

# Diogenes of Babylon: The Stoic Sage in the City of Fools

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**D**IOGENES OF BABYLON, fifth scholarch of the Stoa and flourishing in the first half of the second century B.C., has not been accorded the attention his philosophical and historical importance merits.<sup>1</sup> He receives only passing notice in the standard histories of Stoicism, despite abundant evidence that he effected a far-reaching revision of Stoic doctrine in such fields as linguistics,<sup>2</sup> music education,<sup>3</sup> philosophical psychology,<sup>4</sup> rhetoric,<sup>5</sup> ethics,<sup>6</sup> and political philosophy.<sup>7</sup> Accidents of

<sup>1</sup> There is no adequate modern study of Diogenes and his work: for collections of evidence see C. F. Thiery's *Dissertatio de Diogene Babylonio* (diss. Louvain 1830), esp. 90–96 for evidence concerning his catalogue of writings; F. Susemihl, *Geschichte der griechischen Litteratur* (Leipzig 1891) 82ff; H. von Armin, *RE* 5 (1903) 773–76.

<sup>2</sup> Diogenes' handbooks *On Voice* and *On the Dialectical Art* are the basis for the account of the Stoic theory of dialectic and language in D.L. 7.55–58, 71 (=SVF III 17–26, pp.212–15); a long quotation on φωνή from his *On the Governing Part of the Soul* is discussed by Galen, *De plac.* 2.128.32–132.16 De Lacy. For Diogenes' influence on later Stoic linguistics see M. Frede, "The Origins of Traditional Grammar," in R. E. Butts and J. Hintikka, ed., *Historical and Philosophical Dimensions of Logic, Methodology and Philosophy of Science* (Dordrecht 1977) 51–79 (=Essays in Ancient Philosophy [Minneapolis 1987] 338–59); W. Ax, *Laut, Stimme und Sprache: Studien zu drei Grundbegriffen der antiken Sprachtheorie* (=Hypomnemata 84 [Göttingen 1986]), who argues that Diogenes reformulated Chrysippus' position in part to take account of Aristotle; and D. M. Schenkeveld, "The Stoic τέχνη περὶ φωνῆς," and "Developments in the Study of Ancient Linguistics," *Mnemosyne* SER. 4 43 (1990) 86–108, 298–306.

<sup>3</sup> Diogenes' *On Music*: texts in D. Delattre, "Philodème, De la musique: livre IV, colonnes 40\* a 109\*," *CronErcol* 19 (1989) 49–143; see also R. Janko, "A First Join between *P.Herc.* 411 + 1583 [Philodemus, *On Music* IV]: Diogenes of Babylon on Natural Affinity and Music," *CronErcol* 22 (1992) 123–30, for the first Stoic account of how music education is conducive in the training of the passions to the acquisition of virtue.

<sup>4</sup> Diogenes clearly anticipated the modifications in Stoic psychology often traced to Panaetius or Posidonius by dividing the soul into separate parts along Platonic lines (cf. *De mus.* IV cols. 56\*, 57\*.40–41, 69\*.3, 74\*), a move

transmission have contributed to this scholarly neglect: although Diogenes is mentioned in the *Index Stoicorum* (48.3–8, 51.1ff, 42.1ff; cf. *Index Academicorum* 22.24 Mekler), the lack of an ancient biography leaves us poorly informed about his life and career.<sup>8</sup> He participated (with the Academic skeptic Carneades and the Peripatetic Critolaus) in the famous embassy sent to Rome in 155 to plead for a reduction in the fine levelled against Athens for her sack of Oropus (Paus. 7.11.4–8). This embassy, celebrated in the Roman literary tradition<sup>9</sup> in part because it seemed to illustrate that Greek philosophy

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that underlies *inter alia* his rehabilitation of music as an important constituent in moral education.

<sup>5</sup> We hope in a future paper to reconstruct the philosophical motivation of early Stoic rhetorical theory with special attention to Diogenes' innovations. See also D. Sohlberg, "Aelius Aristides und Diogenes von Babylon. Zur Geschichte des rednerischen Ideals," *MusHelv* 29 (1972) 177–200, 256–77.

<sup>6</sup> Particularly noteworthy are his revision of earlier Stoic doctrine on the *τέλος* (Arius Didymus *ap. Stob. Eclog.* 22.76.9f Wachsmuth; D.L. 7.88; Clem. Al. *Strom.* 2.21), and his famous debate (*ap. Cic. Off.* 3.49–55; cf. 89–92) with Antipater over the nature and justification of private property: see most recently J. Annas, "Cicero on Stoic Moral Philosophy and Private Property," in M. Griffin and J. Barnes, edd., *Philosophia Togata* (Oxford 1989) 151–73. Both underscore Diogenes' central concern to provide practical moral guidance in contemporary society.

<sup>7</sup> For an attempt to show that Diogenes was responsible for important changes in the scope of Stoic political philosophy see P. A. Vander Waerdt, "Politics and Philosophy in Stoicism," *Oxford Studies in Ancient Philosophy* 9 (1991) 185–211 at 205–10.

<sup>8</sup> Diogenes' traditional dates are *ca* 240–150, the dramatic date of Cicero's *De Senectute*, where he appears (7.23) in a list of notables who remained productive until an advanced old age: Lucian, *Macr.* 20, says he lived to the age of eighty-eight. But Cicero, who mentions there Diogenes' recent visit to Rome in 155, does not actually say that Diogenes was dead by this time, and T. Dorandi (*Ricerche sulla cronologia dei filosofi ellenistici* [Stuttgart 1991] 29f, 61, 69ff, 76), following J. Barnes ("Antiochus of Ascalon," in Griffin and Barnes [*supra* n.6] 51–96 at 68ff, esp. 69 n.76), has recently argued on this basis and on the dating of Diogenes' pupils Panaetius, Mnesarchus, and Dardanus that Diogenes lived until *ca* 140, yielding a birthdate of *ca* 228. Thiery (*supra* n.1) 9–29 provides a survey of what is known of Diogenes' life. Diogenes came from Seleuceia-on-the-Tigris in the region of Babylon—hence his ethnic (Strab. 6.1.16; D. L. 6.81).

<sup>9</sup> On this embassy see 389–95 *infra*. Cicero (*Acad.* 2.137) knew a book by Clitomachus that preserved details of the embassy and showed that Carneades argued a position (and attributed it to Diogenes) identical to that preserved in the text presented 366f *infra*. Diogenes was Carneades' teacher in dialectic: Cic. *Acad.* 2.98 (from Clitomachus).

threatened traditional Roman moral culture,<sup>10</sup> ensured that Diogenes, the first Stoic to lecture at Rome, remained prominent in philosophical circles there well into the next century.

Another and probably more important factor in explaining Diogenes' neglect is that the traditional periodization of Hellenistic philosophy, which correlates philosophical with political developments and marks its end at 31 B.C., has tended to obscure fundamental changes that took place in Epicureanism, Stoicism, and Academic Skepticism in the mid-second century B.C.<sup>11</sup> Diogenes' work initiated an important but poorly understood period in Stoicism, and provides our best evidence for a period in which the school became centrally concerned to develop the early scholars' teaching so as to enable it to compete with its rivals' across the range of philosophical disciplines. In this transitional period, the proper end of Hellenistic philosophy, Stoic philosophers embark on new directions as the early scholars' original attempt to appropriate Socrates' authority, by discrediting the directions in which his other philosophical heirs (especially Plato) had developed his philosophy, gives way to a constructive effort to revise the Stoic position in such a way as to incorporate the contributions of other Socratics. Diogenes recognized former rivals—such as Plato and Aristotle, to whom the early Stoics were uniformly hostile—as important philosophical authorities,<sup>12</sup> and he did not hesitate to draw upon

<sup>10</sup> See Plut. *Cat. Mai.* 22.4–5; Plin. *HN* 7.112; Cic. *Rep.* 3.8–12; Lactant. *Div. Inst.* 5.14.3ff; for a recent survey of Roman attitudes toward the earliest representation of Greek rhetoric and philosophy in Rome see E. S. GRUEN, *Studies in Greek Culture and Roman Policy* (=Cincinnati Classical Studies n.s. 7 [Leiden 1990: hereafter 'Gruen']) 158–92.

<sup>11</sup> For a better understanding of this period in the development of Stoicism we are indebted to M. Frede, "Philosophy 125 B.C.–250 A.D.," *Cambridge History of Hellenistic Philosophy*, forthcoming. An important discussion of Diogenes' place in the development of Stoicism appears in M. Schäfer, "Diogenes als Mittelstoiker," *Philologus* 91 (1936) 174–96.

<sup>12</sup> Diogenes twice mentions Plato (Philod. *De mus.* cols. 138, 140) and one passage (col. 41\*) contains two quotations from Plato's *Laws* (2.669B–E, 7.802C–D); cf. Delattre (*supra* n.3) 54 n.24, and his "Un 'citation' stoïcienne des Lois (II, 669B–E) de Platon dans les commentaires sur la musique de Philodème?" *RevHistText* 21 (1991) 1–17; for further parallels see Schäfer (*supra* n.11) 180–89. Early Stoic writings against Plato include Zeno's *Republic* (cf. Plut. *De Stoic. rep.* 1034 E–F), Chrysippus' *Against Plato on Justice* (Plut. *De Stoic. rep.* 1040 A [cf. H. Cherniss *ad loc.*] 1040 D, 1041 B; De comm. not.1070 E–F),

them in his attempt to develop a practical teaching on subjects such as political philosophy, which had been apparently an entirely theoretical enterprise for the school's founders (*cf.* Cic. *Leg.* 3.13–16; discussed 383 *infra*). Here as in other fields, Diogenes reformulated the early scholars' position so effectively that his became the orthodox Stoic position during the second and first centuries B.C.<sup>13</sup> Cicero's extensive use of Diogenes confirms this claim, as does the extraordinary number of explicit citations of Diogenes in the Herculaneum papyri—a number that vastly exceeds the dozen or so references to Chrysippus and makes Diogenes the most frequently cited philosopher (after Epicurus) in the philosophical library at Herculaneum.<sup>14</sup>

The absence of an adequate modern edition of Diogenes' fragments has also impeded our understanding of his importance for the development of Stoicism. Philodemus' lengthy attacks on Diogenes in his *De musica* and *De rhetorica* constitute most

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his *Exhortations* (a reply to the *Cleitophon*: Plut. *De Stoic. rep.* 1039D–1040A), and Persaeus' reply in seven books to the *Laws* (D.L. 7.36)

<sup>13</sup> Diogenes is Philodemus' principal opponent in *De musica* IV (Delattre [*supra* n.3] 54ff) and *De rhetorica*, and is the last philosopher named in Philodemus' doxography in *De pietate* (*P.Hercul.* 1428: text in A. Henrichs, *CronErcol* 4 [1974] 5–32), on which Cicero draws in *Nat. D.* 1.25–41: see Diels, *Dox. Graec.* 121–31, 529–50; R. Philippson, *SymbOslo* 19 (1939) 27–31. Cicero names Diogenes at *Nat. D.* 1.41, and Delattre (53, 83f) finds extensive use of him in Books 2–3; for the claim that Diogenes is the sole transmitter of Zeno's syllogisms: M. Schofield, "The Syllogisms of Zeno of Citium," *Phronesis* 28 (1983) 31–58. Diogenes' prominence in Philodemus may be due in part to his teacher Zeno of Sidon (A. Angeli and M. Colaizzo, "I frammenti di Zenone sidonio," *CronErcol* 9 [1979] 47–133): Philodemus' *De pietate* is based in part on Zeno's lectures or writings (*cf.* p.118.18ff Gomperz), which is probably why Philodemus' doxography stops with Zeno's contemporary Diogenes. But Diogenes was well-known later for the other reasons explained above. Best known at Rome seems to have been his work on theology: see, for his *Περὶ τῆς Ἀθηνᾶς* (Philod. *De piet.* col. 8 in Henrichs 19; Cic. *Nat. D.* 1.41, *Att.* 13.39.2), A. B. Krische, *Die theologischen Lehren der griechischen Denker* (Göttingen 1840) 482–94; A. S. Pease *ad* Cic. *Nat. D.* 1.41 (Cambridge [Mass.] 1955) 277f; J. P. Dumont, *BullAssBudé* (1984) 260–78. For Diogenes' extensive influence on rhetorical theory at Rome, see Sohlberg (*supra* n.5) 263–77.

