NATURAL LAW AND WORLD ORDER
IN STOICISM*

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1. Introduction: the Stoic Natural Law and its antecedents

The thesis that there is a universal law working as a sort of supreme standard for morality has long been part of a strategy to ground the claim of objectivity. If it were possible to prove that there is a universal law including in itself the wholeness of the partial or positive laws, such a universal law being an 'objective expression' of what is correct without qualification, the particular laws would be correct always and in any event if and only if they were instantiations of such a universal law. Some contemporary theorists, however, argue that there is a strong contrast between 'natural law' (which in Ancient sources is said to be 'the law of nature' or even a 'divine law') and 'human law' (or 'civic law'), and that natural law considered as a moral theory (the idea enjoying the longer pedigree) has nothing to do with legal theory, which is focused on legal positivism, a view claiming that no necessary connection exists between law and morality.[1] By contrast, the ancient proponents of the natural law (specifically the Stoic philosophers) tend to remove the gap pointed out by the current theorists between natural law, on the one hand, and

[1] See Soper 1992.

human or civic law, on the other hand. As a matter of fact, the linkage between natural and human law gives rise to the macro-microcosmos distinction, a viewpoint dear to the Stoics since the very beginning of the school.[2] Some scholars have suggested reasonably that this approach goes back to Xenophon, a writer who seems to have had a significant impact upon the Stoics on this point.[3] In the *Memorabilia* 4.4, 19-20 Xenophon's argument runs thus: (i) the unwritten laws are those held as law *in the same way in every land* (ἐν πάσῃ … χώρᾳ κατὰ ταὐτά); (ii) but if there is such kind of laws, the question is who set those laws down; (iii) human beings cannot be responsible for having set them down, since they are not able to assemble all of such laws, nor do they speak the same language (οὔτε συνελθεῖν ἅπαντες …οὔτε ὁμόφωνοι). (iv) Now if human beings have not set down the unwritten laws, one might think

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[2] Philo, *De Josepho* 28-32 (*SVF* 3.323); Cicero, *De re publica* 3.33 (*SVF* 3.325; LS 67S) and *De legibus* (*De leg.*) 1.22-23 (*SVF* 3.339); see also *De natura deorum* 2.154, where Cicero emphasizes (probably thinking of the Stoics) that the world is the common dwelling-place of gods and human beings (*communis deorum atque hominum domus*), or the city (*urbs*) belonging to both of them, insofar as they are the only beings able to use reason and thereby they live (or, in the case of humans, rather should live) by justice (*ius*) and law (*lex*). For the caution one should have in dealing with Cicero's testimony related to this and other matters, see the balanced remarks by Inwood 2005: 224-225. At any rate, Cicero's reports on Stoic natural law have the weight to be the most detailed discussion to survive from antiquity. It is also important Plutarch, *De Alexandri magni fortuna aut virtute* 329a-b (*SVF* 1.262; LS 67A; a complete discussion of this passage is given by Vander Waerdt 1994: 282-285, and more recently by Bees 2011: 42-44). The relevance of this testimony has been questioned by Schofield (1999a: 104-111), who argues that the assertion Plutarch attributes to Chrysippus (according to which our way of life should not be based on *cities*) seems to be incompatible with his concern for 'the safety of *city*' (Athenaeus 561c; *SVF* 1.263), and his provision that in *cities* there should be no temples, law courts or gymnasia (Diogenes Laertius [DL] 7.33; *SVF* 1.226; LS 67B). One might think that the plural 'cities' suggests that, precisely because of the fact that there are temples, law courts, and gymnasia, there is not a single city ruled by the universal law yet. Unless stated otherwise, all the translations are my own. Where appropriate, in the quotation of the Stoic passages I shall indicate the section and text number of the cited passage in von Arnim, 1903-1905 (abbreviated *SVF*; as usual, the first number indicates the volume and the second one the text number), Long & Sedley: 1987 (abbreviated LS, followed by the section and text number; e.g. LS 55A). Sometimes I also refer to Hülser 1987-1988 (abbreviated *FDS*, followed by the text number).

[3] Cf. Long 1996: 1-34; De Filippo-Mitsis 1994; Alesse 2000; Bees 2011: 18-25. Some Xenophontean views (such as that the real wealth or poverty lies not in one's house, but in one's soul) draw on Antisthenes (see Xenophon, *Symposium* 4.34 = Giannantoni, 1990, vol. II, V A 82).

that gods have set down such laws for human beings. (v) And this is so because among *all* human beings (παρὰ πᾶσιν ἀνθρώποις) the first action to be considered as law (πρῶτον νομίζεται) is to revere gods. Xenophon also counts as an unwritten law honoring one's parents, that parents have no intercourse with their sons, nor sons with their parents. At this point, Hippias (the interlocutor of Socrates in this section of the dialogue) objects to Socrates that this last unwritten law (i.e. that parents and sons have no intercourse with each other) cannot be a god's law since some people transgress it (one also could put in doubt the admissibility of [v], inasmuch as not every human being believes in God). Socrates' response is that people transgress many other laws, but this does not mean that such laws do not exist. Xenophon's passage indeed has a Stoic flavor but even though it may have inspired some Stoic view regarding the scope of natural law, intercourse between parents and children was not regarded by the Stoics as an act contrary to nature and thereby contrary to god's law.[4] In addition, it should be noted here that in Xenophon's argument nature does not play any role.

As observed by others in the past, this kind of view has plenty of difficulties: some of them are focused on the fact that it is not clear enough how the unwritten laws become 'divine laws', or how these laws end up being 'natural' laws.[5] In the framework of ethical and political discussion the expression 'natural law' has been used to make reference to a rule or moral law whose origin should not be sought in a human lawgiver.[6] If

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[4] On this point see my discussion below; cf. also Xenophon, *Memorabilia* 1.4, 5-18, quoted and commented on by Long, who has called attention to this passage in his 1996: 20-23. As a matter of fact, this is one of the few texts that would permit us to think of Socrates as a predecessor of the Stoic thesis that the principles of morality can be derived from the laws ruling the natural world (see also Plutarch, *De stoicorum repugnantiis* [*De stoic. rep.*] 1050a-b). For a full discussion of the Xenophon passage just cited, see (in addition to Long's remarks) De Filippo-Mitsis, 1994: 253-255.

[5] Cf. Striker, 1996: 216-217.

[6] See especially Philo, our most ancient Greek source for the Stoic natural law theory. Certainly, Philo holds Moses to be the *human* lawgiver (νομοθέτης) *par excellence* (cf. *Quod Deus sit immutabilis* 21), but Moses was supposed to be destined to be a lawgiver by the divine providence (*De vita Mosis* 1.162). See also *Legum Allegoriae* 3.210 where the lawgiver –who 'wishes the wise person to appear rational not as a result of a weak condition, easy to be caught (μὴ σχετικῶς καὶ εὐαλώτως), and, as it were, by chance (ἐκ τύχης), but on account of his rational state and disposition' (ἀπὸ ἕξεως καὶ διαθέσεως εὐλογίστου)– seems to be God. Indeed Philo takes God to be 'a lawgiver and source of the laws (νομο-

the expression 'natural law' is carefully analyzed, it would appear to display a sort of contradiction in terms, since what one technically would name as 'law' properly belongs to the sphere of what is human, i.e. something that is the result of an intellectual elaboration and hence it cannot be given in nature. In this sense the expression 'natural law' has a certain metaphorical character and given its recurrent use, such a character is frequently hidden.[7] When the proponents of iusnaturalism introduce the notion of 'natural law' they usually mean that, unlike the existing legal codes in the current cities, natural law would have a scope that goes beyond such codes. Indeed, as observed above, what they really want to argue is that natural law is valid *independently* of positive legal codes, and that such codes actually *depend upon* natural law.[8] Thus a legal code is correct if and only if it mirrors what the universal natural law sets down. This being so, the supreme standard of what is right should be sought in a legal system transcending any positive code.[9] Some people still believe that the iusnaturalistic approach traces back to Christian roots,

θέτης γὰρ καὶ πηγὴ νόμων), on whom all the particular legislators (πάντες κατὰ μέρος νομοθέται) depend. Recent scholarship has explored Philo's use of the Greek concept of the 'law of nature' and the alterations he introduces into it. The most important of them are, according to Martens, 'Philo's description of the relationship between the Mosaic law and the law of nature, and the close ties he creates between the law of nature, unwritten law, and the living law' (see his 2003: xviii). For the defense of the thesis that Philo's strategy in discussing the law of nature should be situated within the context of a combination of Stoic ethics and Middle Platonic metaphysics see Nayman 1999: 57-65.

[7] On this point I am drawing on Inwood 2003: 82-83; 2005: 226.

[8] See Finnis 2011a: 23-24: 'the principles of natural law explain the obligatory force (in the fullest sense of 'obligation') of positive laws, even when those laws cannot be *deduced* from those principles' (the italics are mine). For a rather loose antecedent of this view in Stoicism, see Philo, *De Josepho* 28-32 (*SVF* 3.323), where it is emphasized that the existing laws in the actual cities are mere 'appendages' or 'supplements' (προσθῆκαι) of the right reason of nature (i.e. the nature that imposes its authority over all the things).

[9] Vander Waerdt (1994; 2003: 17-18) defends the view that the assumption that (*i*) natural law prescribes independently of circumstances, and (ii) that such a prescription should be formulated as a set of rules accessible to all human beings (in virtue of their rational nature) should be reconsidered. He also states that in the specific case of the Stoics there are no reasons for believing that they were suggesting something like what is described in (i) and (ii). For the opposite interpretation see Mitsis, who heavily argues that moral judgment is structured by rules that are captured by reason, and that natural law is constituted by a code of moral rules (see Mitsis 1986: 557; 1993: 290-304; 2003: 39-45). An intermediate position on this difficult issue can be seen in Ioppolo 2000.

since such roots admittedly hold that there exist immutable and universal *practical* principles directed to and valid for all human beings, such principles being dependent upon God.[10] The matter, if put it this way, clearly is a simplification; at any rate, it reflects a view that is more or less accepted within the domain of iusnaturalistic view.[11]

