Thought on Trial: Forensic rhetoric and philosophical discourse in Cicero’s De Finibus

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April 13th, 2020

An honors thesis submitted to the Duke Classical Studies Department in partial fulfillment of the requirements for graduation with distinction for a Bachelor of Arts in Classical Languages.
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Simply put, I would not be where I am today in Classics if it were not for Dr. Gregson Davis. Over the past four years he has become a wonderful professor, mentor, and advisor to this project. Ever since my freshman year, he has taught me to read Latin not necessarily quickly but rather, deeply. I plan to carry his close reading approach forward into my graduate studies and beyond. Professor Davis, I am so deeply grateful for all of your lessons, in and outside the classroom. It has been a pleasure to be your student, and I hope you have a wonderful retirement.

Thank you also to Dr. Sander Evers, my former archaeological dig director. Though I quickly learned that I prefer reading in a library to digging under the hot Italian sun, I could not be more thankful for our conversations about Roman history and being a Classicist. Indeed, almost two years ago now you helped me first formulate the idea that would eventually become this project. I count myself lucky to have you as a mentor and a friend.

I am immensely grateful for the Duke Classical Studies department for nurturing my intellectual growth and for granting me the opportunity to travel to so many amazing places. Sicily for digging, Greece for Paideia, Washington DC for the SCS conference- all have had a profound impact on my understanding of our modern relationship with the ancient world. My past four years in the department have been amazing; I could not have asked for anything more.

And finally, thank you to my dad, who listened to a whole audiobook on Cicero after I told him about this project. Thanks not only for allowing me to attend Duke, but also for pushing me to think more critically, to find more connections, and to ask more questions, always.

The following thesis would not exist were it not for these individuals and so many others who helped along the way. Thank you all for everything.

Katherine
In this thesis I examine how Cicero incorporates forensic rhetoric into philosophical discourse in his *De Finibus Bonorum et Malorum*. The purpose of the work is to debate the moral philosophy of the Epicureans, Stoics, and Academics under Antiochus. In doing so, Cicero constructs arguments both for and against each school. Using the ancient rhetorical handbooks and drawing from developments in modern linguistic theory when there is no immediate ancient equivalent, I evaluate how Cicero uses the tactics of a courtroom to argue against Epicurean and Stoic teachings. I also explore why Cicero is wary of making the connection between the two genres explicit, as he claims at the outset that he will only observe the norms of philosophical discourse. While he implements some similar rhetorical strategies in both cases, his critiques are widely divergent, demonstrating that his incorporation of forensic rhetoric into philosophy is flexible and complex.
Introduction

Cicero is a man of many resources. One of the most prolific writers in Rome’s history, he dabbled in everything from rhetorical handbooks to philosophical treatises. While he may be most well-known for his forensic prowess and flowering Asiatic style, Cicero’s philosophical works demonstrate that he held himself to the standard outlined in his De Oratore (55 BCE): a good orator must be knowledgeable in all things, including philosophy.¹

Ten years after he published the De Oratore, Cicero was nearing the end of his political career. With the rise of Julius Caesar, whom he opposed, Cicero retreated into retirement. At the same time, he also dealt with issues in his personal life; in 46 BCE his thirty-year marriage to Terentia fell apart, and his subsequent marriage to Publilia lasted only a year. He also suffered the loss of his daughter, Tullia, and grandchild in childbirth in early 45 BCE.² In such a turbulent time, Cicero found solace in one of his favorite activities: writing. As Annas notes in her introduction to a full De Finibus translation, “he decided to use his enforced and grief-stricken leisure to introduce educated Romans to major parts of the subject of philosophy in their own language.”³ And thus, exercising his philosophical expertise, he published his treatise on moral philosophy, the De Finibus Bonorum et Malorum, “On the Ends of Goods and Evils,” in 45 BCE.⁴

¹ Cicero, De Oratore, Oxford Classical Texts, (Oxford: Oxford University Press, 1902), 2.65-67. All Latin and Greek texts in this paper come from the Oxford Classical Texts collection unless otherwise stated. Notable exceptions, for which there are no available OCT texts, include De Inventione, Paradoxa Stoicorum, Tusculan Disputations, and the Rhetorica Ad Herennium. For these, I use the available Loeb text online. Another exception, not in the Loeb collection, is the Teubner 1922 edition of Academicorum reliquiae cum Lucullo.
³ Ibid.
⁴ All translations in this paper are my own unless otherwise stated. I draw occasionally from Raphael Woolf’s translation in Cicero: On Moral Ends. When other options are unavailable, I consult the Loeb translations.
The “Ends” here are ethical boundaries that are the aims of actions. In Aristotelian terms, these are teleological causes. The purpose of the *De Finibus* is to compare the moral philosophy of Epicureans, Stoics, and of the Academy under Antiochus in five books.\(^5\) Cicero considers this a worthy pursuit, as he searches for an answer to the question,

\[
\text{Quid est enim in vita tantopere quaerendum quam cum omnia in philosophia, tum id quod his libris quaeritur, qui sit finis, quid extremum, quid ultimum, quo sint omnia bene vivendi recteque faciendi consilia referenda…?}
\]

“What else is there in life which must be searched for with such great effort than both all things in philosophy, and that which is sought in these books, what the end is, what the final and ultimate cause is to which all attempts at living well and behaving correctly must refer?”

*De Finibus*, 1.11

In the introduction, he claims to give a complete account of each school, regardless of whether he agrees with its main tenets.\(^6\) In doing so, he organizes the discourse to present arguments both for and against each school.

Even the work’s structure supports Cicero’s inquiry concerning the highest good. It takes the form of a dialogue, with each school having a representative speaker to contend with Cicero himself. In Cicero’s later work, the *Tusculan Disputations* (45 BCE), he remarks that this practice of arguing both sides, a custom of the Academy and Peripatetics, allows him to best uncover the truth and to gain practice in oratory, thus creating a space for both philosophy and rhetoric.\(^7\) Therefore the structure of the *De Finibus* can be understood in two ways. First, it may

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\(^5\) Annes, “Introduction,” ix. The relevant tenets of Epicureanism and Stoicism will be discussed at length in the following chapters. A full assessment of the Academics is outside the scope of this paper. Further information about the Academy under Antiochus and his return to Platonic and Aristotelian philosophy can be found in David Sedley’s entry “Academy” in the Oxford Classical Dictionary.

\(^6\) Ibid, 1.12. “Nos autem hanc omnem questionem de finibus bonorum et malorum fere a nobis explicantam esse his litteris arbitramur, in quibus, quantum potuimus, non modo quid nobis probaretur sed etiam quid a singulis philosophiæ disciplinis diceretur persequi sumus.”

\(^7\) Cicero, *Tusculan Disputations* (Cambridge, MA: Harvard University Press, 1927), 2.9. The Peripatetic school was heavily influenced by Aristotle, but by Cicero’s time their doctrines were not wholly separate from those of the
be Cicero’s attempt to ascertain the truth regarding the highest good, as he claims in the work’s introduction: *verum enim invenire volumus*, “Indeed we wish to discover the truth.” He may also write on both sides of each argument to exercise his oratorical expertise, a theory to which I will soon return. In addition, as Annas suggests in her introduction, perhaps Cicero chooses this format to encourage his Roman peers to engage in critical thought by evaluating for themselves the pros and cons of each side of the argument.

That brings us to an interesting question: Who is the intended audience of the *De Finibus*? Who is Cicero trying to convince by presenting arguments for and against all schools? In the introduction, he claims to translate Greek philosophy into Latin for the good of the Roman people, that is, the educated elite who would read such a treatise. He argues such is his duty, now absent from public life; “as far as my public duties are concerned… I consider myself never to have deserted the post at which the Roman people placed me.” In addition to a public purpose, I would like to propose an additional motive. In the *Paradoxa Stoicorum* (c. 46 BCE), he reveals his practice of translating the Stoic manner of speaking into his own sort of oratorical style (*cum ea quae dicuntur in scholis θετικῶς ad nostrum hoc oratorioum transfero dicendi genus*).

Perhaps Cicero also composes the *De Finibus* in retirement not only for others but also for himself, so that he can practice the rhetorical tactics for which he was so renowned.

In this paper I will examine how Cicero incorporates forensic rhetoric into philosophical discourse. I do so by noting similarities between features in the *De Finibus* and contemporaneous rhetorical handbooks that outline the best practices in oratory. When there is no immediate

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8 Cicero, *De Finibus*, 1.13.
11 *Paradoxa Stoicorum*, 5.
ancient equivalent, I employ developments in modern linguistic theory to describe Cicero’s strategies. I also bring in quasi-forensic texts like Cicero’s *In Pisonem* for additional comparanda.

In the first chapter, I explore why Cicero might not want to boast openly that he blends the two genres. I outline the context of the pursuit of truth in forensic oratory and compare it with the pursuit of truth in philosophical discourse. Next, I look to Cicero’s own meditations on the intersection of oratory and philosophy, in which he clearly demonstrates a predilection for their combination. I also introduce modern linguistic terms and concepts that I use throughout my analysis to aid my description of Cicero’s characterizations and stance.

In the next chapter, I examine how Cicero uses the rhetorical strategies of the courtroom to attack the Epicureans. I first summarize the school’s ethics and contextualize Cicero’s disdain. I find that Cicero often forces a juxtaposition between Torquatus and himself, virtue, and Roman values. These comparisons parallel his treatment of another Epicurean, Lucius Calpurnius Piso, in the quasi-forensic epideictic masterpiece, the *In Pisonem*. Such juxtapositions form the basis of the “ethos of the speaker” topos, prominent in forensic oratory.

In my final chapter, I look at how Cicero treats the Stoics, and their representative Cato, in somewhat different rhetorical terms. Being much fonder of the Stoics himself, Cicero focuses his critique more on their derivative nature and vocabulary rather than on the substance of their claims. In doing so, he brings in comparisons to illustrious historical figures and draws upon common legal questions about the interpretation of words.

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12 Virtue, throughout this paper, can be understood as the canonical ancient virtues: wisdom, justice, temperance, and courage. These are those “admirable traits of character…” that “share good practical reasoning about what should be done.” Annas, “Introduction,” xix.
Chapter One

The forensic, the philosophical, the truth

Tantus est igitur innatus in nobis cognitionis amor et scientiae ut nemo dubitare possit quin ad eas res hominum natura nullo emolumento invitata rapiatur.

Therefore, so great is our innate love of learning and knowledge that no one is able to doubt that the nature of man, attracted by no advantage, is enraptured by these things.  
Cicero, De Finibus, 5.48

I. Truth value in Roman courts, in philosophy

The relationship between oratory, philosophy, and truth, has always been tenuous in the ancient world. Plato himself expressed anxiety about the confluence of oratory and philosophy in the Gorgias. In it, as Socrates converses with the titular character about oratory and rhetoric, he asserts, “there is no need to know the truth about actual matters, but one merely needs to have discovered some device of persuasion which will make one appear… to know better.”13 Socrates then proceeds to define rhetoric as a particular type of flattery, and according to him it is shameful because it aims at what is pleasing, not at what is best.14 Here, τοῦ βελτίστου “what is best” can be understood as τὴν φύσιν “the real nature of the things.” Plato, then, calls attention to the dangers of rhetoric; untethered to truth, an orator can use rhetoric for unjust purposes as easily as he could for just.15 The anxiety highlighted here, that rhetoric can manipulate the truth, lived on even centuries later in Roman courts.

15 Ibid, 465α.
Roman law courts, in which forensic oratory flourished, were not customarily epicenters of truth. Perhaps this is in part due to the public, performative nature of trial law speeches. Almost all of Cicero’s published forensic speeches come from trials in the Forum; Jonathan Powell and Jeremy Paterson suppose in their introduction to *Cicero the Advocate* that such trials could have attracted crowds of over a hundred people.\textsuperscript{16} Thus, persuading the jury and audience was the prime motivation of the orator’s actions; as noted in the rhetorical handbooks, the performative, amplificatory nature of oratory was deeply important to the success of the trial.\textsuperscript{17} In addition, orators in the late republic relied on clients for income, so they had a monetary duty to use all rhetorical means necessary to win a case. The combination of these external factors, among others, probably contributed to a “pragmatic and acknowledged exploitation of the power of words,” as Philippa Smith describes in her chapter.\textsuperscript{18} In this quote, the key word is *acknowledged*. Many people, Cicero included, were aware of forensic oratory’s reliance upon rhetoric rather than truth.