<sup>14</sup> *Corpus dei papiri filosofici greci e latini* (Florence 1989) I 38ff lists over 105 identified passages from Diogenes in the Herculaneum papyri, some from works not by Philodemus.

of the evidence.<sup>15</sup> The extensive remains of these works, preserved in the papyri from the (largely Epicurean) library at Herculaneum, have not been edited in their entirety since the late nineteenth century, when papyrology was still in its infancy.<sup>16</sup> Lack of a modern critical edition has prevented these often lacunose and difficult texts from receiving the study their philosophical importance warrants.

## I

We present here a new text, translation, and commentary of a fragment quoting Diogenes' account of the political expertise of the Stoic orator: *P.Hercul.* 1506 col. 8 (Sudhaus II 211=SVF III 117). This text, we shall argue, provides material evidence to settle a debate concerning the the scope and intention of early Stoic political philosophy. If our interpretation is correct, Diogenes preserves important evidence concerning the early scholars' conception of natural law, even as he attempts to revise Stoic political philosophy so as to make it comparable in scope and intention to that of his Platonic and Peripatetic rivals.

The debate in question centers in part upon the provenance of natural law—or, as the early scholars refer to it, the κοινὸς

<sup>15</sup> For Philodemus' polemic against Diogenes in *De musica* IV see Delattre (*supra* n.3) 54; for the remainder of the book, A. J. Neubecker's edition in *La scuola di Epicuro* IV (Naples 1986). The sections of Philodemus' *De rhetorica* that pertain to Diogenes include substantial portions of Book VI (*P.Hercul.* 1004) and of a *liber incertus* (*P.Hercul.* 1506), generally assigned to Book III (so G. Cavallo, "Libri scritte scribe a Ercolano," *CronErcol* Suppl. 13 [1983] 63; T. Dorandi, "Per una ricomposizione dello scritto di Filodemo sulla retorica," *ZPE* 82 [1990] 59–87 at 65ff, 69f, 79–82). New readings of some of the papyri of Book VI have been published by M. G. Cappelluzzo, *CronErcol* 6 (1976) 69–76, and of the second half of *P.Hercul.* 1506 (II 239–72 Sudhaus) by J. Hammerstaedt, *CronErcol* 22 (1992) 9–113.

<sup>16</sup> *De rhetorica*, Philodemus' longest and best-preserved work, has not been edited in full since S. Sudhaus, *Philodemi Volumina Rhetorica* (Leipzig 1902); there is a new edition of Books I–II by Francesca Longo Auricchio, *Philodemou Peri Rhetorikes libri primus et secundus* (Naples 1977); for new editions of particular columns see *supra* n.15.; for a survey of the papyri with provisional reconstruction of the latter books of the treatise see Dorandi (*supra* n.15) 59–87. Texts that pertain to Diogenes have not received a critical edition since von Arnim included some (fewer than half) of the relevant columns in *SVF* III 91–126, pp.253ff (even fragments in which Diogenes is specifically named are omitted: see e.g. Sudhaus II 99 fr. 1, 100 fr. 3). D. Blank and D. Obbink are preparing a new edition of Philodemus' *De rhetorica*.

νόμος, which is identified with the sage's right reason, prescribing conduct in accordance with nature and proscribing the opposite.<sup>17</sup> We contend that in the earliest formulation of this theory in Zeno's *Republic*, the founding work of the natural law tradition, *koinos nomos* has a far more restricted application than in the later tradition.<sup>18</sup> For Zeno, in attempting to develop a doctrine on natural justice that avoided the inconsistencies and contradictions he found in his Platonic target (*cf.* Plut. *De Stoic. rep.* 1034E–F), depicts a regime composed solely of sages, who alone possess right reason and therefore the capacity to live infallibly in accordance with the *koinos nomos*. Two considerations prove that for the early Stoics (including Diogenes, *cf.* 388f *infra*) only the sage can apprehend and follow natural law: first, the *koinos nomos* prescribes not merely *kathekonta*, which all mature human beings can at least in principle perform, but *katorthomata*, the 'perfect *kathekonta*' of which only the

<sup>17</sup> For the identification of *koinos nomos* with the sage's right reason see D.L. 7.88 (citing Chrysippus' *On Ends*); Plut. *De Stoic. rep.* 1038A (natural law is "nothing other than the sage's right reason"); Cic. *Leg.* 1.18f, 2.8. For the formula that the *koinos nomos* is right reason as applied to conduct: Cic. *Nat. D.* 1.36 (citing Zeno); D.L. 7.88 (citing Chrysippus); the exordium of Chrysippus' *On Law ap. Marcian Inst.* 1=SVF III 314; Arius 96.10ff, 102.5f; Alexander Aphrodisias, SVF II 1003.30–34; Philo, SVF III 323; Clem. Al., SVF III 332; Cic. *Leg.* 1.18f. For reconstruction of the early Stoic theory as first formulated in Zeno's *Republic* see P. A. Vander Waerdt, "Zeno's *Republic* and the Origins of Natural Law," in P. A. Vander Waerdt, ed., *The Socratic Movement* (Ithaca 1993, forthcoming); see also *supra* n.7. In his account of the Golden Age preserved by Sen. *Ep.* 90 (=Posidonius fr. 284 Edelstein and Kidd; *cf.* Kidd's *Commentary* [Cambridge 1988] II 960–71), Posidonius provides an interesting adaptation of Zeno's position in explaining the genealogy of law: the first human beings and their uncorrupted followers followed one man—the *sapiens*—as leader and law (*primi mortalium ... eundem habebant et duces et leges: Ep.* 90.4); only when vice arose, bringing with it tyranny, did there arise a need for positive laws, which originally were framed by *sapientes*.

<sup>18</sup> See Plut. *De virt. Alex.* 329A–B; for interpretation of this passage see Vander Waerdt (*supra* n.17). M. Schofield, *The Stoic Idea of the City* (Cambridge 1991) 104–11, attempts to discredit this text as a reliable source for reconstruction of Zeno's *Republic*: unjustifiably in our opinion, but details are unnecessary here because even Schofield accepts Plutarch's reference to the *koinos nomos*, the only part of his report on which we need rely, as "incontrovertibly Stoic."

sage is capable;<sup>19</sup> and secondly, Zeno restricts citizenship of his best regime, which exemplifies the way of life that accords with the *koinos nomos* (Plut. *De virt. Alex.* 329A–B), to sages.<sup>20</sup> All who lack the sage's perfectly consistent and rational disposition are incapable of living in accordance with natural law and, as Zeno remarked controversially, live as enemies to one another.<sup>21</sup> On this early Stoic view, natural law does not provide guidance to non-sages in the form of moral rules, obedience to which would constitute conduct of the standard prescribed by the *koinos nomos*. This is not to say that the *koinos nomos* does not in some sense provide a standard of conduct prescriptive of what other human beings should do and prohibitive of what they should not do. The exordium of Chrysippus' *On Law* (*ap. Marcian Inst.* 1=SVF III 314), no less than Cleanthes' assertions in his *Hymn to Zeus* (SVF I 537=Powell, *Coll. Alex.* 227ff, from Stob. *Ecl.* 1.2 [I 28 Wachsmuth]) that *Zeus* guides by the *koinos nomos* all things (line 2) and all nature's works (line 11)), both imply that his law

<sup>19</sup> See especially the citation from Chrysippus' *On Law* at Plut. *De Stoic rep.* 1037C–D, which explicitly states that natural law prescribes *katorthomata*: τὸ κατόρθωμά φασὶ νόμον πρόσταγμα εἶναι τὸ δὲ ἀμάρτημα νόμον ἀπαγόρευμα; his argument concerning the unity of virtue in *Demonstrations on Justice* (*ap. Plut. De Stoic rep.* 1041A) that “every κατόρθωμα is a εὐνόμημα and διακαλοπράγημα,” which clearly renders *katorthomata* co-extensive with the lawful; also Cic. *Fin.* 4.15; *Leg.* 2.8, 1.18f; Arius 96.10–16, 102.4–10. *Kathekonta* are actions that reason prevails upon us to do in accordance with nature and that admit a rational defense (D.L. 7.107–09; cf. Arius 85.12–15; Plut. *De comm. not.* 1069E); *katorthomata* are ‘perfect *kathekonta*’ performed by an agent who possesses the sage's rational disposition (Arius 96.18–97.14; cf. 85.18–86.12, 93.14–18; Sext. *Emp. Math.* 9.200–207); see B. Inwood, *Ethics and Human Action in Early Stoicism* (Oxford 1985) 213ff; and, for a convenient collection of evidence, see A. A. Long and D. N. Sedley, *The Hellenistic Philosophers* (Cambridge 1987) I 359–68.

<sup>20</sup> Zeno states that only sages are citizens and that there should be a community of women among sages (D.L. 7.33, 131); in his best regime citizenship is determined solely by rationality: only the virtuous may belong, and the sole basis for ties of kinship, friendship, and so forth is virtue (D.L. 7.122ff). O. Murray, *CR* 80 (1966) 369, disarms the apparent problem at Plut. *De virt. Alex.* 329A–B (πάντας ἀνθρώπους): “all” here means ‘all sages’, a view endorsed by J. M. Rist, *Stoic Philosophy* (Cambridge 1968) 64f; A. Erskine, *The Hellenistic Stoa: Political Thought and Action* (Ithaca 1990) 20, who suggests that Polyb. 6.56.10 may refer to Zeno's *Republic*. Note that Plutarch identifies “all” as the morally good at *De virt. Alex.* 329c.

<sup>21</sup> See especially the criticism of Cassius the Sceptic (D.L. 7.32ff). Schofield (*supra* n.18) 3–21 offers an elaborate hypothesis concerning the doxographical lineage of this passage, but its fragility is well exposed by B. Inwood, *Bryn Mawr ClRev* 3.2 (1992) 208–13.

enjoins conduct at which all human beings should naturally aim. But only the godlike sage can attain the standard of conduct (*katorthomata*) prescribed by natural law, since *katorthomata*, in principle inaccessible to ordinary moral progressors, depend on circumstances and therefore cannot be codified in a set of moral rules or precepts that those without the sage's perfectly rational disposition could follow and still act in accordance with natural law.<sup>22</sup> Accordingly, *koinos nomos*, as the early Stoics understand it, corresponds not to a code of moral rules but to a certain mental disposition, namely the sage's perfectly rational disposition that enables him to make the exceptions to moral precepts required by special circumstances.<sup>23</sup> Thus natural law, in the early Stoic view, provides a canon of moral conduct that only the sage—rare though he may be<sup>24</sup>—can attain and that is inaccessible to all ordinary human beings.

In restricting the provenance of natural law to sages, the early Stoic theory differs quite significantly from the traditional notion of natural law, according to which natural law prescribes conduct of which all mature human beings are capable through a code of primary and secondary moral rules. It is not our purpose here to review the philosophical considerations that led the early Stoic theory to be transformed into its now traditional form. But this transformation already appears in the fullest extant account of the Stoic theory. Cicero (*Leg.* 1) undertakes to include all mature human beings in the provenance of natural law, adapting a series of orthodox early Stoic arguments to support the unorthodox position that all human beings are capable of living according to the *koinos nomos*.<sup>25</sup> He has

<sup>22</sup> For the sage's freedom to violate positive laws see D.L. 7.121, 125; Plut. *De Stoic. rep.* 1038A, with B. Inwood, "Goal and Target in Stoicism," *Journal of Philosophy* 88 (1986) 547–56 at 553f.

<sup>23</sup> For the doctrine of special circumstances, see D.L. 7.109; and, for the test case of cannibalism, D.L. 7.121.

<sup>24</sup> According to Stoic doctrine, the sage is as rare as the phoenix, with only one or two known examples (Alex. Aphrod. *De fato* 199.14–22=SVF III 658; cf. Plut. *De Stoic. rep.* 1048E, *De comm. not.* 1076B–C; Sext. *Emp. Math.* 7.432–35; Diogenianus *ap. Eus. Praep. Evang.* 6.264b=SVF III 668; Cic. *Nat. D.* 3.79): hence Zeno's best regime could never come into existence on earth (as suggested by Plutarch's "dream or image of a philosopher's well-regulated regime"), any more than that of the Platonic Socrates (*Resp.* 529A–B, 472B–E; *Laws* 702A–B, 967D–69D; Cic. *Rep.* 2.52); see Vander Waerdt (*supra* nn.7, 17).