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[10] According to some contemporary conspicuous defenders of natural law theory, the fact that Aquinas emphasizes so strongly the view that the departing points are *evaluative* or *practical* premises shows that the 'no ought from an is' Humean principle does not apply to Aquinas (see Gómez-Lobo 2002: 127-128 and specially Finnis 2011a: 63-64). While referring to the Stoic θεός I intentionally write 'god' to distinguish it from the Judeo-Christian God we usually think about when uttering the word God/god. Both the Stoic and the Judeo-Christian θεός are provident and benefactors; but the Stoic god has some features the Judeo-Christian God is deprived of (although some other characteristics are shared by both of them): (i) god is mixed with matter and pervades all of it, shaping it (σχηματίζοντα), endowing it with form (μορφοῦντα), and making the world (κοσμοποιοῦντα) thus; (ii) he is a subtle body; this is why the Stoic god can be mixed with matter, insofar as he is matter as well, or rather, a bodily entity, i.e. 'a breath, which is both intelligent and everlasting' (πνεῦμα ὢν νοερόν τε καὶ ἀΐδιον. See Alexander of Aphrodisias, *De mixtione* 225, 1-4, ed. Bruns=*SVF* 2.310), a body which encompasses all things (Origen, *Contra Celsum* 4.14; 6.71=*SVF* 2.1051); (iii) the Stoic god also is the same as nature, which in turn is a 'creative fire' (πῦρ τεχνικόν; DL 7.165=*SVF* 2.774); (iv) in addition to be an intelligent living being (ζῷον), the Stoic god is immortal, rational, perfect in happiness, immune to everything bad, provident of the cosmos and the things contained in it (on these characteristics of the Stoic god and the scanty information they provide with regard to where this god is to be found, or how he relates to the rest of the world cf. Algra 2009: 229ff.). He is not anthropomorphic and can be called by many names in accordance with his powers (including Ζῆνα –a grammatical form of Zeus that allows the Stoics to link their god Zeus with life: ζῆν–, Athena, Hera, Hephaestus, Poseidon, and Demeter; cf. DL 7.147= *SVF* 2.1021, and Philodemus, *De pietate* col. 4, 12). And finally, (v) god is identified with the cosmos, in virtue of which the cosmic reorganization (διακόσμησις) takes place after conflagration and is completed (Stobaeus, *Eclogae physicae et ethicae* [*Ecl.*] 184, 10-11= *SVF* 2.527; I quote Stobaeus' *Ecl.* by page and line number in Wachsmuth's edition). The main sources for the study of Stoic theology are Cicero, *De natura deorum*, Philodemus, *De pietate* (Papyrus Herculanensis 1428, cols. 1.10.8), and DL 7.147-149. For a complete discussion of Stoic theology see Mansfeld 1999; Meijer 2007; Algra 2009, Bénatouïl 2002 (especially 323-331) and 2009.

[11] Finnis (2011b: 200) points out that the term 'law' (as understood in the phrase 'natural law') 'does not connote that the relevant principles and norms have their directive force precisely as the commands, imperatives, or dictates of a *superior will*' (my italics). If this is so, the Christian iusnaturalism (or some contemporary approaches to it) is clearly different from the Stoic one, where the cosmic will (that coincides with the will of god) is particularly stressed.

The issue of natural law in Stoicism is linked to another approach usually regarded as undoubtedly Stoic in character: cosmopolitanism.[12] It has been argued that Stoic cosmopolitanism, the idea of a natural law as a criterion for morality, and the view that we are simple parts of a larger whole properly belong to the late Stoicism of Marcus Aurelius and Epictetus.[13] Given that I have already dealt with this matter elsewhere,[14] I shall avoid repeating myself here; I just want to underline that, within a rather conservative Stoic consideration of the issue, one can argue in favor of the cosmic perspective as relevant for Stoic ethics. Even though one should accept that the role of cosmic nature in late Stoicism (both in Epictetus and Marcus Aurelius) is particularly strong –in fact, it traces the course of cosmic events back to a 'cosmic will' with ethical aims, and claims that human beings must be subordinated to the cosmic will, of which they are parts–,[15] such accounts do not arise originally in late Stoicism, but they are already present both in Cleanthes and Chrysippus as well. If this is so, when Epictetus and Marcus Aurelius speak of the role of cosmic nature for ethics (and thereby of natural law), they are

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[12] Philo, *De Josepho* 28-32 (*SVF* 3.323); Philo, *De opificio mundi* 142-143 (*SVF* 3.337); Clement, *Stromateis* 4.26, 172, 2-3 (*SVF* 3.327); 5.9, 58, 2 (*SVF* 1.43). The word κοσμοπολίτης, as used to characterize the person who lives in the city ruled by the law of nature, is reported by Philo for the first time (in addition to the passages cited above, see also *De confusione linguarum* 106; *De migratione Abrahami* 59; *De vita Mosis* 1.157). DL 6.63 tells that when Diogenes the Cynic was asked where he came from he replied: 'I am a citizen of the world'; thus, he seems to have been the first one in using the word. However, Philo is our most ancient source where κοσμοπολίτης is registered (for the Cynic background to Stoicism and the Stoic cosmopolitanism see Bees 2011: 15-26; 62 ff.). One of the most descriptive passages in Philo (which appears to reflect a Stoic tenet) is the following: 'Having their bodies (i.e. those of the people who practice wisdom), indeed, firmly planted on the earth, but having their souls furnished with wings, in order that thus hovering in the air they may closely survey all the powers above, looking upon them as in reality the most excellent of cosmopolites, who consider the whole world as their native city, and all the devotees of wisdom as their fellow citizens, virtue herself having enrolled them as such, to whom it has been entrusted to frame a constitution for their common city' (*De specialibus legibus* 2.45; transl. Yonge). The remark that these people have 'their souls furnish with wings' (τὰς δὲ ψυχὰς ὑποπτέρους κατασκευάζοντες) has a Platonic flavor (indeed Philo is thinking of *Phaedrus* 256b), but the view that the whole cosmos is one's native city and that those involved with wisdom are one's real fellow citizens is certainly Stoic.

[13] Annas 1993: 160-164; 174. See also her 2007: 69-70.

[14] Boeri 2009.

[15] Epictetus, *Dissertationes* (*Diss.*) 1.17, 14; Marcus Aurelius 9.1; 2.9.

following or developing a doctrine already present in and advanced by the Older Stoics.[16]

By and large what this description of the Stoic view on 'the law of nature' seems to show is that when our Stoic sources speak of such a law, they mean both a moral and a legal (or even political) theory, an approach that is taken to be as a 'persistent source of confusion' by some theorists, and that thereby should be removed in order to avoid jeopardizing the reasonableness of the theory of natural law.[17] One who is concerned with offering a justification of a natural law theory in contemporary ethics and politics probably would have to pay attention to this objection, especially if one's departing point for natural law theory is based on the belief that the theological insight into human nature is relevant. Legal positivism, by contrast, claims that there is no link between law and morality, and indeed a defender of such a view would not accept as obvious that God or any other theological assumption is crucial for determining what is legal. But this kind of consideration, no matter how reasonable sounds and may in fact be, turns out to be entirely inappropriate to deal with Stoic natural law theory. First, as is very well-known, the Ancients were not particularly interested in making clear demarcations between ethics and politics; as a matter of fact, ethics was viewed as an 'appendix' of politics.[18] Second, the θεός the Stoics talk about when stating that the law of nature is god has nothing to do with the Judeo-Christian God we tend to think of in attempting to remove the theological assumptions that some theorists would like to include as basic ground of morality and politics. Of course, this is a truism for those of us who are aware of the difficulties involved in reading the god of the Ancient philosophers with a Judeo-Christian background. But I think that sometimes such a truism must be recalled in order to avoid mistakes.

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[16] For Cleanthes, see *Hymn to Zeus* (reported by Stobaeus, *Ecl.* 1.25, 4-27, 4; *SVF* 1.537; LS 54I); for Chrysippys see DL 7.86-89 (LS 57A; 63C) and Epictetus, *Diss* 2.6, 9-10.

[17] Cf. Soper 1992: 2394-2395.

[18] Aristotle usually emphasizes that the final end of politics encompasses all the other human ends; this being so, ethics seems to be subordinated to politics and hence the 'philosophy of human affairs' is called πολιτική (*Nicomachean Ethics* [*NE*] 1094a27; b11; 1095a2; 1099b29; 1102a12-21).

Now one might wonder what reasons we have to assume that there is in fact something like a supra-positive law, or why, in case such a law exists, it should serve as a criterion to assess both the coherence of any positive legal code and the correctness of one's actions in a concrete situation. If such a thing were possible, one still should explain how such a universal law can be applied to each particular case (not to mention who would be skilled enough *to apply* such universal law to any particular legal code or to any particular situation). Aristotle (probably inspired by a passage in Plato's *Statesman* briefly discussed below in § 2) was the one who fully explored the universal-particular relationship in the practical domain. The Aristotelian φρόνησις contains both a universal and a particular ingredient: the universal aspect points out what should be done in the normative sense of 'it is correct to perform *F*', *F* being a certain type of action. In contrast, the particularity aspect indicates the concrete situation of action in which the universal prescription is instantiated (*NE* 1141b14-16). When a 'phronetic' Aristotelian agent acts he is able to apply the (universal) prescriptive principle to the concrete situation or, more precisely, he is capable of finding out the universal prescription in a concrete or specific case of action. But if the Aristotelian φρόνησις does not prescribe in a general sense, i.e. independently of the particular situation of action, one should draw the conclusion that Aristotle was not willing to endorse a supreme legal principle, since he argues for the view that the standards of justice established by law should be corrected by equity (ἐπιείκεια; *NE* 1137a31-1138a3). And equity belongs to the prudent agent, not to a universal principle, such as natural law.[19]

I have briefly focused on these well-known Aristotelian tenets because it seems to me that there is an aspect of Aristotle's φρόνησις that might have been taken into account by the Stoics, who usually define their own 'phronetic' agent as he who knows what should be done both in a practical and in a theoretical manner.[20] The Stoic case is somehow paradoxical, since it is likely that many people who would be willing to

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[19] Action, repeatedly Aristotle claims, refers to the particular case: περὶ γὰρ τὰ καθ' ἕκαστα αἱ πράξεις (*NE* 1107a31; see also 1110b6-7; b33; 1111a1; 23; 11141b15-16 *et passim*). A fine and thoughtful analysis of the universal-particular relationship in Aristotle's account of action can be found in Wieland 1999 (see especially 120-125).

[20] Stobaeus, *Ecl.* 2.63, 6-25 (*SVF* 3.280; LS 61D); see also Musonius Rufus, *Dissertationes* 6.22, 7-12 (ed. Hense).

endorse their identification of natural law with a principle prescribing what is good always and in all the cases, would not be equally willing to follow the Stoics in their acceptance of incest or cannibalism as practices that not only do not violate the natural law, but are even (according to circumstances) commendable and in accordance with natural law.[21]

What might be more disturbing is the fact that, according to the Stoics, practices such as cannibalism or incest are sometimes appropriate to the sage, the only one who is able properly to understand the natural law, or rather, the only agent who actually becomes entirely attached to it.[22] To be sure, Zeno describes the incestuous relationship between Jocasta and Oedipous as a mere 'rubbing of the bodies'; if this is so, one should admit that, on the Stoic view, an incestuous practice does not qualify as an action unacceptable from a moral point of view.[23] Now even though the Stoics accept incest, there is at least a testimony where Zeno is cited as rejecting adultery. According to Origen, the philosophers who follow Zeno's doctrines abstain from committing adultery because of society (διὰ τὸ κοινωνικόν); these philosophers, Origen goes on to argue, hold it to be forbidden by nature that a man who is a reasonable being should corrupt a woman whom the laws have already given to another, and should thus break up the household of another man. In other words, having intercourse with a person who is legally married to another person is contrary to the society and is contrary to nature (παρὰ φύσιν).[24] Adultery would destroy the concord (ὁμόνοια) which should be present in the Stoic city; but one might wonder: if in the Stoic city women should be held in common (DL 7.131), how could someone commit adultery?[25]

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[21] Sextus Empiricus, *Pyrrhoneae Hypotyposeis* (*PH*) 3.245-249 (*SVF* 1.250, 254, 256; 3.745, 752.LS 67G).