Cicero himself understood the predominance of rhetoric and persuasion over truth in oratory. In the *De Officiis* (44 BCE), he claims that the orator defends “things similar to the truth, even if they are not really true” (*patroni [est] nonnumquam veri simile, etiam si minus sit verum, defendere*).\textsuperscript{19} That is not to say Cicero thinks an orator can or should lie. Rather, an orator carefully constructs rhetoric in his favor, cautious about misconstruing the actual facts of the case.\textsuperscript{20}

Tiptoeing around the truth, for perhaps any of the reasons mentioned above, an orator can still succeed if his argument is persuasive enough. Yet Cicero continues to mention in the *De Officiis*

\footnotesize
\begin{itemize}
\item \textsuperscript{17} For example, the author of the *Rhetorica ad Herennium* describes how to use tone of voice and arm movements for different styles of debate. *Rhetorica ad Herennium* (Cambridge, MA: Harvard University Press, 1954), 3.27.
\item \textsuperscript{19} Cicero, *De Officiis*, 2.51.
\item \textsuperscript{20} Powell and Paterson, “Introduction,” 26.
\end{itemize}
that, should he write about philosophy, he would not dare claim that orators manipulate the truth.\footnote{De Off. 2.51. “praesertim cum de philosophia scriberem, non auderem…”}

From this comment, a clear distinction between philosophy, which centers around the pursuit of truth, and oratory emerges. This difference is also highlighted in the introductions of some of Cicero’s philosophical texts.

In both the *Lucullus* and the *De Finibus*, Cicero conveys the goal of the work early: to establish the truth. The former work, which is only partially extant, concerns epistemology in the New Academy after Arcesilaus.\footnote{John Hedley Simon and Dirk Obbink, “Tullius (RE 29) Cicero (1), Marcus,” Oxford Classical Dictionary, last modified 2012, https://www.oxfordreference.com/view/10.1093/acref/9780199545568.001.0001/acref-9780199545568-e-6597?rskey=p0bbCi&result=2.} In Ch. 7 of the *Lucullus* Cicero lays out this goal; “However our cause is certainly easy, we who wish to discover the truth without any contention, and we seek it with the highest care and zeal.”\footnote{Cicero, *Academicorum reliquiae cum Lucullo*, ed. O. Plasberg (Leipzig: Teubner, 1922), section 7, HathiTrust Digital Library. “Quamquam nostra quidem causa facile est, qui verum invenire sine ualla contentione volumus idque summa cura studioque conquirimus.”} Here, the desire to pursue truth *sine ualla contentione*, “without any contention,” uses the vocabulary of a Roman legal dispute. In the *De Finibus*, on the other hand, Cicero contrasts forensic oratory more explicitly. In Book I Ch. 13, Cicero states the purpose as follows: “Indeed we wish to discover the truth, not so as to convict some adversary” *(verum enim invenire volumus, non tamquam adversarium aliquem convincere).*\footnote{Cicero, *De Finibus*, 1.13.} Thus, he diminishes the role of oratory in comparison to the noble pursuit of the most worthy questions in life, in moral philosophy.\footnote{Ibid, 1.11. “Quid est enim in vita tantopere quaerendum quam cum omnia in philosophia…”} As we can see, Cicero reinforces the dissimilarity between philosophy and oratory with regard to their truth values. However, while he acknowledges that differences do exist, Cicero also believes that a blending of the two genres could be beneficial.
II. Cicero on the relationship between oratory and philosophy

Cicero learned the traditional distinctions between oratory and philosophy in school. In his *Tusculan Disputations*, he notes that his own teacher, the Greek rhetorician Philo of Larisa, maintained the division between the two, as he “decided to teach at one time the precepts of rhetoricians, at another time, those of the philosophers” (*Philo… instituit alio tempore rhetorum praecerta tradere, alio philosophorum*).\(^\text{26}\) Aristotle, too, taught a similar distinction. Cicero notes in Book II of the *De Finibus* that Aristotle represented the language of philosophy, i.e. dialectic, as dichotomous to the language of oratory, i.e. rhetoric, through the metaphor of a closed fist and an open palm respectively.\(^\text{27}\) Fueled by the beliefs of his predecessors, Cicero was clearly aware of these generic divisions.

Cicero, however, developed his own thoughts on the differences between the two genres. In the *Orator* (46 BCE), as he discusses the stylistic distinctions between genres, Cicero asserts philosophical discourse “does not have the power nor sting of oratory and the courts” (*tamen horum oratio neque nervos neque aculeos oratorios ac forensis habet*).\(^\text{28}\) Indeed, it lacks anger, envy, savagery, wretchedness, and cunning.\(^\text{29}\) In other words, it is devoid of the emotions so often manipulated in the courts. Cicero contemplates the same generic distinction in the first book of the *De Finibus*. He states that the “slanders, abuses, then angry controversy and obstinate conflicts in debating always seemed to me unworthy of philosophy.”\(^\text{30}\) Perhaps because of its relation to the worthy pursuit of truth, a philosopher must assume a more tempered character lest the integrity of his ideas be challenged and/or associated with the persuasion of the courtroom. Yet, the danger of

\(^{27}\) De Fin. 2.17. “ut iam ante Aristoteles, in duas tributam esse partes, rhetoricae palmae, dialecticae pugni similem esse dicebat, quod latius loquerentur rhetores, dialectici autem compressius.”
\(^{28}\) Cicero, *Orator*, 62.
\(^{29}\) Ibid, 64. “nihil iratum habet, nihil invidum, nihil atrox, nihil miserabile, nihil astutum.”
\(^{30}\) De Fin. 1.27. “maledicta, contumeliae, tum iracundiae contentiones concertationesque in disputando pertinaces indignae philosophia mihi videri solent.”
being associated with the manipulation of words and emotions in a courtroom does not deter
Cicero from seeing the value in the intersection between the genres.

Cicero notes in the Tusculan Disputations the importance of bringing oratory into
philosophy. “Indeed, I have always declared this [to be] fully complete philosophy, which is able
to speak of the greatest questions eloquently and ornately” (Hanc enim perfectam philosophiam
semper iudicavi, quae de maximis quaestionibus copiose posset ornateque dicere).\(^\text{31}\) As an orator,
Cicero is keenly aware of the powerful effects word choice can have on an argument, saying that
philosophy can benefit from an ornate and abundant style, no doubt a reference to his own Asiatic
preferences. Moreover, the vocabulary of “eloquently and ornately” (copiose ... ornateque) often
appears in Cicero’s rhetorical handbooks when he describes the part of a speech in which the topic
is determined, an inventio.\(^\text{32}\) This direct parallel between the language recommended in the
handbooks and Cicero’s conception of “complete” philosophy illustrates his understanding of their
intersection. That is to say, the genres are linked by the common mechanisms employed in
argumentation.

In typical Ciceronian fashion, in the De Officiis Cicero declares that though he is not a
philosophical authority, he has gifted Roman philosophy with rhetoric, as he “assumes for
[himself] what is the orator’s [strength]: to speak neatly, lucidly, ornately (apte distinete
ornate).”\(^\text{33}\) Thus, he sees the advantage of adding the language and style of oratory into
philosophical discourse. Yet he goes even further to claim that this blending of genres
distinguishes him from his Greek philosophical predecessors. He says in the De Officiis,

\(^{31}\) Tusc. 1.7.
\(^{32}\) Smith, “‘A self-indulgent misuse of leisure and writing’? How Not to Write Philosophy: Did Cicero Get it Right?”
303.
\(^{33}\) De Off. 1.2. “Nam philosophandi scientiam concedens multis, quod est oratoris prouerbi, apte distincte ornate
dicere, quoniam in eo studio aeetatem consumpsi, si id mihi adsumo, videor id meo iure quodam modo vindicare.”
While he respects his predecessors, he believes that they could have benefitted from a similar blending of forensic oratory into philosophical discourse. Indeed, he claims that “Plato, if he had wished to discuss the type of speaking forensically, would have been able to speak most seriously and most eloquently… In the same way I judge Aristotle and Isocrates, each of whom, delighted in his own pursuit, avoided the other’s.” By attributing stylistic decorum to Plato and Aristotle, he demonstrates his perceived importance of rhetoric in philosophy.

Thus, in his meditations on the genres we see Cicero grapple with two competing beliefs. On the one hand, he understands their different relations to truth and rhetoric’s potential to manipulate emotions, so he probably recognizes the Platonic concerns surrounding the blending of rhetoric into philosophy. In contrast are his own stylistic preferences, as he still sees the benefit of using the language of forensic oratory in philosophy. How the tension between the two generic expectations plays out is the main focus of this thesis. Cicero still incorporates the language and argumentative structures of forensic oratory into the De Finibus, as we will see, yet he does so tacitly, refraining from the stereotypically Ciceronian boasts of stylistic prowess found elsewhere in the corpus.

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34De Off. 1.4. Isocrates was a prominent Greek orator and rhetorician. “Equidem et Platonem existimo, si genus forense dicendi tractare voluisset, gravissime et copiosissime potuisse dicere… cedemque modo de Aristotele et Isocrate iudico, quorumutereque suo studio delectatus contempsit alterum.”
The fact that Cicero blends rhetorical argumentative structures into philosophy demonstrates his oratorical *astutia*, or cunning. As Smith describes in her chapter, *astutia* implies “disingenuous behavior, never innocent of calculation, often involving the clever manipulation of circumstances to one’s own liking or advantage.”\(^{35}\) *Astutia* is a rhetorical tactic that does not necessarily require an appeal to emotion. Rather, it is simply the cunning crafting of an argument in one’s favor. As such, it is able to go undetected under the purported purpose of philosophy, the pursuit of truth. In later chapters we will see how Cicero’s arguments against the different schools in the *De Finibus* hinge upon this *astutia* to further his own philosophical agenda, though he claims to remain impartial.

III. The vocabulary of rhetoric, ancient and modern

As Cicero’s incorporation of forensic rhetorical structures is subtle, it is worth examining the vocabulary necessary to describe it. First, looking to the theories of rhetoric with which Cicero himself was familiar may provide insight into how he utilizes certain structures.

In his work on rhetoric, Aristotle divides oratory into three distinct categories: judicial, deliberative, and epideictic.\(^{36}\) For forensic rhetoric, belonging to the first category, Aristotle states that the speaker should portray himself with certain qualities, and more importantly, that the hearers “should be disposed [toward him] in a certain way.”\(^{37}\) In other words, Aristotle speaks of the importance of constructing the identity of the speaker in the minds of the audience. He does so by first professing that a speaker must appear to have φρόνησις καὶ ἀρετή καὶ

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35 Smith, “‘A self-indulgent misuse of leisure and writing’? How Not to Write Philosophy: Did Cicero Get it Right?” 312.
37 Ibid, 1377b. “πολὺ γὰρ διαφέρει πρὸς πίστιν, μάλιστα μὲν ἐν ταῖς συμβουλαῖς, εἶτα καὶ ἐν ταῖς δικαιώσεις, τὸ ποιόν τινα φαίνεσθαι τὸν λέγοντα καὶ τὸ πρὸς αὐτοὺς ὑπολαμβάνειν ἔχειν ποὺς αὐτόν.”
εὖνοια, “good sense, virtue, and goodwill,” then he focuses on cataloguing different emotions and how to rouse them in the audience. Like Cicero, Aristotle draws the connection between the manipulation of the audience’s emotion and the success of a trial. However, this tactic is only part of the larger paradigm of an orator’s identity construction.