<sup>25</sup> This claim, implicit throughout Cicero's argument, is made explicit e.g. at 1.30: *nec est quisquam gentis ullius, qui ducem nactus ad virtutem pervenire non possit*; and it is supported by an argument in support of the proposition



revised (as argued elsewhere) the early Stoic theory of natural law to accord with the interpretation of the unity of doctrine of the *veteres* advocated by Antiochus, whom Cicero clearly identifies as the principal source for his thinking in *Leg.* 1.<sup>26</sup> More specifically, Cicero's revision renders natural law a standard of conduct attainable by all human beings, not just by sages; it is now the prescription not strictly of the sage's right reason but of the human rationality that all share.<sup>27</sup> These and related modifications radically change the orientation of the theory of natural law: whereas *koinos nomos*, as conceived by the early Stoics, presupposes an unbridgeable gulf between man's natural community, the *megalopolis* to which only sages and gods belong, and all existing communities (see 385 *infra*), the revised theory becomes a practical political doctrine of great philosophical resources that provides detailed guidance in the form of moral rules to enable all human beings to live in accordance with natural law.

This interpretation of the early form and development of the Stoic theory has not gone unchallenged among those who advocate reconstructions that assimilate the early scholars' position to that of the later tradition. It has been argued that the provenance of natural law, even in the early Stoic view, extends to all human beings and that it supplies guidance to them in the form of moral rules that, in some (rather unclear) sense, constitute the content of natural law.<sup>28</sup> This reconstruction, though

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(denied by Zeno: Cic. *Fin.* 4.56) that all human beings have a comparable natural capacity to attain virtue (1.28ff).

<sup>26</sup> See P. A. Vander Waerdt, "Philosophical Influence on Roman Jurisprudence? The Case of Stoicism and Natural Law," *ANRW* II.36.6 (Berlin, forthcoming).

<sup>27</sup> Although Cicero adheres to early Stoic formulae in his definitions of natural law in *De legibus*, identifying it with the sage's right reason (e.g. 1.18f: *ea est enim naturae vis, ea mens ratioque prudentis, ea iuris atque iniuriae regula*; cf. 2.8; *Rep.* 3.33), he then argues (1.29f) that there is no difference in kind between human beings, thus collapsing the distinction between the sage's rational disposition and that of everyone else on which the early Stoic position so crucially relies.

<sup>28</sup> P. Mitsis, "Natural Law and Natural Right in Post-Aristotelian Philosophy: The Stoics and their Critics," *ANRW* II.36.6 (Berlin, forthcoming), claims to pay close attention to the "particular historical and philosophical context" in which the early Stoics formulated their theory, but takes no account of its original formulation in Zeno's *Republic*. Since Zeno's attempt to improve the Platonic Socrates' teaching on natural justice provides the context in which the theory was first formulated, Mitsis' omission of this evidence,

consistent with some evidence for Chrysippus' position, rests mainly on conjecture and extrapolation from later sources of questionable orthodoxy.<sup>29</sup> The claim that natural law prescribes a standard of conduct achievable by ordinary human beings conflicts with several important testimonia that must feature prominently in any dossier concerning the early Stoic theory of natural law: (i) Chrysippus' statement (Plut. *De Stoic. rep.* 1037C-D) that natural law prescribes *katorthomata*, the morally virtuous actions that only sages may perform (cf. *supra* n.19);<sup>30</sup> (ii) Zeno's restriction of the citizenship of his best regime to sages, who alone can live according to the *koinos nomos*, which the way of life of his best regime exemplifies (see *supra* 360); and (iii) the early Stoic definition of the city as a group of morally good human beings united by natural law, a formulation that clearly excludes non-sages from the community of gods and sages founded in rationality and therewith from living in accordance with natural law (see 385 *infra*). The

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which tells strongly against his assimilation of the early scholars' position to that of later Stoics, seriously jeopardizes his reconstruction.

<sup>29</sup> Mitsis' central texts for the relation of *kathekonta* to natural law (Sen. *Ep.* 94f) and the invariability of certain *kathekonta* (D.L. 7.108f) do not in our opinion reliably report the views of the early scholars, though the question is complex.

<sup>30</sup> Mitsis' attempt to explain away Chrysippus' statement that natural law prescribes *katorthomata* (Plut. *De Stoic. rep.* 1037C-D) seems unconvincing; Plutarch purports to quote Chrysippus directly; and although his polemic against this position renders some details uncertain, that is no reason to discount the statement quoted at the outset. Plutarch's contradictions (pace Mitsis) may be explained simply by supposing that, in keeping with the later tradition of natural law exemplified in Cicero, he mistakenly includes ordinary human beings within the provenance of natural law contrary to Chrysippus' own view. Mitsis claims that "the *koinos nomos* gives other forms of guidance and injunctions in addition to prescribing *katorthomata*," but does not adduce a single early Stoic text supporting this conjecture. Moreover, Chrysippus' statement that *nomos* prescribes *katorthomata* rules out the possibility that mere *kathekonta* may be included in its prescriptions, for the former differ from the latter in being performed by an agent whose perfectly rational disposition renders his actions infallibly in accord with nature. Since this feature of *katorthomata* is what enables the *koinos nomos* to serve as an infallible canon of moral conduct (as the function of law is envisaged e.g. in the exordium of Chrysippus' *On Law*), it is most unlikely that the *koinos nomos* provides any form of prescription or injunction that does not meet this standard.

attempt to disarm the implications of (i) fails, and this reconstruction fails even to consider (ii) and (iii), both of which testify to a sharp distinction between sages and ordinary human beings that excludes the latter from the community of the wise.

We wish to introduce here even more explicit evidence from Diogenes (perhaps from his treatise *On Rhetoric*) that clearly demonstrates that the early Stoics, in distinguishing between the merely conventional political regimes of ordinary human beings (the *aphrones*) and the natural community of gods and sages founded in rationality, unequivocally withhold natural law from the latter. This testimony has not yet appeared in the debate,<sup>31</sup> perhaps because of the lack of a secure text. A new edition of *P.Hercul.* 1506 col. 8 (Sudhaus II 211) will, we hope, not only settle the debate sketched above concerning the scope and intention of early Stoic political philosophy, but also show that careful attention to Diogenes' work can throw new light on the reconstruction of early Stoic philosophy and its late Hellenistic development.

Some preliminary remarks will establish the philosophical context of Diogenes' discussion. Philodemus aims to clarify in *De rhetorica* the long-standing problem of whether rhetoric is a *techne*.<sup>32</sup> Although it is uncertain whether Epicurus or other early members of his school distinguished different species of rhetoric,<sup>33</sup> Philodemus (*Rhet.* II, in opposition to another view

<sup>31</sup> Noted by Mitsis (*supra* n.28: n.45) only as evidence that tells against his reconstruction of the Stoic theory; see also M. Isnardi-Parente, "La politica della stoa antica," *Sandalion* 3 (1980) 67–98 at 82ff, 89.

<sup>32</sup> On this debate within the Epicurean tradition see M. Ferrario, "La concezione della retorica da Epicuro a Filodemo," *Proceedings of the Sixteenth International Congress of Papyrology* (Chico 1981) 145–52; A. Angeli, "L'esattezza scientifica in Epicuro e Filodemo," *CronErcol* 15 (1985) 63–84 at 73ff; J. Barnes, "Is Rhetoric an Art?" *darg Newsletter* (University of Calgary) 2 (1986) 2–22; D. N. Sedley, "Philosophical Allegiance in the Greco-Roman World," in Griffin and Barnes (*supra* n.6) 97–119; F. Longo Auricchio, "Frammenti inediti di un libro della Retorica di Filodemo (PHerc. 463)," *CronErcol* 12 (1982) 67–83, and "Testimonianze della 'Retorica' di Filodemo sulla concezione dell'oratoria nei primi maestri epicurei," *CronErcol* 15 (1985) 31–61.

<sup>33</sup> Philodemus concedes (*Rhet.* II=*P.Hercul.* 1674 col. 34.28–31) that most of what the early Epicureans wrote about rhetoric had concerned not sophistic rhetoric but political rhetoric, which on Philodemus' interpretation of their position is not an art and therefore does not support his case, the difficulties of which are well brought out by Sedley (*supra* n.32: 108–17).

current within this school) argues that deliberative and forensic species of rhetoric do not constitute an art, but epideictic—Philodemus’ “sophistic”—rhetoric does (*Rhet.* 43.26–52.10). To support this position, Philodemus rehearses in considerable detail the views of other philosophical schools, among which the Stoic has pride of place. Taking Diogenes as the Stoic spokesman, Philodemus extensively attacks his views that rhetoric is identical with the political art and that only the philosopher who possesses certain knowledge and therewith all virtues is the true rhetor.<sup>34</sup> Although Diogenes’ denial of any independent status for epideictic rhetoric presumably motivates Philodemus’ polemic, he ranges far beyond this particular point and preserves important evidence for Diogenes’ position on the moral and political problems that the study and teaching of rhetoric raises.

## II

### *Text*

The opening lines of the fragment are lost; the subject of lines 2f must be recovered from the column’s internal logic. The new text and translation with papyrological and philosophical commentary reads as follows (note that a lunate *sigma* has been retained where the reading of *sigma* is not confirmed by context).

*De rhet.* III (ὑπομνηματικόν) col. 8=Sudhaus II 211 (=Diogenes  
Babylonius fr. 117 von Arnim)  
Fontes: *P.Hercul.* 1506, *N*, *O* + *N* 240 fr. 11 inf.

	[
	.. ]ε[ . . . . . ]ε[ . . ] ὅτι τὸν π[ο-
	λιτικ]ὸν [ἄ]ρχειν ἀεὶ ἀ[πάσας
	τ]ὰς κατὰ πόλιν ἀ[ρχὰς . . . ]
5	. . . . . ]νης[ . . . ]α[ . . . . . ]

<sup>34</sup> See esp. *Rhet.* II, pp.283f, fr. IV.3–11 Sudhaus; cf. *SVF* III 120, 124, pp.243f. Diogenes’ position on rhetoric has much in common with the views placed in the mouth of Crassus (Cicero’s teacher of rhetoric: *De Or.* 1). The early Stoics’ unique and distinctive perspective on the art of rhetoric has not (in our opinion) been properly understood. C. Atherton, “Hand over Fist: The Failure of Stoic Rhetoric,” *CQ* N.S. 38 (1988) 392–427, accepts uncritically the hostile perspective presupposed by some later sources. Attention to the evidence of Diogenes for reconstruction of the early Stoic position on rhetoric leads to a different appraisal of their project.

. . . . .]τεν [ . . . . . ]  
 — . . . . ]ιν αὐτῶν [ . . . . . ]  
 τως οὐ μόνον [ . . . . . ]  
 ν[ . ]αν φρόνησιν ἐξ[ . . . . . ]  
 10 ἴν, οὐδὲ μόνον ἀγα[θ]ός ἐσ-  
 τιν ἄδιαλεκτικός καὶ γραμματικὸς καὶ  
 ποιητὴς καὶ ῥήτωρ καὶ τελέως  
 μεθοδικὸς {c} καλὸς ἐπὶ πά-  
 15 σα[ι]ς [γ]έγον[εν] ταῖς τέχν[αι]ς,  
 ἀλλὰ καὶ, πρὸς τῷ συμφέ-  
 ροντι, τῶν πόλεων [οὐδὲ τοῖς  
 οἰκοῦσι τ]ὰς Ἀθήνας [μό]νο[ν  
 — ἢ Λακεδαιμόνα συμπ[ο]λιτεύει.  
 20 ἀ[φρ]όνων γὰρ πόλις [οὐκ ἔσ-  
 τιν οὐδὲ νόμος, ἀλλὰ τῶν  
 ἐκ θεῶν καὶ σοφῶν συστημά-  
 των καὶ ἀληθ]ῆς εἶν[αι] λέ-  
 γεται] καὶ στρατηγὸς κ[αὶ] κα-  
 25 τ]ὰ γ[ῆ]ν καὶ κατὰ θάλα[τταν  
 κα]ὶ ταμίας καὶ πράκτ[ωρ καὶ  
 τ]ὰς ἄλλας κατὰ τρόπον [οἰκο-  
 νομεῖν ἀρχάς, ἐπειδὴ [τὸν  
 πολιτικὸν ἐξ ἀνάγκης  
 δεῖ καὶ τὴν ἀπάντων τ[ο]ύ-  
 30 — των ἔχειν ἐπιστήμ[ην].”  
 οὐ μὴ[ν] ἀ[λλ]’ εἰ δεῖ κΑΙΝΕ[ . .  
 ΤΑ ΠΑΡΕ[ . ] Η ΔΕΙΚΝΥΣΘΑΙ