[22] See DL 7.121; 188 (*SVF* 3.744, 747); Sextus Empiricus, *Adversus Mathematicos* (*AM*) 11.192; *PH* 3.246 (*SVF* 3.745; 748).

[23] Sextus Empiricus, *PH* 3.246; see also *PH* 3.205, where Zeno of Citium is said to have stated that 'there is nothing out of place (μὴ ἄτοπον) in rubbing your mother's private parts with your own' (transl. Annas-Barnes).

[24] Origen, *Contra Celsum* 7.63, 12-18 (*SVF* 3.729). See also Musonius Rufus, *Dissertationes* 4.18- 24. On incest in Zeno's *Politeia* see Vander Waerdt 1994: 300 and the detailed discussion by Bees 2011: 148ff.

[25] DL 7.131 is at odds with 7.121, where Zeno straightforwardly says that the sage person will marry and have children. For the discussion of this and other related topics, see Schofield 1999a: 119 ff.

In the next section of this essay I shall be suggesting that (i), in spite of the (ontological) differences between Plato and the Stoics, there is a strong Platonic background to what one might call 'the Stoic natural law theory'. The fact that Plato can be regarded as an inspiration for the Stoics does not mean that he was the originator of the natural law theory. My claim is more modest than that; what I would like to point out is that the Stoics were inspired by some Platonic tenets that they incorporated into their theory without discussion. In doing this, I shall also review the Stoic evidence for reconstructing the Stoic stance that there is a universal law that can be identified with the natural law. (ii) Secondly, I shall attempt to defend two views that in the Stoic framework look like a truism: (*a*) that the Stoic natural law theory is not restricted to the moral domain, but it extends to physics and even to logic. That is why the Stoic natural law, in its distinct domains of discussion, describes 'the world order'.[26] (iii) Finally and in connection with the previous point, I would like to suggest that the standard Stoic definition of law (νόμος), –'reason prescribing what should be done and prohibiting what should not be done'–[27] does not point to a legal code or a fundamental law within a code, but rather to a dispositional state, i.e. the perfect or complete rational disposition of the sage or virtuous person, that is to say, the 'right reason'.

2. The 'Socratic' and Platonic background to the Stoic view on Natural Law

I have just made a brief reference both to Plato and Aristotle in order to stress that they would not be willing to endorse the existence of natural law as the highest criterion for morality. If Aristotle had had the chance to attend a lecture on natural law delivered by Chrisippus at the Stoa, he would certainly have raised his hand to object to the identification estab-

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[26] The expression is Aristotle's (see *De caelo* 296a32: ἡ δέ γε τοῦ κόσμου τάξις ἀΐδιος). In the final section of this paper I will provide some additional discussion on this point.

[27] Marcian, *Institutiones* 1.11 (*SVF* 3.3124; LS 67R; a discussion of this passage, which is connected with other important Stoic texts on the topic, is furnished by Long 2006: 347-349); Cicero, *De leg.* 1.18-19; 23. Philo, *De Josepho* 28-32 (*SVF* 3.323), Stobaeus, *Ecl.* 2.96, 10-12; 102, 4-6. See also Marcus Aurelius, 4.4.

lished between the Stoic *logos* (which is *the* law) and 'god', i.e. the active principle pervading all the existing things. To be sure, Aristotle's god is not a λόγος (let alone a λόγος immanent in the world or a body pervading the whole).[28] The case of Plato is no different from that of Aristotle; however, there is little doubt that a certain number of Platonic motifs do enter into the Stoic view of natural law, or so I shall argue. Of course, like Aristotle, Plato does not think that god is a body, or that god is able to pervade the bodily reality in the sense the Stoics argue he does.

Plato took great pains to show that there is a difference between non-moral goods, on the one hand, and moral goods on the other. He also was clear enough that one's measure of goodness or justice is determined by one's proximity to the absolute justice and goodness represented by the god. In fact, god is preeminently the measure of all things, much more than any person.[29] But, of course, Plato was certain that the human goods and *the* good[30] cannot be identified. In spite of the fact that the highest standard of what is good is the Form of the Good, Plato is interested to point out that the just person will be just in the usual sense of keeping an oath, not committing robberies, thefts, or betrayals of friends, and avoiding adultery, disrespect for parents, and neglect of the gods (*Republic* 442e-443b). But what is still more important is that Plato explicitly indicates that the legal norm is somehow subordinated to the person knowing what justice is for the city. The crucial point in Plato's view is not that the laws should prevail (ἰσχύειν), but rather 'the kingly man who possesses wisdom'.[31] He provides a clear reason why this should be

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[28] For the Stoic god understood in these terms, see, among other sources, Alexander of Aphrodisias, *De mixtione* 225, 1-3; 227, 9 (*SVF* 2.302; 475); Ps. Justinus, *De resurrectione* 591d (*SVF* 2.414); Hippolytus, *Refutatio omnium haeresium* 1.21, 1 (*SVF* 2.1029); DL 7.147 (*SVF* 2.1021); Clement, *Stromateis* 5.14, 89, 2-3 (*SVF* 2.1035); Philodemus, *De pietate* col. 4.12-8.13 (*SVF* 2.1076). See also Marcus Aurelius, 5.32. In several of these passages it is pretty clear that the 'capacity of pervading' (διήκειν) belongs both to breath (πνεῦμα) and god (θεός), and that 'breath' and 'god' actually are two names for designating the same entity.

[29] Plato, *Laws* 716c4-5: ὁ δὴ θεὸς ἡμῖν πάντων χρημάτων μέτρον ἂν εἴη μάλιστα (see also *Theaetetus* 176b-c, where this idea is advanced). Of course, Plato is correcting (and probably mocking) the presumably Protagorean view, according to which 'man is the measure of all things' (*Theaetetus* 152a2-3; *Cratylus* 385e4-386a4).

[30] Or 'what is absolutely good' (*Philebus* 61a1-2: τὸ παντάπασιν ἀγαθόν).

[31] Plato, *Statesman* 294a7-8 (transl. C. Rowe).

so: the law is unable to embrace accurately what is best and most just for all. And this is so because human beings and their actions are dissimilar, and usually nothing remains stable in the human domain. By contrast, the law, like an ignorant person, achieves a simplicity that does not fit into human affairs. That is the reason why law by itself is useless without a person possessing wisdom (presumably a wisdom that allows the agent to apply the law to particular cases).

What this account clearly shows is that Plato does not regard as a possible view the existence of a universal law as being the supreme standard for morality. By contrast, the Stoics posit the existence of a natural law that they identified with 'the common or universal reason of nature' (κοινὸς λόγος) and with the 'common or universal nature' (κοινὴ φύσις).[32] Even accepting that the original idea that there can be a universal law working as a criterion for morality goes back to Xenophon's Socrates, the Stoics were the philosophers who developed such an idea in detail and in the most systematic way. Despite the fact that Plato is not willing to admit that there is a universal law that determines the criteria of correctness for all the particular laws or even for what is right within the individual's practical life, I dare to suggest that the presence of Plato in the Stoic natural law theory is relevant. It is not unimportant that several relevant Stoic sources (mainly Cicero and Philo) speak in a Platonizing tone of such a law as 'father'; it is not irrelevant either that other significant sources (different from Cicero and Philo) make emphasis upon the fact that human beings share rationality with the divinity, such rationality being understood as a 'gift' for humans.[33] In his seminal paper on Stoic natural law Richard Horsley argued that the Stoic tradition of natural law was 'reinterpreted by a revived and eclectic Platonism upon which both Cicero and Philo drew'.[34] Horsley emphasizes that whereas the Stoics identify god with law as well as reason, Cicero's and Philo's treatises tend to distinguish god from law. He also notes that in Cicero there is a clear distinction between mind (*mens*) and god (*deus*; *De*

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[32] DL 7.87-89 (*SVF* 3.4, reporting a Chrysippean view); Plutarch, *De stoic.rep.* 1050a-b (*SVF* 2.937); Marcus Aurelius 4.4; 9.1.

[33] See notably Cicero *De officiis* 1.107-108; Epictetus, *Diss.* 1.14, 12-14; Marcus Aurelius, 5.27. I return to this issue below.

[34] Horsley 1978: 36.

leg. 2.8-10), and that the conception of god as the divine legislator reveals a Platonic influence upon the natural law argument. Following Koester, Horsley states that these are elements which cannot be understood as traditional Stoic concepts.[35] It is true that both Cicero and Philo distinguish god from law; however, the view that god (or Zeus) is the leader of nature guiding everything with his law already appears in Cleanthes' *Hymn to Zeus* (v. 2). Although Zeus also seems to be different from universal reason,[36] by the end of the *Hymn* (vv. 38-39) Cleanthes points out that there is no greater prize (neither for mortals nor for gods) than to praise with justice the universal or common law (κοινὸς νόμος), where 'common law' must be the same as the cosmic god.

Furthermore, from antiquity onwards Stoicism was identified with some form of materialism, which seems to put some distance between Plato and the Stoics. Indeed this type of approach is reasonable, as the Stoics heavily defended the tenet that the corporeal is the essential hallmark of the existent and thereby of what is 'real', challenging in this way the bulk of Plato's ontology.[37] Nevertheless the Older, middle, and late Stoics (particularly Epictetus) felt themselves to be 'Socratic', which they also understand as 'being Platonic'.[38] The case of the Stoic Posidonius is especially revealing, since, even though he abandons the psychological

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[35] Horsley 1978: 40-42.

[36] 'By it (i.e. by the thunderbolt) you straighten the common rational principle (κοινὸς λόγος) which penetrates all things…' (transl. Inwood-Gerson).

[37] For evidence see especially Plutarch, *De communibus notitiis,* 1073e (*SVF* 2.525); Plotinus, 6.1, 28 (*SVF* 2.319); Alexander of Aphrodisias, *In Arist. Top.* 301, 22-23 ed. Wallies (*SVF* 2.329).

