the more the Republic grew engulfed in the flames of civil strife, the more he came to conceive of his ideal of an eloquent statesman as the sole alternative to the rule of violence and military power.[417]

Let us now consider the evidence that suggests that Cicero continues to conceive of his statesman as an orator. The first work after *De Oratore* is *De Republica*, which is described by Cicero himself as a work not only on the best constitution but also on the best citizen who is called to administer the state (*de optimo statu civitatis et de optimo cive*).[418] It appears that the issue of the statesman would have been mostly covered in Books V and VI, which are highly fragmentary.[419] Accordingly, this does not allow us to ascertain in detail what Cicero held in *De Republica* concerning the figure of the ideal ruler. Nonetheless, there are indications that Cicero's statesman continues to be a figure that needs eloquence to fulfil his role. Firstly, as I have shown in the last chapter on human nature, there is a fragment assigned to the preface to Book III, where Cicero holds that human beings are united through the bond of speech (*sermonis vinculum*), [420] and this indicates that eloquence remains an important factor in this work, playing the role of a civilizing force. Secondly, in *De Legibus* Cicero says that the role of eloquence as a force that conciliates human society was discussed by Scipio in *De Republica*, and this indicates that, even though we unfortunately do not have those sections, eloquence remains a factor under examination.[421] Thirdly, there are indications that eloquence continues to be something the statesman will need to rule. Indeed, there is a testimony drawn from Grillius' commentary to Cicero's *De Inventione*, which gives a sum-up of the qualities of the ideal statesman proposed by Cicero:

> In his *Republic* Cicero says that the leader of the commonwealth (*rei publicae rectorem*) ought to be a very great and very learned man, so as to be wise and just and temperate

[416] Zarecki 2014, p. 68.
[417] Cf. Fantham 2004, pp. 306-319.
[418] Cic. *Q. fr.* 3.5.1.
[419] Zetzel 2022.
[420] Cic. *Rep*. 3.3.
[421] Cic. *Leg.* 1.27.

> and eloquent (*ut sapiens sit et iustus et temperans et eloquens*), in order to be able to express fluently and easily his inner thoughts to rule the people. He also ought to know the law and to know Greek literature. That is demonstrated by Cato's actions: by studying Greek at an advanced age he indicated how useful it was. *(Cic. Rep.* 5.2b Grillius, *Commentary on Cicero's* Rhetoric, 28.14 Martin*)*

This passage includes three of the four cardinal virtues (*sapientia*, *iustitia*, *temperantia*) and it makes clear that Cicero conceived of *eloquentia* as one of the virtues of the statesman and that eloquence is necessary to discharge his duty of ruling.[422] Now, it is certainly true that what we have here is a paraphrase by Grillius, but this clearly indicates, as Powell observed, that it is hard to maintain that in Cicero's mind the ideal orator and the *rector rei publicae* were two sharply distinct political ideals, rather than significantly overlapping figures.[423]

More direct evidence of a link between oratory and statesmanship can be found at the end of Book I of *De Legibus*. Indeed, as we have seen in the last chapter, here Cicero includes a praise of philosophy, where he argues that philosophy needs to be accompanied by oratory to unfold its benefits to the community:

> Quomque se ad ciuilem societatem natum senserit, non solum illa subtili disputatione si bi utendum putabit sed etiam fusa latius perpetua oratione, qua regat populos, qua stabili at leges, qua castiget improbos, qua tueatur bonos, qua laudet claros uiros, qua praecept a salutis et laudis apte ad persuadendum edat suis ciuibus, qua hortari ad decus, reuocare a flagitio, consolari possit adflictos, factaque et consulta fortium et sapientium cum imp roborum ignominia sempiternis monumentis prodere.
>
> And when he realizes that he is born for civil society, he will realize that he must use not just that refined type of argument but also a more expansive style of speaking, through which 1) to guide peoples, 2) to establish laws, 3) to chastise the wicked and protect the good, 4) to praise famous men and 4) to issue instructions for safety and glory suited to persuading his fellow citizens, 5) to exhort people to honor, to call them back from crime,

[422] It is striking how in this testimony the cardinal virtue of courage is displaced by eloquence. Still, this does not necessarily mean that Cicero excluded courage from his treatment of the virtues of the statesman. Indeed, it is possible that Grillius simply neglected to include courage in his summary. In this regard, Powell has hypothesized that Plato's cardinal virtues play an important role in *De Republica*, especially in Cicero's account of the statesman's virtues; however, he makes clear that his reconstruction is hypothetical and cannot be proved unless the whole text is uncovered (Powell 2012).

[423] *Ibid.*, pp. 14-17.

> 7) to be able to comfort the afflicted, 8) to enshrine in eternal memorials the deeds and opinions of brave and wise men together with the disgrace of the wicked. (Cic. *Leg*. 1.62)

Here the *subtlis disputatio* is dialectic and the more expansive *oratio* is self-evidently the oratorical style of the orator. The distinction recalls the Stoic idea that dialectic and rhetoric are two parts of the logical division of philosophy, their difference consisting in their style, compact and subtle for dialectic, extended and characterised by long speech for rhetoric.[424] At the same time, this passage makes clear that Cicero continues to connect oratory to the function of the statesman, presenting a list of tasks performed through speech, which is significantly reminiscent of *De Oratore*, as most of them are featured in the encomia of eloquence by Crassus and Antonius. I have added numbers to the texts to make easier my discussion of these functions. Firstly, in 1) and 5), the role of speech in guiding the people and the necessity to speak in a way suited for persuasion are general requirements of *De Oratore*, which aims to equip the orator with the skills to lead the community by using speech suited to persuading the masses, something that philosophical eloquence was hardly able to achieve.[425] Secondly, tasks 2)[426] and 3)[427], the establishment of laws and the use of eloquence as a weapon to either defend or attack are mentioned by Crassus in his encomium. Thirdly, items 4) 6) 8) are present in Antonius' encomium in Book II, who mentions the role of the orator in 4)[428] praising the virtuous and 6) using his powerful speech to incite his fellow citizens to act virtuously and avoid misconduct,[429] and, finally, 8) the role of the orator in making the greatest deeds immortal, which is a clear reference to history,[430] and in this regard it is significant to recall that in the preliminary discussion at the beginning of *De Legibus* history is indicated as a literary genre particularly suited to an orator.[431] Finally, item 7), or the power of *consolatio* is mentioned in both encomia.[432] As a result, this clearly indicates that there are good reasons to think that in all the three Platonic dialogues Cicero continues to regard the connection between statesmanship and oratory as essential.[433]

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[424] Cf. Dyck 2004, p. 234.
[425] For 1) Cic. *De Or.* 1. 30-31, for 5) *Ibid*. 1.12-13. This aspect on how Cicero discerns what is persuasive will be more thoroughly assessed in Chapter III.
[426] 'Leges iudicia iura describere' (*Ibid*. 1.33-34).
[427] 'Quid autem tam necessarium, quam tenere semper arma, quibus vel tectus ipse esse possis vel provocare integer vel te ulcisci lacessitus?' (*Ibid*. 1.32.)
[428] 'Quis laudare bonos ornatius' (*Ibid*. 2.35).
[429] 'Quis cohortari ad virtutem ardentius, quis a vitiis acrius revocare' (*Ibid*. 2.35).
[430] 'Historia vero testis temporum, lux veritatis, vita memoriae, magistra vitae, nuntia vetustatis, qua voce alia nisi oratoris immortalitati commendatur?' (*Ibid*. 2.36; cf. *Ibid*. 2.51, 2.64).
[431] Cic. *Leg*. 1.5-10.
[432] Crassus: 'excitare adflictos' (Cic. *De Or.* 1.32). Antonius: 'Quis maerorem levare mitius consolando?' (*Ibid*. 2.36).
[433] On this passage of *De Legibus* see also Dyck 2003, pp. 234-235.

In *Brutus* this idea of a deep connection between oratory and statesmanship especially in a free state is reiterated from the very beginning of the dialogue in the preface, where Cicero remarks that Hortensius, Cicero's rival and friend who recently passed away, never had to witness:

> the spectacle of the Roman forum, the scene and stage of his talents, robbed and bereft of that finished eloquence worthy of the ears of Rome or even Greece. For me too it is a source of deep pain that the state feels not need of those weapons of counsel, of insight, and of authority, which I had learned to handle and to rely upon, - weapons which are the peculiar and proper resource of a leader in the commonwealth and of a civilized and law-abiding state. (Cic. *Brut*. 6-7)

In this passage Cicero refers to the rise of Caesar, who, having prevailed against Pompey in the civil war, successfully subverted the Roman Republic, putting an end to those free deliberative institutions within which eloquence thrived and excluding figures such as Cicero himself from the political arena.[434] Accordingly, it is certainly true that this dialogue casts a shadow of pessimism on the future role of eloquence in Rome. Still, it is equally true that, while lamenting the apparent death of oratory, Cicero continues to think that eloquence is essential to a ruler of a free and peaceful state.[435]

Indeed, in the context of the history of oratory articulated throughout *Brutus*, it is significant to underline that Cicero reiterates the claim that, while conceding that accomplished oratory is the fruit of a fully mature civilization, the practice of oratory was older than the relatively recent times of Athens. In particular, Cicero speculates that oratory played a key role in Greek society as early as the time of the Trojan war: 'surely even in Trojan times Homer would not have allotted such praise to Ulysses and Nestor for their speech unless even then eloquence had enjoyed honour'.[436] Cicero does not limit this picture to Greece only, but it extends it to Rome itself, assigning a key role to eloquence in the history of the Republic. Indeed, Lucius Brutus expelled the kings and founded the Roman Republic, and Cicero speculates that 'all this certainly could not have been accomplished without the persuasion of oratory'.[437]

It might be rightly observed that in the surviving sections of Book II of *De Republica* Scipio makes no mention of oratory in his account of the development of the Roman constitution. In particular, it is significant that here Lucius Brutus stands out for his virtue and his ability, and there

[434] For a discussion of the historical context of Cicero's *Brutus* see Narducci 2002a and Steel 2003.
[435] In this regard, Catherine Steel argues, I think convincingly, that Cicero, despite his pessimism over the political situation at Rome, does not fully rule out the possibility of a future return of eloquence (Steel 2003).
[436] Cic. *Brut.* 40. All translations of Cicero's *Brutus* in this thesis are from Hendrickson 1939.
[437] *Ibid*. 53-54. Cf. Narducci 2002, p. 413.

is no indication that he would have also been eloquent.[438] However, I think that this reflects a change of focus rather than a change of mind on Cicero's part. As we have seen in the previous chapter on human nature, Cicero emphasizes the oratorical dimension of his conception of the statesman in the rhetorical works and gives more attention to his civic role and virtue in the philosophical writings, whilst still presenting clear references to the oratorical dimension, indicating that he never stops to consider his statesman as a figure that will necessarily need the power of persuasion to carry out his tasks.

Now, Cicero himself recognizes that the account of ancient history in his *Brutus* is highly speculative, because 'before the age of Solon and Pisistratus there is no record of any notable speaker'.[439] And, more generally, he gives us hints that his rhetorical history might not always be perfectly accurate and asks Atticus, who is featured in this dialogue as one of the main characters, to allow him to tell a not necessarily accurate history, and to this Atticus replies: 'As you like, since the privilege is conceded to rhetoricians to distort history in order to give more point to their narrative'.[440] This suggests that this historical account is meant, among other things, to advance a general narrative that might steer the reader in a particular direction. That this might be an exhortation to pursue oratory as the proper way of taking part in the life of the state and achieving glory is suggested by Cicero himself, who remarks that, despite the lack of sources, his history aims to show that 'in an old and great state like ours where eloquence has held out the greatest rewards, all men have desired to be speakers, no great number have ventured to try, few have been successful'.[441]

There is another emergent element in *Brutus*, which is to a large extent connected to the status of civil war of the Republic and the rise of Caesar, namely the fact that Cicero contrasts the civil law-abiding figure of the orator-statesman and the military leader.[442] On the one hand, Cicero criticises Pompeius because he, 'destined by nature to pre-eminence, would have enjoyed greater glory for eloquence had not ambition for still greater glory drawn him off to the prizes of a military career'.[443] On the other hand, Cicero makes an interesting comparison between the inherent value of military and oratorical prowess, between the *orator* and the *imperator*. Indeed, he remarks that the one who excels in the field of eloquence rendered to Rome a greater service than any military commanders who might have conquered a fortress or two. The reason is that, apart from some examples of military leaders endowed with a genial talent for war and saved the Republic, 'the great orator is far more

[438] Cic. *Rep*. 2.46-47.
[439] Cic. *Brut*. 39.
[440] *Ibid*. 42-43.
[441] *Ibid*. 181.
[442] Zarecki 2014, pp. 105-131.
[443] Cic. *Brut*. 240.

significant than the mediocre military leader'.[444] Cicero concedes that military leaders are necessary and that they help the state too, but here draws the following analogy, comparing generalship to building roofs and oratory to carving sculptures: 'it was more important for the people of Athens to have tight roofs over their heads than to possess the famous ivory statue of Minerva; yet I should have preferred to be a Phidias than to be a master-roofer'.[445]

In *De Officiis*, it is significant that in his discussion of the just war theory,[446] Cicero holds that when a dispute among peoples occurs there are two possible way of solving it, either by discussion (*per disceptationem*) and by force (*per vim*), and 'since the former is characteristic of man, the latter of the brute, we must resort to force only in case we may not avail ourselves of discussion'.[447] This makes clear that, even if there might be situations that compel us to wage war, this generally happens when the solution of the issue could not be found otherwise. Secondly, Cicero remarks that the achievements of peace are more important than those attained in war; indeed, winning a war helps the state once, but passing good laws and establishing healthy institutions will serve it forever, since 'for arms are of little value in the field unless there is wise counsel (*consilium*) at home'.[448] In a similar vein, Cicero exalts his own consulship: 'Did not arms yield to the toga, when I was at the helm of the state?'.[449] In this context, unlike *Brutus*, Cicero clearly means something broader than the orator, referring to the superiority of any form of civic service to the state over military achievements.[450] However, in *De Officiis* we find an indication that for Cicero the term *toga* does not only indicate the magistrate, but also the orator. Indeed, in Book II, Cicero draws a comparison between jurisprudence and eloquence, concluding that the latter is superior to the former and that 'it was in the dignity of the toga (*in toga dignitatis*), therefore, that our forefather assigned the foremost rank among the civil professions'.[451] It is significant that in this passage Cicero uses the expression *in toga dignitatis* as a synonym for eloquence, and this indicates that, when Cicero uses the image of the toga to exemplify his consulate, he does not refer to a non-oratorical figure.

Before trying to investigate some aspects of Cicero's political thought in the light of rhetorical theory and *vice versa* in the following sections, I want to point out an isolated reference to *eloquentia* as a distinctive quality of the statesman. In Book IV of *De Finibus*, in his argument against the Stoics,

[444] Cic. *Brut*. 256.
[445] *Ibid*. 257.
[446] For a recent examination of this see Atkins 2023.
[447] Cic. *Off*. 1.34-35.
[448] *Ibid*. 1.76.
[449] *Ibid*. 1.77.
[450] Cf. Dyck 1996, pp. 208-210.
[451] Cic. *Off*. 2.66. A similar idea is expressed in *Orator*, 'will anyone ever doubt that in peaceful civil life eloquence has always held the chief place in our state, and jurisprudence has been on secondary importance?' (Cic. *Or*. 141-142).

Cicero criticizes Zeno for using a different terminology to convey in a more abstruse ways doctrines he had learnt from Polemo and the other philosophers of the Old Academy, starting from Plato. Against the barrenness of Zeno's formulation, Cicero boasts that early Academics wrote extensively on all that could equip anyone who wished to take part in public life, both in the fields of political philosophy and of eloquence, remarking that 'eloquence again is the proudest distinction of the statesman'.[452] In conclusion, it has been shown that Cicero did not change his mind on the political role of eloquence after *De Oratore*, embracing an exclusively civic conception of the ideal ruler; on the contrary, throughout his later rhetorical and philosophical works, he makes clear that the power of eloquence is instrumental in creating a peaceful and humane way of conducting public affairs, representing the sole alternative to violent rule by military might.

Section IV - Imitation and Statesmanship

The most important task of Cicero's statesman is the preservation of the commonwealth, steering the helm of the state especially through times of crisis. Indeed, the role of political leadership is decisive in Cicero's overall argument concerning the best constitution, which strongly needs the intervention of a wise ruler so that constitutional balance is preserved.[453] Furthermore, Cicero holds that the statesman will need the ability to recognize signals that a potentially disrupting constitutional change is about to occur and act accordingly.[454] It is significant to underline that, even though the decay of constitutions is a substantially natural process that is a sublunar analogue of the motion of the stars, Cicero regards the death of the commonwealth itself as something that defies the natural order and an event so grave that Laelius compare the destruction of a state with the death of the world itself.[455] This resonates with what Scipio is told by Africanus, namely that the gods hold particularly dear those who ruled and preserved the states, reserving a space of beatitude for them in the sky.[456]

The statesman will not discharge this duty solely by legislation, but he is also responsible for the morals of his fellow citizens.[457] Indeed, in both *De Republica* and in *De Legibus*. Cicero makes clear that the statesman needs to bring not only prosperity and safety, but also to make his fellow citizens virtuous, and in the pursuit of this objective his behaviour plays an essential role:

[452] Cic. *Fin*. 4.60-62.
[453] Schofield 2021, pp. 83-90.
[454] Cic. *Rep*. 1.45. Cf. Powell 2012, pp. 24-25.
[455] Cic. *Rep*. 3.34.
[456] *Ibid*. 6.13.
[457] Ferrary 1995; Powell 2012.

Laelius: Now I see what kind of responsibilities you are placing in the charge of that man I have been waiting for.
Scipio: There is really only one, because practically all the rest are contained in this one alone: that he never ceases educating and observing himself, that he summons others to imitate him (*ut ad imitationem sui vocet alios*), that through the brilliance of his mind and life he offers himself as a mirror to his fellow citizens. (Cic. *Rep*. 2.69a)

Marcus: Let it be a model to <others> (<*Ceteris*> *specimen esto*). If we can hold to that, we hold on to everything. Just as the entire state is likely to be infected by the desires and the faults of the leaders, so it is improved and corrected by their discipline. Lucius Lucullus was a great man and a friend to all of us. There is a story that when he was criticized for the grandeur of his villa at Tusculum, he replied with great amiability that he had two neighbours: on one side a Roman knight, on the other a freedman; and that since they had grand villas, he ought to be allowed what was permitted to men of lower standing. But Lucullus, don't you see that you are yourself the source of their desire, that if you did not behave this way they would not be permitted to either? Who would endure such men when he saw their villas stuffed with statues and paintings, some of them public, some of them even sacred works of religion; who would not restrain their desires – if those who have the obligation to do so were not themselves in the thrall of the same desire? That the leaders have faults is not so bad – although it is of course a bad thing in itself – as the fact that a great many imitators (*imitatores*) of those leaders arise. If you review the course of past history, you can see that the state has been of the same character as its greatest men; and whatever moral alteration takes place in the leaders soon follows among the people. That is quite a lot closer to the truth than Plato's opinion. He says that when musicians change their tunes the condition of states also changes; but I think that the character of states changes when there are changes in the life and habits of the nobles. Immoral leaders are all the more damaging to the commonwealth because they not only harbor their own vices but they instil them into the state; the fact that they are corrupted is not the only damage they cause, but the fact that they corrupt others: they are more harmful as examples than for their failings (*sed etiam quod corrumpunt plusque exemplo quam peccato nocent*). This law is applied to the whole order, but it can be narrowed: there are relatively few men, bolstered by honor and glory, who can corrupt or correct the morals of the state. (Cic. *Leg*. 3.30-32)

In these two passages, the character of the statesman plays an essential role in the process of engendering either virtue or vice in his fellow citizens, who tend to pattern their own way of life after the behaviour of their leading citizens. Overall, this idea of the influence of the character of the statesman on the behaviour of citizens tends to be attributed to Plato.[458] In particular, Jean-Louis Ferrary argued that the image of the mirror, prominent in the passage from the *De Republica*, indicates that Cicero is influenced by *First Alcibiades*, where the image of the mirror is used to articulate the importance of the knowledge of the self.[459] It is certainly true that the knowledge of the self is an important element here, and in *De Legibus* Cicero's praise of *sapientia* is substantially the unfolding of self-knowledge, which that the individual to understand first themselves *qua* individual, then as a part of the universe, and finally as a member of human society.[460] At the same time, as Dyck remarks, in the second passage from *De Legibus* Cicero contrasts this idea that the statesman acts as a role model for the people and that his misconduct is dangerous because it is soon imitated by them with Plato himself, referring especially to the role of music and the change of tunes in the corruption of the character.[461] Accordingly, Dyck suggests that another source of inspiration would be necessary, and he indicates Xenophon's *Cyropaedia*: 'For whatever the character of the ruler is, such also that of the people under them for the most part becomes'.[462] However, it is significant that in the case of *First Alcibiades*, as Ferrary himself concedes, the idea that the character of the ruler influences the behaviour of the ruled because the latter imitate him is not explicitly expressed: 'there is again a reference to Plato, implicit but in my view certain, in the idea of the *prudens* offering himself as a mirror to his fellow citizens'.[463] The same goes for Xenophon, who does not include imitation in his remark on the character of the ruler.

This should raise suspicion on this matter, as in neither case there is any reference to imitation, and, for instance, the word μίμησις and related terms do not occur in *First Alcibiades*, apart from a non-technical exchange between Socrates and Alcibiades.[464] Overall, Greek political philosophers agreed that the ideal ruler has the task of fostering virtue within the community, they differed mostly on the mechanisms and strategies that the ruler will need to employ to achieve this goal (*e.g.* by teaching, by habituation, by legislation and so on). The distinctive idea expressed in the two passages above is that the imitation of an *exemplum* is essential in informing one's moral behaviour. Now, the concepts of imitation (μίμησις) and model (παράδειγμα) are clearly an important aspect of Plato's

[458] Dyck 2004, pp. 521-23.
[459] Ps-Pl. *Alc*. 1, 132c–133c. Ferrary 1995, p. 65.
[460] Cic. *Leg*. 1.58-62.
[461] Cic. *Fam*. 1.9.12; Dyck 2004, p. 523.
[462] Xen. *Cyr*. 8.8.5. This translation of Xenophon's *Cyropaedia* is from Miller 1914.
[463] Ferrary 1995, p. 65.
[464] Ps-Pl. *Alc.* 1, 231a.

Republic. However, putting aside the highly complex ontological and aesthetical issues attached to imitation in this dialogue, as far as the conduct of the philosopher king is involved, what needs to be imitated is an ideal model of the city starting from the form of the good:

> Do you think, then, that there's any difference between the blind and those who are really deprived of the knowledge of each thing that is? The latter have no clear model (παράδειγμα) in their souls, and so they cannot—in the manner of painters—look to what is most true, make constant reference to it, and study it as exactly as possible. Hence they cannot establish here on earth conventions about what is fine or just or good, when they need to be established, or guard and preserve them, once they have been established (Pl. *R*. VI, c4-d2).

Plato's argument is based on the identification of a model that is external to the world of becoming and capable of surpassing human opinions as well.[465] Accordingly, the imitation of concrete good individuals rather than the Good itself does not look like a form of Platonic imitation. Significantly, in his *De Republica* Cicero himself appears to be aware that the object of imitation in Plato is not a definite object that exists either in the sensible world or in human history. Indeed, Scipio holds that, unlike Plato, who is the proponent of an ideal state which is the best in the abstract without referring to any concrete people, integrated his account of the best constitution within the historical development of the Roman Republic.[466] As a result, if Cicero had any Greek source of inspiration, that source would need to prescribe the imitation of concrete individuals, rather than abstract and universal realities.

I think that it is reasonable to assume that here Cicero draws from rhetorical theory, where imitation of a stylistic model played an essential role. In Book II of *De Oratore*, Antonius holds that the first step the aspirant orator is going to take is the choice of a model and next to practice so that the desirable qualities of the imitated orator are achieved.[467] However, the choice needs to be well pondered and compatible with the natural abilities of the learner, who does not have to aim to imitate either the faults or superficial traits of their model, but 'he must also devote all his attention to attaining those qualities of his approved model that are truly outstanding'.[468] However, imitation does not only involve the learning process of individual orators, but is also a mechanism that plays a key role in the overall historical development of rhetorical styles, since in each given historical period orators seem to follow a dominant way of speaking because they imitate each other.[469]

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[465] Pl. *R*. V, 480a.
[466] Cic. *Rep*. 2.65-66.
[467] Cic. *De Or.* 2.90.
[468] *Ibid*. 2.92.
[469] *Ibid*. 2.92-95; Fantham 1978.

Now, it is generally assumed that the pedagogic role of imitation is an Isocratean contribution to rhetorical theory.[470] Throughout the dialogue, both Antonius and Crassus commend Isocrates as an outstanding educator and a true master of eloquence.[471] In book II Antonius says that Isocrates was 'the teacher of all those well-known people who issue from his school as true masters, as if from the Trojan Horse' and took up different careers, as some became rhetoricians, some generals and others historians: 'their natures do differ, but they are similar to one another as well as to their teacher in their aims'.[472] Similarly, Crassus postulates that a competent teacher will direct his pupils according to their natural abilities and inclinations, adding that 'the most striking example of this (to leave aside the other arts) is probably that the incomparable teacher Isocrates said that he always used the spurs on Ephorus, but the bridle on Theopompus'.[473] Furthermore, defending the cooperation between philosophers (including the ones more involved with theoretical pursuits) and rulers, Crassus associates Isocrates with Plato by posing a rhetorical question: 'And then the arts by which Plato educated this Dion, were they different from those by which Isocrates taught the son of the outstanding general Conon, the renowned Timotheus, who was a great general himself as well as an extremely learned man?'.[474]

Isocrates holds that as the gymnastic teacher teaches all forms of exercise, so the teacher of philosophy imparts the knowledge of 'all the forms (ἰδέας) of discourses in which the mind expresses itself',[475] and, once his pupils grow familiar with these elements, they will practice by composing speeches that combine what they have learned.[476] However, Isocrates observes that, while learning the elements for composing a speech is an easy task, it is very challenging to select the right topics and arrange them so that they form a harmonious whole that suits the occasion (καιρός) of the speech itself.[477] The teacher will act as a model (παράδειγμα) the students can imitate in order to hone their skills, but the degree of proficiency each student can achieve depends to the largest extent on their natural talent.[478] As the gymnastics teacher cannot simply turn anyone into an outstanding athlete, so the teacher of philosophy cannot simply transform anyone into the most accomplished speaker. Isocrates' education works on the assumption that education itself is a process in which both the student and the teacher play an active role.[479]

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[470] Cf. Fantham 1978.
[471] Natali 1985, pp. 235-236.
[472] Cic. *De Or.* 2.94; cf. *Ibid*. 2.57; cf. Isoc. *Antid.* 205-206.
[473] Cic. *De Or.* 3.36. Cf. Fantham 1978, pp. 12-14.
[474] Cf. Cic. *De Or.* 3.139; *cf*. Cic. *Brut.* 32-33.
[475] Isoc. *Antid*. 182.
[476] *Ibid*. 184. On the use of the term ἰδέα in Isocrates see Schlatter 1972.
[477] Isoc. *C. soph*. 16-17; Isoc. *Antid.* 11-12; cf. Pl. *Plt.* 284e; cf. Wilson 1980, pp. 197-203.
[478] Isoc. *C. soph*. 17-18; cf. Too 1995, pp. 184-194.
[479] Isoc. *Antid*. 187-188; cf. Fantham 1978.