1 initio unus quidem versus deest 2–4 O 1506 (vestigia exigua in  
 pap., deest N) + N 240 fr. 11 inf. 2–3 ὅτι τὸν π[ N 240fr. 11 inf.  
 π[οιλιτικ]ὸν Su. 3 ]ον [ἄ]ρχειν α[ O 1506= ]χειν αἰὲ Δ[ N 240 fr. 11 inf.  
 ἀ[πάσας Ar. : αἰὲ λέγει Su. 4 τ]ὰς κ[α]τὰ πόλιν ἀ[ O 1506= ] κατὰ  
 ΠΟΛΛΑ[ N 240 fr. 11 inf. ἀ]ρχάς suppl. Su. 5 ΝΗC O : ΗΝΓ N : ΝΗ[  
 pap. 6 ]τεν O : ] . οτε[ pap. : ]τε[ N inter 7 et 8 paragraphus pap.  
 9–10 ἐξ[ορώσει]εν Su. 10 μόνον emendavit Su. : μονος pap. 10–11  
 ἐσ[τιν] Su., τιν pap. 11 διαλεκτικός sscr. pap. 12 ποιητὴς Su.  
 τε[λείως Ar., sed spatium longius : τε[λος Su. 13 {c} delevimus  
 μεθοδικὸς suppl. Su. : ΔΙΚΟΣΚΑΛΟΣ pap. 13–14 suppl. Su. 14  
 α.[.]ΕΧΟΝ[.] pap. 15–18 fere omnia suppl. Su. post πόλεων Su., post-  
 ροντι interpunximus 18 συμπ[ο]λιτεύει Ar. : συμ[ . ]ΔΗ[ pap. :  
 CΥΜ[...].ΕΝ O : συμ[ .. ]ΔΗ N : σύμ[φέρει] ἐν Su., qui post σύμ[φέρει  
 interpunxit inter 18 et 19 paragraphus pap. 19 ἀ[φρ]όνων Ar. :  
 [φι]λ[οσ]ό[φ]ων Su. πόλις Longo : πολικ[ pap. : πολίσ[ματι Su.,  
 spatium longius [οὐκ] suppl. Ar. 19–20 ἐσ]τι[ν] Su., ]τιν pap., ]τ[ O

20 τῶ[ν nos : τ[ pap., O : τ .[, ω/o N : τῶ[ι Ar. : τό [τε]λέκ Su.  
 21–22 συστημάτων Su. : συστ[...]|τῶ.και pap. : συστήματα O :  
 συστήματι Ar. : 22 [ῆ] suppl. Ar. τα[...]|εc O : τὰ[ληθ]ές suppl.  
 Su. qui post εc interpunxit 22–23 [λέγεται] Ar. : εἶν[αι δὲ ἰ  
 μέλλει] Su. 23–24 [καί]τὰ [γῆ]ν Su., ]αγ[ . ]ν pap. 24 fin.  
 θάλα[τταν Su. 25 πρά[κτωρ καὶ Su., πρακτ[ pap. 26–27  
 οἰκο]νομεῖν Su. 27 [τὸν Su. 29–30 τ[οῦ]των Su., τ[ . ]υτων pap.  
 30 ἐπιστήμ[ην Su. inter 30 et 31 paragraphus pap. 31 οὐ μὴ[ν] ἀ[λλ']  
 εἰ Su. 32 ]Ἡ vel ]Α pap., O δείκνυσ[θαι Su.

### Translation

“[gap of 6–8 words] that the statesman always fills all offices in the city [gap of 10–12 words] not only [gap of 2–3 words] prudence [gap of 2–3 words]. And he is not only a good dialectician and grammarian and poet and orator, and perfect in method, having become good at all the arts, but also, in addition to (that kind of) practical utility, he shares in the government of cities, and not only with those inhabiting Athens or Lacedaemon. For among the foolish there exists no city, nor any law, but in the confederacy made up of gods and sages he is even truly called general and admiral, treasurer and collection agent, and he is said to administer the rest of the offices in like fashion, since the statesman must of necessity have knowledge of all these matters. But even so, if one must point out [text breaks off]”

### Commentary

The papyrus is preserved as fragment 8 of *P.Hercul.* 1506 (for details of the papyrus, see now Hammerstaedt [*supra* n.15] 12f). For places where the much-corrupted original is deficient, we have the witnesses of the nineteenth-century copies (*disegni*) in *N*(aples) and *O*(xford). An engraved facsimile of *N* is reproduced in *Herculanensium voluminum quae supersunt*, Collectio altera, vol. 3 (Naples 1864) fol. 21. This portion of *On Rhetoric* is also preserved in a second, revised copy (*P.Hercul.* 240: see Sudhaus, app. crit. p.210; Dorandi [*supra* n.15] 79ff), of which fr. 11 contains part of the opening three lines of the present column. Our text amalgamates the readings of the four witnesses, taking the original papyrus of *P.Hercul.* 1506 fr. 8 as our primary control. In the apparatus criticus we report the readings of the apographs only when the reading is uncertain and the original papyrus deficient. In general we do not report earlier conjectures that are ruled out on palaeographical grounds.

It has been conjectured that the fragment derives from Book III of Philodemus' *Περὶ ῥητορικῆς* (see *supra* n.15). The general context can be ascertained from the immediately preceding columns (6–7), which are known to link continuously with the present column (8), and the following column (9) that contains Philodemus' response. Under discussion are the views of Diogenes of Babylon (quoted by name in col. 6) on the rôles of the philosopher and statesman in the governance of the city, and his capacity for expertise in arts beneficial to the city. In the present passage (in direct quotation, probably introduced by *φασί* in col. 7) Diogenes' views are presented in a negative light for his lavish claims that the philosopher is exclusive master of all such arts (rhetoric included). Although he may agree in spirit or on certain points with Diogenes (lines 31f, and the following col. 9 containing Philodemus' response) about the proficiency of the wise, Philodemus holds political and forensic rhetoric to be the special province of (non-philosophic) politicians, and maintains that only epideictic rhetoric is the exclusive province of the philosopher and thus systematically teachable as a science. This view has already been stated in earlier portions of the treatise and is presupposed by the present passage.

1: One line is missing from the beginning of the column (see Sudhaus, app. crit.). Its traces are preserved in *P.Hercul.* 240 fr. 11, which spans the division between columns 7 and 8 in *P.Hercul.* 1506. This brings the number of lines in the column to a total of 32; the columns of *P.Hercul.* 1506 vary between 30 and 33 lines. Diogenes' quotation was probably introduced in col. 7, where he is already directly quoted; the remains of lines 5ff do not suggest that a quotation began here and certainly not in 8f, as the finite verbs throughout (preserved intact in line 10) render indirect quotation unlikely. The position reported must be Diogenes': no one else is quoted in the surrounding columns, whereas Diogenes is cited by name at col. 1.28 (p.203 Sudhaus), 6.10 (p.208), 12.24 (p.216), and views independently attributed to him are discussed throughout.

3: Sudhaus' restoration τὸν πολιτικόν is supported by *P.Hercul.* 240 fr. 11, which at this point reads ὅτι τὸν π[. This in any case rules out von Armin's τὸν σοφόν. It is fair to say that ὁ πολιτικός is probably the subject of the predicate nominatives in lines 10ff and of γέγον[εν in 14. It must also be the grammatical subject of the verb in 22 and the subject (dependent upon δεῖ in line 29) of οἰκο]νομεῖν in lines 26f. By lines 22–27 it has ap-

parently become necessary to repeat ὁ πολιτικός (in the accusative in 28) in order to specify that it is the subject of the ἐπειδή clause at 27–30. Also relevant in this connection are the σοφοί of line 21. But it is probably the case that for Diogenes' purposes ὁ πολιτικός and ὁ σοφός are identical; only the wise (σοφός) man is truly πολιτικός, as is directly implied by 19–22 and 27–30.

4: [ἄ]ρχειν ἀεὶ ἀ[πάσας τ]ὰς ... ἀ[ρχάς: a cognate accusative: Hdt. 3.80, Thuc. 1.93, and in epigraphical documents. The infinitive ἄ]ρχειν is introduced by ὅτι in line 2. Philodemus often uses ὅτι (=quod) with subject accusative and infinitive where we would expect the indicative or optative in classical Attic: cf. Philod. *Rhet.* 1.39.11; 1.78.4; *De oec.* col. 9.38, 36.43; so also Thuc. 3.25, Xen. *Cyr.* 1.3.13. *P.Hercul.* 240 fr. 11 preserves here ]χειν ἀεὶ Δ[. If Δ here is (as seems likely on resemblance of letter shapes) the mistake of the *disegnatore* for an original A, von Arnim's restoration ἀ[πάσας can be retained. The claim that the Stoic statesman/sage will hold *all* offices, although unparalleled elsewhere, is supported by lines 13f πάσαις τέχν[αι]ς and the list of offices in lines 23–27 (clearly intended to encompass *all* offices: lines 25f καὶ ἡ τ]ὰς ἄλλας); the Stoic ruler is to have certain knowledge of all of them: 29f δεῖ καὶ τὴν ἀπάντων τ[ο]ύτων ἔχειν ἐπιστήμ[ην]. This position is a coherent extension of the early Stoic claim (attributed to Chrysippus' *On Zeno's Proper Use of Names*: D.L. 7.122=SVF III 697) that the sage alone is capable of kingship, and fit to be ruler, magistrate and rhetor: οὐ μόνον δ' ἐλευθέρους εἶναι τοὺς σοφούς, ἀλλὰ καὶ βασιλέας, τῆς βασιλείας οὔσης ἀρχῆς ἀνυπευθύνου, ἥτις περὶ μόνους ἂν τοὺς σοφούς συσταίη, καθά φησι Χρῦσιππος ἐν τῷ Περὶ τοῦ κυρίως κεχρηῆσθαι Ζήνωνα τοῖς ὀνόμασιν· ἐγνωκέναι γάρ φησι δεῖν τὸν ἄρχοντα περὶ ἀγαθῶν καὶ κακῶν, μηδένα δὲ τῶν φαύλων ἐπίστασθαι ταῦτα. ὁμοίως δὲ καὶ ἀρχικούς δικαστικούς τε καὶ ῥητορικούς μόνους εἶναι, τῶν δὲ φαύλων οὐδένα. The similarity with the present passage places Diogenes' argument in this column firmly in the context of early Stoic views on the political expertise of the sage. Cf. also Olymp. *In Pl. Alc.* p.55 Creuzer, p.37 24f Westerink (SVF III 618) ὁ ἀρχικός, τουτέστιν ὁ εἰδὼς ἄρχειν, μόνος ἄρχων ἐστίν; Procl. *In Pl. Alc.* p.164 Creuzer, p.75 Westerink (SVF III 618) μόνος ἄρχων ὁ σπουδαῖος, μόνος δυνάστης, μόνος βασιλεύς, μόνος ἡγεμῶν πάντων, μόνος ἐλεύθερος, of which the present passage may be a summation, in anticipation of the list at 23–27,



where ἀρχάς appears again as an internal accusative in just this sense of “offices.”

4: [τ]ὰς κατὰ πόλιν ἀ[ρχάς: the apograph of *P.Hercul.* 240 fr. 11 reads here κατὰ ΠΟΛΛΑ[, which, given the correspondence exhibited in the preceding lines with *P.Hercul.* 1506 fr. 8, is very likely to be a misreading of ΠΟΛΙΝ or ΠΟΛΙΝΑ. *P.Hercul.* 1506 here reads κ[.]ΑΤΑ- ΠΟΛΙΝΑ[.

7: A *paragraphos* appears in the margin after this line to mark syntactical division: cf. lines 18, 31. Thus a new complete sentence begins here.

8–9: Sudhaus’ restoration [τὴν κατὰ φιλοσοφί]αν φρόνησιν seems unnatural (is there another kind of φρόνησις?). The trace preserved on the papyrus is most compatible with Ν: the first upright is clearly visible, followed by the top of the diagonal sloping to the right. This suggests a noun ending in -ν[ί]αν.

9–10: Sudhaus was in any case right that, according to the rules of syllabification followed by the scribe, the word at the end of line 9 must be syllabically divisible between two vowels, for line 10 begins with a vowel and is not the beginning of a word (unless line 10 began with the particle ἄν, a possibility suggested by D. N. Sedley, though this is not recommended by line 8, where οὐ must negate an indicative verb). The syntax in any case is not in doubt: “Not only (does the sage excel) as regards φρόνησις, nor again is he only good as x, y, and z (lines 10–14), but in fact....”