Cicero picks up on Aristotelian rhetorical teachings in his *De Inventione* (87-86 BCE), as he outlines how to obtain benevolentia, goodwill, on the part of the speaker, the opponent, the audience, and from the case itself. He argues that speakers should portray themselves as lacking arrogance and should overemphasize the misfortunes done to them. He states that an opponent must be drawn into contempt by pointing out their cruel or malicious acts. Cicero also claims that speakers should complement the audience without extensive flattery, and they should emphasize the importance of the case itself and how it concerns humanity. Like Aristotle, Cicero stresses the role of sentiments such as pity, contempt, and flattery in the first three cases: the ethos of the speaker, opponent, and audience. Yet, as we have seen, emotional appeals are not welcome in philosophical discourse. Therefore, unable to use all of the tools of rhetorical persuasion, in philosophy Cicero must rely heavily upon gaining goodwill from the case itself, and/or he must construct the ethos of the speaker, opponent, and audience sans emotion.

Henceforth in this investigation, to augment our understanding of ancient argumentation and to better describe Cicero’s subtle linguistic acts, it is useful to bring in advances in modern

39 Cicero, *De Inventione* (Cambridge, MA: Harvard University Press, 1949), 1.22. “Benivolentia quattuor ex locis comparatur: ab nostra, ab adversariorum, ab iudicium persona, a causa. Ab nostra, si de nostris factis et officiis sine arrogantia dicemus… si, quae incommoda acciderint aut quae instent difficultates, proferemus… Ab adversariorum autem, si eos aut in odium aut in invidiam aut in contemptionem adducemus. In odium ducentur si quod eorum spuce, superbe, crudeliter, malitiose factum proferetur…”
40 Ibid. 1.22-23. “Ab auditorum persona benivolentia captabitur si res ab eis fortiter, sapienter, mansuete gestae proferentur, ut ne qua assentatio nimiia significetur,…Attentos autem faciemus si demonstrabimus ea quae dicturi erimus magna, nova, incredibilia esse, aut ad omnes aut ad eos qui audient…pertinere.”
linguistic theory, which parallel and expand upon ancient rhetorical theory. Central to the study of linguistics is the relationship between language and the self, as “among the many symbolic resources available for the cultural production of identity, language is the most flexible and pervasive.”

Humans can use this identity-constructing function of language in creative ways, two of the most prevalent being “adequation” and “distinction.”

Adequation and distinction refer to how a speaker constructs him/herself in relation to another person, social group, or institution. Adequation “involves the pursuit of socially recognized sameness,” and it serves to create an in-group identity with the person to whom the speaker wants to appear similar. Constructing the self as more similar enables the speaker to appear more favorable to his/her audience. In ancient rhetorical tactics, this correlates to obtaining the goodwill of the audience by pointing out similarities between themselves and the speaker. Distinction, on the other hand, “is the mechanism by which salient difference is produced.” It constructs the person or group in question as “other” by highlighting their negative qualities. This strategy correlates with the disparaging of the ethos of the opponent in the ancient rhetorical handbooks. By juxtaposing the opponent with the speaker and ascribing said opponent negative qualities, the speaker subsequently seems better to the audience in comparison. The tools of adequation and distinction can extend to many realms of linguistics, including discourse analysis.

The field of discourse analysis examines how interlocutors perform in conversation, both with other interlocutors and with the audience of a text. In this field, even seemingly unintentional words, here known as discourse markers, such as “well” and “oh,” are studied.

42 Ibid, 383.
43 Ibid, 384.
However, much of the work in discourse analysis focuses on larger speech acts. H.P. Grice revolutionized discourse analysis and speech act theory by introducing a heuristic of conversation: the Cooperation Principle. The principle is straightforward. “Make your conversational contribution such as it is required, at the stage at which it occurs, by the accepted purpose or direction of the talk exchange in which you are engaged.” In other words, Grice recognizes the need to follow the implicit norms of conversation, lest the conversation not achieve the desired communicative effect.

Grice divides the Cooperation Principle into four categories, now termed the Gricean maxims. The first maxim is Quantity. One’s input in a conversation should not be any more or less than required. As Grice explains by analogy, if “I need four screws, I expect you to hand me four, rather than two or six.” The second is Quality; one should not make any false claims in conversation. The third maxim is Relation, as an interlocutor’s input should be relevant to the topic being discussed. Finally, the fourth maxim is Manner, and this focuses upon the clarity and coherence of the speaker’s input. All four together work as assumptions for the Cooperative Principle. That is to say, all of the maxims must be followed for the Cooperation Principle not to be violated. Yet interesting linguistic manipulation and identity construction arise when speakers do not adhere to some of these maxims.

Richard Janney, a modern linguist, examines how lawyers utilize violations of the Cooperation Principle in court. In an attempt to disparage an opponent, a prosecutor can highlight how the defendant might not adhere to the constituent maxims of the Cooperation

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46 Ibid, 47.
47 Ibid.
Principle. Using phrases such as “So your story now is that…” prosecutors can actively construct the identity of the defendant as not cooperative linguistically, which subsequently can imply a lack of cooperation with the court and “trigger suspicions of guilt.”

At the same time, prosecutors can construct themselves as cooperative both with the linguistic maxims and with the norms of the court. Thus, the prosecutor uses adequation with the court and distinction from the defendant to construct him/herself as a cooperative interlocutor. In Janney’s work, these ruses of adequation and distinction do not appeal to the emotions of the jury, except perhaps to arouse suspicion. Rather, they serve to manipulate the jury’s opinions by exploiting the relationship between language and identity.

At the core of Janney’s article is an exploration of how people talk about talking. This subbranch of linguistics, focusing on speech acts about talking and conversation, is called metapragmatics. Metapragmatics focuses not on the “object language” or the message of a text, but rather on the metainformation as to how the message is or should be interpreted. Such acts occur all the time, especially in Latin class for example, as the meanings of words and passages are debated. Metapragmatic acts can be used directedly; in Janney’s article he dubs the prosecutors’ linguistic strategies highlighting the violation of Gricean maxims as “metapragmatic framing strategies.” Even performative verbs such as “I say” can serve a metapragmatic purpose.

With performative verbs, a speaker can attempt to establish authority in conversation, as Isola Carranza notes in her chapter “Metapragmatics in a courtroom genre.” Thus, metalinguistic acts provide an excellent opportunity for speakers to construct their own and others’ identities.

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While Cicero never had the vocabulary to discuss metapragmatics in his rhetorical treatises, as we will see he still engaged in metapragmatic speech acts for persuasive purposes.

Having explored why Cicero may be concealing his blending of forensic and philosophical rhetoric, and having set out the necessary framework for the analysis, let us now turn to the *De Finibus* itself to examine, using both ancient and modern terminology, how Cicero uses rhetorical tactics to align himself against the philosophical schools at play.
Chapter Two

Epicureanism on trial: Juxtaposition and the ethos of the speaker in Book II

...perpetuisne malis voluptatibus perfuens in ea quam saepe usurpabas tranquillitate degere omnem aetatem sine dolore... an, cum de omnibus gentibus optime mererere, cum opem indigentibus salutemque ferres, vel Herculis perpeti aerumnas.

Do you prefer to spend your entire life enjoying endless pleasures, in that calm state which you often touched on, without pain... or, to have been the most worthy of all peoples, when you brought help and safety to the needy, even to enduring the labors of Hercules?

Cicero, De Finibus, 2.118

I. Epicurean thought and Cicero’s objections

Before analyzing Cicero’s response to the Epicureans, it is necessary to familiarize ourselves with those aspects of Epicurean thought with which Cicero takes issue. This is in no way a comprehensive overview of the system; it is simply for reference and context throughout the following arguments.

Epicurus founded his namesake doctrine outside of Athens in the late fourth to early third centuries BCE. While Epicureans propagate Democritean atomism in their physical theory, which Cicero gleefully attacks in Book I, they are probably most well known for their ethics. Their aim of life, and their highest good, is to “maximize pleasure and minimize pain,” as they believe these sensations, rather than abstract concepts like virtue, lead men to act well and repel them from acting badly.51 While opponents attack the school’s disciples as hedonists who interpret pleasure as bodily and unquenchable, Epicurean doctrine in fact is far more complex.

According to Epicurus, there are multiple types of pleasures and desires. “Kinetic” pleasures are those that act upon the senses, like eating when hungry, for example. “Static”

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pleasures, on the other hand, arise from fulfilled desires, and Epicurus claims this satisfaction yields greater pleasure. There are also three types of desire: natural and necessary, natural but not necessary, and unnatural and unnecessary. Examples of the first type include desire for food and shelter; the second type involves “vain and empty” want for things like power and fame, and the third form of desire covets items like luxury goods. With these divisions, Epicurus argues that one should strive for the simple life, not dependent upon unnatural and unnecessary desires.52

Epicureanism prizes reason and calculation as the means by which their highest good can be achieved. Only through the ability to reason can one decide which desires to pursue and pleasures to choose, as some pleasures yield significantly greater later pain.53 In choosing only some pleasures, Epicureans hope to achieve ἀταραξία, or “freedom of the soul from disturbance.”54 Indeed, Torquatus professes that “Epicurus thinks the greatest pleasure is marked by the absence of pain” (privatione doloris putat Epicurus terminari summam voluptatem).55 Yet in an ataraxic state, Epicureans claim that a wise man can mitigate pain by focusing on past pleasures even in times of strife.56

Virtues are relevant only to the pursuit of pleasure. In his exposition, Torquatus comments, “Those who locate the highest good in virtue alone, beguiled by the splendor of a name, fail to understand nature’s requirements” (Id qui in una virtute ponunt et splendore nominis capti quid natura postulet non intellegunt).57 Virtues are only valuable to the extent that they produce pleasure, for, Torquatus questions, who would praise or pursue them if they

53 Ibid.
55 De Fin. 2.38.
56 On his deathbed, Epicurus claimed that though he was in physical pain, he felt pleasure at remembering past joys. See David Sedley’s entry “Epicureanism” in the Routledge Encyclopedia of Philosophy for further discussion.
57 De Fin. 1.42. Translated by Woolf in Cicero: On Moral Ends, 17.
brought about pain? Wisdom, with its reason and calculation, is only desirable because it “mastered the art of locating and obtaining pleasure” (artifex conquirendae et comparandae voluptatis). In this way, unlike the other schools in the De Finibus, Epicureanism views virtue not as an ends but as a means.

Cicero has many issues with the Epicurean system, but his primary opposition stems from their treatment of virtue. As we will see, he denies the Epicurean notion that pleasure and virtue are concomitant, and he claims that sometimes, in fact, people do not pursue virtue for the sake of pleasure. In a pitting of virtue against pleasure, Cicero would say virtue always prevails. His disapproval of Epicurean doctrine is pervasive, even appearing in other works.

In 55 BCE, ten years before the De Finibus, Cicero published his invective masterpiece In Pisonem, which he had delivered before the senate. Having recently returned from exile, in the speech Cicero attempts to leverage and restore his position the only way he knows how: through personal attack on a rival. The piece feigns a legal trial, as Cicero uses language of the court and conviction against Lucius Calpurnius Piso, a prominent Roman aristocrat and Epicurean. Indeed, many of Cicero’s attacks stem from his opponent’s allegedly faulty application of Epicurean philosophy; he discusses Piso’s grandiose banquets, drunken stupors, and involvement in public life, all of which Epicurus admonishes. Cicero, in effect, puts Piso on trial not only for being an Epicurean, but for being a bad Epicurean, while attacking the tenets of the school itself in the process. In this chapter, I will occasionally bring in the In Pisonem as a reference.

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58 De Fin 1.42. “Istae enim vestrae eximiae pulchraeque virtutes nisi voluptatem efficerent, quis eas aut laudabilis aut expetendas arbitraretur?”
60 De Fin. 2.118. At the end of the book, he concludes with “it is necessary that well praised virtue block the approach of pleasure” (bene laudata virtus voluptatis aditus intercludat necesse est).
62 Forensic speech occurs most notably in the peroration of the In Pisonem in chapter 97, in which he uses explicit legal terminology “fecisse videri” to pronounce Piso guilty.
point both for its common subject matter and its manipulation of forensic discourse. Now, let us turn to how Cicero approaches the school in Book II.

II. Introductory rhetorical strategies

Cicero immediately establishes his background in forensic oratory in Ch. 3 of Book II as he introduces legal terminology. He states,

Omnis autem in quaerendo quae via quadam et ratione habetur oratio praecribere primum debet, ut quibusdam in formulis ea res agetur, ut inter quos disseritur conveniat quid sit id de quo disseratur.