It is critical to underline that Isocrates does not see the practice of composing speeches as a merely rhetorical exercise that is exclusively intended to advance the speaking ability of the student.[480] Indeed, he claims that the one who wants to learn his philosophy will improve 'more speedily towards honesty of character (ἐπιείκειαν) than towards facility in oratory (ῥητορείαν)',[481] arguing that 'the study of political discourse (τὴν τῶν λόγων τῶν πολιτικῶν ἐπιμέλειαν) can help more than any other thing to stimulate and form such qualities of character'.[482] However, this raises the question of how the composition of speeches can contribute to the moral progression of Isocrates' philosophical trainees, allowing Isocrates to merge under the name of philosophy moral education and rhetoric.[483]

It is noteworthy that Isocrates' imitation is not intended as a merely didactic method, but rather it plays a key role in establishing a well-ordered society. Indeed, as the master acts as a model for the student, so the rulers need to act as a model after which the ruled can order their lives. Isocrates' *Areopagiticus* offers a clear example of this. In this oration Isocrates condemns the decay of the Athenian Democracy, proposing the restoration of the democratic constitution that was in force at the time of Solon. Crucially, the Athenians of old recognized two kinds of equality, the one that distributes awards equally to each individual and the one that gives to each man according to his worth (κατὰ τὴν ἀξίαν),[484] and, applying the latter kind of equality, they did not assign public offices by lot, but appointed the best citizens, for 'they believed that the rest of the people would reflect the character of those who were placed in charge of their affairs'.[485] Furthermore, throughout the *Areopagiticus*, each proposal is presented as nothing more than a restoration of the constitution of the forefathers and Isocrates emphatically concludes: 'I have come before you and spoken this discourse, believing that if we only imitate (μιμησώμεθα) our ancestors we shall both deliver ourselves from our present ills and become the saviours, not of Athens alone, but of all the Hellenes'.[486] The idea that the character of the ruler affects the moral conduct of the ruled is also held in *To Nicocles*, where Isocrates exhorts Nicocles, king of Cyprus, to rule his own passions more rigorously than the passions of his subjects, for a king needs to act 'as an example to the rest (παράδειγμα τοῖς ἄλλοις), realizing that the manners of the whole state are copied from its rulers'.[487] And this precept chimes very well

[480] Wareh 2013, p. 34.
[481] Isoc. *C. soph.* 21.
[482] *Ibid*. 21; cf. Isoc. *Antid.* 274-276. *Cf*. Timmerman & Schiappa 2010, pp. 63-64.
[483] Cf. Garver 2004, pp. 189-190.
[484] Isoc. *Areop*. 22; cf. Pl. *Lg*. VI, 757b2-c6; Arist. *EN* VIII 7, 1158b30-31. On the two kinds of equality see Harvey 1965-6 and Keyt 1991.
[485] Isoc. *Areop*. 22.
[486] *Ibid*. 84; cf. Ober 1998, pp. 278-286.
[487] Isoc. *Ad Nic.* 31.

with Cicero's admonishment to the magistrates: 'Let it be a model to others (*Ceteris specimen esto*)'.[488]

There are two further indications that Cicero, rather than limiting imitation to the choice of a stylistic oratorical model, shared Isocrates' idea that we can become virtuous by imitating virtuous models. Firstly, in Book III of *De Oratore*, in regard to the role of Greek philosophers, Crassus observes that 'we cannot do without them; just as we must look to our own countrymen for examples of virtue, so must we look to the Greeks for models of learning (nam ut virtutis a nostris, sic doctrinae sunt ab illis exempla petenda)'.[489] This clearly indicates that in Cicero the choice of *exempla* does not solely involve style, but also the acquisition of learning and, crucially, virtue. Secondly, it is significant to underline that both stylistic and ethical imitation are featured in Cicero's *De Officiis*. On the one hand, in Book I, Cicero holds that attaining eloquence requires natural endowment, rhetorical precepts, practice, and the selection of a suitable model to imitate.[490] On the other hand, in Book II, Cicero remarks that a young man can acquire popularity and renown by associating himself with wise and well-respected members of the community. Indeed, 'if they associate constantly with such men, they inspire the public the expectation that they will be like them, seeing that they have themselves selected them for imitation'.[491]As a result, we might conclude that, when Cicero talks about the role of the ruler as an *exemplum* after which the citizens pattern their own lives, he basically transfers concepts and ideas drawn from his rhetorical background into his very political thought.

Section V – Forensic Oratory and Statesmanship

A particularly striking feature of Cicero's discussion on rhetoric is the apparently greater attention he gives to the forensic genre. This is particularly evident in Book II of *De Oratore*, where most of the discussion is devoted to forensic oratory and just a few sections to deliberative oratory.[492] This difference is striking, especially if compared with Greek philosophers. Indeed, if we consider Plato, his position of hostility towards traditional oratory is generally clear in his *Gorgias* and, even when he expresses a more positive view on a form of philosophically oriented rhetoric, he assigns to rhetoric a role mostly in the political and moral realm. In the *Phaedrus* he promotes a conception of a philosophical rhetoric that can serve as an offshoot of dialectic adapted to the reformation of the

[488] Cic. *Leg*. 3.30.
[489] Cic. *De Or.* 3.137.
[490] Cic. *Off.* 1.133.
[491] *Ibid*. 2.46-47; cf. Dyck 1996, p. 429.
[492] Cic. *De Or*. 2.333-340; Fantham 2004; Leeman, Pinkster, Wisse 1996, vol. 4, pp. 43-46; Wisse 2002, p. 382.

souls, so that people are driven towards virtue.[493] In the *Statesman*, rhetoric is described as one of the possible tools in the hands of the statesman, who will decide in each case whether to enforce his decisions either by persuasion or by compulsion, and in the former case, rhetoric will deal with the persuasion of the masses 'through the telling of stories, and not through teaching'.[494] In the *Laws*, Plato argues that good legislation is necessarily constituted of two components, the prescription itself and the prelude to the law which is meant to provide the citizen with a rational explanation of the reason why that law is passed.[495] Overall, Plato's stance on rhetoric is nuanced and changes over time, depending also on the wider argument of each given dialogue; however, in each of these dialogues, he assigns to rhetoric either a political (be it deliberative or legislative) role or a part in the process of fostering moral virtue in others, not of defending a case in a trial.

Instead, Aristotle's *Rhetoric* includes a thorough discussion of the forensic genre; however, he makes clear that this rhetorical genre is inferior to deliberative rhetoric:

> Hence it comes that, although the same systematic principles apply to political as to forensic oratory, and although the former is a nobler business, and fitter for a citizen, than that which concerns the relations of private individuals, these authors say nothing about political oratory, but try, one and all, to write treatises on the way to plead in court. The reason for this is that in political oratory there is less inducement to talk about non-essentials. (Arist. *Rhet*. I 1. 1354b23-1355a3)

This passage indicates that, even though the same principles apply to both deliberative and forensic oratory, Aristotle regards the former as a higher pursuit, criticising those who wrote handbooks that deal exclusively with the latter. The reason is that, for Aristotle, forensic oratory deals with issues that involve private individuals, whereas deliberative rhetoric with issues that concern the whole community. Significantly, Aristotle shares this evaluation of the relative importance of the deliberative and the forensic genres with Isocrates, who makes clear that he does not teach how to handle a judiciary case, as trials solely concern private individuals, rather than the common good. On the contrary, Isocrates offers a training meant to allow his pupils to deliver stylistically refined speeches on the most important political matters.

Now, it is noteworthy that Cicero criticises philosophers either for neglecting eloquence altogether or for developing a form of eloquence that is not suitable for the forum. In *Orator* Cicero holds that some philosophers such as Theophrastus and Aristotle were capable of speaking and

[493] Pl. *Phdr*. 276e-277c.
[494] Pl. *Pol*. 304d1-2.
[495] Pl. *Lg*. IV 722e-723a; Cf. Bobonich 2002, pp. 104-105.

writing ornately, but in a manner that is not suitable to move an audience to take the decision endorsed by the speaker. Philosophers converse rather than dealing in oratory, and this means that their eloquence lacks the vigour and strength that is necessary to persuade the audience in deliberative and forensic settings.[496] A significant example of an orator who employs this kind of speech is Demetrius of Phalerum, who, having been trained by Theophrastus, was a charming speaker, but incapable of catching hold of his fellow countrymen's minds.[497] Furthermore, in the preface to Book I of *De Officiis*, Cicero expresses this judgement on Plato: 'I believe, of course, that if Plato had been willing to devote himself to the forensic genre (*genus forense*), he could have spoken with the greatest eloquence and power'.[498] It is telling that here Cicero does not express a generic regret that Plato did not engage in oratory in general, but that he never applied himself to the forensic genre.[499]

Significantly, Cicero advances against Isocrates the same criticisms he raised against philosophers. In the context of the history of philosophy and rhetoric, Cicero suggests that Aristotle joined together knowledge and eloquence in order to compete more effectively with Isocrates, whose success was due to the popularity of his rhetorical training.[500] According to this picture, Aristotle did not simply include rhetoric among the subjects studied in his school, but he also recast his philosophical writings into works that stood out for their style, referring to Aristotle's exoteric works.[501] However, this story signals a certain ambivalence towards Isocrates, since, while Aristotle was compelled to emulate his rival, one thing that caused his indignation was Isocrates turning from forensic and deliberative oratory to 'an empty elegance of language'.[502] This shift is also mentioned in *Brutus*, where, drawing from Aristotle's *Synagoge,* a lost work where Aristotle would have collected the views of his predecessors and his own theory into a unitary exposition,[503] Cicero reports that, at the beginning of his career, Isocrates denied the existence of an art of speech and used to write forensic speeches for others; then, after having been repeatedly sued for chicanery, he turned to teaching, and 'devoted himself wholly to the composition of theory and models of oratory'.[504]

Similarly, in his *Orator* Cicero associates Isocrates with the epideictic genre, praising his style and mentioning how he prompted Aristotle to take up the study of rhetoric as well. He also mentions the conclusion of Plato's *Phaedrus* where a youth named Isocrates is, perhaps not sincerely, praised

[496] Cic. *Or*. 62-63. This aspect of the necessary style for persuasion and the limits of philosophical eloquence will be more thoroughly problematized in Chapter III.
[497] *Ibid.* 92-94; Cic. *Brut*. 37-38.
[498] Cic. *Off.* 1.4.
[499] Cf. Long 1995, pp. 58-59.
[500] Cic. *De Or.* 3.141; cf. Cic. *Tusc*. 1.4.
[501] Cic. *De Or.* 3.141.
[502] *Ibid.* 3.141; cf. Wareh 2013, pp. 78-82.
[503] Cic. *Brut*. 46; cf. Cic. *De Inv.* 2.6-7. See also Douglas 1955 and Barnes 1997.
[504] Cic. *Brut*. 45; cf. Natali 1985, pp. 238-240; cf. Fortenbaugh 1989, pp. 45-46; cf. Fantham 1978, p. 8.

as a youth whose mind was fertile for philosophy, as proof that Plato himself had a high opinion of Isocrates.[505] Yet, Cicero points out that epideictic oratory 'is fitter for the parade than for the battle; set apart for the gymnasium and the palaestra; it is spurned and rejected in the forum'.[506] Indeed, an excessive use of Isocrates' rhetorical devices 'not only wearies the audience, but even the layman recognizes the nature of the trick: furthermore, it takes the feeling out of the delivery, it robs the audience of their natural sympathy, and utterly destroys the impression of sincerity'.[507] Nonetheless, Cicero observes that, while being unfit to handle real cases, epideictic oratory can contribute to the early stages of the training of the ideal orator, for it improves the mastery of language, acting as 'the cradle of the orator'.[508] In the light of this, it appears that for Cicero among the three rhetorical genres the forensic one is the most important.

The authors of the Leeman-Pinkster-Wisse's commentary to *De Oratore* have observed that this apparent imbalance is consistent with the contents typically featured in Hellenistic rhetorical handbooks and that, to a large extent, Antonius' general discussion of the means of persuasion and his treatment of the forensic genre can be easily applied to the handling of deliberative speeches as well.[509] This explanation chimes also well with Aristotle's remark that the same principles apply to both genres.[510] However, while finding useful these observations on the economy of the text, I think that it is possible to offer a wider explanation of the pre-eminence of forensic oratory, which seems something that seems more of a general idea in Cicero's thought. More specifically, I will argue that Cicero's conception of forensic oratory is connected to his conception of the role of the state and of the tasks the statesman needs to perform. Secondly, I will argue that for Cicero forensic cases are most suited to the building of a successful political career, allowing the aspirant statesman to acquire popularity and build the public confidence in his person.

Firstly, I think that the focus on forensic oratory in a work that, among other things, attempts to individuate in the ideal orator the *rector rei publicae*, who will be entrusted with the task of initiating public *consilium*, depends on a different evaluation of the role of civil law on the part of the Romans. Indeed, Crassus observes that the Greeks did not hold the knowledge of the law in high regard and was cultivated by men of low station who acted as mere paid assistants of the orators, whereas in Rome the jurisconsults are highly esteemed figures, to the point that 'without any doubt,

[505] Cic. *Or*. 40-41; cf. Pl. *Phdr.* 278e- 279b.
[506] Cic. *Or*. 42.
[507] *Ibid*. 209.
[508] *Ibid*. 37, 42; cf. Cic. *De Or.* 2.162. Leeman, Pinkster, Wisse 1996, vol. 4, pp. 47-49.
[509] Leeman, Pinkster, Wisse 1996, vol. 4., pp. 43-46.
[510] Arist. *Rhet*. I 1. 1354b23-1355a3.

the home of the legal adviser is the oracle of the entire community'.[511] At the same time, this different evaluation of the prestige connected to the knowledge of civil law is reflected in a higher degree of sophistication that can be regarded by the Romans as a true motive for pride: 'From studying the law you will also reap another pleasure, another delight: the easiest way to appreciate how superior the insight of our ancestors was to that of the other nations of the world is to compare our laws with the legislation of their Lycurgus, Draco, and Solon. For all other systems of civil law, compared with our own, are incredibly primitive and almost ridiculous'.[512] Furthermore, as in *De Republica*, the wisdom behind the Roman civil law is here described as a form of philosophy in action that teaches us what we learn from philosophers 'not by endless, overpolemical discussions, but by the authoritative nod of the laws'.[513] The idea that Roman lawgivers applied in practice what the philosophers preached is also a strategy to show that philosophy is something actually embedded in Roman traditions in a properly Roman form, and that the Romans are actually superior to the Greeks, when it comes to turning wisdom into something effectual.

At the same time, there are clear indications that the issues debated in forensic settings were far from being something either petty or involving *stricto sensu* the individuals who are the parts of the trial. Conversely, the preservation of equality among citizens is something that has overall importance for the community, and it is ultimately defended in the forum. Indeed, Crassus defines civil law as follows: 'the civil law may be said to have the following purpose: the preservation of equality of rights *(aequabilitatis conservatio*), founded on statute and custom, in the concerns and judicial disputes of our citizen'.[514] On the one hand, the issues of civil laws that are raised in a trial are events that are essential to the clear definition of universal principles that can potentially involve all. Among those, Crassus observes that this does not only involve disputations concerning an inheritance but also momentous cases that involves one's status as citizens, meaning both the protection of one's life and of one's status as a Roman citizen.[515] In this regard, Crassus insists that 'no trial can be more serious than one about a man's freedom, and surely such a point of contention can depend on the civil law—for example, when the question is whether a slave who has been enrolled in the census in accordance with his master's wish becomes a free man immediately, or only after the lustrum has been performed'.[516] This is relevant because here Crassus explicitly describes civil law as decisive in defining one' status as a full member of the community. On the other hand, it is clear

[511] Cic. *De Or.* 1.200.
[512] *Ibid*. 1.197.
[513] *Ibid*. 1.193-195. Cf. Cic. *Rep*. 1.2, 3.7. Cf. Zetzel 2022, pp. 131-134.
[514] Cic. *De Or.* 1.188.
[515] *Ibid*. 1.180-182. Cf. May and Wisse 2001, p. 100 n.144.
[516] Cic. *De Or.* 1.183. Fantham 2004, pp. 114-118.

that, on many occasions, trials have wider political ramifications, not only because they involve the definition of issues that depend on universal principles and equitability, but also because the most eminent men of the community can be personally involved in a case and the outcome can potentially affect the balance of powers between different factions. In this regard, two important examples are certainly the trial of Publius Rutilius Rufus, who, while being innocent, was falsely accused and exiled, and the case of Norbanus, who was successfully defended by Antonius.[517] Therefore, the relatively stronger focus on forensic oratory can be to a large extent understood as a consequence of Cicero's conviction of the eminently political significance of such trials, both because they are the occasion of affirming jurisprudential principles that involve the rights of all and because they are often a substantial extension of the political arena, where political careers can be either destroyed or forged.

The idea of the protection of rights is also an important consideration in Cicero's account of the role of the state in *De Republica*. In Book I, following the principle that before investigating a subject it is necessary first to define what it is,[518] Scipio introduces his definition of *res publica*:

> The commonwealth *(res publica*) is the concern of a people (*res populi*), but a people is not any group of men assembled in any way, but an assemblage of some size associated with one another through *iuris consensu* and community of interest (*utilitatis communione*). (Cic. *Rep*. 1.39a)

According to Malcolm Schofield, the definition of *res publica* as *res populi* conveys an idea of ownership that serves as a criterion of legitimacy according to which a commonwealth needs to belong to its people, or if its people preserve their rights in its management and are free from any form of political domination from either a tyrant or an oligarchy, exemplifying an ideal of political freedom.[519] However, if the preservation of *res populi* is essential to Scipio's idea of commonwealth, it is necessary to understand what a people is. Indeed, Scipio clarifies that an aggregation of human beings is a people only under the conditions that they share a community of interest and come to an association through *iuris consensus*. In the text above I have not included a translation of *ius* because the exact rendering of this word in English is a hotly debated issue. Now, the three main candidates

[517] Cic. *De Or.* 2.197-204. Cf. Fantham 2004, pp. 129-130.
[518] This principle is evaluated by Elizabeth Asmis as an Aristotelian influence on Cicero's methodology, whereas Jed Atkins argues for a Platonic influence (Asmis 2004, Atkins 2013). I tend to think that definition is a common concern for both Greek thinkers but that possibly Cicero would have had more easily access to Plato's discussions on the matter of definition.
[519] Schofield 1995, pp. 75-76. Schofield 2021; Cf. Atkins 2013, p. 141.

are 'law',[520] 'right/rights',[521] and 'justice'[522], and good arguments can be advanced in favour of each option. Indeed, not only these concepts are strongly connected to each other in Cicero's political thought, but also as it is has been observed by James Zetzel in his glossary of key terms in his edition of *De Republica* and *De Legibus*, the word *ius* can signify law, rights, justice and so on.[523] As Elizabeth Asmis remarked, the difficulty is that each translation does not catch the range of meanings of the word *ius*, which has no precise equivalent in English that can signify all these possible meanings in one single word.[524] The meaning of *ius* is more effectively caught by corresponding words in other modern languages, such as the German '*Recht*', the French 'droit' and the Italian 'diritto'. Indeed, these words can signify both a body of laws regulating either an aspect or the whole of society and a right to which one is entitled. In this context, I think that by *iuris consensu* Scipio indicates an agreement on the legal order under which the members of a society live, including the rights enjoyed by its citizens.[525] The importance of the legal dimension of the bond that turns human beings into members of the same community is also reflected by Scipio's subsequent discussion of the development of the Roman Republic in Book II of *De Republica*. Indeed, in Scipio's historical excursus a particular emphasis is given to the rights enjoyed by the community at different times and how this affected the stability of the commonwealth.[526] Accordingly, Scipio gives particular attention to the *provocatio*, namely the right that allowed each Roman citizen to appeal to the people for capital sentences,[527] and the rights that regulated marriage (*coniubium*).[528]

Furthermore, it is significant that, after the fall of the Roman monarchy, within which the citizens enjoyed limited rights that were substantially concessions granted by the kings, the establishment of the Republic led to an increasing demand for rights: 'Nature itself, however, required that, as a result of their having been freed from monarchy, the people should claim rather more rights for themselves (*ut plusculum sibi iuris populus adscisceret liberatus a regibus*)'.[529] This is significant because it suggests explicitly that a free people is such if it can enjoy rights including not only freedom from the domination of public powers, but also the right to have some degree of participation in the administration of the *res populi*. However, as far as the masses are concerned, the focus is more on

[520] Zetzel 1995, p. 129; Asmis 2004.
[521] Augustin and the English translation by Keyes (August. *Civ. Dei*. 19.21; Keyes 1927). Recently by Schofield 2023.
[522] Atkins 2013, Nicgorski 2016.
[523] Zetzel 2017, xxxiii.
[524] Asmis 2004.
[525] *Ibid.*, pp. 580-582 and Atkins 2013. Elizabeth Asmis tends to emphasize the Aristotelian influence on Cicero's conception of the state, whereas Atkins argues, I think convincingly, that the background of Cicero's definition is primarily the Roman jurisprudential tradition.
[526] Atkins 2013, pp. 136-138.
[527] Cic. *Rep*. 2.53-54.
[528] *Ibid*. 2.62-63.
[529] *Ibid*. 2.57.

libertas rather than active political participation, and no democratic rule is endorsed by Cicero. Indeed, 'if there is not an equitable balance in the state of rights and duties and responsibilities (*nisi aequabilis haec in civitate conpensatio sit et iuris et officii et muneris*), so that there is enough power in the hands of the magistrates and enough authority in the judgment of the aristocrats and enough freedom in the people, then the condition of the commonwealth cannot be preserved unchanged'.[530] Therefore, Cicero's conception of rights as something essentially embedded in his conception of the state does involve primarily equality before the laws and freedom from oppression, rather than substantial equality and popular participation.[531]

A similar centrality of the protection of rights in the function of the state is also expressed in *De Officiis*, where Cicero remarks that the first kings were chosen by the masses in virtue of their justice and the role assigned to them was to protect the weaker classes from the strong, and they managed 'to hold the higher and the lower classes in an equality of right (*pari iure*)'.[532] Accordingly, the same function is assigned to all the polities other than monarchy; indeed, 'the reason for making constitutional laws was the same as making kings. For rights are always asked equal. Otherwise they would be no rights (*Ius enim semper est quaesitum aequabile; neque enim aliter esset ius*)'.[533] In *De Officiis* Cicero gives particular emphasis to property rights, prescribing that those in charge 'will use their best endeavours that everyone shall be protected in the possession of his own property by the fair administration of the laws and the courts (*iuris et iudiciorum aequitate*)'.[534] As a result, as we have seen, the protection of citizens' rights is a major concern in Cicero's conception of the role of the state and of the statesman and in a free state these rights are ultimately defended before a court, and this can help us to understand why Cicero gives so much emphasis to forensic oratory.

The third point is that Cicero consistently conceived of eloquence, especially forensic oratory as an essential way of attaining glory and building the necessary consent that would guarantee his orator-statesman a prominent role in the community.[535] The most detailed and comprehensive information on Cicero's view on this matter can be found in Book II of *De Officiis*. In this book devoted to the examination of utility, Cicero observes that it is necessary for human beings to join in society in order to attain the essentials for life and all the amenities that would be impossible to enjoy without it. Indeed, even though nature provides plenty of resources that are designed for the sake of humans (including animals, vegetables, and minerals), those bounties cannot be exploited without

[530] Cic. *Rep*. 2.57.
[531] Schofield 2021, pp. 27-60.
[532] Cic *Off*. 2.42.
[533] *Ibid*.
[534] *Ibid*. 2.85. Cf. Schofield 2021, pp. 36-38.
[535] Cic. *De Inv.* 1.5.; Cic. *De Or.* 1.14-15, 1.34; Cic. *Or*. 141-142.

human labour and cooperation. Indeed, the natural world presents many types of dangers as well (*e.g.* beasts, natural calamities, unfavourable climatic conditions), and men could not possibly handle those adversities on their own.[536] In contrast, Cicero maintains that any form of strife, especially if it disrupts a commonwealth internally, needs to be avoided at all costs, since it would endanger the cooperation that is essential to an effective exploitation of the natural world. Indeed, Cicero observes that 'many more men have been destroyed by the assaults of men – that is, by wars or revolutions – than by any and all other sorts of calamity. Since, therefore, there can be no doubt on this point, that man is the source of both the greatest help and the greatest harm to man…'.[537] Consequently, promoting human cooperation and preventing outbreaks of violence, especially civil strife, is instrumental in guaranteeing the continuation of human society.

In particular, to be an active part of society requires that we are able to win the affection of our fellow-men, and Cicero proceeds to 'explain how we can win the affectionate cooperation of our fellows and enlist it to our utility (*ad utilitates nostras*)'.[538] Having examined a long list of reasons why people are lead to entrust themselves to others, Cicero concludes that 'of all motives, none is better adapted to secure influence and hold it fast than being loved; nothing is more foreign to that end than being feared'.[539] Indeed, not only acquiring influence on others through fear is the mark of tyrants and it is quite unsafe, because the tyrant is bound to fear those he oppress by force, but it is also something that does not belong to free states. Therefore, by leading others to love us 'we shall most easily secure success both in private and in public life'.[540]

If one does not wish to take part in public life, they will only need the love of few people. In contrast, when one has the ambition to serve the state, they will need to be loved by many.[541] This is particularly important for those who aspire to achieve true glory (*perfecta gloria*), which can be attained by three means: 1) receiving the goodwill (*benevolentia civium*) of one's fellow-citizens; 2) inspiring confidence (*fides*), so that we are perceived as trustworthy; 3) receiving admiration (*admiratio*).[542] According to Cicero, all these three factors 'are all secured by justice: Goodwill, for it seeks to be of help to the greatest number; confidence of the same reason; and admiration, because it scorns and cares nothing for those things, with a consuming passion for which most people are carried away'.[543] Now, to the end of our inquiry, it is important to highlight that the first of the three,

[536] Cic. *Off*. 2.12-15. Cf. *Ibid*. 2.19-20.
[537] *Ibid.* 2.16-17.
[538] *Ibid.* 2.20.
[539] *Ibid.* 2.23.
[540] *Ibid.* 2.24.
[541] *Ibid.* 2.30.
[542] *Ibid.* 2.31.
[543] *Ibid.* 2.38

benevolentia, 'is won principally through kind services (*beneficiis maxime*)'.[544] And by that Cicero primarily means the services of the lawyer in defence of his client.

Indeed, Cicero insists on the importance of eloquence as a way of attaining glory and securing the affection of one's fellow citizens. Going back to the distinction introduced in Book I between *contentio,* the speech applied in deliberative and forensic settings and aimed at persuasion, and *sermo,* which naturally belongs to private conversations,[545] Cicero remarks that 'there can be no doubt that of the two this debating power (for that is what we mean by eloquence) counts for more toward the attainment of glory; and yet it is not easy to say how far an affable and courteous manner in conversation may go towards winning affection'.[546] Michele Kennerly took this statement as a clear indication that in *De Officiis* Cicero changed his view on the most effective rhetorical style, favouring sermonic speech over the adversarial form of speech of the forum.[547] However, I think that there is no reason to think that Cicero changed his mind. In these same sections, Cicero certainly observed that a conversational style is very useful to acquire the affection of other members of the community. And, significantly, this does not only apply to statesmen who operate in republics, but also to monarchs, as Cicero makes examples of the letters of kings who 'instruct their sons to woo the hearts of the populace to affection by words of kindness and to keep their soldiers loyal by a winning address'.[548] However, Cicero remarks that 'the speech that is delivered in a debate before an assembly (*cum contentione*) often stirs the hearts of thousands at once'.[549] So, in my opinion, rather than preferring a rhetorical style over another, Cicero suggests that both *contentio* and *sermo* should be mastered and both can have applications in the political context, and this is consistent with what Cicero maintains in other passages, where he stresses the importance of mastering different speaking styles. For instance, in *Orator* Cicero holds that 'it is certainly obvious that totally different styles must be used, not only in the different parts of the speech, but also that whole speeches must be now in one style, now in another'.[550] That being said, Cicero makes clear in this examination of *sermo* and *contentio* in *De Officiis*, that 'it is the speeches before our courts that excite the highest admiration'.[551]

In this context, Cicero provides some precepts on forensic activities. Firstly, the side of defence is the more honourable and should be preferred over prosecution, even though in some cases it might be worthwhile to be the prosecutor, and the careers of some were boosted by a prosecution.

[544] Cic. *Off*. 2.32.
[545] *Ibid*. 1.132.
[546] *Ibid*. 2.48.
[547] Kennerly 2010.
[548] Cic. *Off*. 2.48. *Cf*. Dyck 1996, pp. 430-436.
[549] Cic. *Off*. 2.48.
[550] Cic. *Or*. 74.
[551] Cic. *Off*. 2.49.

As examples of this, Cicero uses three characters of *De Oratore* (Crassus, Antonius, and Publius Sulpicius) and himself.[552] However, Cicero remarks that 'it is not only fraught with danger to the prosecutor himself, but is damaging to his reputation, to allow himself to be called a prosecutor'.[553] In a similar vein, when one prosecutes, Cicero suggests that this role should be fulfilled especially in those cases where the orator can present himself as a protector of the state or the weak, including the peoples of the provinces.[554] A clear example of this is Cicero himself, who earned a name in the prosecution of Verres and in the handling of that case presented himself as the defendant of the Sicilians.[555] Secondly, before accepting a prosecution, Cicero recommends proceeding with caution when the case might involve the death penalty and it is not certain whether the accused might actually be innocent, for that would amount to murder. Interestingly, here Cicero makes an appeal to nature: 'For what is so unnatural as to turn to ruin and destruction of good men the eloquence bestowed by nature for the safety and protection of our fellow men?'.[556] In contrast, Cicero remarks that we should not hesitate to defend the guilty, unless the accused is extraordinarily wicked.

Overall, Cicero's discussion so far suggests that forensic speeches are more conducive to glory and popularity than speeches delivered before an assembly and in the senate, and that in the forum the one who aspires to glory will more eagerly take the side of the defence: 'briefs for the defence are most likely to bring glory and popularity to the pleader, and all the more so, if ever it falls to him to lend his aid to one who seems to be oppressed and persecuted by the influence of someone in power'.[557] This passage is telling because it suggests that, generally speaking, the way of attaining glory is performing the role of the defender, especially of those who are weak and vulnerable to the caprices of the powerful. In other words, through his orations in the forum the orator-statesman takes over the task that was originally assigned to the first kings, namely protecting the rights of all, especially of those who would be easily prey of the strong.[558]

As a rule, Cicero holds that acts of beneficence such as legal patronage should be done to help people on the basis of their moral character.[559] Still, even though any virtuous man is deserving of help, generosity will generally be directed towards the most disadvantaged members of society, rather than powerful and wealthy individuals.[560] Indeed, Cicero argues that helping the poor man is not only

[552] Cic. *Off*. 2.49.
[553] *Ibid*. 2.50.
[554] *Ibid*. 2.50.
[555] *Ibid*.
[556] *Ibid*. 2.51.
[557] *Ibid*. 2.51.
[558] *Ibid.* 2.42.
[559] *Ibid*. 2.69.
[560] *Ibid*. 2.70-71.

more honourable, but also more expedient than helping the rich.[561] Firstly, even if the poor man will not be able to return the favour, he will feel even more grateful and obliged to his protector, who helped out of concern for his condition. In contrast, assisting the rich is far from being the best course of action.[562] Indeed, powerful individuals are harder to assist because they are reluctant to accept a favour that would oblige them to somebody else, since 'it is bitter as death to them to have accepted a patron or to be called clients'.[563] Secondly, if the poor man ever offers his services to his protector, he will depreciate them.[564] Thirdly and most importantly, generosity towards the most unfortunate members of society produces far-reaching effects that benefit the whole community. Indeed, if one assists a wealthy man, he can at best attain the benevolence of that man and his close relatives.[565] Conversely, the benefactor who looks after a worthy poor man will receive affection not only from the beneficiary and his family, but also from his descendants and all people in similar conditions who will look up to him as the advocate for the humble.[566] As a result, it is clear that oratory, especially in forensic settings, is regarded by Cicero as a way by means of which the prospective statesman can build public confidence and love of the other members of his community, especially of the weak, by *de facto* fulfilling the role of protector.