10: The papyrus clearly reads ΜΟΝΟΣ; Sudhaus first emended this reading to the adverb μόνον, which receives some support from the parallel construction in lines 8f οὐ μόνον; cf. also 16f [οὐδὲ ... μόν]ο[v. If ΜΟΝΟΣ is corrupt, it was already so in the original papyrus, and it is possible (as suggested by F. Longo Auricchio) that the scribe mistakenly corrected an original μόνον to μόνος by attraction to the following nominatives. The original reading μόνος could, however, be maintained, with a slight alteration in emphasis: “Nor (only) is the wise person *alone* a good dialectician, (nor alone) a good grammarian, (nor alone) a good poet, but also....” D. N. Sedley recommends keeping μόνος because of the familiar form of the Stoic paradoxes, that the sage *alone* is king, and suggests to us the reading οὐδὲ μ(όνον μ)όνος, as an easy omission accounting for the corruption. T. Dorandi (per litteras) also expressed doubts over the certainty of Sudhaus’ emendation.

11: διαλεκτικός: at first omitted by the scribe, then corrected in supralinear. The Stoics regard dialectic as an *ars* or τέχνη, an

art or craft pursued systematically, teachable and capable of certain knowledge (though only by the Stoic sage). So Alex. Aphr. *In Arist. Top.* p.1.8 Wal. (SVF II 122) μόνος ὁ σοφὸς κατ' αὐτοῦς διαλεκτικός; D.L. 7.83 (SVF II 130) διαλεκτικὸν μόνον εἶναι τὸν σοφόν. Dialectic and rhetoric (*cf.* 12 ῥήτωρ) together make up the logical part of Stoic philosophy (see D.L. 7.43–48, 49–83). It is not entirely clear where grammar and poetry fit into this division (*cf.* 11 γραμματικός, 12 ποιητής). The four τέχναι catalogued in the present passage (dialectic, grammar, poetry, and rhetoric) might be seen as an independent division (attributable to Diogenes?) of the logical part of Stoic philosophy, since it is implied in 13f that they are all τέχναι in the sense just defined. In any case (ἀγα[θ]ός) διαλεκτικός and γραμματικός (note the absence of the article) are clearly substantive adjectives functioning as nouns to indicate technical proficiencies of the Stoic sage and parallel the nouns ποιητής and ῥήτωρ in 12, *i.e.*, “a dialectician” and “a grammarian” rather than, say, predicate adjectives with ἐστίν, “trained in dialectic” or “skilled in grammar”).

γραμματικός: Diogenes' claim that the sage will necessarily be a good grammarian (or the only one) is apparently without parallel (but *cf. ad* 12 *infra*, where it is attested that he will be a good literary/textual critic: κριτικός). The technical profession of the γραμματικός was in any case not as socially opprobrious as that of a γραματοδιδάσκαλος or ‘school teacher’, and much more highly compensated (R. A. Kaster, *Guardians of Language: The Grammarian and Society in Late Antiquity* [Berkeley 1988] 114–23, esp. 119 n.101, shows that the γραμματικός regularly was paid *four times* as much). But Stoic recognition of grammar as a separate discipline to be pursued systematically can be doubted, since it does not appear in the standard division of Stoic logic into dialectic and rhetoric (D.L. 7.44–48, 49–83). Nevertheless, the Stoics clearly engaged in grammatical activities and made grammatical observations in the pursuit of various other enquiries (*e.g.* into parts of speech, phonetics, the distinction between the sign and the signified) and divided dialectic into two parts, one dealing with what is (or could be) said or meant or signified (the *lekton*), and another dealing with the way the human voice is articulated to say, express, mean, or signify things (φωνή, φράσις, λέξις; D.L. 7.43, 62). Points we would regard as grammatical occur under both headings, but grammar as a separate discipline is never referred to under either heading. M. Frede (“Principles of Stoic Grammar,” in J. M. Rist, ed., *The*

*Stoics* [Berkeley 1978] 27–57 at 38=*Essays in Ancient Philosophy* [*supra* n.2] 301–37) argues that in spite of these difficulties grammar did in fact exist for the old Stoics as a separate discipline, or at least that their work in this area comes “sufficiently close to such a separate discipline.” Diogenes’ assignment here of the rôle of γραμματικός to the wise person provides some support for this view (see also Schenkeveld, *supra* n.2). For further traces of Stoic work on grammar see E. Rawson, *Intellectual Life in the Late Roman Republic* (London 1985) 117–21, who greatly overestimates (118) Stoic interest in etymology. On the status of grammar, poetry, and rhetoric as τέχναι for both Stoics and Epicureans see further Rawson 143–55; Sedley (*supra* n.32) 109–17.

12: [πο]ητής: for the claim see Plut. *De tranq. anim.* 472 A (*SVF* III 655): ἀλλὰ καὶ ῥήτωρα καὶ ποιητὴν καὶ στρατηγὸν καὶ πλούσιον καὶ βασιλέα προσαγορευόμενον; Arius 67.13 (= *SVF* III 654): μόνον δέ φασι τὸν σοφὸν καὶ μάντιν ἀγαθὸν εἶναι καὶ ποιητὴν καὶ ῥήτωρα καὶ διαλεκτικὸν καὶ κριτικόν, though Arius goes on to state that the sage will not always be good at everything: οὐ πάντα δέ, διὰ τὸ προσδεῖσθαι ἔτι τινὰ τούτων καὶ θεωρημάτων τινῶν ἀναλήψεως (“on account of his further, *i.e.* continuing, need for the acquisition of these things and certain general principles”). The position here that the sage will be a good *poet* should be contrasted with the Epicurean position on this score.

ῥήτωρ: the Epicureans certainly did not believe that the sage or statesman needed to be a good orator; this is probably the main focus of Philodemus’ interest in Diogenes’ views here; its frequent occurrence in Stoic claims for the sage’s excellence (*e.g.* D.L. 7.122, quoted *supra ad* line 4) may have recalled to him the present passage. Cf. *SVF* III 594, 622. Later in Book VI Philodemus (on which see M. G. Capelluzzo, *CronErcol* 6 [1976] 69–76) quotes Diogenes on precisely this point: *Rhet.* 1.346 Sudhaus (= *SVF* III 99).

τε[λέως: cf. in a Stoic context D.L. 7.100 (*SVF* III 83): καλὸν δὲ λέγουσι τὸ τέλειον ἀγαθὸν ... ἢ τὸ τελείως σύμμετρον.

13: [μεθο]δικός {c} καλός: the original papyrus reads ]ΔΙΚΟCCKAΛOC, which is obviously corrupt. We take ]ΔΙΚΟC as a miswriting of a word ending in -δικός and delete the repeated sigma. Sudhaus printed the emendation ὁ καλός because ]ΔΙΚΟΓCCKAΛOC was mistakenly read by N. The restoration μεθοδικός seems highly probable. It is not necessarily objectionable that Philodemus never uses this adjective personally,

since he is here quoting from Diogenes. But μεθο]δικός is not an exclusively Stoic term either, and Philodemus is at least familiar with the term and uses it in reference to the technicity of various arts, often in the expression τὸ μεθοδικὸν τῆς τέχνης: Philod. *Rhet.* 1.23.12, 25.16, 41.8, 53.8, 62.24; cf 1.24.6: ἐμ[πειρία]ν | τὴν ἐν τοῖς πρά[γμασι]ν | μεθοδικήν; adverbially *Rhet.* 1.2.11, 19.6. The general sense is not in dispute, but it is tempting to restore ἀντί]δικος καλὸς ἐπὶ *etc.*: “and has become a formidable opponent (or advocate) in all arts”; for ἀντίδικος see Philod. *Rhet.* 1.267.9, 2.189.10; *De ira* col. 31.12.

In any case Sudhaus’ ὁ καλός is not acceptable because this is not a familiar designation for the Stoic sage (usually ὁ σοφός or φρόνιμος). In our text καλός merely reiterates ἀγαθός (line 10): “and, being perfect in method, has become good at all the arts.”

13–14: πάσα[ι]ς ... ταῖς τέχν[αι]ς: the extent of proficiency claimed for the Stoic sage in this formulation lends support to the restoration of [ἀπάσας] ... ἀρχὰς in lines 3f. The supplement πάσα[ι]ς [γ]έγον[εν] ταῖς τέχν[αι]ς is due to Sudhaus. The papyrus reads ΠΑΙΣΑ[.]ΕΧΟΝ [..] (or ΕΧΕΙΝ[..]) ταῖς κτλ., which is very close to the reading of O. But N read ]ΕΧΟΝ, and unless we assume that some shifting of traces has made the Γ of γ]έγον[εν] subsequently uncertain, Sudhaus’ supplement adopted above should be regarded as an emendation of a corruption on the papyrus.

15–16: τῶι συμφέροντι must be the neuter substantive, a common Stoic term often said to be identical to τὸ ἀγαθόν and τὸ δίκαιον: *SVF* III 558, cf. I 558. R. Janko proposes (per litteras) συ[μφέροντι πάντων π]όλεων (translating “in what is to the advantage of all cities”), but this is slightly too long for the available space and renders the following clause anticlimatic. We take τὸ σύμφερον here to refer to “what is beneficial” and following a suggestion by D. N. Sedley punctuate afterwards with a comma. This has the effect of taking πρὸς τῶι συ[μφέροντι to refer back to “benefit” derived from the professions of the preceding list, in contrast to service in civic affairs in what follows. Thus τῶν] πόλεων is locative: “in cities” or “where cities are concerned.” Sudhaus and von Arnim take πρὸς τῶι συ[μφέροντι with what follows and punctuate after τῶν] πόλεων.

16–17: [οὐδὲ τοῖς | οἰκοῦσι]: the restoration of a controlling verb seems to be required by the pair of accusatives τ]ὰς Ἀθήνας and Λακε]δαίμονα, and is further secured by the parallels at Cic. *Nat. D.* 1.154 (Athenians and Spartans) and *Rep.* 3.33 (Athenians and Romans); Sen. *De otio* 4.1 (Athens and

Carthage)—though these instances are not limited to the rule of the wise, as in the the present passage. In this case the implication of saying that the sage governs jointly or shares in citizenship “*not just* in Athens or Sparta” is, of course, that the sage does so (at least theoretically) in *all* cities, or the ‘one’ (*i.e.*, ‘true’) city—the utopian Stoic *megalopolis*. The idea is a further instantiation of the claims made in lines 3f (ἀπάσας] ... ἀρχάς) and 13f ἐπὶ πόσιν ... τέχν[αι]ς. Cf. also Arius Didymus *ap. Eus. Praep. Evang.* 15.817.6 (*SVF* II 528): τὸ ἐκ τῶν ἐνοικούντων σὺν πολίταις σύστημα (quoted in full on line 21 *infra*).

18: For von Armin’s συμπολιτεύει there is at least some papyrological support from the combined readings of the papyrus, *N*, and *O*. The papyrus reads συμ[, while the Oxford apograph reads συμ (αμ *N*) followed by a lacuna of several letters in both. *N* then reads ΔΗ, which may have been a misreading of an original ΛΙΤ. *O* seems then to represent traces of several letters, followed by ΕΝ at line end (*i.e.*, an upright followed by a short diagonal sloping to the right). The discrepancy of the apographs indicates disorder in the papyrus at this juncture. Professor F. Longo Auricchio reports that the original papyrus bears traces at the end of the line that seem to represent ΔΗ. But these occur detached after a break in the papyrus and we do not consider them in every respect reliable. The reading printed above should be considered a conjectural reconstruction of the traces in *O* and *N*.

Stoics commonly claimed that the sage *rules*, and exclusively so (usually with the simple form of the verb, and always middle), not of course actually as a matter of description but at least theoretically: Arius 94.7 (*SVF* III 611) τὸ πολιτεύεσθαι τὸν σοφόν; D.L. 7.122 (quoted *supra* on line 4); Sen. *Ep.* 90.4.7 (Posidonius’ account of the rule of sages during the *saeculum aureum*); cf. Stob. *Flor.* 45.29 (*SVF* III 694). For συμπολιτεύειν in this sense with the dative see *e.g.* Thuc. 6.4, 8.47. The present locution is also strikingly paralleled in a quotation from Chrysippus at Philod. *De piet.* at *P.Hercul.* 1428 col. 7.21–27 Henrichs (*supra* n.13: 18): (κόσμον ἕνα) συνπολιτευ[ό]μενον θεοῖς ἰ καὶ ἀνθρώποις; cf. on line 21 *infra*, where the passage is quoted more fully, and Philod. *De piet.* p.81.19 Gomperz, where συμπολιτεύεσθαι (middle) means “to inhabit as a fellow citizen” (of the Athenians together with Epicurus). Cf. πολιτεύεσθαι in the sense of ‘rule’ at Philod. *Rhet.* 1.83.4, 199.17 (passive), 235.7; 2.21.16, 25.17, 39.11 (passive), 230.35, 278 fr. 19, συμπολιτευτής in

Diogenes of Oenoanda's attack on the Stoics (fr. 18 I 3.5, II 8=NF 39 Smith).