“In philosophical inquiry, every discourse which is to proceed methodically and systematically must begin with a preface, like those we find in certain legal formulae: “The matter at hand is as follows.” This enables the parties to the debate to agree on what the subject for debate actually is.”

De Finibus, 2.3, translated by Woolf, 27

Here, Cicero uses explicit legal terminology, ea res agetur, to refer to a partitio, a part of an oration, and he suggests its usefulness in his discussion of Epicureanism.

A partitio is traditionally the third part of a speech, after an opening and a statement of facts. In a partitio, the orator seeks to establish the issue at hand and at what points he and his opponents diverge. Here, as the anonymous author of the rhetorical handbook Rhetorica Ad Herennium (86-82 BCE) notes, is where the status of the issue arises. Three questions about the nature of the issue can be asked: Did it happen? What is it, or how does it relate to the law? And, of what sort is it, in other words, is it justified?64 In the De Finibus, it is clear that Cicero is concerned with the last two questions: What is the highest good? Is Torquatus’ theory, holding pleasure as the highest good, justified?

Cicero makes his questions about the issue clear as he insists on the importance of properly defining the term “pleasure.” While some scholars have explained how Cicero’s emphasis on the inconsistency in Torquatus’ definition of pleasure illustrates Cicero’s critique of Epicurean ordinary language theory, here I will focus on how his insistence upon definition relates back to a judicial framework. In Ch. 4 he first introduces the importance of definition. “Indeed he [Epicurus] denies that it is necessary that a matter be defined, without which meanwhile between those of us who dispute an issue no agreement can occur concerning the topic under discussion.” Cicero thus distinguishes himself from the Epicureans, foregrounding definition as he asks, “Are we able to know of what sort this thing is, unless we compare between us, when we spoke of the end of goods- what is ‘the end’, what even is ‘good’ itself?” Calling definition into question is also a common tactic in forensic speeches.

Definition is another element of a partitio. As Cicero notes, to establish points of agreement so that an argument may proceed, interlocutors must first agree upon definitions. In the De Oratore, Cicero further connects definition and oratory. He states, “if anyone wishes to define and grasp the force, the universal and particular [specialty] of an orator, he will be an orator in my opinion worthy of this so serious name.” Therefore, definition is an important part of the orator’s toolkit, and being able to define any subject is a mark of Cicero’s ideal orator, who is knowledgeable in all fields.

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65 See Barnaby Taylor’s 2016 article “Definition and Ordinary Language in Cicero De Finibus 2.”
66 De Fin. 2.4. “Negat enim definiri rem placere, sine quo fieri interdum non potest ut inter eos qui ambigunt conveniat quid sit id de quo agatur.”
67 Ibid. “…possimusne hoc scire quale sit, nisi contulerimus inter nos, cum finem bonorum dixerimus, quid finis, quid etiam sit ipsum bonum?”
68 Clarke, Rhetoric at Rome, 26.
69 Cicero, De Oratore, 1.64. “Quam ob rem, si quis universam et propriam oratoris vim definire complектique vult, is orator erit mea sententia hoc tam gravi dignus nomine.”
III. Dialectic vs. continuous discourse: *De Finibus* 2.17

Using modern linguistic vocabulary, let us now pay close attention to Ch. 17, in which Cicero carefully deconstructs Torquatus’ character to make him appear inadequate as a philosopher. This scene is of particular importance, as it frames the rest of the dialogue between the two.

Thus far in the quasi-forensic introduction, Cicero has questioned Torquatus about the definition of pleasure, mirroring conversations with Socrates in Platonic dialogues. Yet in Ch. 17, Torquatus pleads for a change of discourse to continuous speech rather than dialogue. As Torquatus asks, “An end to questioning, if you please” (*Finem...interrogandi, si videtur*), he signals to both the audience and to Cicero that he cannot keep up with the traditional, Platonic mode of philosophical conversation.\(^\text{70}\) In other words, this metapragmatic exclamation distinguishes Torquatus’ preference for continuous exposition from the normative Platonic model of philosophical dialectic.

Torquatus goes on to stress his role in the interaction as he uses the performative verb in declaring: “I told you from the beginning what I preferred” (*quod quidem ego a principio ita me malle dixeram*).\(^\text{71}\) Thus, by emphasizing his former request, he suggests that Cicero has not respected his wishes and has acted uncooperatively with his preferred discourse mode, continuous speech. Yet, he further distinguishes himself from the philosophical genre as he nominalizes the questioning format of the Platonic dialogues. He dubs it *dialecticas captiones*, “dialectical quibbling.”\(^\text{72}\) As Carranza notes in her chapter, evaluations of speech such as nominalizations can be used in an attempt to gain control over the linguistic transaction.\(^\text{73}\) Both

\(^{70}\) *De Fin.* 2.17.

\(^{71}\) Ibid.

\(^{72}\) Ibid. Translated by Woolf, *Cicero: On Moral Ends*, 32.

\(^{73}\) Carranza, “Metapragmatics in a Courtroom Genre,” 174.
Torquatus’ request to change the discourse structure and his nominalization of the preferred mode of inquiry demonstrate that (1) he is uncomfortable with traditional philosophical discourse, (2) he is attempting to gain control, and most importantly (3) he is an outsider to the field of philosophy.

Cicero, on the other hand, is at ease with any manner of philosophical debate. In this way, he appears more in control than Torquatus. Furthermore, Cicero constructs his own persona as flexible and accommodating in conversation. In response to Torquatus’ request, Cicero asks, “Do you prefer that we debate with rhetoric or dialectic?” He, unlike his conversation partner, is adroit in both modes of conversation. He continues to portray himself as polite by explicitly acknowledging Torquatus’ wish, voluntati tuae, as he agrees to the change of discourse. This kindness flatters Cicero, making him appear more amenable to the audience, especially in contrast to Torquatus. Furthermore, Cicero’s demonstrated ability to function in multiple modes of discourse displays his authority in the philosophical realm.

Cicero also aligns himself with the sociocultural practice of philosophical debate by touting his knowledge of his predecessors, recounting their thoughts on the linguistic composition of philosophy and oratory. He calls attention to Zeno the Stoic, who believed that continuous discourse only belonged to the orators, not to the philosophers. He also explains Aristotle’s view on the matter by describing his analogy of the language of dialectic (philosophy) and of rhetoric to a closed and open fist, respectively. By noting philosophers’ thoughts on the different genres, Cicero establishes himself as, in Carranza’s terms, a competent authority on the

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74 De Fin. 2.17. “‘Rhetorice igitur’ inquam ‘nos mavis quam dialectice disputare?’”
75 Ibid. “Zenonis est’ inquam ‘hoc Stoici: omnem vim loquendi, ut iam ante Aristoteles, in duas tributam esse partes, rhetoricam palmae, dialecticam pugni similem esse dicebat, quod latius loquerentur rhetores, dialectici autem compressius.”
language of philosophy.\textsuperscript{76} In addition, he underscores and reminds the audience of the common distinctions between genres.

In Ch. 17, he subsequently promises Torquatus that he will not speak with the language of the courtroom. He states, “Therefore I will yield to your wish and I will speak rhetorically if I am able, but with the rhetoric of philosophers, not with that forensic rhetoric of ours.”\textsuperscript{77} In this metapragmatic act, he foregrounds the generic distinction described the previous chapter. Yet why does he distinguish the two, given that he thinks their blending is beneficial? Here, Cicero is using a tactic of the ancient courtroom.

A \textit{praeteritio}, a common trope of rhetoric, occurs when an orator claims he will not talk about a topic though he mentions it in the process. It generally serves to call more attention to the topic briefly summarized.\textsuperscript{78} Perhaps in this chapter of his treatise he calls attention to the fact that a connection between the discourses of oratory and philosophy is useful to his position, though he does not dare state so explicitly. The perceived notion of the deceptive persuasion employed in oratory might harm Cicero’s credibility as a philosopher, and he has thus far worked to build up this credibility through his linguistic strategies. The \textit{praeteritio} in this passage sets the stage for the subtle incorporation of forensic rhetoric throughout the remainder of the work. Through his tactics, language, and tropes, he still tacitly integrates legal rhetoric into his argument. Henceforth it is useful to bring in both the rhetorical handbooks and the \textit{In Pisonem}, an imagined trial of Piso, to demonstrate the similarity of argumentative structures.

\textsuperscript{76} Carranza, “Metapragmatics in a Courtroom Genre,” 176.
\textsuperscript{77} \textit{De Fin.} 2.17. “Obsequar igitur voluntati tuae dicamque si potero rhetorice, sed hac rhetorica philosophorum, non nostra illa forensi.”
\textsuperscript{78} Thomas N. Habinet, \textit{Ancient Rhetoric and Oratory} (Malden, MA: Blackwell Publishing, 2004), 106.
IV. The ethos of the speaker

In Cicero’s rhetorical handbook *De Inventione*, he states the importance of separating the ethos of the speaker from the ethos of the accused in gaining the goodwill of the audience. By bringing opponents into contempt (*si eos aut in odium aut in invidiam aut in contemptionem adducemus*), while simultaneously referring to oneself without arrogance (*si de nostris factis et officiis sine arrogantia dicemus*), an orator is able to gain the audience’s favor.\(^79\) Thus arises a common strategy of juxtaposition between the speaker and opponent to further separate them in the minds of the audience.

In *De Finibus* 2.60, Cicero poses this rhetorical question (yet another tactic of forensic rhetoric) to Torquatus:

> Utrum tandem censes, Torquate, Imperiosum illum, si nostra verba audiret, tuamne de se orationem libentius auditurum fuisse an meam, cum ego dicerem nihil eum fecisse sua causa omniaque rei publicae, tu contra nihil nisi sua?

“If that great powerful one\(^80\) heard our words, do you think he would more freely be about to listen to your oration about yourself or mine, when I said that [he] did nothing for his own sake and did it all for the republic, and you on the other hand [said that he did] nothing except for his own [sake]?”

*De Finibus*, 2.60

Cicero’s contrasts his own opinion, that men pursue virtue not for the sake of their own pleasure, with Torquatus’, that the pursuit of virtue ultimately derives from one’s own desire for pleasure. Notice here that Cicero introduces a third-party arbiter, this “great powerful one,” who must choose between Cicero’s argument and Torquatus’. Thus, he sets up this comparison not only to

\(^{79}\) Cicero, *De Inventione* (Cambridge, MA: Harvard University Press, 1949), 1.22.

\(^{80}\) As suggested in W. M. L. Hutchinson’s 1909 commentary, perhaps Titus Manlius Imperiosus Torquatus. Consul in 347, 344, and 340 BCE, he executed his own son for going against orders to fight a duel. Here, Cicero refers to this Torquatus to argue that he did not murder his son for the sake of his own pleasure. See Andrew Drummond’s entry “Manlius (RE 57) Imperiosus Torquatus, Titus” in the Oxford Classical Dictionary for more information.
distinguish himself from Torquatus but also to suggest that a verdict must be chosen favoring either opinion.

A strikingly similar passage occurs in the *In Pisonem*, though of course the invective language is more robust. In Ch. 33, he poses to Piso another rhetorical question:

> Atque ut tuum laetissimum diem cum tristissimo meo conferam, utrum tandem bono viro et sapienti optabilius putas sic exire e patria ut omnes sui cives salutem,... quod mihi accidit, an, quod tibi profiscisci event, ut omnes exsecrarentur,...?

> “And since I compare your happiest days with my most miserable days, at last which do you think is more desirable for a good and wise man, to leave in this way from the fatherland, with the result that all citizens pray for your health...which happened to me, or, what happened to you when you set out, that all cursed you...?”

*In Pisonem*, 33

Here, the juxtaposition of common opinion serves to flatter Cicero while condemning Piso, thus further distinguishing the ethos of speaker and opponent. Again, Cicero appeals to a third-party judge, here a “good and wise man.” By suggesting that a wise man would choose Cicero over Piso, Cicero frames himself as correct and honorable and Piso as his foil. Yet while these ad hominem attacks effectively establish the differing characters of the orator and his opponent, Cicero also discusses the place of Epicureanism in traditional Roman law courts.