In conclusion, throughout this chapter I have shown that Cicero considered eloquence as a key skill for anyone who intends to take part in the political life of the community. Accordingly, his rhetorical works, especially *De Oratore*, are meant to educate the leader of the community, also prescribing the right equilibrium between philosophical studies and the active life, so that the orator-statesman can reap the benefits of philosophy without being absorbed in never ending speculation. I have also shown that one main concern in Cicero's rhetorical treatise is the reconciliation not only between philosophy and oratory, but also between philosophy and the active life, as in his eyes, abandoning public speeches in the senate and in the forum amounted to abandoning public life altogether, and not without reason. In the relation between theory and praxis eloquence plays the role of intermediary that allows philosophical knowledge to spread its discoveries so that they become effectual, something that a voiceless wisdom would be unable to achieve. Against Zarecki, who holds that *eloquentia* becomes something secondary in the works written by Cicero after *De Oratore*, I have argued that Cicero never abandons the view that the statesman needs to be eloquent to fulfil his function, taking into account all the passages in later works were Cicero speaks of eloquence to that

[561] Cf. Atkins 1990, p. 261.
[562] Cic. *Off*. 2.69-70.
[563] *Ibid*. 2.69-70.
[564] *Ibid*.
[565] *Ibid*. 2.70.
[566] Cf. *Ibid*. 2.70-71.

effect. This excursus clearly indicated that eloquence remains an important factor in the three Platonic dialogues (*De Oratore*, *De Republica*, *De Legibus*), in *Brutus* and finally in *De Officiis*, with a more *en passant* reference in *De Finibus*. In a similar vein, I have also suggested that Cicero's conception of politics as something that needs to be conducted within deliberative institutions makes eloquence necessary to act politically. At the same time, Cicero's orator-statesman is an ideal that stands out as an alternative to violent partisanship and military leaders. I have also focused on more specific issues that emerge from examining Cicero's political theory from the perspective of rhetorical theory and *vice versa*. Firstly, I have argued that Cicero draws from rhetorical theory, especially originating from Isocrates, the idea that the character of the statesman plays an essential role in the disciplining of the people because they will take him as a model to imitate. Secondly, I have focused on the issue of the preponderance of the forensic genre in Cicero, which stands out as something that sets Cicero apart from classical Greek thinkers who criticised the run-of-the-mill rhetorical handbooks, attempting to achieve something higher and more political. On the one hand, I have tried to explain this as a consequence of Cicero's conception of the role of the state, which, to a large extent, is entrusted with the protection of individual rights, absolutely significant for the whole community, which are primarily defended in forensic settings. On the other hand, I have also highlighted how Cicero, unlike his Greek counterparts, gives particular attention to the issue of how to attain the consensus that would allow the aspirant statesman to become a leader of the community, and identified forensic oratory as the way by mean of which the aspirant statesman can achieve popularity, presenting himself as the protector of the people and building public confidence in his person.

Chapter III

Academic Scepticism and Rhetoric

One of the main reasons why Ancient Greek philosophers strongly criticize rhetoricians is the apparent lack of any solid epistemic foundation that would ground their expertise. From the very beginning of Plato's *Gorgias*, Socrates marks the contrast between philosophical discourse, based on the dialectical exchange of questions and answers, and rhetoric by asking whether Gorgias would be willing to discuss rather than delivering a set speech.[567] From that point on, the very status of Gorgias' expertise is questioned: rhetoric is not an art (τέχνη), but a form of experience (ἐμπειρία), often translated as 'a knack,' that allows crafty individuals to flatter their listeners without possessing any real knowledge.[568] To clarify the nature of persuasion of this would-be art, Socrates makes a comparison with persuasion in mathematics, a discipline that persuades and teaches the learner on the basis of scientific knowledge.[569] Conversely, rhetoric persuades without teaching, reinforcing the opinions of the populace. Indeed, Socrates points out to Callicles that 'each group of people takes delight in speeches that are given in its own character, and resents those given in an alien manner'.[570] Given that the orator's speech needs to become of the same nature as the people he tries to persuade, it would be impossible for him to improve the character of his fellow citizens and, in one sense, he is the one who, by imitating the ignorant, becomes worse. In *Phaedrus* Plato continues to attack fiercely rhetoric because of its flawed epistemological foundation and remarks that rhetoricians compose handbooks that merely deal with the preliminaries to rhetoric, without saying anything about the core of the art itself.[571] At the same time, Plato took up the challenge of developing a form of philosophical rhetoric that would aim to persuade people on the basis of true knowledge. More specifically, a philosophical rhetoric will operate as follows: 1) it will make use of a rigorous diaeretic method that allows the rhetorician/dialectician to distinguish the forms of each thing, so that he can speak of everything truly and effectively; 2) it will work on the basis of knowledge of each type of soul and how each soul can be acted upon by his words properly.[572] In this picture, such a philosophical rhetoric is described as the counterpart of medicine and tasked with the task of educating the soul (ψυχαγωγία),

[567] Pl. *Grg*. 447b-c.
[568] *Ibid*. 463b-c.
[569] *Ibid*. 453e-455a.
[570] *Ibid*. 513c.
[571] Pl. *Phdr*. 269b-c.
[572] *Ibid*. 265c-266c, 270e-272b.

so that the dialectician's speech makes its way into the souls of the listeners being accompanied by episteme (μετ' ἐπιστήμης).[573]

The same project of devising a philosophical rhetoric was taken up by Aristotle, who defined rhetoric as the counterpart of dialectic and, similarly to his master, strongly criticised contemporary rhetoricians who composed handbooks that merely dealt with non-essential and accessory aspects – first and foremost, the manipulation of the emotions – completely neglecting the true essence of persuasive speech that can rest in nothing other than strong arguments.[574] Similarly, Aristotle accepted and further developed Plato's insight that rational speech needs to be accompanied by non-argumentative means of persuasion, such as the handling of emotions and the use of the character of the speaker himself as a mean to persuade the audience. However, unlike Plato, who set a very high epistemic standard for his philosophical rhetoric, Aristotle famously argued that each form of expertise has a different degree of precision that depends on the nature of its objects and its end. Indeed, one cannot assume that rhetorical proof can achieve the same degree of cogency of geometrical demonstration.[575] Still, despite not being based on scientific knowledge, Aristotle thinks that reputable opinions (ἔνδοξα) can provide a sufficient basis for the practice of rhetoric, as he is convinced that well-established pre-theoretical beliefs are likely to guide common people to make a good guess at the truth. This makes clear that Aristotle works under the assumption of an optimistic anthropology.[576]

In the first century B.C. and in a distinctly different cultural context Cicero took on the same challenge of conciliating philosophy and rhetoric to surpass the precepts of rhetoricians, proposing his own conception of the ideal orator.[577] However, the nature of such an effort strongly depends on what kind of philosophical framework one wishes to combine with rhetorical expertise. Unlike Plato

[573] Pl. *Phdr*. 276e. For a more detailed discussion on Plato and rhetoric see Brownstein 1965, Asmis 1986, Murray 1988, Rossetti 1992, Benardete 1991, McComiskey 1992, Kastely 2002, Moss 2007, McCoy 2008, Moss 2012.
[574] Arist. *Rhet*. I 1, 1354a13. Cf. Dow 2015, pp. 34-35.
[575] Arist. *EN* I 2, 1094b12-26.
[576] On Aristotle's rhetorical theory see Furley and Nehamas 1994, Rorty 1996, Allen 2007, Rapp 2009, Dow 2015.
[577] Reconstructing the exact contents of Hellenistic rhetorical theory is a highly complex task that largely falls outside the scope of this chapter, which is mostly focused on the interaction between Academic epistemology and rhetoric in Cicero. The main difficulty is represented by the loss of the Greek handbooks of this period and the necessity of drawing information from Latin handbooks (such as *De Inventione* and *Rhetorica Ad Herennium*) and later Greek authors. Nonetheless, it appears that Hellenistic rhetoric was characterised at least by the following trends: 1) the development of a highly academic discipline based on an increasingly sophisticated system of classifications and precepts; 2) the fusion of earlier rhetorical traditions – especially the Aristotelian and Isocratean traditions (Cf. Cic. *De Inv.* 2.7-9) into a single systematic treatment of rhetoric; 3) an emphasis on invention and on an approach based on the treatment of the parts of speech. The main rhetorical innovations of this period are advanced by Hermagoras of Temnos, who introduced the distinction between limited and unlimited questions – the former concerns particular cases the latter universal and abstract questions – and the so-called status theory, or a theory of argumentation that guided the orator in the handling of a speech by identifying the central issue at the basis of the controversy (Kennedy 1963 pp. 264-273, pp. 303-321; Kennedy 1972, pp. 114-126, Heath 1994; Kennedy 2001; Vanderspoel 2006).

and Aristotle, Cicero is committed to the scepticism advocated by the New Academy, and, for this reason, he cannot propose a philosophical rhetoric that is capable of making use of the truth or of reputable opinions that are most likely to be true and differing from the truth only in degree of precision. In the light of this, several scholars associated Cicero's philosophical rhetoric with the teachings of Philo of Larissa, who reportedly taught both philosophy and rhetoric.[578] However, as it has been shown by the philological tradition that culminated in the so called Amsterdam commentary, Cicero's theory of persuasion is a highly sophisticated building that most certainly draws its building blocks from many different rhetorical sources, so that it is impossible to associate his rhetorical theory to only one school, but it should rather be deemed as his own elaboration.[579] It remains true that Cicero himself indicates that his own eloquence greatly benefitted from the Academy,[580] which is in his opinion the school that can contribute the most to the education of the orator. Still, Cicero admits that the New Academy is not sufficiently equipped to prepare the true orator for that adversarial and impetuous way of speaking that is necessary in the forum.[581] In his *Brutus*, Cicero significantly observes that: 'the actual habit of Peripatetics and Academics with respect to oratorical discourse is such that it could never produce the perfect orator, nor on the other hand could the perfect orator be produced without it'.[582]

In the light of these considerations, this chapter will try to explain the impact of Cicero's probabilism on his conception of eloquent speech. In this context, I do not solely mean the eloquence displayed by an accomplished orator before an assembly or in the forum, but also the philosophical rhetoric that informs Cicero's way of writing philosophy. This distinction between two forms of eloquence is supported by Cicero's remark at the beginning of Book II of *De Finibus* on how he is going to handle his case against the Epicurean Torquatus: 'So I will defer to your wish, and I will speak if I can in the rhetorical manner, but with the rhetoric of the philosophers (*rhetorica philosophorum*), not with the sort which we use in the law-courts (*non nostra illa forensi*). The latter, as it employed a popular style, must necessarily sometimes be a little lacking in subtlety'.[583] Keeping in mind this distinction between a popular rhetoric that is at home in public assemblies and a philosophical rhetoric that is part of expressing philosophical theories in the most elegant manner, the chapter will be organized into the three following sections.

[578] von Arnim 1898, Reinhardt 2000, Brittain 2001.
[579] Prümm 1927; Barwick 1963; Kennedy 1963 and 1972; Leeman, Pinkster, Wisse 1981-2008.
[580] Cic. *Or*. 11-12.
[581] *Ibid*. 12-13.
[582] Cic. *Brut*. 120.
[583] Cic. *Fin*. 2.17-18. Cf. Cic. *Off.* 1.3.

The first section will examine the background of Cicero's conception of probability. On the one hand, it will start from an examination of Cicero's *Academica* and the context that led to the formulation of Carneades' probabilism. More specifically, it will be illustrated how Carneades' probability represents his response against the objection that his stance on cataleptic impressions and the consequent suspension of judgment made his scepticism an impossible way of life (the so-called *apraxia* argument), and how this response is to the largest extent derived from his Stoic opponents.[584] On the other hand, this section will emphasize that central terminology in the Stoic-Academic debate such as 'probable' (*probabilis*, πιθανὸν) and 'similar to the truth' (*verisimilis*, εἰκός) played a key role in Greek theorizing on rhetoric and its epistemological status. Accordingly, I will show how the πιθανὸν is a key component of Plato's account of non-philosophical rhetoric, which is based on a concept of what is probable that coincides with the opinion of uneducated people.[585] Similarly, Aristotle, providing a more positive evaluation of the πιθανὸν in the context of an optimistic anthropology, conceives of rhetoric as the art of identifying what is πιθανὸν. This excursus will help us to contextualize Cicero's own conception of probability, showing how he was exposed to both of these two conceptions of probability – the epistemological one related to the evaluation of the plausibility of our perceptual impressions and the rhetorical one that revolves around the identification of the shared beliefs and biases of the community – and that his own conception of probability is affected by both. At the same time, this excursus will help us to highlight some key elements of Plato's and Aristotle's proposals that will be important for a comparison with Cicero's theory of persuasion in his *rhetorica*, which will be at the centre of the subsequent section.

Section II will be devoted to an analysis of Cicero's rhetorical theory with a focus on the status of opinions and on the relative strength of the three means of persuasion.[586] On the one hand, it will be shown that Cicero's rhetoric is informed by the idea that eloquent speech needs to be modulated so that it is compatible with the common sense of the people to whom is addressed. On this note, Cicero strongly criticized Stoic rhetoric because it only relied on the mere assertion of the truth without making use of any stylistic embellishment or emotional appeal.[587] On the other hand, it will be illustrated how, compared to Plato and Aristotle, Cicero gives greater priority to the non-rational means of persuasion – ethos and pathos – and to the style of the speech, rather than the argumentation

[584] Coussin 1983; Bett 1989; Obdrzalek 2006.
[585] Glucker 1995, Reinhardt 2023, xcvii-c.
[586] Jakob Wisse provided the most extensive account available on the comparison between the role of ethos and pathos in Cicero's and Aristotle's rhetorical theories (Wisse 1989). However, in the second section of this chapter I will mostly focus on the role of people's opinions in Cicero's rhetorical theory and the relation between non-argumentative features of the speech and argumentation.
[587] Atherton 1988; Aubert-Baillot 2008.

itself. In this regard, I will challenge Gary Remer's thesis that, against all appearances, Aristotle is far more liable to the criticism of promoting manipulatory rhetorical practices than Cicero.[588]

In Section III, I will examine how rhetoric affects Cicero's assessment and reworking of the doctrines advanced by other schools in his philosophical writings. Firstly, I will show that even in the *philosophica* Cicero avails himself of rhetorical strategies such as arguments *ad hominem* and *exempla* in order to advance his case. Secondly, I will stress that the rhetorical dimension plays an important role in his assessment of other philosophical schools, starting from the assumption that a philosophy should also be acceptable in the context of public discourse. In this regard, Cicero strongly criticizes both the Stoics and the Epicureans for developing doctrines that could not easily presented in a public context without upsetting the audience – the ones for their abstruse and irritating way of speaking, the latter for the ultimate incompatibility between their doctrines and the *mos maiorum*. Nonetheless, Cicero recognizes that not only Stoicism offers the most sophisticated philosophical system available, but also the most compatible with Roman culture, if cast in rhetorically acceptable terms. However, I think that Cicero is not committed to Stoicism *per se*, but that he simply makes use of the doctrines that seem more promising to him in a given argumentative context and works to make them probable, or rhetorically acceptable by the people of his community. This inquiry into the role of rhetorical probability in Cicero's way of philosophizing can potentially shed new light on the strongly debated issue of the nature of Cicero's scepticism. Indeed, contemporary scholars are divided on whether to consider him a mitigated or radical sceptic. The former thesis implies that Cicero commits himself to some philosophical views, while recognizing their not ultimate degree of certainty.[589] The latter interpretation emphasizes the open-ended and antidogmatic dimension of Cicero's scepticism.[590] In the light of this, I will argue that the view that Cicero's scepticism is merely aporetic and a true 'philosophy of chaos'[591] would impoverish his philosophy, as it would necessarily divorce the philosopher from the orator and the statesman, whereas the uniqueness of Cicero's intellectual figure derives from the coexistence of these three dimensions in his thought. In contrast, I will conclude that, as Cicero himself seems to suggest, his *philosophica* should be intended as pieces of philosophical rhetoric, insofar as they represent Cicero's way of taking part in public discourse once he was forced into retirement by promoting the moral and political reformation of Roman society.

[588] Remer 2017, pp. 34-62.
[589] Brittain 2001; Görler 2011; Thorsrud 2012; Nicgorski 2016.
[590] Brittain 2016, Cappello 2019, Brittain & Osorio 2021; Reinhardt 2023.
[591] Capello 2019, p. 9.

Section I - Academic Scepticism and the Rhetorical Background of Ciceronian Probability

The *Academica* provides us with Cicero's most comprehensive account of his Academic Scepticism. However, the interpretation of this work presents us with a number of difficulties. On the one hand, Cicero wrote three distinct editions of the works: a first edition in two books, featuring as main characters Hortensius, Catulus, Cicero and Lucullus; a second edition, perhaps in two books and featuring Brutus, Cato and Cicero; a third edition in four books, featuring Cicero and Varro.[592] Now, none of those editions survived in its entirety, as only Book II of the first edition (*Lucullus*) and a small initial portion of Book I of the third edition (*Varro*) are still extant. This clearly means that Cicero's stance on Academic Scepticism in these works suffers from the difficulty of reconstructing an argument throughout an incomplete text. On the other hand, as Charles Brittain emphasized, the dialogue presents a significantly complex thematic structure that consists of at least three layers:[593] the first layer is the debate between the Academics and the Stoics, starting with Arcesilaus' objections against Zeno's theory of cataleptic impressions and continued by their successors until the rise of the New Academy of Carneades; the second layer is the debate between Philo of Larissa, who was the last scholarch of the Academy and developed at first a mitigated interpretation of Carneades' scepticism and then a highly controversial form of epistemological fallibilism in his lost *Roman Books*,[594] and his former disciple Antiochus of Ascalon, who abandoned scepticism and founded a syncretic school labelled the 'Old Academy', favouring Stoic epistemology;[595] the third and final layer is represented by the debate between Roman characters that lived after the death of all the philosophers involved in the first two layers. In this section, I will mostly focus on the first and third layers, in order to reconstruct the notion of probability endorsed by Cicero in this dialogue.

Probability is mostly discussed in *Lucullus* in the context of the epistemological debate between the Stoics, represented in this case by Antiochus' disciple Lucullus, and the New Academy, which is defended by Cicero. As mentioned, the issue at the centre of the debate between the two schools is the possibility of cataleptic impressions (καταληπτικὴ φαντασία), or true impressions that can provide a solid foundation for knowledge and action by giving us a flawless picture of reality. Zeno of Citium reportedly provided this definition of cataleptic impressions: 'an impression (by now we are sufficiently used to this word for φαντασία from yesterday's discussion) stamped and molded

[592] Griffin 1997; Reinhardt 2023, clxvi-clxxii.
[593] Brittain 2006, xiii-xv.
[594] The most extensive study that attempts to reconstruct Philo's thought and the content of his *Roman Books* is Brittain 2001, see also Reinhardt 2023, xlvii-xlviii.
[595] For a general account of Antiochus' syncretism and his epistemological position see Glucker 1978, Barnes 1989, Polito 2012, Bonazzi 2012, Brittain 2012.

from its source in a way that it couldn't be from what wasn't its source'.[596] These impressions, which allow us to receive a true cognition of the corresponding objects, are marked by such clear evidence (*perspicuitas*/ἐναργεία) that they can be discriminated from non-cataleptic impressions by perceivers independently of whether or not they are sages.[597] Accordingly, Cataleptic impressions play an essential role in Stoic epistemology. Indeed, Lucullus remarks that 'there is a great deal of truth in the senses, providing they are healthy and properly functioning and all obstacles and impediments are removed'.[598] Lucullus clarifies that our knowledge is formed through a bottom-up process that starts with cataleptic impressions. Once we receive such impressions, our minds initially abstract simple sensory properties of the objects perceived such as 'that is white', 'that is sweet' and so on; then our minds proceed to form more complex notions out of these first simple inputs: 'Then we get the rest of the series, which connects more significant things and encapsulates what we might call a filled-out apprehension of things—e.g., 'If something is human it is a mortal animal partaking in reason'.[599] Crucially, this latter proposition defining briefly human nature represents an example of those common notions (*notitia*, ἔννοια) that represent the starting point of philosophical investigation and the building blocks of knowledge, the arts and eventually wisdom. Indeed, these common notions, being naturally formed on the basis of the way our cognition is structured by nature, are formed out of cataleptic impressions that are true by definition and, therefore, absolutely certain and can serve as solid starting point for achieving new knowledge.[600]

This account of cataleptic impressions was challenged by the Academics from the very beginning. Cicero reports in his speech in defence of the Academy that Arcesilaus approved Zeno's view that a person should not hold any opinions and suggested that this shows that a true sage should suspend his judgment accordingly, but disagreed with him when he maintained that a person can make use of cataleptic impressions to go beyond mere opinion; interestingly enough, according to Cicero's reconstruction, Arcesilaus contributed to Zeno's definition of cataleptic impressions, which would have been originally defined as impressions 'from what is, stamped, impressed, and molded',[601] compelling Zeno to add the third clause of the definition according to which a cataleptic impression strikes our sensory apparatuses in a way that it could not be from something that which is not. From that point on, the Academics, while accepting the definition of cataleptic impressions, argued that the

[596] Cic. *Acad*. 2.18. A similar definition is attested by Sextus Empiricus 'an apprehensive appearance (to start with this) is the one that 1) is from a real thing and 2) is stamped and impressed in accordance with just *that* real thing, and 3) is of such a kind as could not come about from a thing that was not real' (Sext. Emp. *M.* 7.402; cf. *M*. 7.426; *P.H*. 2.4; D. L. VII,50). See also Sandbach 1971a and Reinhardt 2023, li-liv.
[597] Frede 1999, pp. 312-313.
[598] Cic. *Acad*. 2.19.
[599] *Ibid.* 2.21.
[600] Frede 1999, pp. 319-30. See also Sandbach 1971b.
[601] Cic. *Acad*. 2.77.

conditions prescribed by Zeno are never met. More specifically, their general argument is presented as follows:

> [1] there are some false impressions; [2] those [scil. false] impressions aren't apprehensible; [3] when two impressions don't differ at all, it's not possible that one is apprehensible, while the other isn't; [4] there is no true impression derived from the senses that may not be paired with another impression that doesn't differ from it at all but isn't apprehensible. (Cic. *Acad*. 2.83)

The first three premises are accepted by the Stoics, so the fourth premise, which attacks the third clause of Zeno's definition, is the controversial point at the centre of the debate on cataleptic impressions. The main strategy adopted by the Academics consists in presenting a number of counterexamples that show how difficult telling true impressions from false ones is, to the end of proving the indiscernibility or non-distinctiveness (ἀπαραλλαξία) between cataleptic and non-cataleptic impressions, *de facto* undermining the foundation of Stoic epistemology.[602] More specifically, Academic arguments fall into two categories. On the one hand, the Academics pointed out that there are many cases of objects that are so similar to each other that they give the same perceptual impression in spite of being different objects, undermining the possibility that in principle cataleptic impressions can always be discriminated. Examples of such arguments from similarity are represented by the fact that it often happens that people cannot tell twins apart or the similarity between two eggs.[603] On the other hand, they observed that abnormal states of mind can severely undermine our capacity of judgment, leading us to assent to false impressions that do not derive from any existing objects, although from the perspective of the perceiver such impressions are so vivid that they trigger assent as much as cataleptic impressions do: this is the case when we have either a dream or hallucinations.[604]

According to the Academics, these arguments against cataleptic impressions lead to the conclusion that nothing is apprehensible (ἀκαταληψία). Given that no cataleptic impression can be told apart from a non-cataleptic impression, if the sage assents to any impression, sometimes he will end up holding an opinion, or giving assent to a non-apprehended impression. However, both Arcesilaus and the Stoics hold that the sage will never be tricked into such an error, the consequence is that the sage will never assent to any impression, suspending his judgement (ἐποχή).[605] The Stoics are so presented with the following dilemma: either the sage will withhold all assent, or he will

[602] Reinhardt 2023, lxiv-lxix.
[603] Cic. *Acad*. 2.84-85. Cf. Reinhardt 2023, lxxii- lxxv.
[604] Cic. *Acad*. 2.48. Cf. Reinhardt 2023, lxix-lxxii.
[605] Cic. *Acad*. 2.66-67.

sometimes hold an opinion. The Academics chose the former option, arguing that 'even if anything is apprehensible, the very habit of assent is slippery and dangerous'.[606]

The main objection against the suspension of judgment advocated by the Academics is that always withholding assent would prevent human beings from normally functioning in everyday life (ἀπραξία), as 'we must have an impression and assent to it before we act; so anyone who does away with impressions or assent does away with action from life altogether'.[607] Probability is introduced by Carneades to counter this objection against Academic Scepticism. Accordingly, making use of quotations from Clitomachus, Cicero reports that Carneades explained his views on ἀκαταληψία and the subsequent suspension of judgement by introducing the following distinction. There are two kinds of impressions: 1) impressions that are either apprehensible or inapprehensible (*quae percipi possint alia quae non possint*); 2) impressions that are either persuasive or unpersuasive (*probabilia* and *non probabilia*).[608] According to Clitomachus' interpretation, Carneades' objections against the sense are uniquely directed against the first class of impressions and 'while there are no impressions allowing for apprehension, there are many allowing for approval (*probatio*). It would be contrary to nature were there no persuasive impressions'.[609] As a result, persuasive impressions are introduced by Carneades in order to show that, even without cataleptic impressions, it is possible to function normally as human beings, while withholding assent.

Sextus Empiricus provides us with more detail on the role of persuasive impressions in Carneades' philosophy. The appearance has two possible states: the one in relation to the thing of which is an impression and the other in relation to the perceiver.[610] From the point of view of the object an impression is true when it agrees with the thing that appears and false when this is not the case; instead, in relation to the person having the impression, the impression can be either 'apparently true' or 'apparently false'. This distinction is crucial because only those impressions that appear true to the perceiver can be persuasive, 'for neither what immediately appears false, nor what is true but does not appear so, is of a nature to persuade us'.[611] More specifically, Sextus clarifies that there are faint impressions that appear only weakly because of their size or distance, whereas some impressions not only appear true but they do so to an extreme degree. Only the latter are the persuasive impressions that can serve as a rule of conduct for everyday life.[612] In addition, Carneades added that persuasive

[606] Cic. *Acad*. 2.68.
[607] *Ibid*. 2.39.
[608] *Ibid*. 2.98-99.
[609] *Ibid*. 2.99.
[610] Sext. Emp. *M*. 7.168.
[611] *Ibid*. 7.169.
[612] *Ibid*. 7.170-173.

impressions are more trustworthy when there is nothing that turns them away and when they are thoroughly examined. The first criterion is to consider that our impressions are not monadic but they form a perceptual chain, and, for this reason, those impressions that fit together consistently and without contrasting each other are more trustworthy.[613] The second criterion prescribes a thorough examination of the impressions. Sextus provides the example of a rope that initially appears to be a snake in a dark room and that only after a more thorough examination is correctly recognized as being a rope and not a snake.[614]

The notion of probable impressions is accompanied by a reworking of the Stoic conception of assent, or the act of taking an impression as true. Following Clitomachus, Cicero introduces the distinction between 'assenting' (*adsentiri*) and 'approving' or 'following' (*adprobari*, *sequens*) an impression.[615] Accordingly, the main difference between these two kinds of assent is whether the perceiver takes the impression to be true. Indeed, giving one's approval means that one was struck by an impression as persuasive and that they go along with that impression regulating their responses accordingly, without being committed to the truth of that impression.[616] In a similar vein, Cicero adds that the suspension of judgement can be understood in two ways. In one sense, suspension of judgement implies a complete withholding of all assent, in the other it indicates the attitude of restraining oneself even from approving or disapproving persuasive impressions.[617] The sage will only suspend judgment in the first sense, 'but he holds on to his assent in the second sense, with the result that, by following what is persuasive wherever that is present or deficient, he is able to reply yes or no'.[618] As a result, the sceptic can make use of his impressions and live as normally as anyone else, the main difference in his way of life lying in his subjective attitude towards the epistemological status of his impressions.