[38] Both in ethics and cosmology the Stoic debt to Plato is pretty obvious. The Stoic 'intellectualistic' ethics presupposes and develops several aspects of the 'Platonic Socrates' (such as he is described by Plato in the *Meno, Protagoras,* and *Gorgias.* For some Stoic developments of the main Platonic ideas contained in these dialogues –that is, (i) virtue is knowledge, (ii) there is unity among virtues, and (iii) virtue and happiness are the same thing– see Stobaeus, *Ecl.* 2.59, 4-60, 8; 63, 6-10; Galen, *De placitis Hippocratis et Platonis* (*PHP*) 434-436, ed. De Lacy (*SVF* 3.256); DL 7.87. As observed by Long (1996: 4-5), it is likely that the Stoics had not had the 'problem of Socrates' and that they had not clearly distinguished the historically 'Socratic' and Platonic texts (Sedley 1993: 314). When commenting on Chrysippus' account regarding the weakness of the soul Galen attributes the thesis that 'no one errs willingly' to Plato, not to Socrates; see Galen, *PHP* 272, 36-274, 1 (ed. De Lacy). Many details about the connections between Plato and Stoic ethics (such as the thesis of the unity of virtue and the thesis of indifferents) have been dealt with by Alesse 2000: 111-112; 246-262, and more recently 2007: 28-30.

monism defended by Chrysippus and argues for a tripartite model of the soul,[39] assuming in this way a Platonizing approach, he continued to accept the thesis that the soul is a bodily entity.[40] One might even argue that despite the fact that the Stoic political project contains cynic ingredients, it also has features that are vigorously Platonic in character.[41] For instance, even though there are some differences between the role of concord (ὁμόνοια) both in Plato and in the Stoics, the Stoic city as a community of wise people –where a perfect concord rules– reminds us of the Platonic suggestion that the existence of antagonistic groups in the city threaten its unity: a real Platonic polis is that one where there are no 'two cities at war each other' –that of the rich and that of the poor–, but only one city, which exists insofar as the conflictive and destructive motives that threaten the unity that belongs by nature to a city have been removed.[42] The Stoic thesis that 'the base are enemies and do harm each other and are hostile, because they are in discord with each other', and

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[39] Cf. Galen, *PHP* 318, 12-26, ed. De Lacy (Frag. 160, EK; cf. *SVF* 3.229a). Fillion-Lahille's thesis that Posidonius did not reject Chrysippus' psychological monism, and that what Posidonius did was a progressive re-elaboration of the same doctrine ('always loyal to his principles and firm in its great lines'; cf. her 1984: 122-123) gained several followers among the interpreters (cf. Gill 1998; Cooper 1999: 451-455; 467-468). The basic idea of this kind of interpretation is that in all the sources, *except in Galen*, Posidonius appears to have been always considered as an 'orthodox Stoic' in moral psychology. This is a nice clue to understand the issue; the problem with this sort of approach is that Galen provides the main evidence we have to reconstruct Chrysippus' and Posidonius' moral psychology, and what Galen reports is that Chrysippus defended a (counter-intuitive for the Platonists) monist view and that Posidonius, following a Platonic line (Galen is thinking of Plato's *Republic* and *Timaeus*), endorsed a tripartite position that Galen took to be much more reasonable. Despite the sophisticated arguments provided by the scholars mentioned above, I go on to believe that Posidonius considered the psychological tripartition to be a better view. Otherwise, it would be hard to understand his distinction of the three types of οἰκείωσις (*PHP* 318, 12-26, ed. De Lacy), plainly based on the three parts of the soul (a view rejected by the 'orthodox' monism of Chrysippus). Indeed, Posidonius thought that Zeno and especially Cleanthes did approve a psychological model grounded on the partition of the soul (cf. Galen, *PHP*, 332, 21-23 and, especially, 332, 31-334, 2).

[40] Cf. Posidonius (Frag. 139, ed. EK=DL 7.157), where the soul is taken to be 'warm breath' (πνεῦμα ἔνθερμον).

[41] The cynic ingredients in Zeno's Πολιτεία as well as Zeno's effort to go beyond the Cynics have been treated in detail by Schofield 1999a: 3-21 (especially at 10-21; 52) and 1999b (chap. 3). Zeno's 'commitment and reaction' to Plato's *Republic* is discussed by Bees 2011: 208-213.

[42] Plato, *Republic* 421d-432a-b; *Statesman* 311b-c.

that all virtuous people 'benefit each other, *even though they are not in all cases friends* with each other'[43] evokes, to some extent, Plato's view that 'the good person alone is friend to the good person alone, and that a bad person never enters into true friendship either to good or to bad'.[44] It is true that in the *Lysis* there is no trace of the notion of ὁμόνοια yet; but the Stoics might have found some inspiration in the *Lysis* when they maintain that concord is knowledge of common goods and that, because of this, all virtuous people are in concord with each other (ὁμονοεῖν ἀλλήλοις).[45] It is true that, unlike the Stoics, Plato does not give a special role to concord in his sound city. However, in the *Republic* he explicitly states that justice is concord (ὁμόνοια) and friendship (φιλία), and that such a concord and harmony (συμφωνία) between what is naturally worse and what is naturally better is temperance (σωφροσύνη).[46] Thus, as long as the Platonic justice is concord, and temperance is both concord and harmony, and given that justice and temperance are basic ingredients

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[43] Stobaeus, *Ecl.* 2.94, 4-6; 2.101, 24-26 (transl. B. Inwood).

[44] *Lysis* 214d4-7 (transl. Penner -Rowe).

[45] Stobaeus *Ecl.* 2.93, 19-94, 6 (*SVF* 3.625).

[46] Plato, *Republic* 351d4-6; 432a7. Schofield (1999a: 128) makes the interesting point that, even though both Plato and Zeno make friendship the key to the well-being of the city, Plato, unlike the Stoics, understands concord in terms of shared belief (*Republic* 431d9: αὐτὴ δόξα; 433c6: ὁμοδοξία). Schofield thinks that the Stoics accuse Plato of confusing concord and harmony (συμφωνία), and that they do not use ὁμοδοξία in order to avoid a compound of δόξα, a cognitive state which in their view implies error (to be sure, this is a basic point of Stoic epistemology; Cicero, *Academica* 1.40-42; Sextus, *AM* 7.151-157, *et passim*). However, in other Stoic sources ὁμονοεῖν is not contrasted with συμφωνεῖν, but is combined with it (Stobaeus, *Ecl.* 2.94, 2-4; *SVF* 3.625). There are other coincidences between Plato and the Stoics: according to Athenaeus (561c; *SVF* 1.263), Zeno of Citium would have asserted that Eros is the god of friendship and freedom, and that Eros is the 'provider' (παρασκευαστικός) of concord (ὁμόνοια) among human beings. That is also the reason why Eros is a god who cooperates for the preservation of the city. Indeed, the Eros Zeno seems to be thinking of is not sexual love, but the 'the sublimated passion of a mature person for the young resulting in concern for their moral wellbeing, to which Plato gives canonical expression in the *Symposium* and the *Phaedrus*' (Schofield 1999c: 760. On this point see Plato, *Symposium*188a-d, a passage which can be advocated as a forerunner of the Stoic idea that Eros is the principle that keeps 'the bonds of human society'). For his part, Xenophon puts into Socrates' mouth the view that concord is the greatest good in the cities. That is why the citizens are exhorted to live in concord, and everywhere in Greece it is established as a law that the citizens take the oath that they will live in concord (ὁμονοήσειν; *Memorabilia* 4.4.16, 1-6).

for the Platonic city, one could say that concord is a relevant condition for the existence of a real polis in Plato as well.[47]

To conclude this section, I shall focus on three Platonic insights which, I submit, are essential to the Stoic natural law theory: **(i)** the whole-part relationship; **(ii)** the Platonic view that human being has a natural inclination towards what is good, and **(iii)** the already mentioned idea that reason is a fragment of god in us.

(i) It is arguable that Plato's philosophy has an 'organicist character', so to speak, consisting in assuming that what exists in the whole has a sort of manifestation or replica at the microcosmic level and that what happens in the microcosmic level can be accounted for by reference to the whole. Usually such an assumption states that it is easier to capture a phenomenon in the whole than in its parts.[48] When arguing that the powers and properties of the parts are accounted for by reference to the whole (not vice versa) unequivocally Plato stresses that the universe is the point of reference with respect to which the parts acquire their value and reality.[49] In the *Philebus*, the first reference to the whole-part relationship is given through the example of the elements (earth, water, air, and fire), such elements being parts of the constitution of all the living beings. Somehow, Socrates argues, 'there is fire in us and also in the universe' (*Philebus* 29b9-10). But the amount of fire in us is small, feeble and insignificant, while the amount of fire in the universe is wonderful (θαυμαστόν), due to its size (πλῆθος), beauty (κάλλος), and because of all the power (δύναμις) existing with regard to fire in the whole. In other words, a mass of fire tremendously large, such as the one existing in the universe, should have a definitively superior power than the power fire has in our body (*Philebus* 29c). But the superiority of the whole regarding its parts is not explained just by resorting to a merely quantitative, but rather to qualitative aspects, such as the 'beauty' and even the 'whole

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[47] A similar coincidence between Plato and the Stoics (a coincidence which diverges from the Cynics) is also noted by Schofield 1999c: 759-760.

[48] See *Republic* 368d-369a. One might even think of referring such a distinction to the Presocratic thought (see Democritus B24, DK, and Aristotle, *Physics* 252b26-28, who probably is thinking of this Democritean passage), but the idea is extensively exploited by Plato.

[49] Plato, *Philebus* 29b-33a; *Timaeus* 90b-d.

power' (πᾶσα δύναμις; *Philebus* 29c1) of the fire in the cosmos, fire of which our own heat is a mere particle.[50]

There is an assumingly Stoic argument where the whole-part relationship is stressed almost in the same terms; the aim is to show that one possesses a small portion of mind (νοῦς), which exists in the cosmos in large quantity. The argument typically proceeds by asserting the analogy between mind and the material elements: of the great amount of earth existing in the cosmos, one possesses a small portion of it (the same thing occurs with water); therefore, one could assume that the small portion of the mind one possesses is just a small part of the mind existing in the cosmos.[51] This assumption is certainly obvious in late Stoicism (mainly Epictetus and Marcus Aurelius), but indeed it is already present in Chrysippus, who states that 'our natures are parts of the nature of the whole', and endorses the idea that the cosmos (i.e. the whole) is a perfect body, whereas the parts of the cosmos are not perfect, since their existence depends on the whole, or rather, because they are disposed in a certain manner with regard to the whole.[52] His claim then is that we are small parts of the universal nature, and if we are portions of universal nature, our natures must be akin to universal nature as well. This is a view whose forerunner is, once again, Plato, who argues that we are wholes, that the cosmos is a whole, and that both we and animals are parts of the cosmos, which is taken to be an ensouled living being endowed with intelligence (*Timaeus* 30c-33a). The tenet that the cosmos is an organism highlights that, unlike a mechanical whole, it is a system that should be understood as a functional wholeness. And such a func-

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[50] It might be objected that in the *Philebus* 29c5-8 Plato is actually thinking of quantitative characteristics, not qualitative ones, as I suggest. In fact, when comparing the universe to its parts, he states that the fire in us (and the heat in every animal) is nourished, generated, and increased by the fire of the universe. And this is so due to the enormous amount of fire that is present in the universe, of which our own heat is just a small portion. But in the lines previous to this account (29c2-3), Plato reminds us that the fire in the universe is wonderful both on account of its size and its *beauty*, emphasizing this way also a qualitative aspect.

[51] Sextus Empiricus, *AM* 9.95 (*SVF* 2.1015).