While Cicero may claim not to use forensic rhetoric, he mentions the customs of the law courts and contrasts them with Epicurean doctrines to demonstrate the school’s incompatibility with the Roman legal system. On the one hand, mentioning this incongruity between Epicureans and the courts reinforces the point that good Epicureans disavow public life. 81 On the other

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81 Indeed, this in accordance with Epicurean doctrine, which does not promote active engagement in politics. See the Stanford Encyclopedia entry “Epicurus” for further discussion.
hand, it also further distinguishes the school’s values from those espoused in traditional Roman culture.

Late in Book II, Cicero prefaces his discussion of the other two schools, the Stoics and the Academy under Antiochus, with a brief comparison to the Epicureans. He begins by asking Torquatus why he would not profess his Epicureanism in front of the court or senate, concluding that the only reason why Torquatus would not admit his beliefs is because Epicurean “speech is dishonorable” (turpis oratio est). Cicero then asserts that “truly [people] say the things of the Peripatetics and of the Stoics; always they are in your mouth in the courts, in the senate.” Epicureanism, by contrast, has no place in public life in Rome. These are the places, Cicero lists, that discuss “duty, equality, dignity, faith, good conduct, honesty, worthiness of office, worthiness of the Roman people, all dangers [to be faced] on behalf of the republic, and even dying for the fatherland” (Officium, aequitatem, dignitatem, fidem, recta, honesta, digna imperio, digna populo Romano, omnia pericula pro re publica, mori pro patria). Not only does this long list, an example of an asyndeton, mirror the language of a peroration, it also emphasizes the traditional Roman values held by the courts and senate. By saying that Epicureanism has no place here, Cicero implies that Epicureanism is incompatible with these normative virtues.

In the In Pisonem, Cicero also tries to argue that Epicureanism is incompatible with the courts. When concerned with the Epicurean claim that a wise man is always happy, even in times of strife, he questions, “What therefore is punishment? What is retribution? In my opinion, it is what happens to no one unless he is guilty.” Here, we see Cicero grappling with the problem

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82 De Fin. 2.74.
83 Ibid, 2.76. “At vero illa quae Peripatetici, quae Stoici dicunt, semper tibi in ore sunt in iudiciis, in senatu.”
84 Ibid.
85 See In Pisonem 99, the peroration, for another instance of asyndeton.
86 In Pis. 42-43. “Quae est igitur poena, quod supplicium? Id mea sententia quod accidere nemini potest nisi nocenti…”
that traditional punishments for the guilty may not work for the Epicureans, as they may not feel pain in punishment. Thus, Epicureans must be handled outside the normal purview of Roman courts, again alienating them from traditional values.

Yet Cicero also uses another strategy, founded in forensic and even epideictic rhetoric, to separate Epicureanism from established Roman values. A common locus in epideictic attacks, as well as in formal forensic speeches that aim to disparage the ethos of the opponent and to gain the goodwill of the audience, is to compare the opponent to illustrious Roman historical figures or ancestors.\(^{87}\) By representing the adversary as a disgrace to the morals of admired Roman figures, the orator further constructs the opponent’s character in contrast to the presumed values of the audience.

In the *De Finibus*, Cicero includes examples of prominent figures in early republican history to demonstrate that they did not perform admirable, virtuous acts for the sake of their own pleasure. He describes how Lucretia committed suicide because she had been raped, bringing about the republic itself in the process. Lucius Verginius killed his own daughter instead of allowing her to marry the anti-plebeian senator Appius Claudius,\(^ {88}\) an act connected to the second plebeian secession.\(^ {89}\) These two figures driving pivotal moments of Roman history could not have been compelled to commit painful acts by a desire for pleasure, according to Cicero; indeed they did so for the good of others. Cicero then draws a dichotomy between these illustrious figures and Torquatus’ philosophy, demanding that he “must vituperate these acts or recant the defense of pleasure” (*Aut haec tibi, Torquake, sunt vituperanda aut patrocinium*).

\(^{87}\) For example, “*In vituperatione: si bono genere, dedecori maioribus fuisse.*” *Rhetorica Ad Herennium*, 3.13.

\(^{88}\) *De Fin.* 2.66. “*Stuprata per vim Lucretia a regis filio testata civis se ipsa interemit. Hic dolor populii Romani duce et auctore Bruto causa civitati libertatis fuit, ob eiusque mulieris memoriam primo anno et vir et pater eius consul est factus. Tenuis L. Verginius unusque de multis sexagesimo anno post libertatem receptam virginem filiam sua manu occidit potius quam ea Ap. Claudi libidini, qui tum erat summo (cum) imperio, dederetur.*”

voluptatis repudiandum). He insists on making a choice between the ethical stance of Epicureans and famed historical figures. Here Cicero urges Torquatus to judge right from wrong, yet he clearly stacks the evidence against Torquatus’ existing beliefs. Nevertheless, this argument is aimed more at the incompatibility of Epicureanism with Roman values than at Torquatus himself.

In the In Pisonem, Cicero again mentions illustrious Roman figures, but this time he intends to humorously attack Piso himself. He recounts how Piso did not receive a triumph after returning from his proconsulship in the province of Macedonia, and thus he implies that Piso was not a successful proconsul. He then makes an apostrophe to admired historical figures with an ironic intention: “Oh you idiots Camilli, Curii, Fabricii, Calantini, Scipiones, Carcelli, Maximi! Insane Paulus! Rustic Marius! Unprincipled forbears of both of these consuls, who triumphed!” Cicero piles on (again, in an asyndeton) the most important family names of Rome, renowned for their honorable deeds, and he calls them idiotic because they received triumphs. The association of stupidity with a high Roman honor is obviously for comedic effect, but it also implicitly insults Piso, who could never even achieve a triumph. While Cicero includes prominent Roman figures here as more of a personal invective attack, clearly there is still a similar rhetorical technique at work in the De Finibus.

In this section, I have focused on how Cicero constructs the ethos of Torquatus and the Epicureans in contra-distinction to himself and conventional Roman ideals. Now, let us turn our attention not to the use of juxtapositions, but to the introduction of persons to judge the debate.

\footnote{De Fin. 2.67.}
\footnote{In Piso. 58. “O stultos Camillos, Curios, Fabricios, Calantinos, Scipiones, Marcellos, Maximos! O amentem Paulum, rusticum Marium, nullius consili patres horum amborum consulum, qui triumpharint!”}
V. Judges: personified and human

In the *Rhetorica Ad Herennium*, the author lists personification as a form of *expolitio*, or “refining,” which occurs when “we remain on the same topic, but we seem to say one thing and another” (*in eodem loco manemus et aliud atque aliud dicere videmur*). Personification in particular, the author describes, is when a mute or abstract thing becomes eloquent, and a form, speech, or a certain action, appropriate to its character, is attributed to it. Such a device is used especially in amplification and pity. Throughout the speech, Cicero personifies concepts he discusses to further amplify his argument.

Of particular note is a passage in Ch. 36, in which he describes how, for Epicureans, the senses decide pleasure and pain. He elaborates this viewpoint by imagining the senses as judges and claiming they have more authority than the law. Cicero then proceeds to explicitly cite legal terminology: *si quid mei iudici est,* “if it is within my jurisdiction,” to underscore his point that senses, relegated to only certain types of information, do not have the jurisdiction for more complex matters, like ethics. He proposes a more acceptable alternative:

>Aequam igitur pronuntiabit sententiam ratio, adhibita primum divinarum humanarumque rerum scientia, quae potest appellari rite sapientia, deinde adiunctis virtutibus, quas ratio rerum omnium dominas, tu voluptatum satellites et ministras esse voluisti. Qua rum adeo omnium sententia pronuntiabit primum de voluptate…

>“Hence a fair verdict can only be delivered by reason, assisted in the first place by knowledge of things human and divine, which is rightly called wisdom, and in the second place by the virtues, which reason puts in charge of every

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92 *Rhetorica Ad Herennium*, 4.54.
93 Ibid, 4.66. “cum res muta aut informis fit eloquens, et forma ei et oratio aaduitur ad dignitatem accommodata aut actio quaedam.”
94 Ibid. “Proficit plurimum in amplificationis partibus et commiseratione.”
95 *De Fin*. 2.36. “plus tribuit sensibus quam nobis leges permittunt.”
96 Ibid.
domain, whereas you want them to be a servant ministering to pleasure. After consulting these advisors, reason shall deliver its first decision…”

*De Finibus*, 2.37, translated by Woolf, 39

Cicero uses the personification of reason, aided by virtue, to reiterate that the two are superior to the senses. Yet Epicurus would agree with Cicero’s claim: reason is the means by which pleasures are chosen. It is safe to say that Cicero was aware of Epicurus’ beliefs, so therefore this personification serves a rhetorical purpose. Indirectly, Cicero suggests that reason and virtue are more compatible with the Roman legal system than are the senses as posited in Epicurean thought.

At the end of the dialogue, he maneuvers Torquatus into the role of judge, having laid out his full response to the doctrine. He gives him two options: “If you persist in relating all my examples to the body you will have shown nothing but your stubbornness. If you concede my point, then you will have totally abandoned Epicurus’ conception of pleasure.”97 Torquatus thus has two options: either he admits to being closeminded, that is, in Cicero’s mind, a stubbornness that goes against the discussion’s premise of finding the truth regardless of doctrine, or Torquatus must give up the central doctrine of pleasure in Epicurean philosophy. By presenting the only options as noncooperative in conversation or apostate, and having stacked the arguments against his school, Cicero clearly steers Torquatus toward relinquishing Epicureanism.

Later, having disengaged from the conversation with Torquatus, Cicero presents another judgement still, this time with Triarius in the role of arbiter. He suggests “it would be fairer to let Triarius adjudicate our dispute” (*erat aequius Triarium aliquid de dissensione nostra iudicare*).98

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97 *De Fin.* 2.107. “Aut pertinacissimus fueris, si in eo perstiteris, ad corpus ea quae dixi referri, aut deserueris totam Epicuri voluptatem, si negaveris.”

98 *De Fin.* 2.119. Translated by Woolf, *Cicero: On Moral Ends*, 64.
Thus, by again bringing in legal terminology, he highlights the juridical tenor of the conversation. Torquatus picks up on the analogy, and he responds with the formal term *eiuro*, “I object,” on the basis of bias. He claims Triarius is fonder of the Stoics, and thus would harshly judge his school. Just as at the beginning of the exchange where Cicero uses explicitly legal language, here too his incorporation of judicial vocabulary emphasizes the connection between the forensic and the philosophical. At the same time, the references to legal terminology create a ring composition in the book, a common technique in rhetoric. In doing so, Cicero also begins to introduce his next interlocutor: an adherent of the Stoic school.

VI. Conclusion

In this chapter I first outlined the Epicurean system in which virtue appears only as a means to the end of achieving pleasure. Then, I examined how Cicero sets up the conversation by using common techniques of forensic rhetoric. My analysis incorporated some concepts derived from modern linguistics to examine his use of adequation and distinction in shaping the debate to his advantage in the pivotal Ch. 17. I proceeded to explore how Cicero makes use of the “ethos of the speaker” topos in different contexts and how he focuses on the act of judgement by employing both personified concepts and historical characters.

Throughout the book, we see Cicero reinforcing the rhetorical strategies of juxtaposition and judgement. The “great powerful one,” the senses, reason, Torquatus, and Triarius all must decide whether the Epicurean system is worthy of approval. By reiterating and reimagining this discursive scenario so many times, Cicero perhaps wants his audience to participate in judging

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99 Ibid. “Eiuro inquit adridens iniquum, hac quidem de re; tu enim ista lenius, hic Stoicorum more nos vexat.”
the Epicureans harshly, though they are presumed to be the most popular school.¹⁰⁰ Yet, this simulation of objective judgement is not the only rhetorical mechanism Cicero uses in philosophical debate. Indeed, he takes a different approach in his discussion of Stoic ethics.