As we have seen, Carneades' general strategy against the objection of making everyday life impossible is based on a qualified conception of suspension of judgment and the guidance provided by persuasive impressions (πιθανὴ φαντασία).[619] It is noteworthy, as modern scholarship has

[613] Sext. Emp. *M*. 7.176-180.
[614] *Ibid*. 7.187-188.
[615] Cic. *Acad*. 2.99. Cf. Bett 1990, pp. 4-6.
[616] Cf. Bett 1990, p.10.
[617] Cic. *Acad*. 2.104.
[618] *Ibid*. 2.104.
[619] It falls beyond the scope of the present chapter, but it is relevant to recall that the actual nature of Carneades' scepticism and the nature itself of the πιθανὸν has been a controversial issue from classical antiquity to modern times. Most of the discussion above is based on the so called Clitomachean interpretation of Carneades, who left no writings, because in his defence of the New Academy Cicero explicitly adheres to Clitomachus interpretation; in this regard, it is noteworthy that Cicero reports that 'Clitomachus affirmed that he never could work out which view had Carneades' approval' (Cic. *Acad*. 2.139). An alternative interpretation is associated with Philo of Larissa and Metrodorus of Stratonicea, compared to the radical scepticism advocated by Clitomachus, the Philonian-Metrodorians advocated that the sage would assent to an impression that he does not apprehend, i.e. he would opine (Brittain 2001 pp. 73-128). The same issue is connected to the

emphasized,[620] that the Carneadean thesis of suspension of judgment is derived from an argumentative chain that takes its first premises from the Stoics themselves, so that, in one sense, the universal suspension of judgement is presented as the consistent consequence of Stoic epistemology.[621] This idea is also suggested by Cicero as well, who reports how Chrysippus himself collected a large amount of observations against the reliability of the senses, and 'thus provided Carneades with his weapons'.[622]

It is significant that the very notion of πιθανὸν, which is at the basis of Carneades' reply to Stoic criticism, is far from being unfamiliar to the Stoics.[623] Firstly, Diogenes Laertius reports that, according to the Stoics, a persuasive proposition (πιθανὸν ἀξίωμα) is a proposition that leads to assent, although it might turn out to be false, and this suggests that the notion of πιθανὸν might have played a role not strictly limited to impressions in Stoic epistemology.[624] Secondly, according to Sextus Empiricus, the Stoics included a classification of impressions which is similar to the one attributed to Carneades. Indeed, in their taxonomy they included: 1) persuasive impressions; 2) unpersuasive impressions; 3) impressions that are both persuasive and unpersuasive; 4) impressions that are neither persuasive nor unpersuasive.[625] Accordingly, persuasive impressions are those that have a certain perspicuity (περιφάνεια) that produces a smooth movement in the soul that leads to assent, whereas unpersuasive impressions turn us away from assent. The class of impressions that are both persuasive and unpersuasive includes impressions that change in relation to something else, and finally, the impressions that are neither persuasive nor unpersuasive involve issues such as the number of the stars.[626] There are at least two important differences between this taxonomy and Carneades' distinction. The first is that the Stoics include these two kinds of impressions: impressions that are both persuasive and unpersuasive and impressions that are neither persuasive nor unpersuasive. The

interpretation of πιθανὸν. The majority of scholars interprets the πιθανὸν in a weak sense, emphasizing that the sage would go along the πιθανὸν without any form of commitment to its actual truth (Bett 1989, Burnyeat 1983, Frede 1997, Allen 1997), understanding Carneadeas' stance as an essentially dialectical one. A strong interpretation of πιθανὸν, which tends to imply that the Academic sage will take the persuasive impression as likely to be true is defended by Stough 1969 and Thorsrud 2002 and more recently by Obdrzalek 2006. Generally speaking, I think that it might be ultimately impossible to ascertain what Carneades actually meant as long as he is a thinker we know only indirectly, but there is an argument by Obdrzalek which is worth considering. Indeed, she argues that, from a philosophical point of view, the weak πιθανὸν would not be compatible with the requirements for a criterion for action as in that way persuasive impressions would only provide us with a causal explanation for action, rather than a justification, since we would act somehow passively on the weak interpretation. I do not know if this could be a problem for Carneades, considering that the suspension of judgment is presented as a form of heroic action by Clitomachus; however, I would like to point out that the weak interpretation does not exclude that the Academic sage can choose the impressions he will follow.

[620] On this issue see Coussin 1983; Bett 1989; Obdrzalek 2006; Reinhardt 2023, xcvii- c.

[621] Cf. Coussin 1983, p. 45.

[622] Cicero *Acad*. 2.87.

[623] Coussin 1983, pp. 44-51.

[624] D. L. VII, 75. Obdrzalek 2006, p. 268.

[625] Sext. Emp. *M.* 7.242-244.

[626] *Ibid*. 7.243-244.

second concerns the degree of truth of persuasive impressions. Indeed, the Stoics hold that 'of persuasive or unpersuasive appearances some are true, some are false, some both true and false, and some neither true nor false'.[627] This indicates that the Stoics were convinced that it might be possible to discern which probable impressions are actually true, whereas Carneades' claim does not go beyond saying that probable impressions are persuasive and can be used as a guide for action in everyday life. All in all, this discussion indicates that the notion of πιθανὸν, which is at the heart of Academic epistemology, is a notion shared and drawn from the Stoics, and it is probable that it was part of a general argument that aimed to undermine the Stoic system by using its own premises and terminology.[628]

As we have seen, the conception of πιθανὸν employed in the debate between Stoics and Academics appears to involve primarily the degree of plausibility of our perceptions. However, it is significant to underline that the term πιθανὸν played an important role in the philosophical analysis of rhetoric as well, first and foremost in Plato and Aristotle, who took up the challenge of developing a philosophical rhetoric capable of surpassing the teachings of rhetoricians. In Plato's *Gorgias* this term is used to qualify the nature of rhetoric. Firstly, when asked to explain the power of his art, Gorgias explains that those who learn to speak well can talk on any subject, prevailing on the experts of those very subjects. Indeed, 'there isn't anything that the orator couldn't speak more persuasively about to a gathering than could any other craftsman whatever (οὐ γὰρ ἔστιν περὶ ὅτου οὐκ ἂν πιθανώτερον εἴποι ὁ ῥητορικὸς ἢ ἄλλος ὁστισοῦν τῶν δημιουργῶν ἐν πλήθει)'.[629] It is important to underline that the rhetorician is superior and more persuasive than experts in the contexts of public discourse, where the audience is largely composed of non-experts and is far from achieving that capacity to demonstrate the truth of its assertions in the way a discipline such as mathematics can. In this regard, in the process of questions and answers, Socrates brings to the fore that the πιθανὸν of the rhetorician is characterized by a persuasion devoid of teaching,[630] and, consequently, rather than making people better by teaching the right norms of conduct, the rhetorician will merely concern with exploiting people's opinions to achieve persuasion, sheer flattery according to Socrates.[631] This persuasive way of speaking is also associated with the avoidance of responsibility and correction in Socrates' discussion with Polus on whether it is better to commit injustice rather than suffer it. Indeed, Socrates remarks that those who wish to escape punishment and moral rehabilitation 'find themselves

[627] Sext. Emp. *M.* 7.243-244.
[628] Coussin 1983.
[629] Pl. *Grg*. 456c.
[630] *Ibid*. 458e.
[631] *Ibid*. 486a.

funds and friends, and ways to speak as persuasively as possible (ὡς πιθανώτατοι λέγειν)'.[632] Finally, in the third part of the dialogue, Callicles criticises Socrates for being unable to deliver a persuasive speech if necessary: 'You couldn't put a speech together correctly before councils of justice or utter any plausible or persuasive sound (οὔτ' εἰκὸς ἂν καὶ πιθανὸν ἂν λάβοις)'.[633] Interestingly, not only Callicles foreshadows the future unsuccessful Socrates' apology, but also remarks that his speech fails to be plausible (εἰκὸς; *veri similis*) and persuasive (πιθανὸν; *probabilis*).

The πιθανὸν and the εἰκὸς are featured in Plato's analysis of traditional rhetoric in *Phaedrus* as well. In particular, Socrates criticizes rhetoricians for not being able to say anything on true persuasion, touching only the preliminaries of the art.[634] Similarly, their persuasion works to the neglect of the truth on the matters under discussion:

> Well, these people say that there is no need to be so solemn about all this and stretch it out to such lengths. For the fact is, as we said ourselves at the beginning of this discussion, that one who intends to be an able rhetorician has no need to know the truth about the things that are just or good or yet about the people who are such either by nature or upbringing. No one in a lawcourt, you see, cares at all about the truth of such matters. They only care about what is convincing. This is called "the likely," and that is what a man who intends to speak according to art should concentrate on (ἀλλὰ τοῦ πιθανοῦ· τοῦτο δ' εἶναι τὸ, ᾧ δεῖν προσέχειν τὸν μέλλοντα τέχνῃ ἐρεῖν.). Sometimes, in fact, whether you are prosecuting or defending a case, you must not even say what actually happened, if it was not likely to have happened—you must say something that is likely instead. Whatever you say, you should pursue what is likely and leave the truth aside (καὶ πάντως λέγοντα τὸ δὴ εἰκὸς διωκτέον εἶναι, πολλὰ εἰπόντα χαίρειν τῷ ἀληθεῖ): the whole art consists in cleaving to that throughout your speech. (Pl. *Phdr*. 272d-273a)

According to this account, the rhetoricians solely focus on what is persuasive (πιθανὸν) before their public and completely neglect the truth on what actually happened, and, more generally, on what is either just or good. Interestingly, the πιθανὸν is called plausible (εἰκός). What is the meaning of εἰκός in traditional rhetoric according to Socrates' analysis? Referring to Tisias himself, who was considered the founder of rhetoric as an art,[635] Socrates points out that the εἰκός is nothing else than

[632] Pl. *Grg*. 479c.
[633] *Ibid*. 485e-486a.
[634] Pl. *Phdr*. 269b-c.
[635] For a standard account of Tisias' role in the history of rhetoric see Kennedy 1963, pp. 58-61. For a more recent account that questions the standard account by ascribing a central role to Plato in the conceptualization of rhetoric as an art see Schiappa 2003, pp. 39-58.

what is approved by the masses.[636] In more concrete terms, this means that the orator is supposed to make his case by taking advantage of the biases of his audience, independently from what is actually the case. For example, according to the precepts of the rhetoricians, if a weak courageous man hits a strong cowardly man and they come to trial, neither of them should tell the truth. The weak man will defend himself by denying the fact, whereas the strong will not admit his own cowardice, but he will accuse the weakling by claiming that he prevailed because he had accomplices and so on.[637] As a result, non-philosophical rhetoric can be considered as the 'art' that in the context of public assemblies aims to be persuasive by adapting to the opinions of the public. In contrast, Socrates holds that a true orator should not speak in a way that pleases the masses, but in a way that deserves the approval of the gods.[638] Besides, Socrates argues that this idea of a persuasion detached from the truth is inconsistent, because what is similar to the truth can be discerned only by the one who knows the truth.[639] As a result, no one will be truly eloquent without achieving a complete knowledge of each particular kind of things through the procedures of dialectic.[640] This knowledge will be accompanied by the knowledge of each kind of soul, so that the rhetorician can adapt his message to the souls of his listeners.[641] In conclusion, 'the dialectician chooses a proper soul and plants and sows within it discourse accompanied by knowledge (μετ' ἐπιστήμης)'.[642] Interestingly enough, the dialectician and the philosophical orator are figures substantially interchangeable in Plato's *Phaedrus*.

The πιθανόν plays an important role also in Aristotle's rhetorical theory. Now, similarly to Plato, Aristotle criticises the inadequacy of contemporary rhetorical handbooks. Indeed, he harshly criticised his predecessors because they were mostly devoted to the development of rhetorical techniques centred around the arousal of emotions, which Aristotle considered as an important but accessory part of persuasion, and, consequently, they produced conviction in their listeners independently from the strength of their arguments.[643] In contrast, Aristotle regarded rhetoric as an expertise in producing proofs, or demonstrations acting as proper ground for conviction, classifying everything else as accessory.[644] This very point is particularly stressed by Aristotle as the real novelty of his approach.

[636] Pl. *Phdr*. 273a-b.
[637] *Ibid*. 273b-c.
[638] *Ibid.* 273d-274a.
[639] *Ibid*. 261e-262c.
[640] *Ibid*. 265d-266c.
[641] *Ibid*. 277b-c.
[642] *Ibid*. 276e.
[643] Cf. Dow 2015, pp. 34-35.
[644] Arist. *Rhet*. I 1, 1354a13.

However, as we have seen, Plato envisioned a philosophical rhetoric that not only is based on the scientific knowledge (ἐπιστήμη) provided by dialectic, but also aims to implant scientific knowledge in the souls of the listeners. In contrast, Aristotle holds that each discipline has a degree of certainty and precision that depends on its object and purpose. In the light of this, rhetoric is not a scientific pursuit such as theoretical disciplines, and, for this reason, rhetorical arguments cannot have the same cogency as the demonstrations of the geometricians.[645] Accordingly, Aristotle defines rhetoric as the discipline that investigates the πιθανόν: 'Rhetoric may be defined as the faculty of observing in any given case the available means of persuasion (Ἔστω δὴ ἡ ῥητορικὴ δύναμις περὶ ἕκαστον τοῦ θεωρῆσαι τὸ ἐνδεχόμενον πιθανόν)'.[646] However, it is significant to underline that Aristotle's view on the reliability of reputable opinions is significantly different from Plato's generally dismissive attitude towards what uneducated people believe.

Indeed, Aristotle's theory of persuasion functions on the basis of two distinct assumptions on the nature of the audience.[647] On the one hand, people are, on average, regarded as uneducated and unreliable; as a result, they are unable to follow long and complex speeches, which would require time and effort to be understood, and, in addition, they can be led astray by those rhetoricians who direct them through a cunning manipulation of their emotions.[648] On the other hand, Aristotle is quite confident in people's ability to recognize the most proper course of action, provided that its advocate can tailor his speech in a way comprehensible to the general audience. In fact, people have the means of reaching what is likely true through reputable opinions, which are different in degree of precision, not in nature, from the truth. As a result, the task of the rhetorician is to persuade his audience of what is just, good or useful by drawing from those quasi-truths people already possess under the form of reputable opinions. Furthermore, Aristotle optimistically states that 'things that are true and things that are better are, by their nature, practically always easier to prove and more persuasive'.[649]

Reputable opinions offer to the speaker the material to build what Aristotle considers as the substance of rhetoric, namely the enthymeme, or a kind of deductive argument whose most significant features are shortness and probability.[650] It needs to be short, because it is expected to be understood by a general and uneducated audience, and it is only probable, as, differently from syllogisms, its premises and its conclusion will be grounded on what is likely true. This means that the conclusions of enthymemes are neither true nor false; instead, they are appropriate or inappropriate, as the work

[645] Arist. *EN* I 2, 1094b12-26. Glucker 1995, p. 125.
[646] Arist. *Rhet*. I 2, 1355b27-28; cf. *Ibid*. I 1, 1355b8-1355b22, 1355b33.
[647] Halliwell 1994.
[648] Arist. *Rhet*. I 1, 1354a1-1355b26.
[649] *Ibid*. I 1, 1355a22-b2.
[650] For a more detailed account of this form of argumentation see Burnyeat 1994.

of the speaker is not to forecast the future or to unveil the past, but to argue for the most appropriate course of action, making the best possible use of all available knowledge.[651]

It is important to underline that Aristotle does not consider reputable opinions simply as a crafty way of convincing uneducated people, but he takes them seriously. According to his view, there is not a qualitative difference between a scientific account for something and the corresponding reputable opinion, but a difference in degree. In fact, Aristotle holds that 'the true and the approximately true are apprehended by the same faculty; it may also be noted that men have a sufficient natural instinct (πρὸς τὸ ἀληθὲς πεφύκασιν ἱκανῶς) for what is true, and usually do arrive at the truth. Hence the man who makes a good guess at truth is likely to make a good at what is reputable'.[652] In the light of this, even if the speaker were to recognize the limits of the truths possessed by the general populace, the reputable opinions, insofar as action is concerned, would not be significantly divergent from a more informed and precise philosophical account.

This generally positive view of common beliefs is corroborated by the fact that Aristotle considers the discussion and scrutiny of reputable opinions as an important part of his own philosophical investigations. In fact, in the *Nicomachean Ethics* Aristotle outlines the so-called endoxic method: 'we must, as in all other cases, set the phenomena before us and, after first discussing the difficulties, go on to prove, if possible, the truth of all the reputable opinions about these affections or, failing this, of the greater number and the most authoritative; for if we both resolve the difficulties and leave the reputable opinions (τὰ ἔνδοξα) undisturbed, we shall have proved the case sufficiently'.[653] In other words, a fully-fledged philosophical account will ideally start from assessing the relevant reputable opinions, aiming to preserve their validity as much as possible.[654]

That this conception of rhetoric as the art that investigates what is rhetorically probable was a received view in post-Aristotelian rhetorical theory is attested by Latin rhetorical treatises such as *De Inventione* and *Rhetorica ad Herennium*. Firstly, it is significant to underline that the Greek translations of εἰκός and πιθανόν are featured in the very definition of *inventio* accepted by both treatises: 'invention is the discovery of what is true or similar to the truth to render's one's cause persuasive (*inventio est excogitatio rerum verarum aut veri similium, quae causam probabilem reddant*)'.[655] This definition makes clear that the aim of Hellenistic rhetoric handbooks was to give precepts that would allow the orator to make a *probabilis*/πιθανόν case by using what is either true or

[651] Rorty 1992, p. 71.
[652] Arist. *Rhet*. I 1, 1355a4-a18.
[653] Arist. *EN* VII 1, 1145b2-7.
[654] Cf. Most 1994.
[655] Cic. *De Inv.* 1.9. Cf. [Cic.] *Rhet*. Her. 1.3.

similar to the truth, and in this there is a substantial similarity with the rhetorical tradition criticised by Plato and Aristotle, who, nevertheless, reduced the epistemic standards of rhetorical speaking to probability as much as his adversaries. There are further indications on what this *probabilis* was supposed to be in *De Inventione*. In the account of the parts of speech, probability plays an important role in the narrative (*narratio*), or the presentation of what supposedly happened in the case under dispute.[656] Indeed, a narrative should possess three qualities: 'it should be brief, clear and persuasive (*ut brevis, ut aperta, ut probabilis sit*)'.[657] What makes a persuasive narrative? The young Cicero provides a list of things that increase the verisimilitude of a *narratio* and, consequently, its degree of probability. A narrative is plausible when it tells a story which is plausible in terms of what might have really happened in terms of time, space and opportunity, but also when the story is compatible with 'the nature of the actors in it, the habits of ordinary people and the beliefs of the audience (*si res et ad eorum, qui agent, naturam et ad vulgi morem et ad eorum, qui audient, opinionem accommodabitur*)'.[658] This indicates that what is persuasive is also determined by the opinions of the public and the orator should adapt his narrative accordingly. That probability is related not only to plausibility but also to people's opinions is reiterated in Cicero's discussion of *argumentatio*. In particular, he distinguishes two forms of arguments: those based on necessity and those based on probability.[659] The arguments based on necessity involve those things that cannot happen otherwise, whereas:

> that is probable which for the most part usually comes to pass, or which is part of the ordinary beliefs of mankind, or which contains in itself some resemblance to these qualities, whether such resemblance be true or false (*probabile autem est id, quod fere solet fieri aut quod in opinione positum est aut quod habet in se ad haec quandam similitudinem, sive id falsum est sive verum*). (Cic. *De Inv.* 1.46)

In this passage, Cicero combines two different senses of πιθανόν: a conception of what is probable that involves the frequency of events that are supposed to occur and the probable as what is believed by people.[660]

[656] Cic. *De Inv.* 1.27.
[657] *Ibid*. 1.28.
[658] *Ibid*. 1.29.
[659] *Ibid*. 1.44.
[660] Suzanne Obdrzalek rightly observes that the fact that frequency affects the credibility of an impression or a belief does not imply a correspondence between ancient and modern conceptions of probability, as ancient theories of probability lack the statistical-mathematical underpinning at the basis of the modern conception of probability (Obdrzalek 2006, p. 267). On this comparison between ancient and modern probably see also Hacking 1975 and Frankling 2001.

From this excursus we can draw the conclusion that technical terms such as πιθανόν/*probabile* and εἰκός/*veri similis* were employed almost interchangeably in very different disciplinary fields in order to address significantly different issues.[661] On the one hand, the Academics resorted to probability in their epistemological debate against the Stoics in order to prove that scepticism was a viable way of life, and it is important to underline that they borrowed the notion of persuasive impressions from their opponents of the Porch. Such a conception of probability is mostly related to the evaluation of the degree of plausibility of our sensory impressions. On the other hand, both Plato and Aristotle, while disagreeing on the epistemological foundation of their own projects for a philosophical rhetoric, both included the πιθανόν and the εἰκός in their analyses of rhetoric, advancing a conception of rhetorical probability that is for the most part based on the shared beliefs and biases of the community. Now, it is significant that Cicero was exposed to both conceptions of probability and it is reasonable to assume that, given the high degree of terminological confusion and interchangeability in his Greek sources, he merged both Academic and rhetorical probability in his own conception of probability, significantly affecting not only his view on what is rhetorically persuasive, but also on what is philosophically acceptable.

Section II – The Rhetoric of the Forum: *communis sensus* and *popularis oratio*

There are clear indications that Cicero continues to regard the art of public speaking as something that needs to be adapted to the opinions of the audience. In the preface to Book I of *De Oratore*, Cicero examines the question of why, while many people succeeded in all possible disciplines and pursuits, only a few were able to become proficient orators.[662] Even in Rome, which produced plenty of excellent generals and wise political leaders, 'for quite a long time there were no good speakers at all, and entire generations scarcely produced even a tolerable one'.[663] The rarity of the eloquent orator is contrasted with the abundance of excellent practitioners of the other disciplines. Indeed, despite being involved with a highly complex and abstruse subject matter, there are many who succeeded in the fields of philosophy, science, mathematics and so on.[664] In this regard, Cicero remarks that the fact that people were more successful in abstruse branches of knowledge than in oratory is quite surprising, because, unlike other disciplines that operate on the basis of a technical disciplinary language, 'all the procedures of oratory lie within everyone's reach, and are concerned with everyday

[661] Glucker 1995, pp. 132-133.
[662] Cic. *De Or.* 1.6.
[663] *Ibid.* 1.8.
[664] *Ibid.* 1.6-12. Cf. Leeman and Pinkster 1981, vol. 1, pp. 36-37.

experience and with human nature and speech (*dicendi autem omnis ratio in medio posita communi quodam in usu atque in hominum ore et sermone versatur*)'.[665] This means that oratory and the other disciplines work under opposite assumptions. The other arts fulfil their goal if they are capable of distancing themselves from the common everyday experience of laymen, achieving knowledge of something unknown, 'whereas in oratory it is the worst possible fault to deviate from the ordinary mode of speaking (*a vulgari genere orationis*) and the consuetude of **common sense** (*a consuetudine communis sensus*)'.[666] This makes clear that Cicero thinks that oratory needs to be adapted to the way of speaking that is common to all and to what might be called a kind of *common sense*.

Apparently, Cicero is consistently committed to the idea that in the field of eloquence every person endowed with speech is a competent judge, independently of their education. In Book III, in the context of his discussion of style and rhythm, Crassus observes that uneducated people are perfectly capable of understanding whether or not a speech is stylistically accomplished, since each person by a form of instinctual feeling (*tacito sensu*) can discern whether the product of an art is either good or bad.[667] This capacity manifests itself whenever people observe the products of fine arts, such as paintings and sculptures, but they 'display this capacity to a much greater degree when judging words, rhythms, and sounds, because these are deeply rooted in our common senses (*in communibus infixa sensibus*), and nature has wanted no one to be entirely devoid of a feeling for such matters'.[668] It is certainly true that only a few will master the theory of rhythm, but everyone will notice if some mistake in the cadence of the speech is made.[669] As a result, Crassus holds that, while existing a deep difference between the artist and the people when it comes to performance, there is little difference in the ability to judge the stylistic quality of a speech. The same point is reiterated in *Brutus*, where Cicero discusses with Atticus and Brutus the question of whether the judgment of the people (*vulgi iudicium*) and the judgement of the experts (*intellegentium iudicium*) will converge when it comes to oratory.[670] Atticus asks the reason why Cicero should care for the approval of the many when he can get the approval of Brutus; Cicero replies that 'this discussion (*disputationem*) about the reasons for esteeming an orator good or bad I much prefer should win the approval of you and of Brutus, but as for my eloquence (*eloquentia*) I should wish it rather to win the approval of the people'.[671] This distinction is important because Cicero remarks that a *disputatio* concerning either

[665] Cic. *De Or.* 1.12.
[666] *Ibid.* 1.12. Charles Brittain suggests that the expression *common sense* first appears in Cicero (Brittain 2005, p. 207 n.133). I think that this idea is reasonable and Cicero's role in the transmission of this expression in western thought is also testified by Quintilian' *verbatim* quotation of *De Oratore* 1.12 on *communis sensus* (Quint. *Inst*. 8.26.1).
[667] Cic. *De Or.* 3.195.
[668] *Ibid.* 3.195-196.
[669] *Ibid.* 3.196. Leeman, Pinkster, Wisse 2008, vol. 5, pp. 241-243.
[670] Cic. *Brut*. 183-184.
[671] *Ibid.* 184.

technical or philosophical issues should be aimed to achieve the approval of the competent, whereas oratory has a different task that can only be fulfilled as long as the orator's speech is approved by the many. Accordingly, Cicero remarks that 'the truth is that the orator who is approved by the multitude must inevitably be approved by the expert', because 'what sort of an orator a man is can only be recognized from what his oratory effects'.[672] If the orator does not speak so that he is approved by the masses, he will fail in his task of persuasion. In the light of this, Cicero concludes that in each period there was a general consensus on which orators were the best at the time and that there have never been cases of disagreement between experts and the people on that matter. The only exception is that people can be satisfied with a mediocre orator when they do not know anything better.[673]

Finally, it is significant to underline that, unlike Aristotle, Cicero makes clear that there is no solid connection between popular opinions and the truth. Indeed, in *Partitiones oratoriae*, he holds that the probable is not only connected to the plausibility of one's case, but also to the opinions of the people.[674] Similarly, Cicero defines *eloquentia* itself as 'nothing else but wisdom delivering copious utterance; and this, while derived from the same class as the virtue above that operates in debate, is more abundant and wider and more closely adapted to the emotions and to the feelings of the common herd (*ad motus animorum vulgique sensus accommodatior*)'.[675] However, Cicero specifies that such an accommodation to popular view is far from being able to guarantee the truth of one's speech and that 'it is necessary to adapt one's discourse to conform not only with the truth but also with the opinions of one's hearers'.[676] In this regard, Cicero draws a distinction between educated and uncultivated people. The former are capable of understanding speeches that simply prescribe what is morally virtuous, whereas the latter are ignorant and tend to pursue pleasure, and, for this reason, the orator will in some cases present his case as pleasant in order to persuade them.[677] This makes clear that Cicero's common sense is limited to the capacity of judging something produced by human beings for the sake of other human beings, rather than a set of first principles that can guide our reason toward a correct understanding of the world or the formulation of universally valid ethical truths. This kind of rhetorical common sense simply postulates that human beings are capable of discerning what kind of speech is well suited to them, rather than the truth of the matters under discussion, be it philosophical issues or a forensic case debated in the forum.

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[672] Cic. *Brut*. 184.
[673] *Ibid.* 182-193.
[674] Cic. *Part. Or.* 19, 32.
[675] *Ibid.* 79. The translations of Cicero's *Partitiones Oratoriae* in this thesis are from Rackham 1960.
[676] *Ibid.* 90.
[677] *Ibid.* 91-92. For a general treatment of *Partitiones Oratoriae* see Gaines 2002.

Even so, this might still raise the question of whether the popular commonsensical way of speaking should be regarded as universal. I think that there are at least three reasons why Cicero does not regard this eloquence adapted to the audience as universal. Firstly, Antonius' discussion of imitation and style in Book II of *De Oratore* indicates that the style accepted within a community can change over time. Indeed, Antonius remarks that each historical period produced a different kind of oratory and that all orators of a given time period tended to resemble each other because they imitated each other, until new styles arose and got popularity.[678] This story is part of Antonius' account of imitation, but it clearly suggests that people appreciated different ways of speaking at different times. Secondly, in the preface to Book II of *De Oratore*, Cicero connects the way of presenting oneself as directly related to the degree of persuasiveness of the orator in the context of his own community. Indeed, he provides the following explanation of the fact that his main characters, Antonius and Crassus, did not appear to be so engaged in the study of Greek philosophy and rhetorical theory as their fictional counterparts seem to be: 'Crassus wanted to be thought of, not so much as someone who had learned nothing, but rather as one who looked down on these things and, in every area, preferred our practical, Roman wisdom to what the Greeks had to offer; while Antonius estimated that his oratory would be more persuasive (*probabiliorem*) with our people if he were thought never to have learned anything at all'.[679] Antonius himself reiterates this idea in an exchange with Catulus, who is very keen on Greek learning: 'I have always thought that an orator would be more pleasing and more persuasive (*probabiliorem*) with our people if, in the first place, he gave the fewest possible hints of technical skill, and secondly, none at all of the things Greek'.[680] On a more general note, Antonius remarks that 'speaking persuasively is to know the character of the community (*ad dicendum vero probabiliter nosse mores civitatis*)'.[681] Interestingly, the use of the comparative form of the adjective *probabilis* in these passages reinforces the idea that Cicero's own conception of probability is influenced by the rhetorical conception of probability, according to which the probable is that which is persuasive in a particular cultural context.

There is further evidence that Cicero regarded speech as something that needs to be adapted to the target community, and that different communities approve different styles at a given time. Indeed, the idea that speech needs to be adapted to the public is reiterated in *Orator*, where Cicero holds that 'the eloquence of orators has always be controlled by the wisdom of the listeners (*auditorum prudentia*), since all who desire to win approval have regard to the goodwill of their

[678] Cic. *De Or.* 2. 92-95.
[679] *Ibid.* 2.4.
[680] *Ibid.* 2.153.
[681] *Ibid.* 2.337.

auditors, and shape and adapt themselves completely according to this and to their opinion and approval'.[682] At the same time, his subsequent discussion makes clear that the target audience is spatially located and not a generic or universal one. Indeed, an Asian style was popular in Asia minor, in places such as Caria, Phrygia and Mysia; yet, this way of speaking was disliked by Rhodes, despite being so close to Asia, and even more in Athens, where Demosthenes himself was at times criticized for being too vehement.[683] This passage adds a further element, that is that Cicero's common sense, while making appeal to emotions and the way of thinking of human beings in general, is first and foremost the common sense of a given community.