19: ἀ[φρ]όνων (von Armin) is confirmed by the papyrus and rules out Sudhaus' [φι]λ[οσ]όφων. Moreover, the papyrus shows a mark of interpunctuation between lines 18 and 19, indicating that a new grammatical constituent begins with that line (or in 18). By virtue of its initial position ἀ[φρ]όνων is emphatic. ἀφρόνες are not exactly 'fools', but rather all non-sages in the Stoic view. It is difficult to tell if the genitive is one of possession (or possibly of composition), or has a more locative sense ("among fools," as in our translation). The sense is clear enough: non-sages possess no (real) city or law—a strong claim, given the rarity of sages.

πόλις: ΠΟΛΙΣ is clearly the reading of the papyrus. Sudhaus' proposal πολί[σματος] is highly poetic and in any case too long for the available space. For the reading πόλις (virtually equivalent to πολιτεία) we are indebted to a suggestion by F. Longo Auricchio (per litteras). With πόλις cf. Arius Didymus *ap. Eus. Praep. Evang.* 15.817.6 (*SVF* II 528): ὁ κόσμος οἰονεὶ πόλις; Cic. *Nat. D.* 2.78: *urbem aliquem*; Clem. Al. *Strom.* 4.26 p.324 Stählin (*SVF* III 33: quoted below on line 21). For the language and idea see esp. Philo *De Ioseph.* 2.46 (*SVF* III 323): ἡ μὲν γὰρ μεγαλόπολις ὅδε ὁ κόσμος ἐστὶ καὶ μιᾷ χρῆται πολιτεία καὶ νόμῳ ἐνί; Origen, *c. Cels.* 4.81 (*SVF* III 368): συνεστήσαντο τὰς ἀρίστας πολιτείας καὶ τὰς ἀρχὰς καὶ τὰς ἡγεμονίας, ὧν οὐδὲν ἐν τοῖς ἀλόγοις ἔστιν εὐρεῖν. Cf. the metaphorical language in Diogenes of Oenoanda NF 39 Smith.

20–21: τῶ[ν] | ἐκ θεῶν καὶ σοφῶν (συστήματων), in antithesis (20 ἀλλά) to the genitive in 19 ἀ[φρ]όνων (rather than the change of case, τῶ[ι], proposed by von Armin); hence our restoration of the genitive article τῶ[ν]. The antithesis is thus as follows: "Among fools there is no city or law, but *among confederacies (made up of) gods and sages,*" etc. For the expression cf. Arius Didymus *ap. Eus. Praep. Evang.* 15.817.6 (*SVF* II 528): τὸ ἐκ τῶν ἐνοικούντων σὺν πολίταις σύστημα, οὕτω καὶ ὁ κόσμος οἰονεὶ πόλις ἐστὶν ἐκ θεῶν καὶ ἀνθρώπων συνεστῶσα (quoted in full below on line 21). See further below (377) for the early Stoic restriction of the provenance of natural law to the community of sages.

21: (τῶ[ν] | ἐκ θεῶν καὶ σοφῶν) συστημάτων: Diogenes' wording (for which this is the earliest attestation) is reflected rather closely in the doxographical tradition: Arius Didymus *ap. Eus. Praep. Evang.* 15.817.6 (*SVF* II 528): λέγεσθαι δὲ κόσμος

καὶ τὸ οἰκητήριον θεῶν καὶ ἀνθρώπων καὶ τῶν ἕνεκα τούτων γενομένων σύστημα. ὃν γὰρ τρόπον πόλις λέγεται διχῶς τό τε οἰκητήριον καὶ τὸ ἐκ τῶν ἐνοικούντων σὺν πολίταις σύστημα, οὕτω καὶ ὁ κόσμος οἶονεὶ πόλις (“a kind of city”) ἐστὶν ἐκ θεῶν καὶ ἀνθρώπων συνεστῶσα; Cic. *Off.* 1.153; *Fin.* 3.64; *Nat. D.* 2.133, 154 (quoted below); *Leg.* 1.22; Sext. *Emp. Math.* 9.131. Remarkably close to the present text for its early Stoic wording is Philodemus’ report in *De piet.* at *P.Hercul.* col. 7.21–7 Henrichs (*supra* n.13: 18) of Chrysippus’ position in *On Nature* 3: ἐν δὲ ἰ τῷ τρίτῳ τὸ ν’ κ[όσ]μον ἓνα τῶν φρολίμ[ω]ν, συνπολιτευ[ό]μενον θεοῖς καὶ ἀνθρώποις (“In the third book he [*sc.* Chrysippus] says that the universe of the wise is one, jointly governed by gods and humans” or: “citizenship of it being held by gods and humans together”; on the translation see Schofield [*supra* n.18] 74 with n.19, who also points out its echoes of Heraclitus fr. 53). Cf. Cic. *Nat. D.* 2.78: *rationis compotes inter seque (sc. deos) quasi civili conciliatione et societate coniunctos, unum mundum ut communem rem publicam atque urbem aliquam regentis*, where *unum mundum* translates an original κόσμος ἓνα, but *urbem aliquam* renders an original πόλις τις, comparable to πόλις without the article in the present text, as contrasted with the plural τὰ συστήματα (probably a generic or abstract formulation more or less equivalent to the singular). So also Clem. Al. *Strom.* 4.26 p.324 Stählin (*SVF* III 333: Chrysippus): σπουδαῖον γὰρ ἡ πόλις καὶ ὁ δῆμος ἀστεῖόν τι σύστημα καὶ πλῆθος ἀνθρώπων ὑπὸ νόμου διοικούμενον (but cf. Philo *De Ioseph.* 2.46 [*SVF* III 323]: ἡ μὲν γὰρ μεγαλόπολις ὅδε ὁ κόσμος ἐστὶ καὶ μιᾶ χρῆται πολιτεία καὶ νόμῳ ἐνί). Also related to the locution with the indefinite pronoun are those passages in which the universe is said by Stoics to be “as it were” (οἶονεὶ, ὡσάνει, *quasi*) a city: e.g. Arius Didymus *ap. Eus. Praep. Evang.* 15.817.6 (quoted above); M. Aurelius *Med.* 4.3.2, 4.4; Cic. *Fin.* 3.64; *Nat. D.* 2.78 (quoted above), 154: *est enim mundus quasi communis deorum atque hominum domus, aut urbs utrorumque*.

Many, if not most of these passages name *humans* (not sages) and the gods as inhabitants. But there is a lingering idealized, utopian quality in the conception of a polity in which the inhabitants are thought to share in joint government or citizenship with *gods*. And unlike the present text, none of the extant parallel passages (listed above) are ascribed to early Stoic authorities or reported in direct quotation, except Chrysippus’ restriction of habitation to φρόνιμοι in *On Nature* 3. It is note-

worthy that the present text, one of the two earliest formulations, represents this polity as consisting of gods and *sages*. The doxographical tradition easily conflated the early Stoic σύστημα θεῶν καὶ σοφῶν (or φρονίμων) ἀνθρώπων into σύστημα θεῶν καὶ ἀνθρώπων of the later tradition. (See Vander Waerdt [*supra* n.26] for some considerations that led Cicero to adopt a similar revision of the early Stoic position). The point, in its original early Stoic formulation, would be that the multiplicity of political organizations possessed by ordinary peoples are for the most part ad hoc conventional measures that are at best imperfect approximations of real government; the only real political institution that meets the standard explicit in Chrysippus' definition of the city (*SVF* III 333, quoted above) is that which exists as a cosmic unity composed of gods and sages. For further substantiation of an early Stoic pedigree for the idea see Philod. *De Stoic.* col. 20.4ff (Dorandi [n.36 *infra*] 103: δεῖν ... καὶ μή[τ]ε ἢ πόλιν ἡγεῖσθαι μηδμίαν ὧν ἢ ἐπιστάμεθα μήτε νόμον ("it is their [*sc.* the Stoic] view that we should not think any of the cities or laws we know to be a city or a law"); Diogenianus *ap.* Eus. *Praep. Evang.* 6.264 B (*SVF* III 324) addressing Chrysippus: πῶς δὲ τοὺς κειμένους νόμους ἡμαρτήσθαι φῆς ἅπαντας καὶ τὰς πολιτείας; ("How is it that you say that all laws that have been posited and all constitutions are in error?"); and Clem. Al. *Strom.* 4.26 p.324 Stählin (*SVF* III 333: Chrysippus, quoted above): "The Stoics say that the universe is in the proper sense a city, but that those here on earth are not—they are called cities, but are not really. For a city or a people is something morally good, an organization (σύστημα) or group (πλῆθος) of people administered by law that exhibits refinement (ἀστεῖον)."

21–22: συστημάτων καὶ: Professor Longo Auricchio reports that the papyrus indeed reads ΤΩ.ΚΑΙ at the beginning of 22, thus confirming the supplement of Sudhaus (as against von Armin's). O read συστηματα[.]και, which is certainly not right, given the syntax here. And the parallels listed on 21 indicate that there is only one such entity, which suggests that the plural συστηματα here is a generic or abstract formulation common with neuter plurals and equivalent to a singular. Possibly it was attracted into the plural because of its responson in the contrast to ἀ[φρ]όνων in 19. Here σύστημα has the sense of 'organization' or 'confederacy', but with overtones of its technical epistemological sense in Stoicism as a rational and logically interrelated structure of parts. Carneades also used the term in reference to his own method, as we know from a citation of Clitomachus at Cic.



*Acad.* 1.102, where Cicero rendered it as *institutio et quasi disciplina*.

22: τὰ[ληθ]ές (Sudhaus): τὸ ἀληθές is common in the adverbial sense 'in very truth' (e.g. Pl. *Phdr.* 102B). In any case, von Armin's emendation βα[σιλ]ε(ύ)ς is palaeographically unsupported, for the omission of the *upsilon* is left entirely unmotivated, and the supplement is far shorter than the available space; βασιλεύς is of course familiar enough from earlier Stoic claims of this sort (cf. D.L. 7.122= *SVF* III 697, quoted in full on 4): οὐ μόνον δ' ἐλευθέρους εἶναι τοὺς σοφοὺς, ἀλλὰ καὶ βασιλέας, τῆς βασιλείας οὐσης ἀρχῆς ἀνυπευθύνου.

What follows is a list of existing political offices in the *cursus honorum*, no doubt reflecting Diogenes' special interest in magistrates as attested by Cic. *Leg.* 3.13. In each of the offices here enumerated the Stoic sage will exercise his expertise, complementing the equally comprehensive catalogue of τέχναι at lines 10–14 in which he is claimed to be expert. The division in this passage between the two separate lists (lines 10–14, 23–30) may be significant: it is partly due to his expertise in each of the τέχναι listed in 10–14 that the sage can claim to hold all magistracies. By the early first century B.C. many prominent Romans who were generals were also orators; some even had poetic aspirations (Cicero, Gallus). Not a few were versed in grammar (Caesar, Varro); a select few seem to have taken an interest in dialectic (see Rawson [*supra ad* 11] 132–42). But it is difficult to see how any of the disciplines named in line 10–14 are necessary for, or conducive to, say, a career as a *collection agent* (25: πράκτωρ). We would like to know how many offices Diogenes named (25f: τὰς ἄλλας) in his work on magistracies and what he in fact said about each. The closest parallel to Diogenes' catalogue of the sage's τέχναι is the Posidonian account of philosophy's discovery of the *artes* preserved in Sen. *Ep.* 90 (=Posidonius fr. 284 Edelstein and Kidd). Posidonius does not broach the subject of civic offices, no doubt in part because he holds that the sage ruled without law in man's original, uncorrupted condition, but he clearly attributes discovery of such arts as house-building, tool-making, and metallurgy (*Ep.* 90.7–13) to sages; Seneca's objections to these lavish claims (some of which may involve misrepresentation of Posidonius' position: see Kidd [*supra n.*17] 960–71) parallel those introduced by Philodemus in response to this passage of Diogenes.

22–23. [λέγεται]: von Armin's restoration is resonant of similar expressions introducing the preeminence of the Stoic sage: see e.g. Plut. *De tranq. anim.* 472A (SVF III 655, quoted more fully on 23): στρατηγὸν καὶ πλούσιον καὶ βασιλέα προσαγορευόμενον: he will “be called,” “be addressed as,” lending the inflated impression of public and deserved recognition. Such expressions probably reflect an attempt to support rhetorically the true basis of the sage's claim to excellence.