¹⁰⁰ Cicero acknowledges this in Book II Ch. 48 when he declares that to Epicurus, “moral” means only what is popular. “id solum dicitur honestum quod est populari fama gloriosum.”
Chapter Three

Stoicism on trial: Arguing against one’s own beliefs

Si de re disceptari oportet, nulla mihi tecum, Cato, potest esse dissensio; nihil est enim de quo alter tu sentias atque ego, modo commutatis verbis ipsas res conferamus.

If it’s fitting to dispute about fact, between you and me no disagreement is possible, Cato; indeed, there is nothing about which you think differently than I, let us compare these very things only after the words have been changed.

Cicero, De Finibus, 4.60

I. Cicero and the Stoics

Though claiming impartiality in his discussion of each school, as I previously stated, Cicero does not hide his personal preferences. He makes it clear even in the introduction of the De Finibus that he much prefers the Stoics and Academics to the Epicureans. As we saw in the last chapter, he argues against Torquatus from a variety of angles, constructing his ethos negatively and forcing judgement through juxtaposition. Such arguments against the school, Cicero states in the introduction, are facillimis, easiest.101 Julia Annas notes in her introduction that Cicero “does not take Epicurus seriously as an option” in this discussion.102 She further acknowledges that he perceives Epicureanism as “a far weaker ethical theory.” Indeed, Cicero admits in Book I that he finds fault with multiple claims of the Epicureans, thus revealing his personal bias.103

Cicero, as he makes clear in Book II, ranks virtue above pleasure in an ethical system. He claims, sunt enim innumerabilia – there are innumerable arguments favoring virtue over pleasure.104 Therefore, Cicero’s moral philosophy is more in keeping with the Stoics or

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101 De Fin. 1.13.
103 De Fin 1.15. “Re mihi non aeque satisfacit, et quidem locis pluribus.”
104 Ibid, 2.118.
Academics under Antiochus, schools which expound the nature of virtue and prioritize it in their respective ethics.

Which of the two virtue-focused schools Cicero preferred is not as clear as his disdain for the Epicureans. Annas claims that Cicero himself was an Academic Skeptic – a school whose adherents disavowed dogma in favor of investigating truth through discussion and debate. This mentality is reflected in the purported purpose of the *De Finibus*. Yet, Cicero toyed with Stoic ideas for much of his life. In this work, we find Cicero especially favorable toward the Stoics’ position. In Book V Cicero exclaims, “By Hercules (indeed I must confess what I think) the structure of things among them [the Stoics] is marvelous” (*Et hercule (fatendum est enim quod sentio) mirabilis est apud illos contextus rerum*).

In the *De Finibus*, the exposition of, and argument against, the Stoic system spans Books III and IV. In these books, Cicero also notes commonalities between the Stoics and Academics, but a full treatment of the latter is beyond the scope of this paper. This chapter will focus on first outlining the components of the Stoic ethical system necessary in understanding Cicero’s arguments. Then, I will explore how Cicero critiques the school using rhetorical devices such as comparisons to historical figures and claims of inconsistency and ambiguity.

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106 Ibid, xii.
107 *De Fin.* 5.83. Another work in which Cicero demonstrates a fondness of the Stoic system is in his *Paradoxa Stoicorum* (c. 46 BCE). In it, he addresses and works through six “paradoxes” of the Stoic doctrine such as “Only moral things are good.” In the preface, he admits he wrote the work *libentius*, “gladly,” and deems the Stoic paradoxes *longeque verissima*, “by far the truest.” This evidence further supports Annas’ assertion that Cicero was interested in Stoic philosophy across his lifetime. Cicero, *Paradoxa Stoicorum* (Cambridge, MA: Harvard University Press, 1942), 5.
II. The Stoic ethical system

Like the philosophical background provided in the previous chapter, this brief account is not meant to be a broad outline of the Stoic ethical system. Rather, the following summary, as set forth by Cato in Book III, will serve as context for the specific arguments Cicero presents against the school.

A central feature of the Stoic ethical system is the pursuit of moral goods, or virtues. Their answer to the question of the ends of goods and evils, to what constitutes the highest good, is as follows:

…relinquitur ut summum bonum sit vivere scientiam adhibentem earum rerum quae natura eveniant, seligentem quae secundum naturam et quae contra naturam sint reicientem, id est convenienter congruenterque naturae vivere.

“It remains that the highest good is to live adhering to the knowledge of those things which come about by nature, selecting what is in accordance with nature and rejecting those things which are against nature, that is to live consistently and agreeably with nature.”

*De Finibus*, 3.31

Living in accordance with nature can only come about by making certain choices, as the quote above so indicates. These correct choices are termed “appropriate actions” or *officia*, and they are based on the nature of man.108 The resulting correct actions, *recte facta*, embody all types of virtue, so therefore virtue is necessary for the achievement of the highest good.109 In this way, living virtuously constitutes moral worth, *honestum*, and Cato argues that this alone is good.110

The Stoic concept of the highest good relies upon the dichotomy between morality and baseness. According to them, everything else except for morality and baseness is indifferent with

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110 Ibid, 3.29.
respect to good and evil. Yet in the lacuna between extremes, differences still exist between these “indifferent” things depending upon on whether they have positive value, aestimabilia, negative value, contra, or are neutral. Things of positive value include health, absence of pain, and wealth, among others. These fall under the Stoic terminology praeposita or praecipua, “things to be preferred.” Their counterparts, disease, pain, and poverty, are termed reiecta “rejected things.” Though Stoics acknowledge the value in these things, they deny that everything with value is necessary for total happiness.

As Annas explains, in the Stoic system “nothing but virtue can constitute the happy life.” Happiness, as Cato defines it, relates to their concept of the highest good. It is “to live consistently with nature,” (convenienter naturae vivere). And the wise man, who “never is mistaken in his judgement” (numquam fallitur in iudicando) in choosing the appropriate actions, is subsequently always happy. Indeed, Cato argues that “it follows by necessity that wise men always live happily, perfectly, and fortunately, not impeded by any matter, not restrained by anything, not lacking anything.” The wise man behaves according to nature perfectly, yet such perfection is rare in quotidian life. Therefore, unless a perfect degree of judgement, wisdom, and virtue is obtained, one cannot be happy. As we will later see, Cicero opposes this uncompromising view in Book IV.

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111 Ibid, 3.50-53.
112 Ibid, 3.50.
113 Ibid, 3.51-52.
114 Ibid, 3.41. “…nostri non ex omni quod aestimatione aliqua dignum sit complevi vitam beatam putent.”.
116 De Fin. 3.61.
118 Ibid. “… necessario sequitur omnes sapientes semper feliciter absolute fortunate vivere, nulla re impediri, nulla prohiberi, nulla egere.”
119 This is not the only work in which Cicero opposes the Stoic belief that only the wise man is moral and happy. In the Pro Murena (63 BC), he contends, “all of us not wise are fugitives, exiles, enemies, and finally they say we’re insane; all crimes are equal” (nos autem qui sapientes non sumus fugitivos, exsules, hostis, insanos denique esse dicunt; omnia peccata esse paria) By equating all non-wise men with criminals, Cicero highlights the absurdity of the all-or-nothing claim. Cicero, Pro Murena, 61.
After expounding the Stoic doctrine, Cato refers to the logical coherence of the system at the end of Book III with the question, “By the immortal gods, do you not wonder at it?” (*per deos inmortales, nonne miraris?*)  

He continues,

*quid posterius priori non convenit? quid sequitur quod non respondeat superiori? quid non sic aliud ex alio nectitur ut, [non] si unam litteram moveris, labent omnia?*

“What conclusion does not agree with the premise? What follows that does not answer to a prior statement? What thing is not bound in such a way to another that everything does not perish if you move one letter?”

*De Finibus*, 3.74

This is precisely Cicero’s challenge in Book IV. How will he find faults in the system that appears so robust and sound? The challenge is amplified by the fact that Cicero agrees with the majority of Stoic claims. As he concedes in this chapter’s opening quote, he finds fault with the Stoics primarily in their use of terminology, a rather minor qualm in comparison to his more basic disagreements with the Epicurean system.  

Cicero’s predilection for the Stoics thus yields a different implementation of rhetorical argumentation against the school. Let us now turn to Book IV to examine how Cicero approaches the challenges set forward by Cato.

### III. Cicero’s preliminary critique of the ethical system

The book opens with a direct comparison between the discussion and a legal case, between Cicero and an orator. After Cato’s exposition, Cicero states that he needs time to come up with convincing counterarguments against a system “so carefully founded and constructed.”  

Cato denies this request: “‘Do you think,’ he said, ‘that I would delay the time in

120 *De Fin*. 3.74.
121 Ibid, 4.60.
122 Ibid, 4.1. “(tam) accurate non modo fundatam verum etiam exstructam disciplinam.”
this case when I see you, because of this new law, responding to the prosecutor and speaking for three hours on the same day?"’ (‘Ain tandem?’ inquit 'cum ego te hac nova lege videam eodem die accusatori respondere et tribus horis perorare, in hac me causa tempus dilaturum putas?’)\(^{123}\)

In this way, he parallels the current discussion to a legal case, and he imagines Cicero as an orator ready for forensic-style argument. As author of the dialogue, distinct from his internal persona, Cicero draws attention to these parallels by including this exchange in the introduction. This ruse reminds the audience once again of the connection between oratory and philosophy. Moreover, Cato’s insistence on continuing serves as a narrative device to move the conversation forward in a favorable direction.

In the introduction of Book IV, Cicero begins to establish his own ethos and to lay out the method of his argumentation. Here, he uses tactics similar to those recommended in the rhetorical handbooks – some of which we have noted in the preceding chapter.

Directly in response to Cato, Cicero claims that he is hesitant to begin his attack on the school. He states that he is “hindered by modesty” (sed pudore impedior) and that Stoics “thus say many things which he barely understands” (ita multa dicunt, quae vix intellegam).\(^{124}\) This is Cicero speaking in his constructed persona. As the author of the dialogue Cicero clearly understands Stoic philosophy well enough not only to write Book III of the De Finibus but also other works such as the Paradoxa Stoicorum. So, Cicero deliberately positions his character to be unassuming, a common strategy in forensic rhetoric.

In the De Oratore, Cicero notes that this modesty, feigned or not, is the mark of a good orator. Indeed, according to him, an orator must appear modest (vultus pudoris). Note his use of

\(^{123}\) Ibid, 4.2. According to Rackham, the “new law” to which Cato refers was passed by Pompey to limit the length of trials in 52 BCE. H. Rackham, De Finibus (Cambridge, MA: Harvard University Press, 1914), 300.

\(^{124}\) Ibid.
exactly the same vocabulary – *pudor*– in the handbook and in the *De Finibus*; Cicero here explicitly mentions his assumed modesty, perhaps in an attempt to align himself with the appealing characteristics of a good orator. Furthermore, Cicero recommends in the *De Oratore* that a speaker should appear reluctant and compelled to respond to an argument (*invitus et coactus facere videare*).\(^{125}\) Again in the *De Finibus*, we see Cicero’s apparent reluctance to respond to Cato as he pretends to be thoroughly confused by Stoic doctrine. The underlying strategy in both cases is to gain the goodwill of the audience, as we have seen in the previous chapter, by establishing a favorable and uncontroversial identity for the speaker.\(^{126}\)

Focusing next on the structure of the conversation to come, Cato suggests that they begin with the similarities between the Stoic and the Peripatetic schools: “Therefore [let us discuss] these things first if it seems good, but if you want something else, [we will discuss this] later” (*Quare ad ea primum, si videtur; sin aliud quid voles, postea*).\(^{127}\) Yet Cicero takes a different approach to the dialogue structure, asserting that “Actually… if it is not an unfair request I would like to use my own discretion in treating each issue as it comes up.” (*Immo istud qui dem,* *inquam quo loco quidque *** nisi iniquum postulo, arbitratu meo.*).\(^{128}\) This discussion centered on the arrangement of the dialogue also has a rhetorical parallel.

A key element of rhetorical doctrine is a *dispositio*, or “arrangement.”\(^{129}\) This concerns how an orator plans the structure of his argument. While there are varying types of arrangements based on the purpose of the argument, Cicero comments in the *De Oratore* that “it is even the greatest marker of prudence of an orator, truly to decide in what way we should place these

\(^{125}\) *De Oratore*, 2.182.