That it is important that the orator speaks in a manner that is suitable for persuading the members of his own community clearly implies that technical language, which is necessary to other arts, should not be employed in the delivery of a speech. In Book I of *De Oratore*, Antonius holds that 'it is enough that the things we know and say about human nature should not be at odds with human nature (*de moribus hominum et scire et dicere, quae non abhorrent ab hominum moribus*)'.[684] Indeed, if the orator wishes to excite the emotions of the audience, he will not expound philosophical doctrines on the nature of emotions, but, by making use of people's beliefs, he will exalt those things that are regarded as desirable and exaggerate that which is regarded as an evil to be avoided.[685] The most important thing is that the orator does not wish to appear as 'a sage among fools, for then his audience will consider him a pedant or some sort of Greek, or else—even if they mightily approve of the orator's talent—they will admire his wisdom but resent being fools themselves'.[686]

The idea that talking in a way detached from what common people feel and think is the worst possible mistake for an orator is reinforced by the *exemplum* of Publius Rutilius Rufus, a man renowned for his moral integrity and a devoted Stoic. Rutilius used to criticise Crassus and especially the orator Servius Galba for their way of speaking in public, as they both made use of tricks to exploit the emotions of their audience, a ploy that is very far from being honourable for a Stoic.[687] In particular, he mentions a trick used by Galba during a trial to escape certain conviction.[688] He raised on his shoulder the son of his relative Gaius Sulpicius Galus, so that he might move the people to tears by evoking the memory of the boy's illustrious father; at the same time, he commended his own

[682] Cic. *Or*. 24-25.
[683] *Ibid.* 24-32. The discussion of the figure of Demosthenes in this context is also related to Cicero's polemic against the so called Atticists, who only recognized the plainer strand of Attic eloquence. On this *querelle* see Kennedy 1972, pp. 253-259; Calboli 1975; Wisse 1995; Narducci 2002b.
[684] Cic. *De Or.* 1.219.
[685] *Ibid.* 1.221.
[686] *Ibid*. 1.221.
[687] *Ibid.* 1.228.
[688] *Ibid.* 1.228.

two little sons to the protection of the people, saying that he appointed the Roman people to be their guardian in their fatherless plight, as though he were a soldier making an emergency will just before a battle.

In contrast, when Rutilius himself faced a trial for corruption during his service in the province of Asia, he was true to his ideals, as 'he not only refused to appeal humbly for mercy, he did not even want his case to be argued with any more embellishment or freedom than the plain truth of the matter allowed'.[689] Antonius holds that this was a mistake on Rutilius' part, because he pleaded his case 'as if the matter were conducted in that imaginary state of Plato'.[690] Without stylistic embellishments and the manipulation of emotions, Rutilius, an exemplarily virtuous individual, was convicted despite his innocence, whereas, as we have seen, Galba escaped conviction by exciting pity in his judges. Antonius adds that in his conduct Rutilius followed the example of Socrates, who, refusing to defend himself in a way suitable for the Athenians, exacerbated his fellow citizens by defining 'his own case in such a way that he seemed not a defendant or a suppliant at the mercy of the jury, but rather their teacher or master'.[691]

It might be observed that the discussion of Rutilius and Galba is introduced in Book I by Antonius in the context of his dialectical objections (largely abandoned at the beginning of Book II) against Crassus' thesis that philosophy is necessary to eloquence, and, for this reason, this story might not reflect Cicero's overall position on the matter. In this regard, the prescription of speaking in a way that is compatible with everyday language and people's opinions is consistent with both what Cicero tells us in the preface to Book I and by both Antonius and Crassus in Book II and III, especially in the context of their criticisms against Stoic rhetoric.[692] As to the evaluation of the *exempla* of Rutilius and Galba, in his *Brutus* Cicero confirms his negative judgment of Rutilius' way of speaking, not only devoid of stylistic embellishment and *pathos*, but also contrary to the popular way of speaking. At the same time, Galba is praised as one of the greatest orators of his time. Interestingly, Cicero writes that he learned from Rutilius himself that Laelius, who is also featured as one of the main characters of *De Republica*, recommended Galba as a better choice than himself for the successful pleading of a difficult case, as he only possessed clarity of language, whereas Galba's powerful oratory was needed in that case. Overall, Cicero shows appreciation for Galba's oratory, including what might be regarded as underhanded tricks.[693] In particular, Cicero holds that from Galba's example we learn that 'of the two chief qualities which the orator must possess, accurate argument looking to proof and impressive

[689] Cic. *De Or.* 1.229.
[690] *Ibid*. 1.230.
[691] *Ibid.* 1.231. Cf. Zetzel 2022, pp. 136-138. On Stoic rhetoric see Atherton 1988, Aubert-Baillot 2008.
[692] Cic. *De Or.* 2.157-160, 3.65-66.
[693] Cic. *Brut*. 89-90.

appeal to the emotions of the listener, the orator who inflames the court accomplishes far more than the one who merely instructs it'.[694]

The story of Rutilius Rufus allows us to introduce two most important features of Cicero's conception of persuasion. There are two aspects that compose a speech, namely its substance and its form. According to the division of labour agreed by the characters of *De Oratore*, Antonius covers invention, which deals with what the orator should say in each particular case, whereas Crassus handles the stylistic form of the speech. Now, the first part requires that before delving into what can be said on behalf of the case itself, the orator should determine the nature of the question under dispute. In particular, here Antonius presents a version of the status theory originally developed by the rhetorician Hermagoras of Temno, according to which there are three kinds of causes which revolve either around the issue of whether something was done (*status coniecturalis*), what is the nature of the act committed (*status qualitatis*), and finally how the act should be defined (*status definitionis*).[695] Once the nature of the issue in dispute is discerned, Antonius introduces the three means of persuasion: 'the method employed in the art of oratory, then, relies entirely upon three means of persuasion: proving that our contentions are true, winning over our audience, and inducing their minds to feel any emotion the case may demand'.[696]

The first mean of persuasion consists in the argumentation developed by the orator (*probare*). This is substantially built on a thorough study of the case and the determination of its nature on the basis of the status theory. However, Antonius makes clear that the standard rhetorical distinction between specific questions related to a particular theme and general questions that concern abstract and universal problems is actually illusory. Indeed, behind each case that involves a particular set of people and circumstances lies an issue of a general nature and the ability of an accomplished orator consists in the capacity to subsume the particular case under discussion under its corresponding general category.[697] Not only this ability uplifts the profile of a speech, but it also constitutes a significant help for the orator, allowing him a more efficient handling of his cases. Indeed, Antonius observes that the number of causes 'is actually unlimited if it is made dependent on individual persons: so many people, so many cases. But if we relate them to general questions about categories, their number is so limited and so restricted that diligent, clear-headed orators with good memories should have all of them available, after reviewing them in their minds and, I would almost say,

[694] Cic. *Brut*. 89.
[695] For a more detailed discussion of status theory see Clarke 1951, Leeman-Pinkster-Rabbie 1989, vol. 3, pp. 25-54. Heath 1994.
[696] Cic. *De Or.* 2.115-116.
[697] *Ibid.* 2.133-136.

repeatedly reeling them off'.[698] This connection between specific questions and general questions is that which makes philosophy useful in the actual preparation of a speech, as, once established the general nature of the case, the orator can avail himself of relevant philosophical knowledge that can apply to the case. The other element that helps in proving one's case is concerned with the use of common places (*loci communes*), namely standard arguments ready to use that can be applied to many circumstances. Interestingly, Antonius makes clear that those general themes that lie behind each particular case can only be successfully used by an orator who is not only experienced but also well versed with the ways of life of his fellow-citizens: 'For you may bring me someone as learned, as sharp-witted and intelligent, and as ready in delivery as you like: if, for all that, he is a stranger to the customs of his community, its precedents and models, its traditions, and the character and inclinations of his fellow citizens, then those commonplaces, from which arguments are produced, will not be of much benefit to him'.[699] This makes clear that, to be effective, any form of argumentation needs to be modulated in accordance with the way of thinking of the community.

At the end of his discussion of argumentation, Antonius turns to the examination of the other two means of persuasion, namely ethos and pathos. These two means play a most important role in delivering a persuasive speech and build on the awareness that 'people make many more judgments under the influence of hate or affection or partiality or anger or grief or joy or hope or fear or delusion or some other emotion, than on the basis of the truth or an objective rule'.[700] The role of *conciliare* is to conquer the benevolence of the public by presenting the characters of the advocate and of the client as worthy of favour, while discrediting the opponents.[701] This mean of persuasion is achieved by a gentle tone that can soothe the judge and make them benevolent.[702]

On the contrary, pathos is substantially based on a vehement and powerful way of speaking that can move the judges, 'impelling them to hate or to love, to envy someone or to want his safety, to fear or to hope, to feel favor or aversion, to feel joy or grief, to pity or to want punishment, or to be led to whatever feelings are near and akin to these and other such emotions'.[703] Again, successful

[698] Cic. *De Or.* 2.140.
[699] *Ibid.* 2.131.
[700] *Ibid.* 2.178.
[701] James May rightly observes that the patron-client relationship is a unique trait of the Roman judicial system, which resulted in a rhetoric of advocacy where not only the personality of the litigant, but also of the advocate played an important role in persuading the judges (May 1981).
[702] Jakob Wisse rightly argues that Cicero's conception of ethos can be considered as an 'ethos of sympathy' strongly related to the arousal of gentle emotions so that the orator and his client receive the benevolence of the public (Wisse 1989, pp. 236-250). However, I do not think that Aristotle's ethos can be defined as a rational ethos completely independent of emotional appeal, because Aristotle remarks that the character of the speaker will be persuasive if it displays three qualities: namely practical wisdom, virtue and goodwill (φρόνησις, ἀρετὴ. εὔνοια). The first two qualities can derive from the listeners' rational evaluation of the character of the speaker, whereas 'Goodwill and friendliness of disposition must form part of our discussion of the emotions' (Arist. *Rhet*. II 1, 1378a17-18, Wisse 1989, p. 246).
[703] Cic. *De Or.* 2.185-186.

manipulation of emotions depends on the ability to discern 'what their feelings, their opinions, their hopes, and their wishes are'.[704] However, it is most important that the orator is capable of feeling himself during the speech the very same emotions he is trying to excite in the audience.[705] For instance, Antonius remarks that no one would be persuaded by an orator to feel anger towards somebody, unless the orator himself appears angry. Apparently, what Antonius recommends is not simply a simulation of emotions, which could appear artificial and insincere to the public, but a genuine expression of the orator's feelings. In one sense, the idea is that the first person the orator needs to move emotionally by speech is himself.[706]

Now, not only it is necessary to use ethos and pathos when they are needed and in a way that suits the case, but it is necessary to balance these two ways of speech to weave an accomplished speech.[707] Firstly, the speech cannot be only formed by either of them alone, but it should be a harmony that combines both ethos and pathos effectively. Secondly, there is a parallelism between argumentation and the two non-argumentative means of persuasion:

> The means of achieving opposite ends are, in all instances, clearly supplied by the very same commonplaces. But arguments must be opposed either by refuting the proofs advanced in their support, or by showing that the conclusion the opponents want to draw cannot be deduced from the premises, and does not follow from them; or, if you cannot rebut their arguments in this way, you must adduce an argument on the opposite side that carries more, or at least equal weight. On the other hand, what is presented gently with the aim of winning favor, or vehemently for stirring the emotions, must be undone by opposite emotions, so that goodwill is removed by hatred, pity by envy. (Cic. *De Or.* 2.215-216)

This indicates that ethos and pathos need to be handled in a way that counterbalances the speech of the adversary, trying to gain benevolence if the opponent tries to excite enmity or hatred if he tries to conquer the favour of the judges. Thirdly, even though there are three means of persuasion (*probare*, *conciliare* and *movere*), it is important that the orator gives the impression that his only goal is to inform the public, whereas the other two means of persuasion need to be distributed throughout the whole oration.[708]

[704] Cic. *De Or.* 2.186-187.
[705] *Ibid.* 2.189-190.
[706] *Ibid.* 2.191-192.
[707] *Ibid.* 2.212-215.
[708] *Ibid.* 2.310.

Now, let us consider the other half of what constitutes a speech, namely its form. Crassus covers this subject in Book III. The importance of the form is essential to the delivery of a truly eloquent speech, as Crassus explains that each oration is composed both of words and contents, and neither of them can get through to the audience without the other.[709] More specifically, from a formal point of view, the speech needs to be spoken in correct Latin (*latine*), to be clear (*plane*), to be elegant (*ornate*), and to be appropriate to the occasion of the speech (*apte congruenterque*). Now, the first quality is more of a precondition rather than a feature of the accomplished speech itself; Crassus remarks that the teaching of Latin grammar belongs to elementary education and that no one has ever approved of an orator because he was capable of speaking Latin correctly, rather not being able to do so is something that is deserving of reproach.[710] The same applies to speaking clearly so that the public understands what we are saying, since it is achieved by speaking Latin correctly, by using words in common use and by following a logical order in the speech.[711]

The other two *virtutes dicendi*, speaking ornately and appropriately, are far more important in enhancing the level of a speech, which otherwise would be limited to the mere communication of ideas, and play an actual role in the persuasion of the judges, whereas the other two represent more mistakes to be avoided. Indeed, 'their essence amounts to seeing to it that the speech is as pleasant as possible, that it penetrates the audience's feelings as deeply as possible, and that it is equipped as fully as possible in terms of content'.[712] Now, distinction of speech is achieved by its general character, and, similarly to the handling of emotions, 'this is not a matter of the individual limbs, but these qualities are discerned in the body as a whole'.[713] One aspect that greatly increases the elegance of the speech is the capacity to transfer the particular controversies at the centre of the speech into the realm of general issues, not only magnifying the overall importance of the issue at stake, but also allowing the ideal orator to make effective use of his philosophical knowledge.[714] Furthermore, it is important to choose a style that captivates the attention of the public, but all rhetorical devices that contribute to doing so should be used with measure. Indeed, the orator should speak in a way that pleases the audience without bringing them to satiety or utter disgust, as 'the greatest pleasure borders on aversion, we need not be too surprised by this phenomenon in the case of speech'.[715] For this reason, the orator needs the artistic ability of a poet; however, there should be some restraint in his use of imagery and other rhetorical devices, because, unlike the poet, an excessive use of *ornatus*

[709] Cic. *De Or*. 3.19-20.
[710] *Ibid.* 3.53.
[711] *Ibid.* 3.49. Cf. Leeman, Pinkster and Wisse 1996, vol. 4, pp. 177-183.
[712] Cic. *De Or.* 3.91-92.
[713] *Ibid.* 3.96.
[714] *Ibid.* 3.120.
[715] *Ibid.* 3.100.

would result in wearying off the audience, giving off an impression of artificiality that would be counterproductive.

That being said, the *ornatus* involves three aspects: 1) the choice of single words and the use of metaphors;[716] 2) the combination of words into elegant and harmonious sentences; 3) the rhythm.[717] Now, among these three, it is worthwhile to examine more carefully the third one, as it is instrumental not only in embellishing the speech, but also in the actual implementation of Antonius' remarks on ethos and pathos. Again, the rhythm of the orator should be partly inspired by poetry without being fully poetic, as the orator will use a rhythm that is between the untrained way of speaking and poetry, 'a kind of rhythm that is at once confined and free'.[718] However, it is most important that the orator master the three different rhetorical styles: the grand (*plenus*), the middle (*mediocris*), and the plain (*tenuis*).[719] Indeed, the mastery of these styles is instrumental in the effective display of the three means of persuasion, as Crassus remarks that human beings are by nature so much influenced by sounds and rhythms that 'nothing is, in fact, so akin to our natural feelings as rhythms and the sounds of voices: they rouse and inflame us, calm and soothe us, and often lead us to joy and sadness'.[720]

The necessity of mastering different styles of speaking smoothly leads us to the last stylistic quality of speech, namely appropriateness (*aptum)*. Firstly, the three styles should be combined so that they meet the occasion of the particular circumstances of the speech. It would be counterproductive and ridiculous to employ either the plane style when dealing with issues of the utmost gravity or the grand style when handling a trivial case.[721] Secondly, it is important to adapt the speech to the public, 'whether it is the Senate, the people, or a jury, whether it is large, small, or an individual, and what sort of people they are. The speakers themselves must also be considered: their age, their prestige, and how much authority they possess'.[722] Thirdly, it should be considered the general circumstances of the state at the time of the speech. For instance, it should be taken into account whether or not the state is at war or in any other set of circumstances. There are no fixed rules that can help the orator to determine what is appropriate in each circumstance, 'in every area, the capacity to do what is appropriate is a matter of art and natural ability, but to know what is appropriate at each time is a matter of intelligence (*scire quando que deceat prudentiae*)'.[723]

[716] Cic. *De Or.* 3.148-149.
[717] *Ibid.* 3.173-175.
[718] *Ibid.* 3.175.
[719] *Ibid.* 3.199.
[720] *Ibid.* 3.197.
[721] *Ibid.* 3.211.
[722] *Ibid.* 3.211.
[723] *Ibid.* 3.212. Cf. Leeman, Pinkster, Wisse 2008, vol. 5, pp. 332-336. Cf. Barwick 1963, p. 84.

It is relevant to underline that the notion of *aptum* can clearly be connected to the notion of *decorum*, which is more thoroughly discussed in *Orator*. Indeed, in *De Oratore* Cicero defines what is appropriate (*aptum*) as 'what is appropriate in a speech' (*hoc est quid maxime deceat in oratione*).[724] The use of the verb *decere* to define *aptum* clearly relates this expression to the word *decorum*. At the same time, in *Orator* Cicero writes that to be appropriate (*decere*) is 'what is fitting and agreeable to an occasion or person (*decere quasi aptum esse consentaneumque tempori et personae*).[725] Accordingly, Cicero emphasizes in *Orator* that a truly eloquent speaker is not only capable of using the three styles, but can also decide wisely how to use them, so that they fit the occasion of the speech, reiterating that the speech needs to be accommodated to place, time and audience.[726] In comparison with *De Oratore*, the treatment of *decorum* in *Orator* becomes the treatment of a general notion that goes beyond the boundaries of oratory, as Cicero holds that 'the universal rule, in oratory as in life, is to consider propriety'.[727] In the field of philosophy, as we have seen in Chapter I, propriety is something that falls within the theory of moral duties, in oratory propriety concerns the correct use of language so that the orator succeeds in his task of persuading his public. Indeed, Cicero makes clear that, 'although a word has no force apart from the thing, yet the same thing is often either approved or rejected according as it is expressed in one way or the other'.[728] Overall, his discussion of what is appropriate in speech is rather detailed and covers the context of application of each style; accordingly, the general idea behind propriety in the choice of style is that not only each particular style needs to be employed to a different kind of speech, but also that different styles need to be used in different parts of the same speech. Indeed, at different times of the oration, the plain style can be used when explaining the facts, the medium style will help to conquer the benevolence of the public, whereas the grand style will move their souls.[729]

So far, we have outlined a picture of persuasion that is substantially based on the ability to speak in accordance with the common sense of ordinary people, which means both the working of the sensory apparatuses and emotions that are shared by all human beings and the opinions and customs of a particular community, and the capacity to employ the means of persuasion and style so that it meets the particular circumstances of the oration. At first glance, this idea is a far cry from Plato's project of a philosophical rhetoric, which, while recognizing the importance of emotions, aimed to implant science (ἐπιστήμη) in the souls of the listeners. In contrast, Cicero's rhetorical theory

[724] Cic. *De Or.* 3.210.
[725] Cic. *Or*. 74.
[726] *Ibid.* 101.
[727] *Ibid*. 71. On the notion of *decorum* See also Schofield 2012 and Remer 2017, pp. 63-88. See the discussion of the role of *decorum* in *De Officiis* in Section II of Chapter I.
[728] Cic. *Or*. 72-73.
[729] *Ibid.* 101.

builds upon that πιθανὸν that, according to Plato, informed traditional rhetorical handbooks and simply exploited the opinions of ignorant people. As a result, it is certainly the case that Plato's *Phaedrus* is a major literary inspiration for Cicero's *De Oratore*;[730] however, while being to some extent an advocate for the role of philosophy in oratory, from an epistemological point of view, Cicero embraces a stance substantially opposite to Plato's.

It is significant to draw a comparison with Aristotle. In his seminal articles, Friedrich Solmsen argued that the Aristotelian rhetorical tradition is a major influence in Cicero's rhetorical theory.[731] In particular, he argued that his treatment of the three means of persuasion (*pisteis*) is a distinctive Aristotelian contribution to rhetorical theory that was substantially lost during the Hellenistic age. Indeed, Solmsen observes that the surviving Hellenistic rhetorical handbooks (such as *De Inventione* and *Rhetorica ad Herennium*) do not feature a discussion of the three *pisteis per se*, but they address these subjects within a parts-of-speech approach, which includes the *pisteis* within the treatment of *dispositio*.[732] Accordingly, Cicero's *De Oratore* is the first work where the *pisteis* reappears as a subject worthy of being treated on its own account, as they concern the speech as a whole.[733] Still, as Solmsen himself admits, this idea of an Aristotelian influence on *De Oratore* is controversial and Cicero's knowledge of Aristotle's *Rhetoric* continues to be a hotly debated topic.[734] It might be observed that in the text itself the character of Antonius claims that he read Aristotle's *Rhetoric* and in a letter Cicero claims that *De Oratore* itself represents a combination of Isocratean and Aristotelian precepts.[735] On the other hand, at the time of Cicero the availability of Aristotle's esoteric writings was rather limited.[736] Furthermore, it has been argued that Cicero's treatment of apparently Aristotelian material is inaccurate and he fails to treat some of the most distinctive rhetorical doctrines developed by Aristotle, such as the *enthymemes*.[737] Still, it can be certainly objected that such remarks are misplaced, as Cicero intented to build his own rhetorical theory and his judgment of what Aristotelian precepts are most worthy of being followed might differ from ours.[738] Overall, given the similarities with Aristotle's *Rhetoric*, I find persuasive Wisse's thesis that Cicero read the *Rhetoric* or

[730] For a more detailed discussion of the Platonic literary background of *De Oratore* see Leeman and Pinkster 1981, vol. 1, pp. 65-67; Görler 1988; Zetzel 2003; Zetzel 2023.
[731] Solmsen 1938; Somsen 1941.
[732] Solmsen 1938, pp. 37-39.
[733] *Ibid.*, p. 49.
[734] The idea that Cicero might have read Aristotle's *Rhetoric* is suggested by Solmsen 1938; Solmsen 1941; Wisse 1989; Barnes 1997; Fantham 2004. The hypothesis of Cicero's firsthand knowledge of Aristotle's *Rhetoric* is opposed by Leeman & Pinkster 1981, vol.1, pp. 63-64; Kennedy 1972; Fortenbaugh 1989.
[735] Cic. *De Or.* 2.160; *Fam*. 1.9.
[736] Barnes 1997.
[737] Fortenbaugh 1989.
[738] Wisse 1989, pp.108-109. See also Fantham 2004, pp. 163-164.

at least an epitome of Aristotle's work.[739] As a result, keeping in mind that Cicero was not a mere translator of ideas borrowed from others, a comparison with Aristotle can help us to clarify some aspects of the role of common sense in Cicero's rhetorical theory and of the role of the three means of persuasion.

In particular, I think that a comparison with Aristotle can help us to shed light on two essential aspects of Cicero's rhetorical theory. The one is the relative weight of the three means of persuasion, the other is the relation between the content and the form of the speech. On the first issue, it is significant to underline that, for Aristotle, the main role in persuasion is played by argumentation and that the role of the two other *pisteis* is to accompany powerful and well-constructed enthymemes. Indeed, at the beginning of the *Rhetoric* Aristotle criticises handbooks writers for only focusing on what is not essential, namely the manipulation of emotions. Accordingly, Aristotle holds that 'it is not right to pervert the judge by moving him to anger or envy or pity—one might as well warp a carpenter's rule before using it. Again, a litigant has clearly nothing to do but to show that the alleged fact is so or is not so, that it has or has not happened'.[740] This indicates that, for Aristotle, emotions and ethos are meant to put the listeners in the best frame of mind to receive a plausible argument, rather than manipulating their emotions to make them pliable. Furthermore, as we have seen, Aristotle does not grant to rhetoric and its enthymemes the status of ἐπιστήμη. However, unlike Cicero, Aristotle builds his rhetoric under the assumption of an optimistic anthropology, according to which human beings, independently from their degree of education, possess by nature the capacity to discern what is either true or just on the basis of a shared body of reputable opinions that hold true for the most part. In this regard, Aristotle holds that human beings by nature can reach the truth and that 'rhetoric is useful because things that are true and things that are just have a natural tendency to prevail over their opposites'.[741]

Unlike Aristotle, there are clear indications that Cicero did not regard argumentation as the most important part of persuasion. Firstly, it is relevant to underline that Cicero uses a disjunctive *aut* in the listing of the means of persuasion:

> For if someone is to decide a case in our favor, it is necessary that he should either lean in our direction because his sympathies are so inclined, or be brought over by our arguments for the defense, or be forced by emotions (*nam hoc necesse est, ut is, qui nobis*

[739] Wisse 1989, p.126.
[740] Arist. *Rhet*. I 1, 1354a24-27.
[741] *Ibid.* I 1, 1355a4-18.

causam adiudicaturus sit, aut inclinatione voluntatis propendeat in nos aut defensionis argumentis adducatur aut animi permotione cogatur). (Cic. *De Or.* 2.129)

This use of disjunction is a first clue that, unlike Plato or Aristotle, Cicero does not recognize argumentation as the most important element of persuasion. Instead, this passage suggests that the public will be composed of different kinds of people who will react differently to the different elements of the oration, some will be persuaded by the argument, while others will be influenced either by the characters of the orator and his client or by their emotions. This might indicate an equipollence among the means of persuasion. However, it is significant to consider that at the end of Antonius' discussion of the first mean of persuasion, namely that 'to the question of what types of argument are best suited to each type of case, for this we need no sophisticated art to give us rules, and only an average intellect to make the decisions'.[742] This indicates that the discovery of good arguments is something that is less challenging than achieving the mastery of ethos and pathos, which enables the orator to display the full power of his eloquence.

Antonius' discussion openly suggests that in some cases the argumentative part of the speech is not only less difficult, but also less important in attaining the goal of persuading the audience. In this regard, it is significant to consider the example of Antonius' defence of Norbanus:

> Thus, in the whole of my defence in this case, I only touched quite briefly and quite superficially on what seemed to come within the sphere of rhetorical theory, namely a discussion of the Appuleian Law and an account of what it meant to impair the majesty of the Roman people. I handled the whole case on the basis of these two elements of a speech, the one that recommends and the one that excites, neither of which is given adequate treatment in the rules of the handbooks. (Cic. *De Or.* 2.201)

One of the lessons of Norbanus' case is, then, that, while being important, arguments cannot fully persuade the public, and, especially when the judges are not particularly well-inclined towards the orator, merely informing them about the truth of the matters under discussion is not going to work. Significantly, Antonius clearly point out to the young Sulpicius, who took up the prosecution against Norbanus, that it was the successful manipulation of emotions that gave him the victory: 'So, Sulpicius, I bested your accusation in that case not so much because the jurors were informed, but because their minds were affected'.[743]

[742] Cic. *De Or*. 1.75. Cf. Wisse 1989, pp. 269-282.
[743] Cic. *De Or.* 2.201.

This idea is also expressed in Cicero's later rhetorical writings. On the one hand, in *Orator*, Cicero describes as follows the relation between the three tasks of the orator (*delectare*, *probare* and *flectere*) that 'to prove is the first necessity, to please is charm, to sway is victory; for it is the one thing of all that avails most in winning verdicts'.[744] On the other hand, as we have seen, according to Cicero, the lesson to learn from the comparison between Laelius and Galba – the former possessing elegance, the latter powerful speech – is that 'the orator who inflames the court accomplishes far more than the one who merely instructs it'.[745] As a result, Cicero holds that a speech devoid of anything but arguments is not capable of persuading anyone and if it is not tuned to the feeling and opinions of the audience it will fail to conquer its favour but it will also gain the enmity of the public.

The second aspect we need to consider is the role of style in rhetoric compared to the other means of persuasion. At the beginning of Book III of his *Rhetoric*, Aristotle expresses his view on the matter as follows:

> The right thing in speaking really is that we should be satisfied not to annoy our hearers, without trying to delight them: we ought in fairness to fight our case with no help beyond the bare facts; nothing, therefore, should matter except the proof of those facts. Still, as has been already said, other things affect the result considerably, owing to the defects of our hearers. The arts of language cannot help having a small but real importance, whatever it is we have to expound to others: the way in which a thing is said does affect its intelligibility. Not, however, so much importance as people think. All such arts are fanciful and meant to charm the hearer. (Arist. *Rhet*. III 1, 1404a5-13)

> In our cases, then, we must try to discover these two things, first what to say, then how to say it. The first, which is seemingly totally dependent on art, indeed requires art, but it still takes little more than average intelligence to discern what must be said. The second is the area where the almost superhuman power and excellence of the orator are displayed: to employ distinction, fullness, and variety in saying the things that must be said. (Cic. *De Or*. 2.120).