[52] DL 7.88 (*SVF* 3.4; LS 63C): μέρη γάρ εἰσιν αἱ ἡμέτεραι φύσεις τῆς τοῦ ὅλου. See also Plutarch, *De stoic. repug.* 1054e-f (*SVF* 2.550). For the Stoic manner of presenting the relation of part to the whole see also Sextus Empiricus, *AM* 9.336; 11.24 (cited by Cherniss 1976: 585, note *a*).

tional wholeness cannot be regarded as a mere 'aggregate' of parts, but as a conflation of parts whose outcome is a peculiar body able to deploy certain organic functions. But if the parts are separated from the whole, they are just 'heaps' with no functional abilities. The Stoics deepened this standpoint and applied it to their account of the universal law which works as a pattern of all the particular laws.[53] And insofar as law is reason, and the humans are the only creatures possessing reason, they are assumed to be able to acknowledge the existence of such a law as well as the (correct) normative force contained in it.[54]

Certainly the part-whole argument as reported by Plato parallels Xenophon's *Memorabilia* (1.4, 8-9),[55] which seems to suggest that such an argument goes back to Socrates. However, it had a stronger philosophical development in the Platonic dialogues, development which is absent in Xenophon. In fact, Plato takes into consideration the role of the cosmic nature for ethics.[56] Yet whatever the case may be, the implicit

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[53] As reported by Sextus Empiricus (in the passages quoted in the previous note), the Stoics provide examples of 'organic systems' to illustrate the relation of part to whole (the hand and the person such a hand belongs to). The Stoic Hierocles applies the example of the hand to the account of the relation between the citizen (the part) and the city (the whole): 'just as, then, a person would be senseless who preferred one finger over the five, whereas he would be reasonable in preferring the five to just one […], in the same way a person who wishes to save himself more than his country, […] is also senseless, since he desires things that are impossible, whereas one who honors his country more than himself is both dear to the gods and is furnished with rational arguments. It has been said, nevertheless, that even if one does not count himself in the whole (σύστη-μα), but rather reckons himself individually, it is appropriate for him to prefer the safety of the whole to his own, because the destruction of the city renders the safety of the citizen impossible, just as the elimination of the hand renders impossible the safety of the finger, as part of the hand (Hierocles, as cited by Stobaeus, *Ecl.* 3.732, 1-13; transl. Ramelli). The literature on the whole-part relationship in Stoicism (and the priority given to the whole) is overwhelming; a very complete list can be found in Ramelli 2009: 104, n.14.

[54] See Philo, *De fuga et inventione* 112 (*SVF* 2.719), who, in an admittedly Stoicizing context, takes the 'word of the Existent' (i.e. God; ὁ τοῦ ὄντος λόγος) to be 'the bond of everything' (δεσμὸς ἁπάντων), and states that such a bond is what 'holds together and binds all the parts' (συνέχει τὰ μέρη πάντα καὶ σφίγγει), preventing them in this way from being dissolved and separated. For the manner in which Philo seems to incorporate into his own account of the universe the Stoic idea of the 'cohesive bond' (συνέχων δεσμός), see *De aeternitate mundi* 36-38; 75; 125 and 137. On this and other related Philonic passages allow me to refer to Boeri 2010: 87-89.

[55] This passage is examined in detail by De Fillipo-Mitsis 1994: 255-257.

[56] Some detailed and thoughtful discussions of this issue in Plato can be found in Betegh 2003 and Carone 2005: 53-78.

assumption of this organicist argument is that the whole is ontologically prior to its parts, an indication that had consequences in Aristotelian functionalism as well.[57] The whole-part argument can produce certain doubts, as long as it is not always clear how easily both Plato and the Stoics go from the whole to the parts of the whole. But such argument takes for granted that the cosmos is a living being (and thereby it is endowed with soul); and if this is the case, the parts should be understood by reference to the whole, as it happens in the case of an organism.

Certainly, the presence of these cosmological arguments (coming from Plato) cannot be neglected when looking into the Stoic natural law theory. Posidonius, for example, suggests an analogy between the manner in which one's sight is able to apprehend light and the way in which one's reason ('which is akin to the nature of the whole') is capable of capturing universal nature.[58] Thus the cosmological discussion of the part and the whole is an important ingredient in the approach to Stoic natural law theory.

(ii) The second Platonic insight which I maintain that it is present in the Stoics is the one related to the natural inclination of humans towards the good.[59] At the very beginning of Plato's *Philebus* the character Protarchus maintains that neither the life of pleasure nor the life of wisdom are sufficient or choiceworthy for any human being or for any animal. This is so because, as Socrates has shown, of these two ways of life neither meets the sufficiency and eligibility requirements (cf. 20d-21d). Now if one of these ways of life were sufficient and perfect, it would be choiceworthy; but if any of us would choose some other type of life, one would do it 'unwillingly (ἄκων), against the nature of what is truly choiceworthy (παρὰ φύσιν …τὴν τοῦ ἀληθῶς αἱρετοῦ), out of ignorance (ἐξ ἀγνοίας) or because of some sort of unhappy necessity'.[60] This passage introduces an issue whose relevance hardly can be exaggerated: if an agent *x* chooses to perform an action which is wrong, he or

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[57] See Aristotle, *Politics* 1253a20-23; *Meteorologica*, 390a10-13; *Metaphysics* 1034b28-32; 1040b5-10.

[58] Frag. 85, ed. EK.

[59] In this section I am drawing on Boeri 2009: 180, although the discussion I present here is more detailed.

[60] Plato, *Philebus* 22b6-8.

she performs such an action unwillingly and against to the nature of what is truly choiceworthy. Such a situation can only be explained either as a result of a state of ignorance or by necessity: if there is something which 'by nature' is truly choiceworthy, it seems that if one has his own cognitive abilities rightly trained, and has suitably developed his character, one should tend towards what is 'really good'.

The Stoics were willing to assert that the human being from nature possesses inclinations (ἀφορμαί) for discovering what is appropriate, that is, human beings have inclinations towards virtue that derive from nature.[61] Moreover, some sources even emphasize that in the nature of our reason there are inclinations towards the contemplation or consideration (θεωρῆσαι) of what is fine and ugly (in moral sense), and after considering them, we choose (αἱρούμεθα) the former and avoid the latter.[62] Certainly, this does not mean that, because of having such an inclination towards virtue, a person will be necessarily virtuous. The point seems to have been that humans are well ('naturally') disposed to virtue and inclined to it due to their rational constitution, such a constitution being the same thing as their rational nature, a nature, that at the domain of action, presupposes acting virtuously. But as pointed out by Seneca and Cicero,[63] nature has endowed us with an *imperfect* rationality that can be perfected: nature itself makes progress, and with no instruction (and starting from certain things whose 'generic characteristics' –*genera*– nature knew from an 'initial and inchoate intelligence' –*ex prima et inchoata intellegentia*–) she has strengthened by herself reason and perfected it.

Seneca's, Cicero's and Origen's testimonies rather refer to the Older Stoics, but the issue is also present, once again, in late Stoicism. Epictetus clearly states that his view that nobody assents willingly to what is

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[61] The Stoic Panaetius even declared the end (τέλος) to be 'living according to the inclinations given to us by nature' (τὸ ζῆν κατὰ τὰς δεδομένας ἡμῖν ἐκ φύσεως ἀφορμάς; cited by Clement, *Stromateis* 2.21, 129, 4).

[62] Stobaeus, *Ecl.* 2.62, 7-14: ἀφορμὰς παρὰ τῆς φύσεως; 2.65, 7-9: ἀφορμὰς ... ἐκ φύσεως πρὸς ἀρετήν; Calcidius, *In Tim.* chap. 165 (*SVF* 3.229): *bonum expetit*; Cicero, *De leg.* 1.27-28; Origen, *De principiis* 3.1.3 (*SVF* 2.988): ἐν τῇ φύσει τοῦ λόγου εἰσὶν ἀφορμαὶ τοῦ θεωρῆσαι τὸ καλὸν καὶ τὸ αἰσχρόν. For a full discussion of this issue (with a special focus on Stobaeus and Cicero) see Graver 2007: 153-161.

[63] Seneca, *Epistulae morales* 49, 11 (*SVF* 3.219); Cicero, *De leg.* 1.27 (*SVF* 3.220).

false is inspired by a passage of Plato's *Sophist*.[64]As remarked in the *Phile-bus* passage cited and commented on above, the reason why an agent chooses what is bad can be accounted for in terms of a cognitive problem. If this is so, what one should do is to commit oneself to activating the proper capacities (given to oneself by one's own nature) to be able to recognize what is really good. Like Plato, the Stoics assume that nobody believes that what he or she believes is false.[65] What can happen (and what as matter of fact happens all the time) is that one's belief is false but one does not realize it. Epictetus took great pains to show that, even though the god has endowed all human beings with reason, it is just the philosopher the one who is able to use his rationality correctly in order to find out what is good and bad. According to Epictetus, humans have received from nature 'measures and yardsticks' (μέτρα καὶ κανόνας) for discovering the truth. However, we are used to doing the opposite of what such measures and standards prescribe.[66] This somehow means that a rational agent is capable of choosing: nature or god has given to us rationality, but it depends on us to suitably develop such rationality.

That faculty of choosing (and rejecting) different courses of action and of taking something to be good or bad is identified by Epictetus with the capacity of making use of one's representations,[67] and such capacity of making a *correct* use of one's representations is what the gods have given to us as something which depends on us and 'as the most powerful of all things'.[68] In the search for the good one cannot accept any unexamined representation (*Diss.* 3.12, 15). If one does accept an unexamined representation, it will not be possible to distinguish a correct from a wrong representation and hence it will not be possible 'to discover the truth' which, according to Epictetus, must mean to know,

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[64] Cf. *Diss.* 1.28, 4-5. Plato's *Sophist* 228c is paraphrased by Epictetus in a rather free manner ('every soul is unwillingly deprived of the truth'; transl. Oldfather).

[65] Plato, *Alcibiades I* 117b-118a; *Theaetetus* 171b4; 200a3; *Sophist* 228c-d.

[66] Cf. *Diss.* 2.20, 21-22, commented on by Ierodiakonou 2007: 59-60.

[67] Epictetus, *Diss.* 1.1, 12: δύναμις χρηστικὴ ταῖς φαντασίαις.

[68] Epictetus, *Dis.* 1.1, 7: ἡ χρῆσις ἡ ὀρθὴ ταῖς φαντασίαις; see also *Diss.* 2.18, 24-32, where it is quite clear that what depends on the agent is not the representation (φαντασία), but the inspection such an agent performs of it.

comprehend, and surely internalize 'the essence of the good' (οὐσία τοῦ ἀγαθοῦ) and thereby to act in accordance with it.[69]

This brings me to the next and final point in this section: reason is a 'fragment of god' in us (or a fragment of the cosmic soul in humans), a view that was widely exploited by late Stoicism and that, I submit, goes back to Plato.