\(^{126}\) Ibid, 2.182. “They very much produce the goodwill,” (Valde benevolentiam conciliant).

\(^{127}\) *De Fin.* 4.2.

\(^{128}\) Ibid. Translated by Woolf, *Cicero: On Moral Ends*, 90. According to the OCT, the lacuna in the Latin should either be “occurrerit” or “visum fuerit.”

\(^{129}\) Clarke, *Rhetoric at Rome*, 33.
things, which must be said for the sake of proving and demonstrating.”\textsuperscript{130} Therefore, by taking control and laying out the dialogue’s structure, Cicero yet again demonstrates competency in his oratorical abilities early on, perhaps in a further attempt to gain his audience’s sympathy.

Later in the \textit{De Finibus}, Cicero and Cato begin to disagree, and Cicero notes the divergence of opinion with another rhetorical device common in the beginning of speeches. As they discuss man’s desire for self-preservation, Cicero nods assent to Cato with \textit{Hoc convenit}, “This is agreed.”\textsuperscript{131} Cicero then begins his dispute, questioning how from principles upon which they agree, Stoics conclude that the highest good is to live morally.\textsuperscript{132} This exposition of where Cicero and Cato agree and disagree is redolent of a \textit{partitio}.

As I discussed in the previous chapter, a \textit{partitio} is a part of a speech in which an orator describes on what points he and his opponent agree and disagree. It often proceeds the major part of the speech, the \textit{confirmatio}, or the argument.\textsuperscript{133} Here in the \textit{De Finibus}, this element of \textit{partitio} comes right before Cicero begins his lengthy counterarguments, and it further distinguishes between Cicero and Cato’s beliefs. Cicero then pivots to a different form of distinction.

IV. Comparisons with philosophical predecessors

In another rhetorical treatise, the \textit{Orator}, Cicero comments that a good orator must have knowledge of logic. He states, “I recommend that he who is attracted to eloquence … to be prepared either with that ancient teaching [of the logic of Aristotle] or this teaching of

\begin{itemize}
\item \textit{De Oratore}, 2.308. “ut vero statuamus ea, quae probandi et docendi causa dicenda sunt, quam ad modum componamus, id est vel maxime proprium oratoris prudentiae.”
\item \textit{De Fin.}, 4.25.
\item Ibid, 4.26. “quonam modo ab isdem principiis profecti efficiatis ut honeste vivere.”
\item Clarke, \textit{Rhetoric at Rome}, 26.
\end{itemize}
Chrysippus.” An orator must know what is consistent and what is not for the purpose of argumentation. A knowledge of logic, of course, is critical to philosophical dispute, and here both rhetoric and philosophy draw upon common argument structures. Indeed, Cicero critiques Stoicism for its false premises (a falsis principiis profecta congruent). He also combines this knowledge of logic with another rhetorical device to separate Stoics from the norms of philosophical practice.

Cicero takes special care to dismantle the Stoic argument that everything good is moral. He recounts, “Everything good is worthy of praise, and everything worthy of praise is moral, therefore everything good is moral.” To chastise Cato for these assumptions, he brings in other philosophical figures to assess the soundness of the underlying logic. He questions, “Who will grant you that first premise?” (Quis enim tibi primum illud concesserit?). Cicero lists illustrious philosophers who would be in opposition: Aristotle, Xenocrates, all of their followers, Epicurus, Hieronymus, the followers of Carneades, Callipho, and Diodorus. The list, in short, is long. So, with the theoretical disapproval of so many preeminent names, Cicero asks Cato, “are you content to draw any conclusion you please from premises that are not agreed?” Here, he implies Cato does not obey the rules of logic as a philosopher should.

In a way, his list forms a sort of jury for Cato’s case. Cicero presents the philosophers as passing negative judgement, and this forces Cato to distinguish himself from them, should he stick to his precepts. As mentioned in the last chapter, the author of the Rhetorica ad Herennium

134 Cicero, Orator, 115. “Ego eum censeo qui eloquentiae laude ducatur non esse earum rerum omnino rudem sed vel illa antiqua vel hac Chrysippi disciplina institutum...”
135 De Fin. 4.54.
136 Ibid, 4.48. “Bonum omne laudabile; laudabile autem omne honestum; bonum igitur omne honestum.”
137 Ibid.
138 Ibid, 4.49.
139 Ibid, 4.50. Translated by Woolf, Cicero: On Moral Ends, 106. “Placet igitur tibi, Cato, cum res sumpseris non concessas, ex illis efficere quod velis?”
cites drawing comparisons with important figures from the past as a common locus of epideictic attack, intended to separate the opponent from traditional norms and thus to discredit him.\textsuperscript{140} In this case, Cicero uses the historical comparison to discredit Cato as a philosopher and the false logic he presents.

Cicero often returns to Cato’s philosophical predecessors, and his elaborate explanations of the connections between prior philosophers and the Stoics help him to achieve the status of an authority. This authoritative positioning is best exemplified at the end of the book, where Cicero mentions the doctrines of Panaetius, as influenced by Plato, Aristotle, Xenocrates, Theophrasus, and Dicaearchus. After listing these prestigious names, he says to Cato, “I recommend certainly that you study them diligently and carefully with great effort.”\textsuperscript{141} His recommendation, then, implies that Cato is unfamiliar with these authors, that is to say, he is inferior to Cicero with respect to his knowledge of philosophy. Perhaps, Cicero here subtly suggests that Cato is not the “most devoted student of philosophy” (\textit{studiosissimum philosophiae}) he praises him to be earlier in the conversation.\textsuperscript{142}

This technique of detraction may also be described in terms of 21\textsuperscript{st} century linguistic theory. Isolda Carranza, for instance, analyzes how speakers can produce an authoritative stance to gain credibility in the courtroom. Speakers, she claims, can make explicit “often intertextual relations with foundational texts.”\textsuperscript{143} Cicero, as we will continue to see, unfavorably compares older philosophical teachings with new-fangled Stoic doctrine. Moreover, the beliefs of prior eminent philosophers, like Plato and Aristotle, likely formed the cornerstones of a Roman philosophical education. These antecedents, make up, in Carranza’s terms, “the dominant

\textsuperscript{140} \textit{Rhetorica Ad Herennium}, 3.13. “In vituperatione: si bono genere, dedecori maioribus fuisse…”
\textsuperscript{141} \textit{De Fin}. 4.79. “Quos quidem tibi studiose et diligenter tractandos magnopere censeo.”
\textsuperscript{143} Carranza, “Metapragmatics in a courtroom genre,” 176.
ideologies in the institution,” which, she argues, speakers also invoke in pleading their cases.\textsuperscript{144} The purpose of including these ideologies, then, is to convey oneself as knowledgeable, agreeing with and conforming to the rules of the institution.\textsuperscript{145} Doing so aligns the speaker with the authority of institutions, in contrast to the opponent. This is exactly what Cicero does here as he aligns himself with older canonic philosophers in recommending readings to Cato.

Cicero also touts his philosophical knowledge as he compares Stoic thought to others to demonstrate its derivative nature. In Ch. 58, he lists the doctrines of prior philosophers, grouping them in aggregate as \textit{superioribus}, “from the ancients.” For example, “The ancients say that desire is aroused in the mind when something appears to it to be in accordance with nature.”\textsuperscript{146} Indeed, by representing the philosophers as in agreement (though surely they had competing opinions) Cicero portrays them as an institution, or norm, as Carranza would say. He then compares them to Zeno, stating, “Now the ancients attribute no more value to all these natural advantages than Zeno does.”\textsuperscript{147} It is worthwhile to note that Cicero criticizes the Epicurean school in similar terms. In Book I, as he begins to recount Epicurean natural philosophy, he states, “first this is entirely another’s” (\textit{primus totus est alienus}). He refers here to Democritus, the pre-Socratic atomist, and notes that Epicurus “changed very little” (\textit{perpauca mutans}).\textsuperscript{148} In both instances, he critiques the schools for their lack of originality and ingenuity.

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\textsuperscript{144} Ibid.
\textsuperscript{145} Ibid, 177.
\textsuperscript{148} Ibid, 1.17.
V. Critique of Stoic terminology

Cicero underscores the fact that vocabulary is the primary differentiating factor between the Stoics and other schools. In Ch. 57 he states, “He [Zeno] spoke differently than others, but he thought the same as the rest” (Hic loquebatur aliter atque omnes, sentiebat idem quod ceteri).\textsuperscript{149} The attack on vocabulary is probably his most persistent point throughout Book IV. As Cicero is a fan of Stoic doctrine, the technical jargon by which the message is conveyed becomes an easier target of attack. He sums up his position in Ch. 7: “Indeed the doctrines are perhaps true and are certainly weighty; they are not treated the way they should be, but rather too pedantically” (res enim fortasse verae, certe graves, non ita tractantur ut debent, sed aliquando minutius).\textsuperscript{150}

Early in the Book, Cicero provides the reader with some examples of this superfluous vocabulary.

\begin{quote}
Ea enim omnia quae illi bona dicerent praeposita esse, non bona; itemque illa quae in corpore excellenter stulte antiquos dixisse per se esse expetenda; sumenda potius quam expetenda; … O magnam vim ingeni causamque iustam cur nova exsisteret disciplina!
\end{quote}

“Everything that the ancients referred to as good is actually “preferred”, not good. The same goes for the ancients’ ridiculous claim that the bodily excellences are to be sought for their own sake. These are to be “adopted” rather than “sought;”…Oh, the sheer force of Zeno’s intellect! The sheer rightness of the cause that brought a new philosophical school into being!”

\textit{De Finibus}, 4.20-21, translated by Woolf, 97

Comparing the words in pairs, “preferred” and “good,” “adopted” and “sought,” Cicero attempts to argue that the new words do not add anything to the philosophical discussion of these issues. The following comedic hyperbole praising the intellect and originality of Zeno reinforces this

\textsuperscript{149} Ibid, 4.57.
\textsuperscript{150} Ibid, 4.7.
stance. Furthermore, he discredits the Stoics again by saying that after the meanings are understood, the terminology becomes ridiculous (*risum moverunt*).\(^{151}\)

With this metalingual focus, Cicero imagines a scenario in which students of Plato ask Cato about his language. “However, if these things are approved by you, why do you not hold them with their own words?” (*Tu autem, si tibi illa probabantur, cur non propriis verbis illa tenebas?*)\(^{152}\) This is the crux of Cicero’s argument: the new language of Stoicism is unnecessary. His imagining of dialogue, though, is a form of rhetorical strategy known as a *sermocinatio*.

The author of the *Rhetorica Ad Herennium* defines *sermocinatio* as part of an *expolitio* in an oration. As mentioned in the previous chapter, an *expolitio* is the reiteration of an argument in a different way. One way of doing so is through representation in the form of an imagined dialogue. The author recommends that the orator imagine “the speech of another person, suitable to their position, in such a way that the matter is able to be more easily understood.”\(^{153}\) Cicero uses this device both to reinforce his point about superfluous vocabulary and to make the conversation more vivid.

He later takes a more radical approach, implying that terminological superfluity leads to an obfuscation of meaning. In language similar to that used in rhetorical handbooks, he reminds Cato, “Ignorance of facts or misuse of terms will lead to one or another form of dispute”- either about the matter or about the name.\(^{154}\) He emphasizes the importance of the latter, as he states speakers must employ terminology “which reveals the facts.”\(^{155}\) Thus, Cicero’s invocation of the

\(^{151}\) Ibid, 4.61.

\(^{152}\) Ibid.