Now, these passages suggest that Aristotle's view of the role of *elocutio*, especially in relation to the *pisteis*, greatly differs from what Cicero advocates in *De Oratore*. Indeed, Aristotle clearly recognizes

[744] Cic. *Or*. 69, 128-129. The three tasks of *Orator* and *Brutus* (*delectare*, *probare* and *flectere*) should not be confused with the three means of persuasion in *De Oratore* (*docere*, *conciliare*, *movere*). Indeed, the means of persuasion *of De Oratore* are a subdivision of invention, whereas the latter also include stylistic analysis. In particular, whereas there is a substantial similarity between the couples *docere-probare* and *movere-flectere*, the term *delectare* clearly is marked by a form of aesthetic pleasure that clearly does not belong to the dimension of ethos that is connected with *conciliare* (Wisse 1989, pp. 212-220).
[745] Cic. *Brut*. 89.

that style should not be overlooked, but that the necessity of stylistically polishing speech should be regarded as a concession to the defect of our listeners, who, otherwise, would not be able to follow a speech that should ideally be solely centred on proving our thesis by the means of solid arguments; on top of that, it is significant that Aristotle remarks that the whole point of style is to avoid speaking in a way that undermines our case by annoying the audience and should never be aimed at pleasuring them. As we have seen, in his treatment of style in Book III of *De Oratore*, Cicero explicitly claims that, among other things, a truly eloquent speech should also give pleasure to the audience.[746] The importance of the component of pleasure in eloquent speech is so relevant that in his later *Orator*, Cicero includes *delectare*, which means 'to please', among the three tasks of the orator (*officia oratoris*).[747] Furthermore, when it comes to the relative importance of the different components of a successful speech, Aristotle makes clear that the role of style is residual, whereas Cicero's treatment of the subject clearly indicates that form represents half of truly eloquent speech, and perhaps something more. Crassus expresses his view on the role of style as follows: 'I would only indicate briefly that discovering words for a distinguished style is impossible without having produced and shaped the thoughts, and that no thought can shine clearly without the enlightening power of words'.[748] This clearly indicates a view that sees form and content as two factors that complement each other, and, as we have seen in our previous discussion, unlike Aristotle, Cicero insists a lot on the fact that formal features such as style and rhythm play an essential role in effectively displaying the *pisteis*.

In *Orator*, Cicero reiterates the idea that the discovery of arguments is the body of a speech, but 'it is a matter of ordinary intelligence rather than of eloquence'.[749] Similarly, in this work Cicero makes an interesting observation on what is the distinctive mark of an orator:

> The very word 'eloquent' shows that he excels because of this one quality, that is, in the use of language, and that the other qualities are overshadowed by this. For the all-inclusive word is not 'discoverer' (*inventor*), or 'arranger' (*compositor*), or 'actor' (*actor*), but in Greek he is called rhetor (ῥήτωρ) from the word 'to speak', and in Latin he is said to be "eloquent" (*eloquens*). (Cic. *Or*. 61)

In this passage, Cicero makes clear that among the five tasks of the orator (*inventio*, *dispositio*, *elocutio*, *memoria*, *actio*) the task which is most distinctive of the orator is *elocutio*, a word

[746] Cic. *De Or.* 3.97-98.
[747] These three tasks of orator (*probare*, *delectare*, *commovere*) should not be confused with the five tasks of the orator (*inventio*, *dispositio*, *elocutio*, *memoria*, *actio*) or with the three means of persuasion (Wisse 1989, pp. 212-220).
[748] Cic. *De Or.* 3.24.
[749] Cic. *Or*. 44.

linguistically related to *eloquentia*. I think that this emphasis on the aesthetic dimension of speech can be understood as an influence of the Isocratean rhetorical tradition. Indeed, as we have seen in Chapter II, Isocrates promoted a philosophy that consisted in the ability to act politically through the delivery of eloquent speeches, which are characterized by sophisticated stylistic devices such as rhythm and figures of speech, so that, for the listeners, speech becomes an aesthetic experience as much pleasant as poetry.[750] Cicero himself openly recognizes Isocrates as the culmination of the sophistic tradition that started with Gorgias and Thrasymachus, perfecting their contributions on rhythm,[751] and he claims that the competition with Isocrates was the reason why Aristotle pursued elegance of style, joining together philosophy and eloquence.[752] However, it is important to underline that, while assigning a most important role to style and rhythm, Cicero makes clear that the orator needs to restrain his artistry in order to avoid the risk of nauseating his audience with an excess of imagery and of being perceived as artificial and inauthentic.[753] Accordingly, Isocratean epideictic eloquence can act as 'the cradle of the orator',[754] nurturing his style, but it cannot be employed in the handling of actual cases, which requires a more forceful way of speaking. All things considered, this suggests that Cicero's claim that his *De Oratore* provides a synthesis of the Isocratean and Aristotelian rhetorical traditions is quite plausible.[755]

The foregoing discussion suggests that, compared to Aristotle, Cicero puts more emphasis on the non-rational means of persuasion and style. Now, in his recent study on the relationship between ethics and rhetoric in Cicero and his legacy, Gary Remer argues that, despite all appearances, Ciceronian oratory is less liable to the criticism of being based on the manipulation of the emotions than Aristotelian rhetoric.[756] Indeed, he argues that Aristotelian rhetoric does not prevent the orator from being manipulative, since Aristotle admits the possibility of manipulation based on irrational emotions aroused by the non-argumentative features of a speech, such as delivery and style.[757] In contrast, Remer takes Cicero's precept of feeling the very emotions one wishes to excite in the audience as an indication of the orator's authenticity.[758] Furthermore, Remer holds that, unlike Aristotle, who would advocate a morally neutral form of rhetoric, Cicero lays the moral foundation

[750] Isoc. *Antid.* 47; cf. Isoc. *Panath*.1-2; cf. Too 1995, pp. 19-26.
[751] Cic. *Or*. 175-176; Fortenbaugh 1989, pp. 51-54.
[752] Cic. *De Or.* 3.141; cf. Cic. *Tusc*. 1.4.
[753] Cic. *De Or.* 3.100. Cic. Or. 209.
[754] Cic. *Or.* 37, 42; cf. Cic. *De Or.* 2.162.
[755] Cic. *Fam.* 1.9.
[756] Remer 2017, pp. 34-62.
[757] *Ibid*., pp. 60-61.
[758] *Ibid*., p. 51.

of oratory in his conception of *decorum*.[759] In the light of this, Cicero would have a less problematic stance on emotional manipulation than Aristotle.

I disagree with this reading for the following reasons. Firstly, it could be argued that Aristotelian rhetoric is not sufficient to contrast an orator who relies primarily on the manipulation of emotions and that single components of Aristotle's rhetorical theory could be used in a morally reproachable manner; however, in my opinion such a selective use of Aristotle's precepts cannot be considered as a true application of Aristotelian rhetorical theory, which, while assigning a very important role to ethos and pathos, is centred on the strength of arguments. Secondly, unlike Aristotle, who suggests that in some cases delivery might contribute to the arousal of emotions, Cicero makes clear that there is a very strong connection between style and emotional appeal: 'and nothing is, in fact, so akin to our natural feelings as rhythms and the sounds of voices: they rouse and inflame us, calm and soothe us, and often lead us to joy and sadness'.[760] Thirdly, it is certainly true that Antonius prescribes that the orator will feel himself the emotions he wishes to arouse in the public; however, this does not necessarily mean that Cicero excludes completely the possibility of simulation.[761] On the contrary, it is interesting that in his *Tusculanae Disputationes* Cicero writes that the orator will only simulate strong emotions such as anger in order to be persuasive, without being truly angry; therefore, the orator will play the part 'without bitterness and with a mind at peace'.[762] Cicero adds that such strong emotional appeals are suited to the persuasion of those who could not use their reason adequately: 'for it is expedient for the man who cannot resort to reason, to resort to an emotion of the soul'.[763] Fourthly, I think that the claim that, unlike Aristotle, Cicero provided a moral foundation for rhetoric is rather unfair towards Aristotle. Indeed, it is important to remember that Aristotle regarded politics as an architectonic science, whose end is to achieve the common good of the community by making use of all subordinated sciences, including rhetoric.[764] As a result, Aristotle's rhetorical theory finds a moral foundation in the broader context of his political thought as much as in Cicero.

In conclusion, in this section it was shown that a conception of probability received from the rhetorical tradition plays an essential role in Cicero's conception of persuasive speech. More specifically, what is probable is persuasive insofar as it is compatible with the common sense of

[759] Remer 2017, pp. 54-56.
[760] Cic. *De Or.* 3.197.
[761] On this very point Jakob Wisse observes that a careful reading of the text shows that the fact that the orator is carried along by his own speech does not imply that his emotional arousal derives from the justness of his cause (Wisse 1989, pp. 197-198).
[762] Cic. *Tusc*. 4.55.
[763] *Ibid.* 4.55. Cf. Woolf 2023.
[764] Arist. *EN* I 2, 1094a18-b11; cf. Johnson 2015, pp. 167-170. For a more detailed examination of the role of Aristotle's *Rhetoric* in the context of his political thought see also Cooper 1994; Halliwell 1994; Dow 2015, pp. 64-75.

ordinary people, and, for this reason, the orator will need to accommodate his speech to the beliefs of his audience and, more generally, to the circumstances to meet the occasion. This idea outlines a conception of a philosophical rhetoric which is substantially dissimilar from the ones proposed by Greek philosophers. Indeed, Cicero's rhetorical theory is significantly different not only from Stoic rhetoric, which is based exclusively on argumentation and a barren and concise style typical of dialectical disputations, but also from Plato's and Aristotle's projects for a philosophical rhetoric. On the one hand, Plato and Aristotle, while disagreeing on the degree of precision rhetoric could achieve, agreed on assigning a primary role to argumentation and an essential but subordinate role to the non-rational means of persuasion. On the other hand, Cicero clearly gives priority to the non-rational means of persuasion. This clearly does not mean that he excludes argumentation, but, for him, arguments on their own cannot persuade. This evaluation is reinforced by his Academic Scepticism, which tends to exclude the possibility of unequivocally achieving the truth on any matters, and, in this regard, in *De Oratore* Antonius admits that they defend cases only relying on opinions that might well be false: 'knowing, then, that this is a subject that relies on falsehood, that seldom reaches the level of real knowledge, that is out to take advantage of people's opinions and often their delusions (*quae opinions hominum et saepe errores aucupetur*), I shall speak about it—if you think you have a reason for listening'.[765] In the absence of a self-evident truth the role of emotional appeal and style becomes even more decisive in the successful handling of a case. In the next section we will see whether this rhetorical conception of probability affects Cicero's way of evaluating and reworking philosophical doctrines borrowed from other schools.

Section III – Rhetorical Probability in Cicero's *Philosophica*

The correct interpretation of Cicero's scepticism has been a central issue in modern Ciceronian scholarship. More specifically, the debate revolves around the following issue: what form of Academic Scepticism was approved by Cicero in *Academica* and his later works?[766] Is Cicero committed to a form of mitigated scepticism that allows the sceptic to hold opinions and to endorse provisionally specific doctrines of other schools after thorough critical examination or is he the proponent of a radical scepticism that, after having examined each issue on either side, results in a state of *aporia*, which leads to the realization that philosophical issues are ultimately insoluble?[767] As

[765] Cic. *De Or.* 2.30.
[766] The thesis that Cicero was a mitigated sceptic is defended by Brittain 2001; Görler 2011; Thorsrud 2012; Nicgorski 2016. The thesis that he was a radical sceptic instead is advocated by Brittain 2016, Capello 2019, Brittain & Osorio 2021; Reinhardt 2023.
[767] Brittain 2016, pp. 18-20.

mentioned in Section I, there are clear indications that in his *Academica* Cicero adhered to the radical interpretation of Carneades, as Cicero declares explicitly his preference in that work and makes extensive use of quotations from Clitomachus to explain and defend Carneades' view against Lucullus. Similarly, it is reasonable to assume that Cicero did not change his mind after he wrote the *Academica*, because in his subsequent works Cicero usually refers to his *Academica* for a more thorough explanation of his stance on scepticism, and it would be very strange, if he referred to a work presenting views he no longer held as his own.[768]

That Cicero held a radical stance in his *Academica* is a fact recognized by proponents of the thesis that Cicero was a mitigated sceptic. Indeed, Harald Thorsrud proposes an interpretation according to which radical scepticism can be accommodated within a mitigated sceptical framework. Firstly, Thorsrud, insisting on the dialectical nature of the Academics' debate against the Stoics, remarks that it is consistent for Cicero to be both a mitigated sceptic and a radical sceptic. Indeed, Cicero might hold a radical stance as much as the conception of the sage of the Stoic is involved, because the impossibility of Stoic standards would necessarily lead to the universal suspension of judgement; at the same time, Cicero would be free to adhere to the less demanding conception of the sage proposed by Philo, subscribing *de facto* to mitigated scepticism. According to this reading, Cicero 'believes the ideal Stoic sage will have no opinions, and he believes the actual sage will have opinions'.[769]

It is also significant to underline that some of the proponents of the radical sceptic interpretation, while advocating the idea that Cicero's scepticism is substantially aporetic, argues that some of the features of mitigated scepticism are actually compatible with a radically sceptical stance.[770] This derives from the necessity of explaining why in some works Cicero seems to be committed to some philosophical doctrines and, at the same time, from the recognition that the characters that can be associated with the New Academy – be it Cicero or another Academic such as Cotta – carefully avoid to disprove the views that can be perceived to be part of the *mos maiorum*.[771] For this reason, Reinhardt holds that Clitomacheanism would allow for a form of endorsement of

[768] Cic. *DND* 1.11; Tusc. 2.4; Div. 2.1. Thorsrud 2012 and Reinhardt 2023, cxliii.
[769] Thorsrud 2012, p. 39.
[770] Brittain 2016; Reinhardt 2023. Capello 2019 is mostly focused on the *Academica* and does not attempt to explain Cicero's apparent commitments in later dialogues. It is significant to observe that Thorsrud's and Reinhard's programmatic statements are specular word choice in some cases: 'I further believe that Cicero's position both as an author and as a speaker in the text is best characterized as radical scepticism in terms of the distinctions drawn by the Cicero character in *Acad*., but that it is able to encompass many of the features modern scholars associate with mitigated scepticism' (Reinhardt 2023, cxliii); 'the alternative I argue for is that the supposedly radical scepticism Cicero endorses is actually consistent with his usual position of mitigated skepticism' (Thorsrud 2012, p. 133).
[771] Brittain 2016 and Reinhardt 2023.

some views without assent and a certain degree of adaptation, as it is testified by Cicero's vacillation between Antiochean and Stoic doctrines in ethics.[772]

In contrast, Charles Brittain and Peter Osorio have recently proposed a more radical interpretation of Cicero's scepticism, according to which Cicero's main goal is to fight dogmatism, in favour of a completely aporetic reading of his works, including those which appear to advance some view positively (such as *Tusculanae Disputationes*).[773] Similarly, even though his claims are limited to *Academica*, Orazio Capello comes to the point of defining Cicero's philosophy as a 'philosophy of chaos'.[774] Overall, I do not find this kind of interpretation persuasive for at least two reasons. Firstly, as it was also remarked by Nicgorski, I think that the goal of Cicero's works is not only the disarming dogmatism, but also to contribute to the moral and political transformation of Roman society.[775] Secondly, I think that defending this interpretation necessarily leads to separating Cicero the philosopher from Cicero the statesman and orator, who needs to take a stance in public discourse, and, consequently, to a loss of some of the most distinctive traits of his philosophy.

To sum up, both interpretative trends tend, especially when they try to situate Cicero's scepticism within the context of his whole philosophical works, to be nuanced in so far as they need to explain these two features of Cicero's philosophizing. On the one hand, Cicero exalts his scepticism, which leaves him the freedom to follow any view that strikes him as persuasive, without having necessarily to commit to a whole system, and, more importantly, he emphasizes the value of exerting one's reason without being subject to authority. On the other hand, especially in those works where Cicero explicitly proposes some view, not only he seems to be consistently committed to some doctrines – the two previous chapters of this dissertation have shown that on some important matters Cicero does not significantly change his mind throughout his whole life – and, more importantly, he extensively makes use of the principle of authority, presenting his own views as views that would be either the same as the ones held by the Roman statesmen of old or at least compatible with the Roman tradition.

Now, I think that the coexistence of these two apparently contrasting aspects in Cicero's philosophizing can be better understood in the light of the relationship between philosophy and rhetoric and of the rhetorical dimension of his conception of probability. The two previous sections of this chapter laid the groundwork for this. Indeed, as we have seen in Section I, Cicero's very conception of probability is influenced by two intellectual traditions, which applied the same

[772] Reinhardt 2023, cliv-clv.
[773] Brittain & Osorio 2021.
[774] Capello 2019, p. 9.
[775] Nicgorski 2016.

conceptual terminology in very different disciplinary contexts. On the one hand, the Academics, who, drawing from the categorizations of impressions developed by the Stoics, advanced a conception of the πιθανὸν that is primarily connected to the plausibility of perceptual experiences; on the other hand, rhetorical theory and philosophers such as Plato and Aristotle, who analysed the epistemological foundations of rhetoric, advanced a conception of probability and verisimilitude which is largely dependent on the opinions of common people. Cicero was simultaneously exposed to both these traditions and usages of probability, and, for this reason, it is reasonable to assume that in his work he combined rhetorical probability with logical plausibility. In the second section, among other things, I outlined how Cicero insists on the necessity for the orator to frame his speech so that not only it is acceptable for the common sense of the community, but also meets the occasion of the speech itself. This idea is also embodied in the very behaviour of the two main characters in *De Oratore*, who presents themselves as either completely ignorant or not particularly well-versed in Greek studies, so that they can be more probable (*probabilior*) in the eyes of their fellow citizens.[776] In the light of this, I am persuaded that Cicero's attention to how to make one's case rhetorically acceptable to the members of the community is also an important part of his way of philosophizing.

For starters, it is clear that in Cicero's *philosophica* there are many examples of argumentative strategies that can be traced back to his rhetorical expertise. Firstly, not only Cicero is very attentive to the way he characterizes the speakers of his dialogue, but he also includes modes of argumentation that can be considered to fall into the rhetorical category of ethos, which aims to conquer the benevolence of the audience and to excite enmity against the opponent. One of the most fulgid examples of this is represented by Lucullus's and Cicero's speeches in *Academica Priora*.[777] Indeed, at the beginning of his speech Lucullus draws a parallel between the Academics and seditious demagogues, who, by appealing to authorities of the past, tend to disrupt any form of stability and certainty: the ones in philosophy, the others in politics.[778] In a similar vein, Lucullus concludes his speech by asking Cicero whether a person in his position and with his story should follow such a disruptive and dangerous philosophy: 'You should also consider whether this isn't a view that you should be the last person to defend. Weren't you the person who revealed a deeply hidden affair, who

[776] Cic. *De Or*. 2.4., 2.337.
[777] There are many examples where Cicero uses arguments or remarks *ad hominem*, or where he simply uses the character of his dialogical opponents to undermine his own thesis. Just to make a few more examples: In *De Natura Deorum* Velleius is presented by Cicero the narrator as the exemplification of the Epicurean: confident, afraid of nothing and dogmatically convinced of his doctrines (Cic. *DND* 1.18); Epicurus himself is portrayed as a not particularly intelligent man who copied the best parts of his philosophy from Democritus without giving proper credit to him (Cic. *Fin*. 1.16-21; *DND* 1.120-121; *Tusc*. 3.46); similarly to the case of Epicurus and Democritus, Zeno of Citium is criticised for hiding his debt towards the Peripatetics by changing his terminology without altering the substance of his doctrines (Cic. *Fin*. 4.13).
[778] Cic. *Acad*. 2.13-15. Cf. Reinhardt 2023, pp. 330-339.

brought it into the light, and said on oath that you had ascertained it?'.[779] In contrast, Cicero starts his speech, as Cicero the narrator mentions in the interlude, affected by the agitation he felt during his most important legal cases,[780] characterizing his own speech as a defence against an accusation during a trial: his scepticism does not derive from a desire of simply contending and bothering others but stems from a sincere desire to find the truth without assenting to falsehoods.[781] Having defended himself, Cicero unleashes a powerful *ad hominem* attack against Lucullus' master, Antiochus. In particular, he questions the genuineness of Antiochus' operation of founding a new school. Indeed, while being for a long time a pupil of Philo, Antiochus was actually a Stoic, but 'he never left Philo until after he started to have his own students. And then how was it that the Old Academy was suddenly called back to life? He seems to have wanted to retain the honour of this name while defecting from the school itself. At least, there were some who said that he did it for renown, and even that he hoped that his followers would be called Antiochians'.[782] Now, this is nothing short of an accusation of being a fraud who, out of sheer vainglory, disguised his own Stoicism, posing as the founder of a new school. It is worth noting that, from an argumentative point of view, the reasons why Antiochus decided to endorse a certain doctrine is irrelevant to the critical examination of the doctrines themselves, but it is functional to show the opponent in a bad light.[783]

Another important rhetorical feature of Cicero's dialogues is the extensive use of *exempla*. As we have seen in the previous section, Cicero makes consistent use of *exempla* to elucidate his ideas on eloquence (*e.g.* Rutilius Rufus, Galba and Laelius, the Norbanus case), pointing out models to imitate and mistakes to avoid. The same applies to philosophical arguments, which are often advanced together with well-selected examples. A clear example of this kind of rhetorical strategy is Book II of *De Finibus*, where Cicero's speech is explicitly formulated in the rhetorical manner.[784] Examples play a key role in Cicero's refutation of Torquatus' Epicureanism. Firstly, against the Epicurean tenet that pleasure is the final end, Cicero points out to Torquatus that his outstanding ancestors committed

[779] Cic. *Acad*. 2.62. Here Lucullus refers to Cicero's uncovering of Catiline' conspiracy.
[780] *Ibid*. 2.62.
[781] *Ibid*. 2.65-66.
[782] *Ibid*. 2.69-70. Cf. Reinhardt 2023, pp. 539-548.
[783] One might object to this that the strategy of undermining the character of the dialogic opponent can be ascribed to Plato as well. If that were the case, would it mean that Plato is as much 'rhetorical' as Cicero? It is certainly true that in their dialogues both Cicero and Plato employed a combination of literary features and arguments, and that in both interpreting this intersection is an important part in the appreciation of their philosophizing. However, I think that the literary strategies employed by Cicero are distant from Plato and can be considered a transfer from the rhetoric of the forum because in no way Plato launches a direct attack against Socrates' opponents, and Socratic irony is a subtle form of dissimulation that never reaches the aggressiveness of Cicero. For a more detailed treatment of the concept of Socratic irony see Vlastos 1987, Griswold 2002 and Lane 2006.
[784] Cic. *Fin*. 2.17-18. It is relevant to underline that this choice is situated within the characterization of Torquatus as a follower of Epicureanism who was unable to follow dialectical disputations, and this means to portray the Epicurean speaker as an incompetent from the very start (Inwood 1990, p. 145-146).

extreme acts for the sake of discharging their duties, including sentencing to death or banishing their sons for their misdeeds, and that these could hardly be characterized as pleasant acts, despite the undeniable fact that those Torquati of old were clearly honourable men.[785] Secondly, another relevant example is Sextilius, who received an inheritance from Fadius, who requested to transfer it to his daughter, and chose to ignore Fadius' will, as he could keep the inheritance without risking being exposed.[786] This story exemplifies the criticism that, if there is no concrete risk of being detected, the Epicurean will commit crimes in order to maximise his own pleasure.[787] In a very similar situation, Sextus Peducaeus, while having the opportunity to get Plotius' inheritance for himself with impunity, handed over the property to Plotius' widow.[788] Thirdly, a pair of examples is used to compare a life lived in accordance with the Epicurean tenets with a life devoted to virtue. Lucius Thorius, while ignoring Epicureanism, lived in a way that the Epicureans would praise: 'he lived on the principle of enjoying in the fullest measure all the most exquisite pleasures that could possibly be found. His appetite for pleasure was only equalled by his taste and ingenuity in devising them. He was so devoid of superstition as to scoff at all the sacrifices and the shrines for which his native place is famous; and so free from fear of death that he died in battle for his country'.[789] Now, there is nothing inherently immoral in Thorius' life, but Cicero remarks that no one would rank Thorius as more praiseworthy than Marcus Regulus, a man who was so virtuous that to honour his promise to an enemy willingly decided to return to Carthage, where certain death – not pleasure – awaited him.[790] Now, as Brad Inwood pointed out, at first glance, the use of rhetorical examples might appear to be completely irrelevant as far as the truth of the views under scrutiny is involved, but it actually strengthens Cicero's case against Epicureanism. Indeed, Cicero's choice of examples is instrumental not only in highlighting some issues in Epicurean ethics through real counterexamples, with which his readership would be familiar, but it also helps him to challenge the thesis that Epicureanism is actually compatible with the *mos maiorum*.[791]

Rhetorical strategies are an important part of Cicero's writing and contribute to the development of compelling arguments from either side (*in utramque partem*). However, it is noteworthy that Cicero assesses philosophical systems against the backdrop of what can be rightfully considered rhetorical probability, or the extent to which a particular set of philosophical doctrines is

[785] Cic. *Fin*. 1.23-24, 2.72-73.
[786] *Ibid*. 2.55.
[787] For a more detailed examination of this aspect of Cicero's polemic against Epicureanism see Roskam 2012; Woolf 2013; Gilbert 2023.
[788] Cic. *Fin*. 2.58.
[789] *Ibid*. 2.63-64.
[790] *Ibid*. 2.65.
[791] Brinton 1988; Inwood 1990; Langlands 2018, pp. 258-272.

fit to persuade the members of a particular community, especially those who are not well versed in philosophical debates. This kind of evaluation is attested as early as *De Oratore*, where the characters examine the capacity of each philosophical school to equip the orator with the necessary equipment to persuade. Firstly, in Book II there is a discussion on the Athenian embassy of 156-155 B.C., which was composed of the three most outstanding philosophers of the time: the Stoic Diogenes, the Peripatetic Critolaus, and the Academic Carneades. Overall, the figures of Critolaus and Carneades are well received; the former as a pupil of Aristotle, who is praised for having delved deeply into the art of speech, the latter for his extraordinary capacity to argue from either side of each issue.[792] In contrast, Diogenes is criticized, because his dialectic can only provide a way of judging whether or not a statement is true by examining its logical consistency, without giving any useful indication for either discovering the truth or for formulating an eloquent speech. Furthermore, their dialectical style of speaking is too subtle and abstruse, creating unsolvable paradoxes rather than solving them. This is not compatible with oratory, which 'must be adapted to the ears of the crowd, in order to please them, stir their emotions, and prove things that are weighed not in the balance of the goldsmith, but, so to speak, in common scales'.[793] Accordingly, Antonius stresses the self-destructive nature of Stoic dialectic that, unlike Aristotelian rhetoric, leads to the discovery of paradoxes rather than arguments suited to persuasion.[794]

Secondly, at the end of his excursus on the history of the relationship between philosophy and eloquence, Crassus turns to an examination of the existing Hellenistic philosophical schools. Crassus makes clear that he does not try to establish which philosophical system is true, but which philosophy can be effectively used by the orator. The Epicureans are here completely dismissed, because their doctrine prescribes a life of retirement and devoted to pleasure, which is *de facto* incompatible with a public career.[795] The criticism against the Stoics is a little expanded compared to Book II. The problem of Stoicism is both what they say and how they say it. On the one hand, their philosophy is full of *paradoxa*: 'For instance, they say that all those who are not wise are slaves, bandits, enemies, and mentally deranged, and just the same, that no one is wise? It would be rather absurd to entrust a public meeting, a Senate meeting, or any gathering of people to someone who thinks that none of those present is sane, none a citizen, none a free man'.[796] On the other hand, their way of speaking could not be used before a crowd, because their style is barren, and their use of words is inconsistent

[792] Cic. *De Or.* 2.160-161.
[793] *Ibid*. 2.159-160.
[794] Aubert-Baillot 2008, pp. 72-76.
[795] Cic. *De Or.* 3.63-64.
[796] *Ibid*. 3.65-66.

with common usage, preventing the orator from conveying effectively his thoughts through speech.[797] As a result, the only remaining school is the Academy, especially the New Academy founded by Carneades.