23: στρατηγός: the technicality of generalship, of course, had been a point of philosophical dispute as early as Plato's *Laches* and Xenophon's *Anabasis*. It was now held and now denied that being a successful general was an art or skill that could be acquired or learned by just anyone, at least in large part. The Stoics certainly conceded it to be a τέχνη in the strict sense, nor did they have any doubts about who alone was qualified to serve as general: see e.g. Plut. *De tranq. anim.* 472A (SVF III 655): ἀλλὰ καὶ ῥήτωρα καὶ ποιητὴν καὶ στρατηγὸν καὶ βασιλέα προσαγορευόμενον; Clem. Al. *Strom.* 1.25f p.104.11–105.14 Stählin (SVF III 332): μόνον γοῦν τὸν σοφὸν οἱ φιλόσοφοι βασιλέα, νομοθέτην, στρατηγόν, δίκαιον, ὄσιον, θεοφιλῆ κηρύττουσιν. The claim that the sage alone will be general was said to be the Stoic Persaeus' favorite Zenonian doctrine: Plut. *Arat.* 18 (SVF I 223a, cf. 443 [Zeno]: ὕστερον δὲ λέγεται σχολάζων (sc. Persaeus) πρὸς τὸν εἰπόντα μόνον αὐτῷ δοκεῖν στρατηγὸν εἶναι τὸν σοφόν, “ἀλλὰ νῆ θεοῦς, φάναι, τοῦτο μάλιστα κάμοι ποτε τῶν Ζήνωνος ἤρεσκε δογμάτων.”

στρατηγός also=praetor at Polyb. 3.106.6, 33.1.5 (of the *praetor urbanus*); Dion. Hal. *Ant. Rom.* 2.6; Arr. *Epict.* 2.1.26; IG XIV 951 (I B.C.): στρατηγός κατὰ πόλιν. But it is also used alone in Greek to designate a Roman consul: Polyb. 1.7.12; *Syll.*<sup>3</sup> 685.20 (Crete, II B.C.).

23–24: (στρατηγός) κατὰ θάλα[τταν, i.e., admiral (ναύαρχος).

25: ταμίας=quaestor (Dion. Hal. *Ant. Rom.* 5.34; *Syll.*<sup>3</sup> 700 [Lete, II B.C.]), i.e., a treasurer or paymaster, responsible for any corporation's expenditures. In contrast, a πράκτωρ (=exactor) is not a tax-collector but a (government) collection agent or bailiff responsible for receipts. So ταμίας καὶ πράκτωρ probably should be taken together as a pair in tandem with the pair “both general and admiral” (lines 23f). The πράκτωρ is especially associated with civic debts at the local level: see H. J. Mason, *Greek Terms for Roman Institutions: A Lexicon and an Analysis* (Toronto 1974); F. Preisigke, *Wörterbuch der griechischen Papyrusurkunden* III.2 (Berlin 1929) 144ff with numerous

instances from Ptolemaic and Roman Egypt. The position is not terribly distinguished, nor very high in the *cursus honorum*. The original point (assuming that Diogenes discussed these offices) may have been that the πολιτικός can manage all the financial affairs of the city (perhaps a move against decentralization and specialization of responsibilities under provincial administration?).

26–27: [οἰκο]νομεῖν ἀρχάς: cf. 3–4 ἄ[ρχειν ... ἀ[ρχάς. As political offices, ἀρχαί correspond to those Roman *honores* in contrast to the less coveted *munera* (λειτουργία).

27–28: [τὸν] πολιτικόν: Philo *De Ioseph.* 39 (IV 69f Cohn =SVF III 323): δι' ὧν μάλιστα παρίσταται τὸν αὐτὸν οἰκονομικὸν τε εἶναι καὶ πολιτικόν; part of the same discussion as the present passage, Philod. *Rhet.* 2.226 (SVF III 125): ὥστε] πῶς πολι[τικὸς οὐκ] ἔσ[τα]ι ῥήτωρ χω[ρὶς] φιλ[οσο]φίας;

### III

This text provides our most extensive account of the Stoic sage's political expertise when called upon to rule in inferior regimes.<sup>35</sup> It significantly augments our knowledge of early Stoic political philosophy, while illustrating as well some of the innovations Diogenes introduced to make their position comparable in scope and intention to that of his Platonic and Peripatetic rivals. In the commentary below we attempt to explain both Diogenes' argument in this passage and its importance for the development of Stoic political philosophy.

In certain respects Diogenes' argument clearly follows the orthodox lines laid down by Chrysippus. Thus Diogenes' lavish

<sup>35</sup> Evidence for early Stoic reflection on the sage's participation in practical politics is surprisingly scanty, not least because Plato's *Republic* is such a prominent target for Zeno and Chrysippus. The remains of Zeno's *Republic*, presumably in keeping with its utopian character, are silent on this question; Chrysippus holds that "the sage will take part in politics if nothing prevents it ... for he will restrain vice and encourage virtue" (*On Lives* 1=D.L. 7.121), and traces of this account may be found in Arius 94.8–17, 109.10–20, 111.3–9, 143.24–144.21 (on the relation of Arius' testimony to Chrysippus' see P. Moraux, *Der Aristotelismus bei den Griechen* [Berlin 1973] I 412ff), as well as in SVF III 691–93; see also Cic. *Fin.* 3.68; Sen. *De otio* 3.2, *Ep.* 90.4–7; and, for an appraisal of Chrysippus' advocacy of political action, Vander Waerdt (*supra* n.7) 202f. For a very different assessment of early Stoic interest and involvement in practical politics, see Erskine (*supra* n.20) 64–102. All these parallels are concerned with the sage's attitude toward politics as one alternative among the possible ways of life and do not take up Diogenes' subject of the benefits the sage may confer upon actual political communities.

claims for the sage's mastery of the politically beneficial arts (lines 3–18) appear to extend Chrysippus' work vindicating Zeno's use of terminology (D.L. 7.122, quoted above on line 4): here Chrysippus explicitly states that the sage alone is fit to be magistrate, judge, and rhetor. Although Chrysippus does not assign *all* civic offices to the sage, this is the fair implication of his claim that the sage alone possesses the knowledge of good and evil necessary to rule.<sup>36</sup> And it is reasonable to conjecture that he advocated this position in a context comparable to Diogenes', for Plutarch attests that Chrysippus had treated the Stoic orator's political activities in his *On Rhetoric*.<sup>37</sup> Similarly, Diogenes' contrast (lines 16–21) between the conventional political communities of the *aphrones*, among whom there is no natural law, and the community of gods and sages governed by it, also employs a well attested early Stoic distinction to which we shall shortly return.

Yet there is good reason to doubt that Diogenes' argument simply repeats orthodox views: first, although Chrysippus sanctioned the sage's political activity in certain circumstances in *On Lives* 1 (see *supra* n.35), no early scholar is attested to have offered an account comparable to Diogenes' concerning the political benefits the sage may confer upon ordinary political communities. Such an argument from silence is hardly decisive, but it is considerably strengthened by evidence that Diogenes was responsible for introducing important innovations in Stoic political philosophy to make it comparable in scope and intention to that of its Platonic and Peripatetic rivals.

The most important *testimonium* is Cicero's neglected account in his discussion (*Leg.* 3.13f) of the magistrates of his best regime, explaining the difference in intention between early and later Stoic political writings. When he promises to follow "the most learned Greeks" and names in particular Diogenes of Babylon as having discussed the subject of magistrates with

<sup>36</sup> The contents of Chrysippus' *On Zeno's Proper Use of Terminology* are not well attested, but D.L. 7.122 suggests that Chrysippus undertook to defend some of the more controversial and apparently paradoxical tenets advanced in the *Republic* against criticism of the kind levelled both inside (see Philod., *De Stoicis*, ed. T. Dorandi, *CronErcol* 12 [1982] 91–133) and outside the school (see D.L. 7.32–34 for the criticisms of Cassius the Sceptic).

<sup>37</sup> See Plut. *De Stoic. rep.* 1034B: Χρύσιππος δὲ πάλιν ἐν τῷ Περὶ ῥητορικῆς γράφων οὕτως ῥητορεύσειν καὶ πολιτεύεσθαι τὸν σοφὸν ὡς καὶ τοῦ πλοῦτου ὄντος ἀγαθοῦ καὶ τῆς δόξης καὶ τῆς ὑγιείας....

particular acuity, Atticus asks with surprise whether “even the Stoics” have treated these problems. Cicero then says:

*Non sane nisi ab eo [sc. Diogene], quem modo nominavi, et postea a magno homine et in primis erudito, Panaetio. nam veteres verbo tenus acute illi quidem, sed non ad hunc usum popularem atque civilem de re publica disserebant. ab hac familia magis ista manarunt Platone principe; post Aristoteles inlustravit omnem hunc civilem in disputando locum Heraclidesque Ponticus profectus ab eodem Platone; Theophrastus vero institutus ab Aristotele habitavit, ut scitis, in eo genere rorum, ab eodemque Aristotele doctus Dicaearchus huic rationi studioque non defuit.*

In assessing this passage it is important to recognize that Diogenes is singled out not just for his work on the special subject of magistrates, but for an important contribution to the field of political philosophy in general. (i) Cicero holds that the constitution of magistrates determines the form of regime: *nam sic habetote, magistratibus iisque, qui praesint, contineri rem publicam, et ex eorum compositione, quod cuiusque rei publicae genus sit, intellegi* (3.12; cf. 3.15). Since Cicero praises Diogenes’ work on magistrates, it seems fair to suppose that Diogenes took account of the diversity of regimes. The fragments of his *On Law* 1 (*ap.* Ath. 526C–D) and of his work on rhetoric and its relation to politics preserved in Philodemus’ *On Rhetoric* (*SVF* III pp.235–43) amply support this suggestion. And certainly the other old Academics whom Cicero names as important sources were noted for their general contributions to political philosophy.

(ii) Cicero contrasts his own project with that of the older scholars by pointing out that their work was not intended to be practically useful. Since Diogenes is the first of the two Stoics cited as important sources (Panaetius, the other, was known as an advocate of the mixed regime: *Cic. Rep.* 1.34), he presumably departed from his Stoic predecessors in attempting to offer a practically useful political teaching. Other texts also contrast Diogenes’ work with that of his predecessors (*SVF* III 126, p.243; Gal. *De plac.* 130.7–19, 138.17–29 De Lacy). Thus it appears that Diogenes and Panaetius were the two Stoics who provided an antecedent for Cicero’s own project of developing a Stoic political teaching comparable to Plato’s. It is noteworthy that Cicero, whose knowledge of previous political philosophy

was extensive, is aware of no Stoic writings concerned with practical political questions before Diogenes. Clearly Cicero has drawn heavily upon Platonic and Peripatetic traditions in *De republica* and *De legibus*, and parallels suggest that he may be drawing upon Diogenes in this respect.

Cicero's characterization of early Stoic political writings as not intended for *practical* use certainly accords well with our surviving evidence for Zeno's *Republic*, which depicts the way of life of a community of sages whose practical realization is no more possible than that of the Platonic Socrates' "best city in speech" (*Resp.* 592A-B). It also accords well with the early Stoics' rejection of the central rôle their Platonic and Peripatetic rivals assign to a teaching on the relative merits of different forms of regime as a guide to political practice (see 386 *infra*). In contrast, the early Stoics deny that philosophy may satisfactorily guide political practice through such a teaching; only the sage, with his certain knowledge of good and evil, is capable of infallibly choosing the correct course of action even in exceptional circumstances; accordingly, only his right reason—identified with natural law—may adequately guide political practice.<sup>38</sup> Thus one issue, which later Stoics like Diogenes who wished to develop a practical political teaching need to clarify, is the relation between mankind's two communities. The early scholars distinguish sharply between the *megalopolis* of gods and

<sup>38</sup> Although the early Stoics wrote extensively on political subjects (Zeno, Cleanthes, Chrysippus, Herillus, and Sphaerus all wrote on law or legislation: D.L. 7.4, 166, 174, 178), their extant fragments leave unexplained their conception of how philosophy may guide political practice—in other words, to take the terms in which Zeno confronted this problem in the *Republic*, how they reformulated the Platonic paradox of the rule of the philosopher-king in such a way as to render unproblematic the sage's participation in politics. It is clear that Zeno's teaching in his *Republic* represents an attempt to disarm this paradox: see Vander Waerdt (*supra* n.19). The comparison to Plato's philosopher-king is well attested: Marcus Aurelius is said often to have quoted Plato on this point (*HA, Marc.* 27.7); Cicero compared his proconsulship in Asia to Plato's dream (*QFr.* 1.1.29). That the Stoics took such a step is clear from their claim that the sage will discharge all the social *kathekonta*, including participation in politics when appropriate, incumbent upon moral progressors. Yet, while their claim that the sage alone is the true king or ruler (D.L. 7.122) commits them to the position that only the philosopher can adequately guide political practice, the extant testimonia fail to explain how the sage will do so in conventional regimes. The Stoic sage's political aim is the promotion of virtue and the restraint of vice, according to Chrysippus (*On Lives* 1=D.L. 7.121); and Arius 94.8–11 suggests that the sage will take a special interest in a regime progressing towards perfection.

sages—or, as Chrysippus puts it (*On Nature* 3), “the *cosmos* comprised of *phronimoi* [whose] citizenship is held jointly among gods and human beings”<sup>39</sup> by virtue of their rationality<sup>40</sup>—and the conventional political communities to which human beings belong by accident of birth. The reticence of our sources concerning the relation between these two communities is no doubt due in significant part to the early Stoics’ claim that the only true city is the rational community of gods and sages that knows no conventional boundaries and in actuality exists nowhere in this world.