\(^{153}\) Ibid, 4.55. “*in qua constituetur alicuius personae oratio accommodata ad dignitatem, hoc modo, ut, quo facilius res cognosci possit.*”

\(^{154}\) Ibid, 4.57. Translated by Woolf, *Cicero: On Moral Ends*, 109. “*cumque omnis controversia aut de re soleat aut de nomine esse, utque earum nascitur si aut res ignoratur aut erratur in nomine.*”

\(^{155}\) Ibid. Translated by Woolf, *Cicero: On Moral Ends*, 109. It’s necessary to use words as apt as possible, those involved in declaring the matter. “*quam maxime aptis, id est rem declarantibus.*”
norms of practice reminds the audience that the goal of philosophy is to be clear, so that the truth and facts can be discerned. Cato and the Stoic system, however, do not abide by these rules. There is a striking parallel here to modern speech act theory and the Gricean maxim of Manner. Grice proposes that the speaker should “avoid obscurity of expression” and ambiguity in order to maintain cooperation in conversation.\textsuperscript{156} Here, Cicero suggests Stoicism is not cooperative with the clarity necessary in philosophical discussion to discredit the school, whose unoriginal ideas are obfuscated by obscure language.\textsuperscript{157}

When Cicero states that a misuse of terms could give rise to a certain form of disputation in Ch. 57, he may be referring to a type of legal case called a \textit{constitutio legitima}. This is a type of disputation focused on the interpretation of a law, and it can depend on elements such as ambiguity and definition.\textsuperscript{158} In the \textit{De Inventione}, Cicero advises an orator to compare a word or phrase to common language. If arguing for a case, a speaker should try to prove that a phrase is understood by all and is therefore not opaque.\textsuperscript{159} The opposite, then, holds when trying to argue against someone, as is the case here. Cicero demonstrates multiple times that Stoic technical language is often obscure in order to discredit their system of thought as irrelevant and, in fact, counter-productive in the context of the Forum.

The \textit{De Finibus} is not the only work in which Cicero concerns himself with Stoic language. Indeed, he mentions it explicitly in another rhetorical treatise, the \textit{De Oratore}. He comments, the Stoics have a “kind of diction that is not lucid, copious and flowing, but meagre,

\begin{flushleft}
\textsuperscript{156} Grice, “Logic and Conversation,” 46.
\textsuperscript{157} Even Cato acknowledges that the terms he uses might be obscure, suggesting that this is a common critique of the school. For example, in his exposition in Book III, he terms understanding (\textit{cognitiones}) as “grasping or perceiving” (\textit{comprehensiones vel perceptiones}) (translated by Woolf, \textit{Cicero: On Moral Ends}, 70). Then, he provides the Greek terminology in case “these terms are less pleasing or are less understood” (\textit{si haec verba aut minus placent aut minus intelleguntur}), thus admitting the potential lack of understanding of Stoic terminology. \textit{De Fin.} 3.17.
\textsuperscript{158} Clarke, \textit{Rhetoric at Rome}, 28-29.
\textsuperscript{159} \textit{De Inventione}, 2.116. “omnes in consuetudine sermonis sic uti solent eo verbo uno pluribusve in eam sententiam in quam is qui dicet accipiendum esse demonstrabit.”
\end{flushleft}
spiritless, cramped and paltry; and, if any man commends this style, it will only be with the qualification that it is unsuitable to an orator.”\textsuperscript{160} In other words, with this obscure language, Stoics do not belong on the senate floor. Having discussed Cicero’s critique of Stoic terminology within the ethical system by employing tools of forensic rhetoric, let us now turn to his arguments against Stoic politics and political philosophy.

VI. Critique of political philosophy

The main purpose of the \textit{De Finibus} is to debate major doctrines of moral philosophy. While the primary force of Cicero’s argument falls upon comparing ethical systems, it is worthwhile to look at how Cicero frames the Stoic position with regard to another branch of philosophy, politics. At the beginning of Book IV, he remarks that unlike other philosophical schools like the Academics and Peripatetics, the Stoics are not well versed in politics and oratory: “This entire type [of philosophy] Zeno and those who are of his school either were not able or did not want [to discuss], certainly they left it behind” (\textit{Totum genus hoc Zeno et qui ab eo sunt aut non potuerunt aut noluerunt, certe relinquerunt}).\textsuperscript{161} Already, he begins to suggest that Stoics are separated from the principles governing public life.

He further polarizes the Stoics from other rival schools through his laudatory descriptions of the Academics and Peripatetics. These schools were in the rhetorical practice of arguing both sides of an issue, so that they could speak abundantly and copiously either for or against a topic.\textsuperscript{162} Using elements of epideictic praise, or \textit{laudatio}, Cicero lauds the schools not only for

\textsuperscript{160} \textit{De Oratore}, 2.159. “et genus sermonis adfert non liquidum, non fusum ac profluens, sed exile, aridum, concisum ac minutum, quod si qui probabit, sua probabit, ut oratori tamen aptum non esse fateatur.” Translated by E. W. Stutton and H. Rackham in \textit{De Oratore} (Cambridge, MA: Harvard University Press, 1913).
\textsuperscript{161} \textit{De Fin.} 4.7.
\textsuperscript{162} Ibid, 4.6. “Ergo in utroque exercerabant; eaque disciplina effecit tantam illorum utroque in genere dicendi copiam.” This practice is reflected in the very structure of the \textit{De Finibus}, as Cicero creates arguments for and against each school.
this practice, but also for their resulting versatility in oratory. Using the device of anaphora, common in *laudationes*, he comments that their language is altogether better than that of the Stoics:

Deinde ea quae requirebant orationem ornatam et gravem, quam magnifice sunt dicta illis, quam splendide! De iustitia, (de temperantia,) de fortitudine, de amicitia, de aetate degenda, de philosophia, de capessenda re publica, [de temperantia de fortitudine] hominum non spinas vellentium, ut Stoici, nec ossa nudantium, sed eorum qui grandia ornate vellent, enucleate minora dicere.

“As for subjects that demand ornate and dignified language, their splendid grandiloquence rises to the occasion! On justice, temperance, courage and friendship; on the conduct of life, on philosophy, on statecraft; on all these subjects you will find in their works no Stoic hair-splitting, no picking over the bones, but a style that is ornate when the themes are lofty, and straightforward when they are not.”

*De Finibus*, 4.6, translated by Woolf, 92

By praising the stylistic decorum of Academics and Peripatetics as successful and prolific, the Stoics in contrast appear lackluster, even incompetent. They thus lack the language appropriate to both philosophical exposition *and* public life.

Cicero stresses this latter point explicitly in connection with Roman court oratory. He bluntly states that Stoic philosophy “could have no place in the life of the city, the law-courts or the Senate.”163 As they use different words but retain the same ideas, Cicero argues that no one would seriously consider Stoics “an authority on the wise and dignified conduct of life.”164

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164 *De Fin*. 4.21 Translated by Woolf, *Cicero: On Moral Ends*, 98. “Quis enim ferre posset ita loquentem eum qui se auctorem vitae graviter et sapienter agendae proferetur [nomina rerum commutantem]”
jargon would not be consistent with the language and norms of the courtroom. Cicero uses the vivid imagery of a court to further illustrate his point, asking the rhetorical question, “Could a barrister conclude the case for the defence by announcing that exile and confiscation of property were not evils? That they are to be ‘rejected’ but not ‘avoided’?” He makes clear that the decisions of the court would be hindered by the idiosyncratic language present in the Stoic system, thus ostracizing them beyond the normal purview of Roman politics. Again, Cicero has stacked the cultural norms of Roman practice against the Stoic school to disparage them.

This incompatibility between a school and the courts, the epicenter of Roman values and public life, is a claim not unique to Book IV. As we saw in Book II, Cicero argues that the Epicureans have no place in court as well. In a strikingly similar fashion, he argues that Epicureans do not belong because their “speech is dishonorable” (turpis oratio est). Perhaps, then, this line of thought transcends school doctrine, becoming a topos of argumentation that highlights the combination of legal and philosophical discursive modes.

VII. Conclusion

In this chapter I began by contextualizing Cicero’s affinity for the Stoic system. After describing the tenets most pertinent to the dialogue, I then began to explore how Cicero finds ways to argue against a school with which he fundamentally agrees. As we saw, his arguments do not primarily concern the substance and logic of the Stoic system of thought, but rather, he circumvents outright criticism by building up his own credentials as a philosopher and focusing on how the Stoic message, derivative as it may be, is conveyed through their terminology.

166 Ibid, 2.74.
This section of the *De Finibus* can be seen as an attempt on behalf of Cicero to put the “cramped” language of the Stoics into his own, more ornate as well as lucid diction. Indeed, in the *Paradoxa Stoicorum* he writes that he delighted in translating their manner of speaking into his own oratorical style, (*cum ea quae dicuntur in scholis θετικῶς ad nostrum hoc oratorium transfero dicendi genus*).  

As I suggested in the introduction to this thesis, we see Cicero employing rhetorical strategies such as *praeteritio*, juxtaposition, *sermocinatio*, among others, as flexible exercises in their own right.

Having examined how he treats both the Epicureans and the Stoics, whose systems differ greatly, we can begin to see certain trends in his implementation of rhetorical devices in the context of philosophical discourse. What is unique to each school and what is shared illustrate a complex interaction between forensic rhetoric, philosophy, and Cicero’s own oratorical predilections.

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167 *Paradoxa Stoicorum*, 5.
In this thesis, I have demonstrated how Cicero uses common rhetorical strategies and tactics from forensic oratory in his critiques of leading philosophical schools in the *De Finibus*. In addition to drawing on Cicero’s resources in contemporary rhetorical treatises, my analysis has occasionally employed modern linguistic terminology, especially from the sphere of metapragmatics and Gricean maxims, to help explain Cicero’s rhetorical choices when no precise equivalents were available in the ancient handbooks.

When arguing against the basic precepts of Epicurean philosophy, he focuses on the ethos of his interlocutor, Torquatus, and by extension, the Epicureans, by resorting to techniques such as juxtaposition and forced judgement. As I have suggested above, it is plausible that Cicero repeats this use of simulated judgement and juxtaposition in multiple contexts to lead his readers to a negative evaluation of the philosophy as a whole. Epicureanism is represented in the dialogue as more explicitly “on trial” than the other schools.

He attacks Stoics, on the other hand, for their obscure lexicon and the derivative nature of some of their central ethical tenets, though he expresses his overall approval of their system of thought. In other words, the brunt of his argumentation pertains to the metalingual, as in the *constitutio legitima*,\(^{168}\) and the meta-philosophical. In Book IV, there are significantly fewer instances of juxtaposition, of having to choose between conventional Roman values such as *virtus*, on the one hand, and divergent ethical doctrines, on the other. As I have argued, this is probably due to Cicero’s own preference for the school’s moral philosophy, and his belief that virtue should be primary in any valid ethical system.

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\(^{168}\) See above, p. 47.
Yet, the two Ciceronian rebuttals share commonalities. Both begin with similar techniques such as an initial *partitio*, in which Cicero lays out the framework for the coming discussion. Both preliminary gambits touch on how the dialogue should be constructed. Torquatus, the Epicurean spokesperson, pleads for a change in format to continuous discourse, while Cicero asserts to Cato, the Stoic mouthpiece, that he will take each point as it comes up. Furthermore, each conversation pauses to examine the importance of agreeing upon a definition of terms. These rhetorical strategies that have their origin in the courtroom are used primarily to set the stage by providing clarity of articulation for the future debate.

Another interesting parallel between the critiques, as we have seen, is the argument that the teachings of the two popular philosophical schools in question do not sit well in the context of the Roman law courts. Such a claim, which is intended to discredit the practical utility of the schools in both cases, hinges upon the intersection of philosophy and forensic oratory – an intersection that Cicero is wary of discussing openly in the course of the dialogue.

Even though there are similarities in his methods of denigration, Cicero’s application of different strategies to each school demonstrates that his blending of forensic rhetoric into philosophical discourse is not formulaic, but flexible. Thus, a complex relationship between the two genres emerges in Ciceronian philosophical discourse as exemplified in the *De Finibus*. It would be a fruitful endeavor for future research to compare how he implements forensic rhetoric in other philosophical works such as the *De Divinatione, De Fato, or The Tusculan Disputations*.

This inquiry into Cicero’s rhetorical style in philosophy has led to the conclusion that the traditional Aristotelian distinctions among rhetorical domains (forensic, deliberative, epideictic), as well as other generic categorizations found in the ancient rhetorical handbooks, are only valid
in theory. In practice, as we have seen, linguistic strategies in disputational discourse, whether forensic or philosophical in context, are variegated, dynamic, and transgeneric.
Bibliography