(iii) In the *Timaeus* Plato claims that the most important part of our soul (*i.e.* the rational part), which is a god's gift, is our δαίμων.[70] When Plato starts to explain the way in which the Demiurgue produces the world soul states that the god 'extended the soul throughout the whole body' (διὰ παντός τε ἔτεινεν); the god also 'covered the body (of the cosmos) outside' with the soul (*Timaeus* 34b3-4; transl. Zeyl). Moreover, Plato is also willing to maintain that the world soul depicts an intimate weave together with what is corporeal (36d8-e2). The locative language used by Plato as well as the view that the world soul extends throughout the whole body of the cosmos (and covers it) can give the impression that the soul is a body or, more generally, a tridimensional extension.[71] What concerns me here is not whether or not Plato took the soul to be a body (I think he does not imply that), but the fact that the world soul, understood as a rational principle ruling over and extending throughout

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[69] For a detailed discussion on this issue see Dragona-Monachu 2007: 122-123. Epictetus states that both the essence of the good and of the evil lie in the use of representations, implying that a right use of representations is an effective means for achieving the good (or it is actually the same as achieving the good), and a bad use ends in the opposite result (*Diss.* 2.1, 4; 2.8, 7-8). The expression οὐσία τοῦ ἀγαθοῦ in Epictetus sometimes is tantamount to προαίρεσις (*Diss.* 1.29, 1); it also means the correct use of one's representations (1.20, 15; Epictetus furnishes his fullest discussion on this issue in *Diss.* 2.8, 1-29). The person having his cognitive capacities rightly trained will have his character well disposed and will realize that man's good is a certain kind of his own προαίρεσις. On the use of representations in Epictetus and the difficulties related to the rendering of Epictetus' προαίρεσις in his *Diss.* see Long 1996: 275-281, and 2002: 28-30; 85; 214-217.

[70] Plato, *Timaeus* 90a3-4: δαίμονα θεὸς ἑκάστῳ δέδωκεν. See also 90c5-6, where the person who keeps 'well-ordered the δαίμων dwelling in himself is entirely happy'. See also Plato, *Phaedo* 107d5-6; *Republic* 617e1-5.

[71] As shown by Burnyeat and other scholars, this does not make the Platonic soul a bodily object (Burnyeat 2000: 58-59. Fronterotta 2003: 74-77; 2007: 232-232. Johansen 2004: 140-141).

the whole cosmos, surely did not pass unnoticed for the Stoics.[72] As a matter of fact, Plato's suggestion that the world soul extends throughout the whole cosmos was assumed by them; they also gave the step Plato did not dare to give: the soul is a body. Like Plato, the Stoics take the cosmos to be a living being, and because of that it should be assumed that the cosmos is ensouled. But unlike Plato, they argue for the view that the soul is a body; otherwise, the soul could not extend (as Plato assumes) or pervade (διήκειν; as the Stoics usually say) throughout the whole cosmos.

Chrysippus, Apollodorus and Posidonius maintain that the cosmos is an animal that is rational, ensouled (or alive: ἔμψυχον), and intelligent (νοερός).[73] It is an animal because it is an entity capable of having a perceptive life (οὐσία αἰσθητική); but the point I would like to emphasize here is that the reason provided for arguing that the cosmos is ensouled is the fact that human soul is a fragment derived from the cosmos (ὁ κόσμος ἔμψυχον ... ἐκ τῆς ἡμετέρας ψυχῆς ἐκεῖθεν οὔσης ἀποσπάσματος). Once again, the part-whole reasoning is employed to prove that if there is a soul in us (a small animal), there must be a soul in the cosmos (an enormous animal), and if the commanding part (ἡγεμονικόν) of our soul (reason)[74] is a principle of order in us, then reason should be a principle of order in the cosmos as well.[75] Of course, the view that human beings are fragments of god was extensively developed by Epictetus and Marcus Aurelius. Zeus has assigned to each person his own daemon as a director, so nobody is alone, but god is within, and he is one's dae-

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[72] To be sure, Plato has no doubts that the cosmos is a living being (ζῷον), endowed with soul (ἔμψυχον) and intelligence (ἔννουν; cf. *Timaeus* 30b7-c1). The Stoics took for granted that the cosmos has a soul and that such a soul can be identified with god (for evidence see Plutarch, *De stoic. repug.* 1052c (*SVF* 2.1068, LS 46E); Cicero, *De natura deorum* 2.29-30; 58.

[73] DL 7.143.

[74] Calcidius, *In Timaeum* 220-221 (*SVF* 2.879; LS 53G; *FDS* 424). Stobaeus, *Ecl.* 1.367, 17-22; 1.368, 12-20; 1.369, 6-10.

[75] For the view (attributed to Zeno) that the man's sperm contains the same rational principles (λόγοι) as the whole, see Eusebius, *Praeparatio Evangelica* 15.20, 1-4 (*SVF* 1.128). See also DL 7.158 and Ps. Galen, *An animal sit quod est in utero* vol. 19, 165, 8-15 (ed. Kühn; *SVF* 2.758).

mon.[76] Marcus clearly states that one's daemon (the daemon that Zeus has given to every person as a guardian and a guide, this daemon being a fragment of Zeus) is everyone's intellect (νοῦς) and reason (λόγος).[77]

3. Universal law, right reason, and world order

Probably there is no other expression that depicts better the Stoic ideal of life than 'living in agreement with nature'. Now if 'living in agreement' (τὸ ὁμολογουμένως ζῆν) means living according to a single and harmonic reason (Zeno),[78] and 'living consistently with nature' (τὸ ἀκολού-θως τῇ φύσει ζῆν) means living according to one's own nature and that of the universe (Chrysippus),[79] it is plain that the Stoics take one's reason (and nature) not to be different from universal reason (and nature), and that one's reason is subordinated to universal reason. The Stoics were particularly emphatic in attempting to apply that ideal of life to 'being happy' (εὐδαιμονεῖν),[80] as long as the human end (i.e. 'living in agreement with nature') is the ultimate object of desire, to which all the other things are referred. Zeno also used to say that the end is living in agreement with nature because nature leads us to virtue.[81] So when one behaves virtuously, one deploys his own nature. But such a *dictum* also reveals the Stoic concern for keeping the coherence of the system, such a coherence or agreement (ὁμολογία) being tackled from the viewpoint of

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[76] Epictetus, *Diss*. 1.14, 12-14; 2.8, 11. Marcus Aurelius, 2.17; Marcus also stresses the fact that one's daemon is one's own god (5.10).

[77] Marcus, 5.27.

[78] Stobaeus, *Ecl.* 2.75, 11-12.

[79] DL 7.88.

[80] In its most technical sense the end is 'being happy' (a predicate and thence an incorporeal, according to Stoic ontology), not 'happiness' (a body). Each one proposes a target (σκοπός) that should be attained, but the ultimate object of desire is not the proposed target, but the effective achievement of such a target, i.e., the *activity* itself in which the end consists: attaining happiness (the end: τέλος). And this is so, because we are happy when we effectively have attained the ultimate end, not only the target which eventually can be useful as a means to achieve the state of complete happiness, which is being happy (for textual evidence Stobaeus, *Ecl.* 2.77, 16-27; 2.97, 22-98, 3. Clement, *Stromateis* 7.7, 38, 2-3).

[81] DL 7.87; Stobaeus, *Ecl.* 2.76, 22-23. See also Musonius Rufus, Frag. 17, p. 89, 15-16 (ed. Hense).

logic, physics, and ethics (the parts of philosophy, according to the Stoics). Such demand of coherence can be seen in all the parts of philosophy. Logos manifests itself in nature as the rational order of the world; in language as the privileged domain allowing us to meaningfully articulate the world. And finally, logos is also present in human action and conduct when it embodies itself in the figure of the sage person, the one who reflects both in his theoretical and practical life the rational structure of the cosmos.[82] If this is so, one should take seriously the Stoic view that the sage person is the one who possesses both theory (θεωρεῖν) and practice (πράττειν) of what should be done.[83] In Stoic view, people are really rational when they recognize the good in the theoretical domain, and act correctly in the practical one.

The notion of consistency or agreement (ὁμολογία) is a decisive key to fully understand the ambitious project of Stoic philosophy, since it makes plausible the view that the cosmos, as a result of the providential activity of god, is a wholeness perfectly ordered. It also shows why humans, as privileged parts of the cosmos (due to their reason, a 'fragment of divinity'), are able both to understand the whole and to grasp what they ought to do in a normative sense. Universal logos, nature (φύσις), god (θεός), or breath (πνεῦμα) are all names to designate the same object which manifests itself not only in physical nature but also in language and in the cognitive processes comprised in it. Now if the aim of physical theory (φυσικὴ θεωρία), as Chrysippus maintains, is no other than the discrimination of good and evil,[84] one should probably pay attention to the close link existing between physics and ethics as a disclosure of the world order.

If what I have been suggesting so far is correct, the law of nature should be viewed as the yardstick ordering the cosmic system. It should also be considered as the manner in which rationality manifests itself at the distinct levels of reality, and especially in the human sphere, the only domain where natural law can be grasped. But of course the region where natural law is especially critical is both ethics and politics, i.e. the realm where the normative force of natural law is shown. One might

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[82] Cf. Boeri 2009: 187-189.

[83] Stobaeus, *Ecl.* 2.63, 11-12; DL 7.126.

[84] Plutarch, *De stoic. rep.* 1035c (*SVF* 3.68).

assume that it is quite clear the way in which nature determines the sequence of a physical process: in the typical examples provided by Sextus Empiricus, the scalpel (a body) is a cause for the flesh (another body) of the incorporeal predicate 'being cut', which is satisfied by the flesh. The sun (or its heat) is cause of the wax melting or of the melting of the wax.[85] It is also plain the way in which human reason can draw a conclusion from the premises in a reasoning such as 'If the first, the second; but the first, then the second'.[86] Unfortunately, it is not equally clear that an evaluative proposition, such as 'I ought to do X', is true: frequently what appears to me good does not appears to you good. Indeed appearances in conflict do not exclusively belong to the practical sphere (they also occur in the theoretical realm), but it is in such practical sphere where appearances in conflict look most dramatic: they somehow determine the choice of a course of action on part of an agent, such course of action being able to damage or benefit both the one's concerns and the other people's concerns, contributing either to their (one's) wellbeing or to their (one's) hurt.

So the question is: which is the criterion (if any) that endows the agent with the yardstick for suitably selecting what is *really* good? The Stoic answer is 'right reason', i.e. the kind of rationality allowing one to do nothing which is forbidden by universal law (DL 7.88). According to one of the Stoic standard definitions of law, Chrysippus said that law is a king of all things (human and divine), the principle presiding over what is fine (καλά) and shame (αἰσχρά) as a governor and a guide. Thus law is the standard both of just and unjust actions; it prescribes what humans should do and forbids what they should not do.[87] When reading this passage one can be tempted to think that the prescription can be formulated as a set of rules more or less accurate and accessible to everyone, rules that, set down as part of a legal code, could clearly indicate what should be done in every case. However, the issue is not presented in this way, neither here or in other passages. Law is not understood as determining

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[85] Sextus, *AM* 9.211-212; *PH* 3.14.