Now, it is significant to underline that the idea that a philosophical system should be tested against the backdrop of the Roman culture and, more generally, of its applicability in public discourse is not limited to Cicero's rhetorical writing. In the already mentioned Book II of *De Finibus*, Cicero points out to Torquatus that one of the flaws of Epicureanism is that its core tenets cannot be professed in the context of public discourse.[798] A public man would hardly be able to canvas popular support by declaring that pleasure is the aim of every action of his life, and the same would also apply in the forum and in the senate.[799] Torquatus might well complain that what he actually means by 'pleasure' is misunderstood, but Cicero insists that the notion of pleasure is actually well known by everybody and that, even conceding the Epicurean thesis that the absence of pain is the highest form of pleasure, this would not make Epicureanism more acceptable: declaring in public that one's highest pursuit is avoiding pain is not a nobler thing to say than professing that one's final end in life is the pursuit of pleasure.[800] In a similar vein, Cicero attacks Epicurean self-interested utilitarianism: 'say that you intend both in your present office and all your life long to act solely for the sake of your own advantage, - to do nothing but what will pay, nothing in short that is not for your interest; imagine the uproar among the audience!'.[801] For all of these reasons, if the Epicurean wishes to take part in public life, he will be forced to adopt a different vocabulary than his own; he will make use of the words of the Stoics and the Peripatetics, speaking of duties, virtue, honour, self-sacrifice and so on. This results in a discrepancy between the public man and the private citizen that is simply unacceptable for Cicero, who concludes: 'in my view those opinions are true which are honourable, praiseworthy and noble – which can be openly avowed in the senate and the popular assembly, and in every company and gathering, so that one need not be ashamed to say what one is not ashamed to think'.[802]

The idea that philosophical systems should be acceptable in the public sphere is also at the heart of Cicero's criticism of Stoicism in Book IV of *De Finibus*. Cicero starts his argument against the Stoics by criticising the obscurity of their philosophy, which does not derive from the difficulty of the doctrines themselves as Cato protests, but from their incapacity to expound their thought

[797] Cic. *De Or.* 3.66. Cf. Atherton 1988, pp. 400-401.
[798] Inwood 1990, pp. 147-149.
[799] Cic. *Fin*. 2.74.
[800] *Ibid*. 2.75-76.
[801] *Ibid*. 2.76.
[802] *Ibid*. 2.77.

intelligibly.[803] In contrast, Cicero insists that, unlike the Stoics, the Peripatetics and the Academics were able to write ornately on the most important subjects; this is reflected not only in their abundance of works on political theory and legislation, but also in their contributions to rhetorical theory, which they never neglected, engaging in rhetorical exercises both revolving on general issues (*quaestio infinita*) and issues that concern particular cases.[804] The Stoics certainly wrote rhetorical handbooks, but Cicero's opinion on their value is rather negative: 'It is true that Cleanthes wrote a treatise on rhetoric, and Chrysippus wrote one too, but what are they like? Why, they furnish a complete manual for anyone whose ambition is to hold his tongue'.[805] Furthermore, as in *De Oratore*, Cicero insists on the fact that, while both the Peripatetics and the Stoics worked a lot on the development of dialectic, the former were the only ones to provide clear indications on the art of discovering arguments.[806] One of the main issues of Stoicism is that their meagre and abstruse style, which is hardly dissimilar from the one employed in a dialectical disputation, is unable to persuade people of the importance of virtue by moving their minds; the Stoic syllogisms 'may convince the intellect, but they cannot convert the heart, and the hearer goes away no better than he came'.[807] In contrast, Cicero holds that, especially when the issue of the final end is involved, it is essential that philosophical arguments have the strength to amend our way of life.[808]

Furthermore, Cicero holds that Zeno of Citium, the founder of the Stoic school, introduced no substantial novelty in the philosophical debate, apart from adopting a novel terminology that makes things more obscure, rather than correcting the mistakes of earlier philosophers, as they claimed. Accordingly, the external goods should not be called 'goods' but 'preferred' (*praeposita*) and the bodily goods are not 'desirable' (*expetenda*), but 'worth taking'(*sumenda*); from that point on, the Stoics proceed formulating a paradox after the other.[809] Interestingly, Cicero advances against the Stoics the same criticism he made against the Epicureans, namely that their doctrines cannot be used in public discourse. Indeed, the Stoic formulation of their doctrines 'could not possibly be produced in public life, in the law-courts, in the senate! For who could tolerate such a way of speaking in one who claimed to be an authority on wise and moral conduct'.[810] The Stoic terminology actually disrupts the commonly accepted relation between *res* and *verba*, indicating with different words the same things that in everyday life are named differently, and without conveying different ideas. The

[803] Cic. *Fin*. 4.1. Cf. Aubert-Baillot 2008, pp. 79-82.
[804] Cic. *Fin*. 4.6-7.
[805] *Ibid*. 4.7.
[806] *Ibid*. 4.10. Cf. Cic. *De Or*. 2.159-160.
[807] Cic. *Fin*. 4.7.
[808] *Ibid*. 4.52.
[809] *Ibid*. 4.19-21.
[810] *Ibid*. 4.21.

alternative to this way of speaking would be to speak in public using the common language; however, as he did for the Epicureans, Cicero remarks: 'what sort of philosophy then is it this, which speaks the ordinary language in public, but in its treatises employs an idiom of its own?'.[811] Similarly, Cicero holds that, when there is no difference concerning the things themselves that would justify the use of different words, 'we must be careful to employ the terms most generally accepted and those most suitable, that is, those that convey the fact clearly'.[812]

As we have seen, the way a philosophical system would be received in the context of public discourse by evaluating its compatibility with the opinions of common people – especially those belonging to the particular community to which the speech is addressed – is an important part of Cicero's assessment of both Epicureanism and Stoicism. Both these philosophies are to a certain extent criticized for their potentially disruptive impact on Roman traditions, which would lead their proponents to be hardly capable of persuading the Romans. However, it is noteworthy that, unlike the Stoics, Epicureanism is censored without hesitation and their representatives in Cicero's dialogues are treated condescendingly, to the point that their refutation starts from their characterization as incompetent individuals, who blindly accept the authority of their master without exerting their own reason and, in the best scenario, act virtuously against their own tenets.[813] In contrast, despite their formal shortcomings, Cicero concedes that the Stoics developed a complex and elaborate philosophical system, which possesses the epistemic virtue of a high degree of internal consistency.[814] A similar judgment can be found at the beginning of Book III of *De Natura Deorum*, where Cotta points out to the Epicurean Velleius that the speech of the Stoic Balbus represents a significantly bigger challenge for him. Epicurus does not come to the point of openly advocating atheism, but he simply says that the gods are inactive and care for nothing, proposing an implausible account of the nature of their bodies.[815] Balbus in contrast provided a highly informative account and his doctrine 'though lacking in truth it was yet consistent and systematic'.[816] Cotta makes clear that his criticisms only involve the Stoic rational theology, whereas his commitment to Roman religion rests on the authority of the ancestors and on his role as pontiff.[817]

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[811] Cic. *Fin*. 4.22.
[812] *Ibid*. 4.57-58.
[813] *Ibid*. 2.80-81.
[814] *Ibid*. 4.1.
[815] Cic. *DND* 3.3-4.
[816] *Ibid*. 3.4. Cf. *Div*. 1.8-9, 2.148.
[817] Wynne 2019, pp. 112-120. The same applies to *De Divinatione*, where Cicero, who apparently confirms his puzzling verdict in favour of Balbus at the end of *De Natura Deorum* (Cic. *DND* 3.95), takes up the task of attacking the possibility of divination, leaving its defence to the brother Quintus. However, it is significant that, while being fairly critical of many forms of divination, Cicero is very careful not to dismiss completely those divinatory which are well-established in Rome. Indeed, his general stance appears to be that the art of divination used to exist in Rome and that in the lapse of time simply lost its efficacy. However, Cicero makes clear that 'out of respect for the opinion of the masses and because of the great

The high degree of sophistication of Stoicism and its strong emphasis on virtue appear to be rather attractive to Cicero, who tends to employ Stoic doctrines in those works that try to advance a positive viewpoint. A clear example of this is represented by his *De Officiis*, where Cicero ostensibly follows Panaetius. However, as was shown in the previous chapters of this dissertation, there are good reasons to think that Cicero modified Stoic doctrines significantly, especially in a way that pertains to the importance he attached to oratory and public speech. As we have seen in Chapter I, Cicero proposes in *De Officiis* a philosophical anthropology that identifies the interaction between reason and speech as the defining trait of human nature and the ultimate foundation of society, and this idea stems from a modified version of the Stoic doctrine *oikeiōsis* that incorporates some of the elements of the role of eloquence in the origin of civilization that ultimately derives from Isocrates.[818] Secondly, in Chapter II it was shown how, especially in Book II of *De Officiis*, Cicero continues to characterize his statesman as an orator and, the more, he insists on the role of eloquence, especially in a forensic setting, in building up the public confidence that is necessary for the stateman to become a guide for his people.[819]

On top of that, Cicero recommends respecting the cultural traditions of the community and its sense of what is appropriate. Firstly, he remarks that 'no rules need to be given about what is done in accordance with the established customs and conventions of a community (*Quae vero more agentur institutisque civilibus, de iis nihil est praecipiendu*m); for these are in themselves rules'.[820] Conversely, Cicero adds that we should not follow the example of philosophers such as Socrates or Aristippus, who spoke against the customs and traditions of their communities (*contra morem consuetudinemque civilem*),[821] because these men earned that privilege because of their wisdom, but ordinary people should refrain from doing the same. This partial, and perhaps not fully sincere,

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service to the state (*ad opinionem vulgi et ad magnas utilitates rei publicae*) we maintain the augural practices, discipline, religious rites and laws, as well as the authority of the augural college' (Cic. *Div. 2.70*). At the same time, Cicero condemns those who disregard the auspices: 'in my opinion the consuls, Publius Claudius and Lucius Junius, who set sail contrary to the auspices, were deserving of capital punishment; for they should have respected the established religion and should not have treated the customs of their forefathers with such shameless disdain' (Cic. *Div*. 2.71. cf. Fott 2012, pp. 168-174). Overall, Cicero's project is the destruction of superstition, rather than religion or divination, because wisdom should 'preserve the institutions of our forefathers by retaining their sacred rites and ceremonies' (Cic. *Div*. 2.148). All translations of *De Divinatione* in this thesis are from Armistead 1923. Generally speaking, that Cicero is keen on preserving Roman tradition is also shown by his political writings such as *De Republica* and *De Legibus*. In the historical account of the development of the Roman constitution in Book II of *De Republica*, Scipio praises Romulus for having introduced two essential foundations of the Roman state, namely the senate and the auspices (Cic. *Rep*. 2.16-17; cf. Cic. *Div*. 2.70). Similarly, Numa Pompilius is commended for his thorough organization of Roman religion, for 'he softened through religious ceremonies minds that were inflamed with the habit and the desire for making war' (Cic. *Rep*. 2.26). The same applies to *De Legibus*, which devotes Book II to the treatment of religion and makes clear that the correct regulation of religion is essential to the preservation of the commonwealth (Cic. *Leg*. 2.69).

[818] See especially Section IV of Chapter I.

[819] See especially Section V of Chapter II.

[820] Cic. *Off*. 1.148.

[821] *Ibid*. 1.148.

justification for Socrates does not apply to the Cynics, whose philosophy is presented by Cicero as completely incompatible with morality. Similarly, Cicero remarks that propriety needs to be observed in every action and word, and this includes a sense of decency for subjects (such as reproduction) that, while being perfectly moral, should be performed in private and never talked of. Accordingly, Cicero condemns the Cynics and some Stoics, who maintain that there should be no shame in talking about something that is not immoral.[822]

The other major Stoicizing work of this period is *Tusculanae Disputationes*. In a recent study, Charles Brittain and Peter Osorio tried to develop a radically sceptical interpretation of this dialogue, recognizing that this particular work is a hard case that does not fit straightforwardly with radical scepticism, as the main speaker is predominant and the debate is often unilateral and resulting in the persuasion of the other interlocutor.[823] In contrast, they argue that the explanation for this apparent lack of meaningful disagreement is to be found in Cicero's intended readership; more specifically, given that *Tusculanae Disputationes* is addressed to Brutus,[824] who was a follower of Antiochus' Old Academy, the set of five speeches should be understood as opposing main tenets of Antiochean doctrines, progressively revealing their points of disagreement with the Stoics on key ethical issues.[825] The result of this reading would be that rather than proposing therapies for the soul, Cicero would be intent to test doctrinal beliefs against each other.

I think that this interpretation is not persuasive for several reasons. Firstly, it is true that Cicero makes large use of Stoic doctrines in *Tusculanae Disputationes*; however, the point of view he dialectically advocates cannot be described as straightforwardly Stoic. In this regard, the argumentative strategy employed in the first disputation, which defends the thesis that death is not an evil, is a clear example of this. Indeed, in his attempt to dispel the fear of death, it seems to me that Cicero turns to Plato, rather than the Stoics.[826] In particular, he clearly refers to Plato's dialogues such as *Phaedo* and *Phaedrus*, where the issue of the immortality of the soul is central.[827] Cicero's argument against the idea that death is an evil requires that the soul does not disappear after death, and, on this matter, Plato is a valid ally. In contrast, the Stoics, while apparently granting that the soul might last for some time after death (especially the soul of the wise), think that the soul is generated

[822] Cic. *Off*. 1.127-128. This defence of *verecundia* against the Cynics and some Stoics is probably inspired by Panaetius himself, who would have meant to oppose the influence of the most anticonventional Cynic ideas that exerted an influence over the Stoic school from its very beginning (Dyck 1996, pp. 300- 303; Alesse 1997, pp. 206-212; Schofield 1999, pp. 3-21).
[823] Brittain & Osorio 2021, pp. 31-32.
[824] Cic. *Tusc*. 5.121.
[825] Brittain & Osorio 2021, pp. 31-32.
[826] Cf. McConnell 2022, pp. 150-156.
[827] Cic. *Tusc*. 1.24-25, 1.49, 1.53-57.

and corruptible.[828] In this regard, taking Plato's side, Cicero openly expresses his disagreement with Panaetius, who reportedly used two proofs against the immortality of the soul: 1) the souls are born, whatever is born is bound to perish, therefore, they are also bound to perish; 2) all that is susceptible to pain is susceptible to disease, all that is susceptible to disease is bound to perish, the souls are sensible to pain, so they will also perish.[829]

Secondly, Cicero does not fail to criticize Stoics for their inability to express their doctrines in an acceptable and persuasive way: 'let the Stoics settle in their attempt to prove that pain is not evil by a string of involved and pettifogging syllogisms, which fail to make any impression on the mind'.[830] Cicero adopts many doctrines from the Stoics, but he strives to make them effective in producing an effect on the minds of his readers, combining syllogistic forms of arguments and his rhetorical prowess.[831] Accordingly, the main flaw of Stoicism is that its arguments work in the abstract and can only convince a sage:

> It is hard to prove to a mourner that he is mourning of his own choice and because he thinks he ought to do so. No need to wonder then that in the conduct of cases in court we do not always take up the same position (this is the term we apply to lines of argument in disputes), but we adapt the line we take to the occasion, to the character of the dispute, to the personality of the litigant; we act similarly in the alleviation of distress, for we have to consider what method of treatment is admissible in each particular case (Cic. *Tusc*. 3.79)

Here not only Cicero illustrates the limits of a purely cognitive therapy for distress, but he also draws a clear parallel between the act of consoling sufferers and oratory in which the ability to adapt a speech to the circumstance is put at the basis of the work of consoling people, removing distress from their minds.[832] In the light of this, I think that the aim of the work is, among other things, to offer consolation to the readers in the most effective way, proposing a rhetorically acceptable version of Stoicism to achieve that end.[833] Let us not forget that Cicero in several important passages includes the consolation of the afflicted among the tasks of his orator-statesman.[834]

I think that the consolatory function of this work can also contribute to explaining the discrepancy between its Stoicizing stance on emotions and Cicero's emphasis on the role of emotions

[828] SVF 2.809, 810, 811, 812, 814, 822.
[829] Cic. *Tusc*. 1.79.
[830] *Ibid*. 2.42.
[831] *Ibid*. 3.13, 22, 56-60.
[832] Cf. Cic. *Or*. 74, 101.
[833] Cf. White 1995.
[834] Cic. *De Or.* 1.32, 2.36; *Leg*. 1.62.

in persuasion in his *rhetorica*. As Raphael Woolf rightly notes, if in *Tusculanae Disputationes* Cicero holds that emotional disturbances should ideally be removed, Cicero rhetorical theory works under the assumption that the orator will excite emotions in the audience.[835] Cicero appears to be aware of the problem, as he writes that 'an orator should not be irascible; to feign to be so is not unbecoming'.[836] Even if this might not necessarily be a disavowal of Antonius' precept that the orator should feel the emotions he tries to excite in his public, why would it be acceptable that everyone else is pushed to feel anger? Cicero argues that in some cases the excitement of anger serves a higher purpose, as it happens in war, where it might be necessary that the soldiers feel anger towards the enemy. In a similar vein, according to Woolf, the dilemma can be solved by taking into account how the arousal of emotions can serve the higher purpose of protecting society, which represents a precondition for the good life.[837] I generally agree with this reading; however, I also think that, if we consider that consolation is one of the tasks of the orator, the dilemma can be solved as follows. The single task of consolation requires the removal of emotional distress from the minds of the afflicted and is best served by Stoic psychology, whereas the other tasks of the orator, including the persuasion in an adversarial setting like a trial, might necessarily require the arousal of emotions.

In the preface to Book I of *De Oratore* there is an indication that Cicero might be using different conceptions of emotions depending on the task at hand. Indeed, among the other things, Cicero remarks that the orator will need:

> a thorough acquaintance with all the emotions with which nature has endowed the human race (*quos hominum generi rerum natura tribuit*), because in soothing or in exciting the feelings of the audience the full force of oratory and all its available means must be brought into play. (Cic. *De Or.* 1.17)

Now, this observation is rather brief but allows us to infer that Cicero here is not making use of a Stoic conception of emotions. Indeed, the Stoics define emotions as mistaken beliefs that are contrary to reason, and, consequently, to nature itself.[838] Then, the idea that emotions are given by nature is not Stoic and is actually more compatible with the Peripatetic view that not only emotions are not an evil, but also they were given to humankind for its own advantage, as they can guide human beings towards desirable ends.[839]

[835] Woolf 2023, p. 23.
[836] Cic. *Tusc*. 4.55.
[837] Woolf 2023, p. 25.
[838] SVF 3.377, 378, 380, 391.
[839] Cic. *Tusc*. 4.46-48.

Thirdly, it is certainly true that Cicero shows that there are points of disagreement between the Stoics and the Old Academy. In particular, Cicero expresses his disagreement with the Peripatetic doctrine of the right mean and their treatment of anger, declaring a preference for Stoicism.[840] It is also true that, to a large extent, the last disputation on whether virtue is sufficient for the happy life is framed as an opposition between the Stoics, who indicated virtue as the only good sufficient for happiness, and Antiochus, who held that virtue was sufficient for happiness but that supreme happiness requires also something external beside virtue.[841] However, it seems to me that Cicero's conclusion on the matter is that, all things considered, while having different strengths and weaknesses, with the exception of Peripatetics such as Theophrastus, who assigned a foremost role to fortune in the good life,[842] both systems are a valid guide for life and action:

> as all that the Peripatetics regarded as goods were also regarded as advantages, and as the Peripatetics did not in spite of their opinion attach more value to riches, good health and the other things of the same kind than the Stoics did, he said that inasmuch as the determining factor is the thing, not the words, there was no ground for disagreement. Therefore it is for the philosophers of the other schools themselves to consider how they can maintain their position; I nevertheless welcome the fact that in agreeing upon the uninterrupted power of the wise man to lead a good life their avowal is one worthy of the utterances of philosophers. (Cic. *Tusc*. 5.120)

Significantly, Cicero repeats the claim that the Stoic system is substantially the same as the one advocated by the Old Academy, the main difference being in the use of words, behind which there is no substantial difference as far as things are concerned.[843] Both schools are commendable and worthy of being followed, their true opponents being those schools that regard virtue at best as something essential to happiness without being happiness itself, namely the Epicureans.[844] This tendency of blurring the differences between Stoics and Peripatetics in favour of a more general fight against the partisans of pleasure is present in other works such as *De Legibus* and *De Officiis*.[845] In this light, I think that something similar happens in *De Finibus*, where Cicero writes that 'the book is intended to contain so far as possible a complete account, not only of the views that we ourselves accept, but also of the doctrines enunciated by all the different schools of philosophy'.[846] Cicero tells us that

[840] Cic. *Tusc*. 3.13, 3.22; *Off*. 1.89.
[841] Cic. *Tusc*. 5.21-23; *Fin*. 5.69-72.
[842] Cic. *Tusc*. 5.85.
[843] Cic. *Fin*. 4.60-61.
[844] Cic. *Tusc*. 5.120.
[845] Cic. *Leg*. 1.37-38; *Off*. 1.5-7, 3.11, 3.20.
[846] Cic. *Fin*. 1.12.

among the views presented there are some he would approve of, but, in my opinion, this should not be interpreted as an indication that Cicero sides either with the Stoics or the Old Academy (the Epicureans are strongly dismissed here);[847] instead, my view is that Cicero thinks that the true alternative is between pleasure and virtue, and the Stoics and the Old Academy are the two schools whose doctrines are worth discussing.[848] As a result, the true opposition is not the one between Stoics and Peripatetics, but the one between the philosophers who hold that virtue is sufficient for being happy and those who defend pleasure as the ultimate goal of life. In this opposition, Cicero unequivocally sides with the former against the latter and, depending on the context might avail himself of whatever doctrine from that camp that best serves his purposes in the handling of each particular issue.

However, one might ask, what kind of attitude does Cicero have towards Stoicism or any other doctrine he happens to endorse? I think that a cue can be provided by the preface to *Paradoxa Stoicorum*, where Cicero provides a defence of some of the most paradoxical theses advocated by the Stoics. Here Cicero, addressing Brutus, writes that his uncle Cato did not conform to the normal practice of public speech in the forum and the senate, as he made use of philosophical arguments; nonetheless, 'his oratory succeeds in making such things acceptable (*probabilia*) even to the general public'.[849] This was an outstanding achievement because, unlike his own school, 'which is the parent of oratorical fluency and which contains doctrines not greatly differing from ordinary modes of thought (*non multum discrepant ab opinione populari*)',[850] Stoicism is a philosophy that not only is more adept in dialectical disputation than in oratory, but it also proposes doctrines that go against the opinions of the people. However, Cicero observes that 'nothing is so difficult to believe that oratory cannot make it acceptable, nothing so rough and uncultured as not to gain brilliance and refinement from eloquence (*Sed nihil est tam incredibile quod non dicendo fiat probabile, nihil tam horridum tam incultum quod non splendescat oratione et tamquam excolatur*)'.[851] In this regard, Cicero's aim is to use his rhetorical ability to make those paradoxes probable: 'I wanted to try whether it is possible

[847] Cic. *Fin*. 3.1-2.
[848] Most recent scholarship on the interpretation of *De Finibus* hotly debates the question of whether Cicero is a radical sceptic (Brittain 2016) or a mitigated sceptic with Antiochean or Stoic leanings (Gawlick and Görler 1994, pp. 1038–1040; Brittain 2001, pp. 258-259; Görler 2011; Gill 2016). My discussion above suggests that the true alternative is not the one between Peripatetics and Stoics, but the one between pleasure and virtue, and that Cicero unequivocally favours the latter. The views of the Stoics and the Peripatetics, while having their respective own strengths and weaknesses, are the ones that are worthy of being defended by anyone who wishes to take the side of virtue, and Cicero does not subscribe to either system, but he only makes use of the doctrines that are functional to his own argument.
[849] Cic. *Parad. Stoic*. 1. Cato's rhetorical prowess is discussed more thoroughly in *Brutus*, where Cicero explains that Cato was eloquent despite his Stoicism, as he received rhetorical training from rhetoricians as well (Cic. *Brut*. 119; cf. Atherton 1988, pp. 401-402). All translation of Cicero's *Paradoxa Stoicorum* in this thesis are from Rackham 1960.
[850] Cic. *Parad. Stoic.* 2.
[851] *Ibid.* 3.

for them to be brought out into the light of common daily life and expounded in a form to win acceptance, or whether learning has one style of discourse and ordinary life another (*an alia quaedam esset erudita alia popularis oratio*)'.[852] Cicero makes clear that what will follow is nothing but an exercise; still, he remarks that this operation of recasting philosophical problems into a more oratorical way of expression is his usual practice,[853] and, as we have seen, Cicero is actively concerned with the development of a form of rhetorically persuasive Stoicism.

His writings originate from a political situation that prevents him from taking part in the administration of the state and represent an alternative form of public service.[854] More specifically, Cicero aims to intervene in public discourse through his works, in order to promote a political and moral transformation of the Roman people that integrates philosophy with Roman tradition. It is certainly true that Cicero advocates his Academic Scepticism as the only school that truly cherishes the exercise of one's reason. Still, the New Academy only provides a method for examining problems rather than a positive doctrine and intervening in the public discourse requires taking a position in the debate, and, in this regard, the Stoics provide Cicero not only with the most sophisticated philosophical system available, which, with the addition of his own rhetorical prowess, can finally succeed in changing people's ways, but also with a set of doctrines that are most compatible with the Roman *mos maiorum*, allowing Cicero to present his case as a restoration of old and well-respected customs. This does not mean that Cicero is committed to Stoicism in the sense of giving dogmatic assent to its doctrines, nor that he proposes a Ciceronian Stoicizing system which differs from standard Stoics in its stylistic form. On a very general, and perhaps pre-theoretical, level, it might be argued that Cicero is committed to the thesis that the greatest good is virtue and that virtue is sufficient for the good life, but not to the single doctrines or argument he employs. On the one hand, Cicero holds that by the application of the Academic methods of arguing on either side he will find what is probable in each particular case, and this indicates that Cicero's approval of a particular school should be intended as limited to the particular subject under discussion, rather than to the whole system. On the other hand, there are indications that what Cicero finds probable in a particular debate might change over time and depending on the context: 'we live day by day (*nos in diem vivemus*), we say anything that strikes our mind as probable, and so we alone are free'.[855]

I think that, in one sense, Cicero approaches philosophical issues as speeches that need to be accommodated to the particular issue at stake and the circumstances of the moment, taking into

[852] Cic. *Parad. Stoic* 4. Cf. Baraz 2012, pp. 131-136.
[853] Cic. *Parad. Stoic.* 5.
[854] Cf. Baraz 2012, pp. 15-22.
[855] Cic. *Tusc*. 5.33. Cf. Roskam 2023.

account first and foremost the cultural context to which the message of the author is directed in order to achieve the highest degree of persuasiveness. Cicero himself encourages us to read his works in this manner, when he holds that his philosophical writings are his own way of engaging in public discourse in a time of crisis that forced him out of the political arena: 'it was in my books that I made my senatorial speeches and my forensic harangues; for I thought that I had permanently exchanged politics for philosophy'.[856] This statement is particularly telling if we consider that in this preface Cicero offers a retrospective overview of his whole works to that point. The same happens in *Tusculanae Disputationes*, where Cicero, having emphasized the importance of combining eloquence and philosophy to treat the highest philosophical issues in the most elegant way, compares the disputations he sets at Tusculum to his own youthful declamatory exercises, which helped him to prepare for the forum, defining them as the declamation of his old age (*senilis declamatio*).[857] Cicero's intent of persuading the audience is not only present in those works that openly advance some doctrines, but also in those works that can be genuinely regarded as aporetic. Indeed, in these works Cicero leaves the reader with the possibility of choosing between different options and refrains from expressing his own view openly; however, as we have seen, the weaving of his dialogues is not neutral towards all schools. In particular, the Epicureans are attacked forcefully, and their refutation starts from their characterization as people who in the best scenario are harmless fools, and, more generally, some philosophical dilemmas are framed in a way that suggests that there is a case which is more persuasive, even though the ultimate truth might never be fully achieved.[858]

Finally, from the foregoing discussion we can draw the following conclusions. Firstly, we started with a discussion of the concept of probability in Cicero against the backdrop of the debate between Stoics and Academics on the possibility of cataleptic impressions. In this debate, as was emphasized by modern scholarship, there are good reasons to think that the Academics developed their argument against the Stoics starting from premises and categories drawn from Stoic philosophy, so that the suspension of judgment becomes the only rational outcome if one accepts the premises endorsed by the Stoics. As the Stoics included persuasive impressions (πιθανὴ φαντασία) in their classification of impressions, this also involves Carneades' theory of the πιθανὸν as an alternative to

[856] Cic. *Div*. 2.7. Cf. Baraz 2012, pp. 188-194.
[857] Cic. *Tusc*. 1.7. Cf. Douglas 1995. According to Gildenhard, in *Tusculanae Disputationes* Cicero complained that this state of idleness compelled him to attend to relatively unimportant intellectual activities that are more suited to the Greeks (Gildenhard 2007, pp. 156-62). In this regard, I agree with the reading that, while being unsatisfied with his condition under Caesar's tyranny, Cicero valued his philosophical endeavour as an alternative public service towards the community (Baraz 2012, pp. 15-21; Gilbert (forthcoming), pp. 22-23).
[858] A clear example of this is the question of the nature of the gods. Cicero writes that, if the Epicureans are right in holding that the gods do not care for humans, piety towards the gods would disappear, 'and in all probability the disappearance of piety towards the gods will entail the disappearance of loyalty and social union among men as well, and of justice itself, the queen of all virtues' (Cic. *DND* 1.4). In contrast, nothing so catastrophic is ascribed to Stoic theology, if it were confirmed to be true (Cic. *DND* 1.4-5; cf. Wynne 2019, p. 101).

cataleptic impressions in order to counter the criticism of *apraxia*, or making everyday life impossible by undermining any certainty in our perceptual impressions. As a result, the probability of the New Academy is primarily connected to the evaluation of the plausibility of our impressions in the context of an epistemological debate concerning our sensory experience. However, this is not the only notion of πιθανὸν that obtained in the Greek cultural tradition, as it is well attested the use of the πιθανὸν and related terminology in the context of rhetorical theory, first and foremost, by those classical authors such as Plato and Aristotle, who, drawing different conclusions on the epistemological reliability of the πιθανὸν, identified the πιθανὸν as an essential component of their analyses of rhetoric. Unlike the πιθανὸν related to the debate on cataleptic impressions, such as rhetorical πιθανὸν consists in identifying what is persuasive for common people by making appeal to their own opinions and biases on the reality of things. Such a rhetorical conception of probability was a received view in Hellenistic rhetorical handbooks as it is testified by Latin handbooks such as *De Inventione* and *Rhetorica Ad Herennium*, where the Latin translation of πιθανὸν, *probabilis*, is consistently used to define the epistemological status of the art of speaking, recommending that the orator speaks in a way that is compatible with the way of thinking of his audience. Cicero was then exposed to both conceptions of πιθανὸν and, in the subsequent sections, we tried to ascertain whether rhetorical probability plays a role in his theory of persuasion and, more generally, in his way of philosophizing.