[86] DL 7.76-81 (*SVF* 2.238; 3.5; LS 36A1-3; *FDS* 1036); Sextus, *Adv. Math.* 8.227; 236-237.

[87] Marcian, *Institutiones* 1, quoting the Chrysippean treatise *On law* (*SVF* 3.314; LS 67R). A parallel version of this passage can be found in Cicero, *De re publica* 3.33.

specific types of action. It is true that in the Stoicizing Cicero's *De officiis* certain specific kinds of action (apparently regulated by universal law) are described. According to Cicero, 'for a man to take something from his neighbor and to profit by his neighbor's loss is more contrary to nature than is death or poverty or pain or anything else that can affect either our person or our property' (*De officiis* 3.21; transl. W. Miller). Even though this Ciceronian treatise has an undoubtedly Stoic character (it probably reproduces some theses by the Stoic Panaetius), it also has the background of the Roman right, into which Cicero integrates the Stoic view of natural law. This can be clearly seen when Cicero suggests that laws are set down for the sake of society's protection, as long as the bonds of union between citizens should not be impaired. And any attempt to destroy such bonds should be punished by the penalty of death, exile, imprisonment, or fine. But the interesting point here is the way in which he integrates these legal prescriptions into the Stoic thesis of natural law: according to Cicero, any attempt to destroy the bonds of society[88] should be chastised by the (just) mentioned penalties. But these (lawful) chastisements, Cicero states, are provided to a greater extent by 'nature's reason itself, which is divine *and* human law' (*hoc multo magis efficit ipsa naturae ratio, quae est lex divina et humana*, *De officiis* 3.23). Of course, there is not a clear indication in our Greek sources that natural law prescribes that we must punish people with death, exile, or imprisonment. What natural law seems to suggest is that we must preserve ourselves as well as we must preserve the rest of human beings, and thence that we are not allowed increasing our power, wealth, and resources by spoiling other people, as Cicero develops the issue.[89] What the Greek sources usually emphasize is that, even though law is a 'king of all things', it is above and beyond civil law and therefore natural law cannot be regarded as human *and* divine law. Although it is true that the Stoics would have agreed that the one who is willing to obey nature's reason itself (as Cicero puts it: *ipsa naturae ratio*) will not commit the mistake of

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[88] Such point is referred to in general by indicating that none is allowed to injure another person for the sake of his own advantage (*non liceat sui commodi causa nocere alteri*; *De officiis* 3.23).

[89] This remark (i.e. that we must preserve ourselves as well as we must preserve the rest of mankind) connects the theme of natural law with that of familiarization (οἰκείω-σις). I return to this point in the final section of this essay.

trying to gain some personal profit from another person by spoiling him, it is not true that they identified natural law with civil laws in that way. Probably this is just a detail and is related to some extent to what the Greek sources claim when stressing that all the particular cities and legislations depend upon the cosmic city (ruled by universal law). But it is one thing to say that positive laws depend upon universal law, and another to state that both types of law can be identified. The distinction is relevant since it helps one grasp why it is possible to follow universal law only when the agent is virtuous, without necessarily knowing the particular legal codes in each city. In other words, one's knowledge of such codes is not decisive for the right conduct of a rational being since what really counts is the inner disposition of the agent (that prompts him to do the right thing), not the external punitive power of positive law.[90]

In spite of the fact that in the Marcian passage mentioned above Chrysippus maintains that law presides over human acts and that it is a standard (κανών) of what is just and unjust, there is no specific description of what a just or an unjust act is in a concrete situation of action.[91] Moreover, Zeno's recommendation for abolishing law courts (and even coinage)[92] explicitly suggests that natural law cannot be a law in the sense of a civic law. As indicated above, the fact that our natures are parts of the nature of the universe makes it clear that our goal becomes 'to live in agreement with nature' (i.e. according to one's own nature and that of the whole), and that such a living is understood as doing nothing which is forbidden by the common law, *which is right reason*. That is to say, the law the Marcian passage speaks of, like the universal law described in Diogenes Laertius (7.87-88), suggests more than a legal code or a fundamental law within a code, a certain dispositional state: the perfect rational disposition of the sage person, i.e. right reason. Thus the univer-

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[90] Besides, although Cicero acknowledges that he is chiefly following the Stoics, he also admits that he does that 'not as a translator', but, as it is his custom, drawing from his sources, at his own judgment and decision, in such measure and in such manner what seems to him to be more convenient (*non ut interpretes, sed, ut solemus, e fontibus eorum iudicio arbitrioque nostro quantum quoque modo videbitur, hauriemus; De officis* 1.6).

[91] Even in the standard definitions of justice, one of the basic or primary virtues, (Stobaeus, *Ecl.* 2.59, 9-10; Plutarch, *De stoic. rep.* 1034c; *SVF* 1.200; LS61C), it is avoided speaking of a specific content of a just action, such as it could be formulated in a positive norm prescribing a specific behavior.

[92] DL 7.33. Cf. *SVF* 1.267-268.

sal reason the Stoics refer to does not legislate in the way a legal code would; rather it prescribes how the 'characterological' disposition of the agent should be: virtuous. This again accounts for why Zeno stresses so much the necessity of abolishing coinage or law courts: in a society constituted by truly virtuous people nothing of this kind would be required, inasmuch as everyone would live as he or she ought to live. The divine things of which law is a king can be the heavenly bodies, natural processes, the cosmos in general, and above all fate (εἱμαρμένη), a 'continuous string of causes (αἰτία τῶν ὄντων εἰρομένη) of things which exist or a rational principle (λόγος) according to which the cosmos is managed'.[93] Actually, fate itself must be such a law, in accordance with which everything happens in the way it happens. Now the Stoic sage, whose psychological disposition is 'right reason', understands the string of causes of fate, insofar as he is aware of the principle of universal causality, a principle according to which not only is every event explained, but also can be predicted.[94] That is why we would be (theoretically) capable of predicting the future events if we knew the laws of causal interaction and the manner in which god acts, that is, if we were Stoic sages. Now if universal law is tantamount to right reason, and right reason is just the dispositional state belonging to the wise person, it follows that, although law presides over just and unjust acts and prescribes what should be done and forbids what should not be done, law cannot be understood as a set of rules included in a civil code.

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[93] DL 7.149 (transl. Inwood-Gerson). See also Eusebius, *Preaparatio Evangelica* 15.14, 2: ἐπιπλοκὴν καὶ ἀκολουθίαν εἱμαρμένην …. νόμον τῶν ὄντων ἀδιάδραστόν τινα καὶ ἄφυκτον; Aetius 1.28.4 (=Ps. Plutarch, *Placita* 885b); Plutarch, *De stoic. repug.* 1050a-b.

[94] This argument can be regarded as being a sort of 'empirical argument' in order to explain the existence of fate. Indeed, it is a fact empirically evident that the world has an organic unity (cf. Alexander of Aphrodisias, *De fato* 192, 8-13, ed. Bruns). From the Stoic point of view, the success of divination also appears to be a fact empirically obvious (cf. Eusebius, *Praeparatio Evangelica*, 4.3.1 = *SVF* 2.939). As noted by Diogenianus, Chrysippus' argument sounds circular, since he tries to prove the existence of fate out of divination, but his belief in divination as an effective method to predict future events presupposes the doctrine of fate (see also Cicero, *De divinatione* 1.34). At any rate, given that the sage person is a good prophet (μάντις ἀγαθός), and prophecy is theoretical knowledge of signs coming from gods and daemons for human life (Stobaeus, *Ecl.* 2.67, 13-19; 114, 16-21), he would be (at least theoretically) able to predict future events due to his knowledge of antecedent causes (cf. Cicero, *De divinatione* 1.127-128)

According to Plutarch,[95] Zeno's *Republic* chiefly aimed at pointing out that we do not dwell (οἰκῶμεν) in cities (πόλεις) or districts (δῆμοι), each one ruled by its own legal system. Zeno recommended that we regard all people as our fellow-citizens, and that there should be one way of life and order (εἷς δὲ βίος ᾖ καὶ κόσμος), 'like that of a herd grazing together and nurtured by a common law' (transl. Long-Sedley). This passage introduces the interesting idea that there should be one way (or style) of life (the one which corresponds to a rational being), since all the humans are nurtured by the common law, such common law surely being the same as universal reason, a part of which is present in us.

Clement also witnesses the relevance the cosmic city (i.e. 'the city in the strict sense') had for the Stoics; his reason for saying that heaven (οὐρανός) is the real city provides another interesting detail: a city is something virtuous (σπουδαῖον), and the people (δῆμος) is a civilized organization (ἀστεῖον σύστημα) and a plurality (πλῆθος) of human beings managed by law.[96] Of course, if what strictly counts as a city must be 'something virtuous and civilized', then actual cities do not qualify as real cities. 'Civilized' (ἀστεῖον) is the adjective which usually is associated to the sage person as synonym of an 'excellent' or 'virtuous' agent (σπου-δαῖος), but in this context the word seems to be consciously used in the double meaning of 'inhabitant of the capital city' (ἄστυ) and 'refined', and such a refinement certainly should refer both to costumes and to the character dispositions that can be identified with a virtuous person. Thus a city in the strict sense is the one where its citizens are virtuous people; and they are virtuous not only because of having a virtuous character, but also because of living under the dictates of the law, such dictates not constituting a hindrance to their vital goals but rather being a crucial part of them. This is the sense in which I believe that it can be said that the common law cannot be seen as a requirement imposed from without, as if it were something external to the agent.[97] This advances the Stoic idea

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[95] *De Alexandri magni fortuna aut virtute* 329a-b (*SVF* 1.262; LS 67A), quoted above, n.2.

[96] Clement, *Strom.* 4.26, 172 (*SVF* 3.327).

[97] For a different interpretation see Mitsis, who, even admitting that in the tradition the natural law approach became a theory exclusively centered on following a set of regulations externally imposed, thinks that dealing with the Stoic view as purely internalist (i.e. as centered on the inner dispositional states of the agent) would be an error, as it

of the city as a community of friends and wise, sharing only one way of life and order. It is sometimes suggested that Stoic cosmopolitanism was the philosophical translation of the existing state of affairs after the collapse of the classic Greek *polis*. However, there is reason to suspect that the theory underlying the idea of rational unity gathering all human beings does *not* have its ground in political conjuncture nor can it be derived from it.[98] What the Stoics really did was to introduce a new idea of rationality based on the assumption, alien to the classical thinkers, that the whole universe is so pervaded by reason that there is nothing which cannot be regarded as an instance of the universal reason going through all reality. The common principle in which all humans take part teaches us that the only thing that places us at a superior level with regard to our fellow human beings is having a better disposition of character.[99] The standpoint that the theory of the rational unity among human beings goes beyond the political conjuncture turns out to be clearer if one looks into the Stoic thesis that everyone is equal by nature inasmuch as justice, *as well as law and right reason*, exists by nature, not by convention,[100] and insofar as justice derives from appropriation or familiarization (οἰκείω-σις) in its social or altruistic stage.[101]

Now, if this is so, a reading looking at universal nature (which, according to DL 7.88, *is* right reason) as something external to the agent and thereby to morality depicts a Humean flavor that, in splitting what is natural from what is human, prevents one from envisaging a relevant part of Stoic project. For a Stoic it is quite plain that being guided by reason is the same as living in agreement with nature, since human beings have been bestowed with reason for 'the search of truth', and finding out the truth is tantamount to discovering nature (the universal one as well as individual's nature). Thus, being led by reason is the same as being

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is quite clear that for the Stoics the laws of nature derive from divine reason, and so they are externally imposed (Mitsis 2003: 39). In a previous paper (1999: 164-165), though, he had presented a more nuanced position, which, in my view, looks more persuasive.

[98] I have attempted to prove this view in Boeri 2010a.

[99] Seneca, *De beneficiis* 3.28, 1 (*SVF* 3.349).

[100] DL 7.128 (*SVF* 3.308); Cicero, *De finibus* 3.71 (*SVF* 3.309); Stobaeus, *Ecl.* 2.94, 8.

[101] Porphyry, *De abstinentia* 3.19-20 (*SVF* 1.197). The thesis that familiarization is the principle of justice was already criticized in antiquity (cf. Anonymous commentary on Plato's *Theaetetus*, Col. 5. 18-8. 6, partially reproduced by LS 57H).

guided by one's correct discernment of nature. Reason, understood as the 'active rational principle', 'leader of what exists in the cosmos', 'manager of the universe' somehow is our own reason, since we, as any other thing of the cosmos, are that reason.[102] If the agent is able to be in tune with cosmic reason in determining a morally valuable conduct, such universal reason cannot move the person away from the kind of attachments related to his own concerns. Cicero, probably endorsing Chrysippus' view that happiness (a 'smooth flow of life') occurs when 'all things are done in accordance with the harmony of the daemon in each of us with the will of the administrator of the universe',[103] claims that nature has endowed us with a sort of 'common intelligence or understanding' that makes us know (and has sketched in our minds) the difference between an honorable and a disgraceful act, and that what is noble is classed with virtue, and what is disgraceful with vice.[104] But, of course, the fact that we are able to do that does not mean that we do it: what makes us properly humans is to do what we ought to do, insofar as this is a way of 'activating' our rational nature.

Now if the Stoic claim with regard to the common background that every human being shares with the other humans is true, one should ask how is it possible that not everyone takes the same thing to be good. The most obvious answer is that if the agent has not suitably developed his cognitive abilities, and has not properly formed his character he will not be capable of recognizing the real good. Like Plato and Aristotle, the Stoics used to emphasize the correct formation of character and the development of one's cognitive capacities in order to avoid giving assent to false motivating presentations.[105]

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[102] For this meaning of the word λόγος see Eusebius, *Praeparatio Evangelica* 15.19, 1 (*SVF* 2.599); DL 7.134 (*SVF* 1.85; 2.299-300; LS 44B; 45E; 50E); Philodemus, *De pietate*, chap. 11 (*SVF* 2.1076). See also Cleanthes' *Hymn to Zeus*, vv. 1-5.

[103] DL 7.88 (transl. Inwood-Gerson).

[104] Cicero, *De legibus* 1.44 (*SVF* 3.311): *Nec solum ius et iniuria natura diiudicatur, sed omnino omnia honesta et turpia. Nam, ut communis intellegentia nobis notas res effecit easque in animis nostris inchoauit, honesta in uirtute ponuntur, in uitiis turpia.*

[105] Cf. Plutarch, *De stoic. repug.* 1057a-b (*SVF* 3.177; LS 53S; *FDS* 363a); Stobaeus, *Ecl.* 2.86, 17-87, 5 (*SVF* 3.169; cf. LS 53Q); Epictetus, *Diss.* 3.8, 1-5.

This brings us to the difficult issue concerning the origin of moral concepts; I will not deal in detail with this complicated matter.[106] I just want to call attention to a well-known passage where it is said that what is just and good is conceived of 'naturally'.[107] Indeed it is hard to know what the Stoics meant by φυσικῶς here. One might assume that, on the one hand, it refers to the way in which a person, without having a clear definition of what just or good is, takes for granted that something is just or good (that is in part what Epictetus suggests);[108] on the other hand, it points to the peculiar nature of the person forming such concepts, since there seems to be a natural affinity between the good and the manner in which we conceive of it.[109] The implicit assumption of this discussion is that, as we have seen above, humans are constitutively attracted to what is good, which certainly does not mean that every human being is good by nature. Epictetus stresses that the concept of good is innate (ἔμφυτος ἔννοια), as any other evaluative concept;[110] he also claims that when 'a clear representation of the good' (ἀγαθοῦ φαντασίαν ἐναργῆ; *Diss.* 3.3, 4) appears to the soul, she will never refuse such representation. In other words, the soul assents to the correct motivating representation; but whose soul? Certainly, the sage person's soul, the one whose task is using his representations 'according to nature', i.e. rightly.[111] By contrast, the fool cannot distinguish between what is good and what is bad, since, in being disturbed and overcome by his appearances and their persuasiveness, he is unable to discriminate his appearances rightly and as result he believes, first, that X is good, then, that the same X is bad, later that it is neither good nor bad (*Diss.* 2.22, 5-7; 2.22, 25).

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[106] A full discussion of this theme can be found in Scott 1995 (chapter 8) and Dyson 2009. I have also provided a brief discussion of this issue in Boeri 2012: 203-207.

[107] DL 7.53: φυσικῶς δὲ νοεῖται δίκαιόν τι καὶ ἀγαθόν. *Mutatis mutandis*, there is a similar idea in Cicero, *De finibus* 3.33.

[108] See Epictetus, *Diss.* 1.22 and the other Stoic passages cited in Boeri 2012: 205, n.21.

[109] This view (which appears to me quite convincing) is suggested by Ioppolo 1986: 179, n. 48.

[110] See above n.108.

[111] Epictetus, *Diss.* 3.3,1; see also *Dis.* 2.22, 1-3.

4. Concluding remarks

In the previous section of this paper I have mentioned in passing the connection that can be established between natural law and the Stoic theory of familiarization (οἰκείωσις). Human familiarization can be roughly understood as the process involving both the natural development centered on self-interest (at the beginning of life) and as the transition towards the concern for others (when one's rational abilities have been developed), a second stage of the processes in which the person continues thinking of his own self-interest but now integrated into the interests of other people.[112] These stages of οἰκείωσις have sometimes been considered two complementary aspects of 'rational development of the agent's initially narrow, instinctive attitude to a wider and rationally based concern'.[113] Other scholars emphasize that with the maturity of one's reason, the primary (instinctive) impulse is transferred from the physical or biological self to the rational self, and so the relation to other people is felt to belong to oneself.[114] The primary impulse is directed towards the self-preservation of one's constitution (*status* in the Latin sources, σύστασις in the Greek ones). Indeed the constitution of the living being (in its different stages) is so relevant in the theory that it is identified with the self. As observed by Inwood and as widely reported by Seneca,[115] one's constitution changes as the person grows up. The details of the theory are complicated and have been much discussed in the last decades.[116] I would like merely to suggest that the social dimension of the Stoic familiarization should be understood as an expression of natural law. If the stage of familiarization which is characterized by one's concern for others overlaps with the development of the individual's reason, and if one's rational nature is part of the rational nature of the cosmos, one may assume that while actualizing the social dimension

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[112] For evidence see DL 7.85-86; Cicero, *De finibus* 3.16-19; 62-66; *De officiis* 1.11-17. Hierocles, *Elementa Ethica* 1.1-4; 1.31-47; 1.49-2.31; 2.33-45; 3.19-27; 3.46-51. Porphyry, *De abstinentia* 1.7; 3. 19-20. Seneca, *Epistulae* 121, 5-21; 23-24.

[113] Annas 1993: 275.

[114] Görgemanns 1983: 165; in a similar vein see also Bastianini-Long 1992: 390.

[115] Inwood 1999: 679-680; Seneca, *Epistulae* 121. On the social dimension of familiarization cf. Inwood 1983.

[116] In addition to the studies mentioned in the previous notes, see Ramelli 2009.

of οἰκείωσις the agent instantiates in himself a crucial ingredient of natural law as applied to human communities: justice. As Cicero says, the correct use of reason permits humans to live by justice and law. And given that justice (as well as law and right reason) exists by nature, everyone should be equal by nature as well, so everyone deserves the same respect. Porphyry (probably thinking of the Stoics) argues that since there is a certain familiarization (or 'affinity': οἰκείωσις) among human beings towards each other, because of their similarity of form (i.e. body) and soul, human beings are not allowed to kill other humans (Porphyry, *De abstinentia* 1.7, 6-10). Now if everyone is equal by nature, there could not be subordination among human beings that authorizes someone to murder someone else. According to the first stage of familiarization, everyone has to preserve himself; but everyone is also rationally compelled to preserve the other humans, as they also are parts of the cosmic reason that gathers us in the world order.

The Stoic thesis that the positive law should be subordinated to universal law and to the city of sages may appear a little naïve to our contemporary eyes. Moreover, the idea that a real city is the one where its citizens are Stoic sages can reasonably be seen as an unrealizable utopianism. However, if one takes a look at what has been happening in our societies, one should give the benefit of the doubt to the Stoics and admit that their theory involves certain reasonability. The Stoics (like us nowadays) knew well that positive laws usually have a punitive power that is effective just when the actions have already been performed. From a more optimistic point of view one even might think that law also has a dissuasive power. But this is of course possible only as long as an agent is able to think that human actions can be regarded as being good and bad. If a person commits an atrocity and believes that such an atrocity is not censurable or, what is worse, if such a person thinks that his actions are not bad, the problem is obviously more serious. Now if law only imposes its punitive power on what has already been performed, it seems that, no matter what the positive laws prescribe, we should expect plenty of atrocities in the future. This indeed shows that positive laws do not prevent crimes, or they just prevent them in some cases (and only because of fear of punishment or as a strategy for avoiding such punishment). This means that, besides civic law, a severe program of education must be implemented in order to form the character of people, so a

moral perception based on rational standards can be produced. This can certainly be seen as a utopian project; but such kinds of moral patterns have a regulative value (to say it in a Kantian way), in so far as they cannot constitute our empirical world.[117] But even though such patterns cannot be instantiated in any given thing in our experience, they can be viewed as models regulating our actions, i.e. paradigms that, after acquiring a moral perception, the agent might feel he should pursue. If one can progress towards such a moral pattern as closely as possible, one will be able to internalize the contents of law; this means that one will perform an action not because a positive law prescribes what to do, but because his inner state prompts him to do what he should rationally do without taking into account what the positive law prescribes. In such a case the agent will have become a Stoic sage.

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[117] I. Kant, *MS* AA 06: 383.

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