On the one hand, Section II illustrated how the concept of rhetorical probability is deeply ingrained in Cicero's rhetorical writings, which prescribe that anyone who wishes to succeed in public speaking will be concerned with getting familiar with the way of thinking of his community, modulating his speech accordingly. Similarly, Cicero strongly criticised the Stoics, who produced a rhetorical way of speaking that was barren, abstruse, and substantially similar to the one employed in dialectical disputations. Their rhetoric, as exemplified by the case of Rutilius Rufus, a Roman Socrates, is bound to fail in persuading the masses. Furthermore, I have argued that Cicero gives a greater emphasis on the non-rational means of persuasion and style than on argumentation. This is a far cry from the existing Greek models of philosophical rhetoric. Indeed, as was already shown in Section I, Plato, the first who undertook the project of developing a philosophical rhetoric, was strongly critical of non-philosophical rhetoric precisely because of its epistemic status of probability, which is no better than the opinions of the masses, proposing a philosophical rhetoric based on scientific knowledge guaranteed by dialectic and the capacity of adapting the truth so that it is welcomed by the listeners. Aristotle walked in Plato's footsteps but with a strong change of perspective on the role of opinions, especially reputable opinions. Indeed, Aristotle subscribes to an optimistic anthropology, according to which the most well established pre-theoretical opinions of common people are sufficient to reach the truth on the questions under discussion in public discourse.

Apparently, either directly or indirectly, Cicero drew from Aristotelian material in the elaboration of his own theory of persuasion; however, while Aristotle clearly understood enthymemes as the core of persuasion and the other means of persuasion as subordinate to the correct communication of the facts under debate, Cicero had an opposite evaluation of the relative strength of the three means of persuasion. This has been explained as a result of his Academic scepticism, which is very distant from Aristotle's optimism on the innate capacity of human beings to discern the truth.

On the other hand, in Section III we turned to the question of whether rhetorical probability plays a role in Cicero's way of philosophizing. Indeed, I have shown that Cicero makes extensive use of argumentative strategies drawn from rhetorical theory, such as *ad hominem* arguments and concrete examples that are familiar to his readership and can help put his opponent in crisis. Secondly, I have argued that in his assessment of contemporary Hellenistic schools, Cicero not only evaluates the extent to which each school can contribute to the education of the orator, but also how their doctrines would fare in public discourse. In particular, I have shown that Cicero is strongly concerned with the compatibility of philosophical doctrines with the *mos maiorum* and his way of philosophizing incorporates his rhetorical expertise both in using the most elegant language to express his ideas and in adapting the contents to the way of thinking of his own community, so that the moral and political reform of Rome can be enacted even with the help of philosophical doctrines, which are presented as either a restoration of older customs or as something already achieved in a different form by the Romans of Old. Accordingly, Stoicism represents the best possible choice for Cicero, as it provides the most sophisticated philosophical system available and, once purged of his *paradoxa*, the most compatible with Roman culture. This does not mean that Cicero is committed to a Ciceronian version of Stoicism, but that he makes use of Stoicism in the presentation of his case in a way not dissimilar from an orator, who, having accepted a case, makes use of all that can be said on behalf of his client during a trial. In this sense, the *philosophica* can also be interpreted as true pieces of 'philosophical rhetoric'. By this expression I do not mean that these works are merely showpieces, but that they represent the way through which Cicero intended to intervene in public discourse despite his forced exclusion from the political arena. His goals certainly include the moral and intellectual education of his fellow citizens, promoting the use of their own rationality in accordance with Academic freedom. However, even though many philosophical issues can be argued on either side, Cicero suggests that there are doctrines that, at least temporarily, can command more probability and, for the sake of life, especially when these issues have ethical and political ramifications, it might be necessary to take a stance that meets the occasion, even if a provisional one. At the same time, Cicero discourages his readers from adopting doctrines that struck him as inherently dangerous and potentially capable of disrupting well-established Roman traditions.

Conclusion

Throughout this thesis I have attempted to investigate the interaction between philosophy and rhetoric as a general trait of Cicero's thought, rather than a subject that merely pertains to his rhetorical theory and his conception of the education of the ideal orator. Overall, I hope to have shown two things: that rhetoric plays a larger and more pervasive role in Cicero's philosophical and political thought than it is usually credited with; and that analysing the *philosophica* writings in the light of the *rhetorica* and *vice versa* not only significantly helps us to truly appreciate the distinctiveness of his way of philosophizing (compared to Greek theorists), but it also shows us that there are specific philosophical issues at the centre of both sets of writings that could not be fully understood without such a hybrid reading. The main takeaways of this inquiry can be summarized as follows.

In Chapter I, I have addressed the issue of the ethical foundation of rhetoric in Cicero. Specifically, I have argued that modern scholarship framed this as the issue of the orator's moral integrity, which leads us to the following dilemma: either we consider Cicero a kind of ethical intellectualist that holds that the orator's philosophical competence guarantees virtuous conduct, or that, especially compared to Plato, he almost completely neglected the moral dimension of oratory, limiting his concerns to the social duties connected to the figure of the Roman *patronus* towards his clients. The former interpretation is overly idealistic and does not suit Cicero's text, whereas the latter makes Cicero a rhetorical theorist who is only marginally better than ordinary non-philosophical rhetoricians. In the light of this, my strategy has been to shift the focus from the morality of the orator, which cannot be guaranteed, to an investigation into whether Cicero provides morally valid reasons for the practice of oratory, despite the potential abuse of eloquence. I have argued that, for Cicero, the moral justification of eloquence derives from his conception of human beings as beings whose distinctive feature is the interaction of reason and speech, which is instrumental to both establishing and preserving the bonds of society and civilization, especially allowing peoples to govern themselves under free deliberative institutions – all these achievements would not be attainable by a voiceless wisdom devoid of the necessary eloquence to persuade our fellow humans. I have illustrated that this view, which makes eloquence an essential human trait that is worthy of being pursued on its own account for the sake of fully developing our nature as social animals, is advocated by Cicero both in his rhetorical and philosophical treatises throughout his life. The main difference between these two sets of works is in emphasis, as the rhetorical writings focus more on eloquence, whereas the *philosophica* dwell more on the role of wisdom. As to the inspiration for the idea that eloquence is the basis of human civilization, by a comparison with Aristotle and the contemporary accounts of the origin of human civilization proposed by Lucretius and Diodorus Siculus, I have shown that Cicero

drew this theme from the rhetorical tradition that derives ultimately from Isocrates. Interestingly enough, this Isocratean theme tends to coexist with more Stoicizing doctrines in Cicero's philosophical works. In particular, I have argued that in *De Officiis*, a work ostensibly inspired by the Stoic Panaetius, Cicero proposes a reworked version of the Stoic doctrine of *oikeiōsis* that includes language as an essential component in that process of appropriation that is the basis of human sociability, allowing for an explanation of the mechanism by which people can grow to feel affection towards people other than themselves and their own families, an aspect of *oikeiōsis* which is universally regarded by scholars as most problematic. I have shown that it is reasonable to assume that this idea of the interaction between reason and speech as the defining feature of human nature is not derived from Panaetius or from other Stoics. There is circumstantial evidence on this matter to the effect that, in *De Oratore*, Scaevola, a disciple of Panaetius, strongly opposes the idea that eloquence should be considered the foundation of human civilization, advocating the thesis that wise men who were hardly eloquent were responsible for this achievement. More generally, I have argued that, compared to Cicero, in developing their own philosophical rhetoric and including eloquence among the virtues of their sage, the Stoics held that eloquence is only one of the almost infinite virtues that the Stoic sage possesses.

In Chapter II, I have argued that Cicero's idea of reconciling philosophy and rhetoric is part of his more general commitment to reconciling a true *vita activa* with philosophical contemplation. Indeed, I have shown that, in his view, philosophical knowledge can be translated into practice only through the medium of eloquence. Accordingly, I have examined how the role of eloquence informs Cicero's conception of the ideal ruler. I argue against the reading proposed by Jonathan Zarecki, who holds that Cicero changed his mind on the role of eloquence, replacing the orator-statesman of *De Oratore* with a substantially civic ruler in his later political writings, on the ground that Cicero would have been completely disillusioned with his former ideal of coupling eloquence and statesmanship. Even though Cicero was well aware of the desperate condition of the Republic that silenced him, he never stopped regarding the ability to engage in public discourse as an essential part of what it means to act politically in a free state governed through deliberative institutions. Specifically, I have illustrated that this reading is not supported by the texts, as in his subsequent writings – including not only *De Republica*, *De Legibus,* but also *Brutus* and *De Officiis* – Cicero makes clear that his ideal ruler will need to be eloquent to discharge his duties towards the community. In addition, I have also highlighted how, the more the crisis of the Republic worsened, the more Cicero came to frame his ideal of an eloquent orator-statesman as the sole valid alternative to the rule of violence, embodied by Caesar's military might. In this chapter I have also examined some issues that emerge from a cross-examination of Cicero's ideal ruler in the light of his rhetorical theory. Firstly, Cicero holds that one

of the most important tasks of the statesman is to make his fellow citizens morally better, but that this goal cannot be achieved solely by legislation. Indeed, Cicero argues that the statesman needs to set an example for others to imitate. I have argued that this idea of moral imitation, rather than a mark of Plato's influence, can be reasonably interpreted as an adaptation of the rhetorical theory of imitation originally developed by Isocrates, who explicitly extended the process of imitation to moral betterment and civic education. Secondly, I have examined the issue of the strikingly limited space Cicero devotes to the discussion of deliberative oratory, which is cursory compared to his treatment of forensic oratory; besides, this marks a significant difference with Greek theorists (Plato, Aristotle and Isocrates), who, if not hostile to rhetoric, still privileged deliberative oratory. To explain this peculiarity, I have argued that, while being compatible with the rhetorical handbooks of that time, Cicero's apparent preference for forensic rhetoric is something that fits particularly well with his conception of the state. Indeed, I have shown that, among other things, Cicero prescribes that the role of the state is to protect the rights of the citizens, which are ultimately defended in the forum. Significantly, Cicero's juridical mindset allowed him to conceive of trials as disputes not only reflective of private quarrels, but also the preservation and establishment of universal principles, whose application can significantly affect the whole community. On the other hand, Cicero is particularly aware of the political implications of trials to the effect that a political career can either be established or destroyed, as his own personal experience testified. Furthermore, Cicero explicitly maintains that engagement in forensic cases allows the aspirant statesman to achieve the popularity that is a necessary condition for him to be entrusted with the leadership of the community.

In Chapter III, I have investigated the relationship between probability and eloquence in Cicero. In doing so, I have tried to determine how probability and eloquence interact both in his theory of persuasion and his philosophical commitments. Firstly, I have started from an examination of the role of probability in the epistemological debate between the Stoics and the Academics. I have shown that Carneades' theory of the probable (πιθανὸν) emerges in the context of his criticism of the Stoic doctrine of cataleptic impressions. Persuasive impressions represent Carneades' response to the objection that, by undermining cataleptic impressions and, more generally, any form of confidence in our impressions, the Academics *de facto* make life impossible to live, undermining Academic scepticism as a viable way of life. As modern commentators have observed,[859] it is most reasonable to assume that Carneades drew his πιθανὸν from Stoic epistemology, aiming to undermine the Stoics on the basis of an argument that is the most consistent and logical consequence of the premises they endorsed. As a result, this conception of probability is primarily epistemological and concerns the

[859] Coussin 1983; Bett 1989; Obdrzalek 2006.

assessment of the impressions received by our senses. However, I have illustrated how the use of terms such as πιθανὸν and εἰκός, translated by Cicero as *probabilis* and *verisimilis*, is not limited to the Stoic-Academic debate on cataleptic impressions, but they were widely employed in classical accounts of rhetoric and its epistemological foundations. In particular, I have emphasized that the 'probable' for authors such as Plato and Aristotle concerns first and foremost what is compatible with the widely held beliefs of ordinary people. Now, given that Cicero is exposed to both these sets of sources, which focus on different aspects of probability, I have argued that he merged the Academic and the rhetorical probability, and that this greatly affects Cicero's rhetorical theory and his way of philosophizing as well. On the one hand, I have showed that Cicero's ideas on persuasion are informed by the precept of formulating one's speech so that it is compatible with common sense, which not only involves taking into account the ways by which our human emotional and sensorial apparatus are influenced by speech, but also the most widely held beliefs and customs of the particular community to which the speech is addressed. In this regard, I have argued that, compared to that of Greek philosophers, Cicero's conception of persuasive speech emphasizes the non-rational elements of the speech (ethos and pathos and style) over argumentation, as he believes that argumentation on its own is not capable of persuading, especially in those deliberative and adversarial settings where oratory is required. This realization is reinforced by the failure of Stoic orators such as Rutilius Rufus, who, by following into the footsteps of Socrates, rejected any form of emotional appeal and stylistic embellishment and, consequently, was convicted in spite of his innocence. On the other hand, I have argued that rhetorical probability plays an important part in Cicero's philosophizing. Indeed, not only do Cicero's philosophical writings feature plenty of rhetorical strategies, but in his assessment and reworking of the doctrines advanced by other schools he puts the stress on the extent to which philosophical doctrines can be employed in the context of public speech and their compatibility with Roman culture. I have showed that his writings, even those that can be considered as genuinely open-ended and aporetic, do not establish a kind of equipollence between philosophical schools. Indeed, Cicero strongly rejects Epicureanism, but he recognizes that Stoic philosophy, while being far from being flawless, presents a highly elaborated and consistent system, whose principles, if correctly expressed, are the most compatible with the values and traditions of Rome. Cicero's adaptation of philosophical doctrines does not imply his commitment, let alone assent, to a version of Stoicism. My thesis has been that Cicero makes use of the doctrines he deems most compatible with the goals he tries to pursue – the moral and political reformation of the Roman people. In this regard, I have argued that Cicero regards his philosophical writings as the substitutes for his senatorial and judicial speeches, and this implies that, once he chose his own position in a debate, he selected all that can be

said on behalf of his case, without being committed to any of the doctrines he made use of. In this light, his *philosophica* can also be interpreted as true pieces of 'philosophical rhetoric'.

In the light of the main findings of my dissertation, I wish now to add some final reflections on Cicero's contribution to ancient political philosophy, and, more generally, on his significance for contemporary political philosophy. These remarks should not be considered as 'dogmatic' assertions, but as indications of possible paths of development. It goes without saying that Cicero not only pursued the highly ambitious project of adapting Greek philosophy to Roman culture and tradition, and that the results of this operation, despite Cicero's own personal failure, can hardly be overestimated, both for the extensive information on Hellenistic schools he handed down and for the development of a Latin philosophical vocabulary that was bound to be highly influential in later Western philosophy.[860] However, beyond his sophisticated and original appropriation of Greek culture, I would like to consider the question of whether Cicero actually introduced a specific and novel theoretical contribution to our way of conceptualizing political philosophy. Walter Nicgorski, building on Leo Strauss' work,[861] holds that the central issue of Greek political philosophy is the question of what kind of regime can best guarantee political order. In contrast, Cicero's political philosophy would be characterised by an emphasis on the pragmatic dimension and the role of experience in the art of ruling and, most importantly, by a shift of focus from the best political regime to the model of the ideal ruler.[862] Now, while I completely agree that the pragmatic nature of Cicero's political philosophy – a tendency that was certainly nurtured by his own experience as a public figure – is a defining feature of his view in comparison with more contemplative Greek political philosophers, I do not think that a shift of focus from the best regime to the ideal ruler is distinctive for Cicero's Roman political philosophy.

Aristotle entrusts the statesman with the task of managing the city, always keeping in mind the particular circumstances within which he situates his political action. Indeed, political science needs to investigate not only the best possible constitution, but also 'what kind of government is adapted to particular states. For the best is often unattainable, and therefore the true legislator and statesman ought to be acquainted, not only with that which is best in the abstract, but also with that which is best relatively to circumstances'.[863] Aristotle criticises those political writers who focused their work on drafting ideal constitutions without paying attention to what is attainable and to the manifold circumstances a statesman is called to address. In fact, he remarks that the consent of people is

[860] Levy 2021.
[861] Strauss 1988, pp. 27-40.
[862] Nicgorski 1991, pp. 230-231.
[863] Arist. *Pol*. IV 1, 1288b22-33.

required in order to enact any change of the existing constitutions, and that reforming an existing constitution can be just as hard as introducing a new one.[864]

In the light of this, the role of the statesman will be, to a large extent, 'to find remedies for the defects of existing constitutions'.[865] Accordingly, in order to perform this task, the statesman will need to know all the possible kinds of constitutions and their variants in order to fulfil his function of rendering assistance to the constitution within which he operates.[866] More specifically, this knowledge is pivotal within the legislative process, since 'enables one to discern both which laws are best, and which of them suits each constitution. For one ought to lay down laws to fit constitutions (as indeed is always done), not constitutions to fit laws'.[867] Similarly, Aristotle argues that the good lawgiver should inquire:

> how states and races of men and communities may participate in a good life, and in the happiness which is attainable by them. His enactments will not be always the same; and where there are neighbours he will have to see what sort of studies should be practised in relation to their several characters, or how the measures appropriate in relation to each are to be adopted. (Arist. *Pol*. VII 2, 1324a5-21)

As a result, Aristotle shifts the focus of political science from the drafting of ideal constitutions to the competence of the statesman, who needs to be equipped with all the necessary knowledge in order to exert his function in the best possible way regardless of the constitution within which he will be called to operate. However, this approach based on the actual circumstance of political action can be interpreted as a development of the conception of the art of ruling offered by Plato in the *Statesman*. Strikingly, when addressing the issue of establishing which constitution is to be reputed the best, the Eleatic Stranger states that 'the constitution *par excellence*, the only constitution worthy of the name, must be the one in which the rulers are not men making a show of political cleverness, but men really possessed of scientific understanding of the art of government'.[868] This makes clear that the idea of investigating the figure of the statesman as something more important than the best regime is far from being a novelty introduced by Cicero.

At the same time, I am persuaded that Cicero's political philosophy presents a significantly important contribution that, in a sense, fills a blind spot in Greek political philosophy. This will be clear if we consider the image of the ship of the state in Plato's *Republic*, which is introduced by

[864] Arist. *Pol*. IV 1, 1288b34-1289a27.
[865] *Ibid*. IV 1, 1289a6-7.
[866] *Ibid.* IV 1, 1288b39-a10.
[867] *Ibid*. IV 1, 1289a11-15.
[868] Pl. *Plt*. 293b.

Socrates to explain why people consider philosophers, despite being the true possessors of the art of ruling, as completely useless, if not harmful:

> Imagine, then, that something like the following happens on a ship or on many ships. The shipowner is bigger and stronger than everyone else on board, but he's hard of hearing, a bit short-sighted, and his knowledge of seafaring is equally deficient. The sailors are quarrelling with one another about steering the ship, each of them thinking that he should be the captain, even though he's never learned the art of navigation, cannot point to anyone who taught it to him, or to a time when he learned it. Indeed, they claim that it isn't teachable and are ready to cut to pieces anyone who says that it is. They're always crowding around the shipowner, begging him and doing everything possible to get him to turn the rudder over to them. And sometimes, if they don't succeed in persuading him, they execute the ones who do succeed or throw them overboard, and then, having stupefied their noble shipowner with drugs, wine, or in some other way, they rule the ship, using up what's in it and sailing while drinking and feasting, in the way that people like that are prone to do. Moreover, they call the person who is clever at persuading or forcing the shipowner to let them rule a "navigator," a "captain," and "one who knows ships," and dismiss anyone else as useless. They don't understand that a true captain must pay attention to the seasons of the year, the sky, the stars, the winds, and all that pertains to his craft, if he's really to be the ruler of a ship. And they don't believe there is any craft that would enable him to determine how he should steer the ship, whether the others want him to or not, or any possibility of mastering this alleged craft or of practicing it at the same time as the craft of navigation. Don't you think that the true captain will be called a real stargazer, a babbler, and a good-for-nothing by those who sail in ships governed in that way, in which such things happen? (Pl. *R*. VI, 488b-489a)

Now, this is not the place for an examination of this highly suggestive and influential image. The specific point I wish to make is that the image of the ship offers up a dilemma: on one side, we have the rioting and unreliable sailors, who compete with each other over the control of the helm of the ship by trying to either coerce or persuade the people, without knowing in what direction they should steer the ship; on the other side, we have the true helmsman, who knows how to steer the ship, having neither the desire to rule nor the capacity to persuade people that he is indeed the true possessor of the art of ruling. This prefigurates a dualism within Plato's political philosophy, namely the one between politics as the art of acquiring and maintaining power and politics as the art of exercising power on the basis of a solid normative framework that defines the policies and general goals of the

statesman. This separation of the art of ruling from the art of getting and keeping power is the true weak point of Plato's political proposal, which suggests a political ideal without considering realistic ways of enacting it. Now, a politics without any normative framework or ideas on what to do once having secured power and completely devoted to the pursuit of popular consensus is disastrous and blind. At the same time, a politics that does not know how to convince the masses, persuading people to participate in the realization of a political project, is powerless and bound to remain marginal. Indeed, the idea that the best state emerges when a tyrant turns into a philosopher is unrealistic, as the tyrant would undermine the foundations of his own power if he stopped committing the necessary actions to preserve his position, even acting against justice. That philosophers can become effective and just rulers is in my opinion more plausible, as the example of Archytas of Tarentum testifies,[869] but it requires something that Plato fails to account for, namely the strategy by which non-ruling philosophers can establish themselves as the leaders of the community. The same applies to Aristotle, who provides the statesman with a lot of practical advice on what kind of policies should be pursued in any given political context, but he hardly covers the strategies by which one can become a leader in the first place. The underlying issue, I propose, is that Greek philosophers address politics as a theoretical issue and, for this reason, they handle it from the outside, adopting an essentially contemplative perspective. In their view, intervening in politics means at best to act as advisors of rulers, rather than as agents of public policy. As a result, the question of how to seize and keep power is marginal in their thinking.

In contrast, Cicero investigates politics both from the inside and the outside. He clearly makes use of Greek political philosophy, but his approach is strongly informed by his own experience as a statesman and, crucially, as an orator. The result of this is that his is perhaps the first attempt in classical antiquity to reconcile these two aspects of political philosophy, which are too often separated even today. In this synthesis oratory plays a key role. As I have highlighted in this thesis, Cicero makes clear that acting politically in the context of a free state governed through deliberative institutions means, first and foremost, being able to engage in public discourse effectively. Accordingly, his ideal ruler is an orator who will avail himself of the power of eloquence not only in the performance of his task, but also to build up public confidence in his person, so that the community comes to recognize him as the true protector of the people. It is significant to underline that Cicero does not only concern himself with the way of ruling, but also with the issue of how to build a successful political career – an issue of personal significance to him, in virtue of his active participation in the political arena. This passage from being a private citizen to becoming the

[869] For more information on the figure of Architas see Huffman 2005, pp. 3-43. For a recent analysis of the remaining fragments attributed to Architas see also Horky & Johnson 2020.

helmsman of the state is largely unaccounted for by Greek theorists, especially by Plato. Furthermore, Cicero's experience as an orator made him aware that, to succeed, any cultural and political project needs to be accommodated to the culture of the people to whom it is directed. This led him to include in his assessment of philosophical doctrines the degree to which they can be employed in the context of public discourse and to present his own views in a way that makes his proposals compatible with the *mos maiorum*, casted in some cases as a restoration of wholesome customs and institutions originally developed by the Romans of old.

How can Cicero's political philosophy help us today? His importance as a political thinker has been evident for a long time. Indeed, Cicero had been widely read and appreciated from the Renaissance to the end of the 18th century, and not only for stylistic reasons. His influence on modern political thought has been rightfully emphasized by scholars. Among others, Cicero inspired important thinkers such as Grotius, Locke, Hume, the *Philosophes*, and even the founding fathers, contributing to the elaboration of the principles that informed the Declaration of Independence and the American Constitution.[870] However, during the 19th century Cicero's status as an important thinker declined, especially at the hands of German philologists, who, questioning his originality and, more generally, affirming the superiority of the Greeks over the Romans, demoted him to a source of information on Hellenistic schools, inaugurating the so called *Quellenforschung* research program.[871] Cicero has enjoyed a renaissance only in the last decades, and some contemporary scholars call for a recovery of his political philosophy as a stimulus for addressing compelling issues today, including the contemporary crisis of modern liberal democracies.[872] These attempts to recover Cicero focus on different aspects of his thought. Cicero might be considered a forerunner of contemporary cosmopolitanism,[873] a precursor of contemporary Republicanism,[874] or a founding father of the peculiar conjunction of individual rights and popular rule that characterises liberal democracy.[875] Interestingly enough, scholars such as Nicgorski emphasize the role of Cicero in inspiring the founding fathers of the United States, advocating that, in the wake of the crisis of the American democracy, returning to Cicero might help to restore the Republic to its former glory. This idea is very Ciceronian, as Cicero himself presented his own best constitution as a restoration of the old Roman constitution, which had been partly corrupted at his time.

[870] Richard 2015; Sharpe 2015; Cambiano 2018, pp. 127-152; Kapust 2021; Hawley 2022.
[871] Nicgorski 2012, pp. 251-253.
[872] Nicgorski 2022, p. 229.
[873] Nussbaum 2022, pp. 284-291.
[874] Pettit 1997, p. 5; Skinner 1998.
[875] Hawley 2022, p. 225.

That being said, I agree with the reading that Cicero has much to offer to all those political cultures that share a general acceptance of a liberal-democratic constitutional framework. Conservatives might appreciate Cicero's stress on patriotism, the preservation of well-established traditions, and the principle of class collaboration (*concordia ordinum*), which guarantees to each part of the state its due, while assigning to the ruling class the role of guiding paternalistically the subaltern classes. As Long has pointed out, some passages of Cicero's *De Officiis* express most effectively many key ideas of radical conservatives.[876] Liberals and centrists can make use of Cicero's ideas on deliberative institutions, his scepticism as a way of evaluating pragmatically each political issue, his humanist cosmopolitanism, and his idealism in the management of international relations; and not least, the idea that there are principles enshrined in constitutions that depend on nature and not on convention can work for the affirmation of liberties and rights against the tyranny of the majority, which would necessarily prevail over the individual in a purely democratic polity. Furthermore, both liberals and conservatives might appeal to Cicero if we consider how strongly he defends property rights and, more generally, a non-interventionist conception of the state. In contrast, Cicero is largely incompatible with extreme political proposals, both on the left and on the right, especially those which reject liberal democracy.[877] Generally speaking, I think that Cicero might be a better ally for those traditional political parties that are associated with 'the establishment'. Indeed, many traditional parties have very often resorted to an alienating and technocentric narrative, which promotes the myth of competence as the way out of any political issue, which requires 'experts' on account of its essential complexity. Now, it is certainly true that the resolution of any issue related to the government of a community is complex and requires competence, but such a narrative, which is in my opinion a quite degraded, and perhaps unconscious, form of political Platonism, has failed against the so-called populists, who appeal to the people's rash opinions and fears, thereby giving legitimacy to them, rather than effectively chastising them as the rotten fruit of ignorance. The problem is that people, as Cicero makes clear, might end up disliking anyone who portrays himself as wiser than them.

Even if Cicero's views show compatibility with those of some conservatives and liberals, I think that proponents of radical progressive political platforms can benefit from getting acquainted with his work, especially his oratory. It often happens indeed that the proponents of more radical stances, while endorsing noble ideals, fail to gather any significant popular support and are defeated by both far-right extremists and, in some cases, even by traditional conservative parties. This is even more surprising, if we consider that, in some cases, radical progressive candidates advocate policies that – I do not enter into the question of whether or not their proposals are right or desirable or

[876] Long 1995, pp. 239-240.
[877] Cf. Hawley 2022, p. 225.

financially sustainable – would theoretically benefit a large part of the population that, if it does not abstain from the vote, end up supporting political parties that explicitly promote inegalitarian policies contrary to their own interests. One of the reasons why this does occur, I speculate, is that many progressive candidates are actually similar to the Stoic orators so strongly criticised by Cicero, because their proposals are couched into a way of speaking that is idealistic and does not take into account the beliefs, biases and emotions of ordinary people. Many right-wing extremists and some radical conservatives are very successful in taking into account this fundamental dimension of human behaviour, as they not only sympathize with people's opinions and fears – it does not matter how flawed and irrational – but they also give legitimacy to them, so that people, especially in time of troubles, perceive such a politician as 'one of us' and end up accepting a wider political proposal that, all in all, is often aimed at the protection of the vetted interests of the wealthy. In contrast, idealistic progressive politicians tend to ignore ordinary people's ways of thinking, even if they do not openly condemn their ideas as retrograde and ignorant. As a result, while advocating policies in favour of the disadvantaged, progressives' ways of defending their proposals fail to persuade people other than those who already share their views because of their own education and inclinations. To make their case more persuasive, they should observe and study what ordinary people think, their fears and hopes, in order to make their political proposals intelligible to the way of thinking of those to whom they are addressed; but they should also have an understanding of how people feel about things that concern their lives, and channel their negative emotions in a constructive way, rather than simply condemning them. In a time of crisis for our contemporary liberal democracies, Cicero urges us to reflect both on the centrality of speech in the working of our society, and on the quality of contemporary public discourse.

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