The consequence of this claim is that the early scholars radically deprecate political life as ordinarily understood. They hold that the conventional political regimes to which human beings belong have no natural status, taking their name and character solely from the inhabitants’ conventional and imperfect employment of such institutions (Ariston *ap.* Plut. *De exil.* 600E=SVF I 371); these conventional regimes do not meet the standard explicit in the definition (shared by Cleanthes, Chrysippus, and Diogenes) that only a group of morally good human beings united by natural law constitutes a city;<sup>41</sup> and, as this definition implies and as other evidence shows (*supra* nn.17–20), they have no share in natural law, hence are not communities in which one may attain one’s natural end of rational consistency with nature. In contrast, the *megalopolis* is likened to a cosmic city; its citizenship is restricted to gods and sages; and they are united by their common participation in reason, “which is natural law” (κοινωνίαν δ’ ὑπάρχειν πρὸς ἀλλήλους διὰ τὸ λόγου μετέχειν, ὅς ἐστι φύσει νόμος), as Arius says (*ap.* Eus. *Praep. Evang.* 15.15.3ff=SVF II 528).

This formulation fully accords with the early Stoics’ definition of the *koinos nomos* as identical with the sage’s right reason—a definition in which *nomos* is not law in the conventional sense of a body of positive enactments and customs that regulate the citizens’ social life; it is rather the correct moral reasoning of

<sup>39</sup> *De piet.* col. 7.21–27 Henrichs (*supra* n.13: 18), quoted above on line 21.

<sup>40</sup> That this is the standard for citizenship in the *megalopolis* is made unequivocally clear by Cic. *Nat. D.* 2.78f, 153ff; *cf.* *Leg.* 1.23; Plut. *De comm. not.* 1065F with Cherniss *ad loc.*; Arius *ap.* Eus. *Praep. Evang.* 15.15.3ff=SVF II 528. Note that some of these parallels take human rationality, rather than the sage’s perfected rationality, as the standard for inclusion in the *megalopolis*.

<sup>41</sup> *Cf.* Arius 103.11–23, quoting Cleanthes; Clem. Al. *Strom.* 4.26; Dio Chrys. *Or.* 36.10–15; Diogenianus *ap.* Eus. *Praep. Evang.* 6.246B=SVF III 324; D.L. 7.122, quoting Chrysippus; Diogenes’ text (quoted above) lines 18–21.

sages who, by virtue of their rationality, form a community that recognizes no boundaries drawn merely by convention. Since natural law requires the eradication of all such boundaries (Plut. *De virt. Alex.* 329 A-B; cf. Cic. *Rep.* 3.33), the Stoic's search for happiness, and for the attainment of his natural perfection, must take place in the *megalopolis*. Hence it should come as no surprise that the early scholars appear to have taken little interest in the relative merits of different forms of regime—none of which, on their original view, would promote a way of life that accords with natural law.<sup>42</sup> The Stoic conception of the city as a community whose sole criterion for citizenship consists in possession of a correct rational disposition leaves the early Stoics with little reason to develop the kind of elaborate teaching on the relation between the best regime and actual political communities that forms the centerpiece of Platonic and Peripatetic political philosophy.

Diogenes' work on magistrates (cf. *supra* 382f) marks an important departure from earlier Stoic thinking in its attention to specific political regimes and their relative merits. Part of Diogenes' project of developing a practically useful political teaching is reflected in our column, where he undertakes to specify the benefits the philosophically informed statesman may confer upon actual political communities. More specifically, Diogenes undertakes to clarify the relation between man's two communities by showing how the sage's membership in the community he shares with the gods governed by natural law may guide political practice in conventional, actual regimes whose citizenship consists largely or entirely of *aphrones* incapable of virtuous action. This is likely to have been a central subject in Diogenes' *On Law*, which is lost apart from one valuable citation (*ap. Ath.* 526 C-D); but it should come as no surprise to find Diogenes (following Chrysippus: *supra* n.37) treating it in connection with rhetoric: since the early Stoics identify rhetoric with the political art, and maintain that the sage alone is the true rhetor (D.L. 7.122; *SVF* I 216, III 615, 618, 655), one central theme of Stoic discussion of rhetoric is the political benefit the true rhetor may confer upon actual political regimes.

<sup>42</sup> No early Stoic text identifies a constitutional preference. Chrysippus explicitly holds that all existing political regimes are in error, and that we should attach ourselves not to just any regime, but to the right one (*Sen. De otio* 8.1=*SVF* III 695; cf. *Ep.* 68.2)—a stipulation that only the *megalopolis* can meet.



Our column advances the argument that it is appropriate or necessary<sup>43</sup> for the sage to fill all the city's offices. But in which of the two cities mentioned in lines 15–22 will he do so? Will it be (i) the conventional political communities inhabited by the *aphrones*, or (ii) the cosmic city of gods and sages? If (ii), then Diogenes' argument in this column would form part of an account of a hypothetical regime of sages on the model of Zeno's *Republic*; if (i), then Diogenes' argument would illustrate Chrysippus' position that the sage will readily take part in politics in order to promote virtue. One could construct an argument in favor of (ii): since the cosmic city alone provides the conditions necessary to live in accordance with natural law, the sage has every reason to prefer to assume the burdens of office there rather than in conventional political communities. But several considerations make (i) far more likely. In the first place, there is no reason to suppose that the  $\sigma\upsilon\sigma\tau\eta\mu\alpha\ \theta\epsilon\omega\upsilon\kappa\alpha\iota\ \sigma\omicron\phi\omega\upsilon\upsilon$  (line 21) has any need of such officials as tax-collectors, or possibly even generals (lines 23ff). The abolition of such merely conventional features of ordinary political life is, after all, a well-attested feature of Zeno's community of sages (D.L. 7.32f), which there is good reason to identify with the *megalopolis* (Vander Waerdt *supra* n.17); and it is impossible to square the civic offices Diogenes assigns to the sage with the early Stoics' conception of natural law as requiring the abolition of all merely conventional features of civic life.

Second and more important, the syntax of Diogenes' argument in the present column supports interpretation (i). Since the sage's capacity to fill all the city's offices constitutes one respect in which he is exceptionally able to benefit the citizens of existing political regimes, as Diogenes claims in lines 15f, the argument of our column would appear to form part of an account of the benefits the sage may confer upon ordinary political communities. These lines provide the transition from Diogenes' account of the sage as perfectly expert in all arts to his claim that the sage is best equipped to rule existing regimes (on account of his political expertise as detailed in lines 23–30): best because he is best able to confer benefits upon their citizens.

<sup>43</sup> It is conjectural that some such claim introduced the opening of our column, but this supposition seems necessary in light of the Chrysippean doctrine at D.L. 7.122 that Diogenes is adapting; see above on line 4.

The standard Stoic understanding of justice as benefaction<sup>44</sup> thus underlies the substantive τὸ συμφέρον (line 15).

The reasoning behind Diogenes' central claim in our column, that the sage is best equipped to fill all the city's offices, is left somewhat unclear by the lacuna in lines 5–9. Diogenes does not spell out the justification for the sage's all-encompassing rule stated in lines 3f, but his preservation of the early Stoic contrast between man's two communities in lines 16–21 suggests that he would offer an explanation for the sage's unique expertise along similarly orthodox lines. In other words, Diogenes would argue that the sage, in contradistinction to the *aphrones*, possesses the rational disposition or the knowledge of good and evil that enables him to act infallibly even in exceptional circumstances and without the compulsion of positive law.<sup>45</sup> Diogenes' conception of the sage elsewhere<sup>46</sup> supports this conjecture, and it is clearly implied by Diogenes' view that the statesman will necessarily have "knowledge concerning all these things [*sc.* all the various offices of the city]"; the lacuna in lines 5–9 may well have contained an explanation of the sage's exceptional virtue (note the reference to *phronesis*: line 9).

Moreover, although Diogenes does not elaborate on his conception of natural law, the contrast he draws in lines 19ff—withholding *nomos* from the *aphrones* and assigning it to the community of gods and sages—suggests that he follows the early scholars in identifying natural law with the sage's right reason. This view, though conjectural, is fully consistent with Diogenes' conception of the sage's unique virtue, and provides a clear motivation for his argument in our column. Since only the sage is capable of acting in accordance with natural law, he alone is fit to rule on behalf of the citizens of ordinary political regimes; by

<sup>44</sup> For parallels see above on lines 15f. The Stoics' conception of justice as benefaction appears to represent a development of Socrates' position as represented by Xenophon: see P. A. Vander Waerdt, "Socratic Justice and Self-Sufficiency: The Story of the Delphic Oracle in Xenophon's *Apology of Socrates*," *Oxford Studies in Ancient Philosophy* 11 (1993, forthcoming).

<sup>45</sup> See e.g. Plut. *De Stoic. rep.* 1037c–38a; Arius 99.3–8; Cic. *Fin.* 4.56, quoting Zeno.

<sup>46</sup> Diogenes defends the early scholars' sharp distinction between the sage and ordinary human beings against current criticism: see his defense of Zeno's syllogism *ap. Sext. Emp. Math.* 9.133; see also Diogenes *ap. Philod. Rhet.* 2.225 Sudhaus (*SVF* III 124), a passage (*P.Hercul.* 1506 col. 20.24–30) in close proximity to the present text.

similar reasoning, he alone can discharge each of the city's offices in the most beneficial fashion.<sup>47</sup>

The conclusion that Diogenes' conception of natural law follows orthodox lines renders this text important additional evidence for reconstruction of the early Stoic theory. Diogenes' account does not hint that the conventional political communities of *aphrones* may share in natural law in some weaker sense.<sup>48</sup> To the contrary, Diogenes states unequivocally that νόμος has no place among ordinary political communities such as Athens and Sparta, which need the sage's unique expertise to provide adequate political guidance. This position clearly restricts the provenance of natural law to sages, so aligning Diogenes' position clearly with Zeno's, who portrays a community governed by natural law, the citizenship of which is similarly restricted to sages (see *supra* n.20), and with Chrysippus' explicit view that natural law prescribes *katorthomata* that the sage alone is capable of performing (*supra* n.19). Diogenes does not explain in our passage how he conceives of the content of natural law, but his restriction of its provenance to sages certainly implies that he would follow Chrysippus on this point.

#### IV

Diogenes' claim that νόμος and πόλις exist only in the cosmic city, or an identical claim set out elsewhere, can now be seen to form the basis for a passage in Cicero that has long perplexed commentators and fostered unnecessary violence to the text. As it happens, the passage in question depicts Diogenes of Babylon caught red-handed as a proponent of this view in a context that

<sup>47</sup> This interpretation, if correct, implies that Diogenes is not responsible for the important modifications in the early Stoic theory that Cicero's account in *Leg. 1* presupposes. Cicero clearly is following an Antiochean source (see R. A. Horsley, "The Law of Nature in Philo and Cicero," *HTbR* 71 [1978] 35-59; also *supra* n.26), but it is unnecessary here to address the complex problem of his adaptation of the sources on which he drew for his modifications of the Stoic theory of natural law. Suffice it to say that an important difference between Diogenes' view and that developed by Cicero is that Diogenes restricts the holding of political offices to the Stoic sage (although they may benefit others), whereas Cicero does not.

<sup>48</sup> As Mitsis' argument (*supra* n.28) that the provenance of natural law extends to ordinary human beings requires. Diogenes' account in our column provides strong additional evidence against reconstructions of the early scholars' theory like Mitsis', inasmuch as they require natural law to provide guidance to *aphrones* in a manner not specified in any early Stoic text.

is at once decidedly political and urban, in no other city than Rome, and datable precisely to 155 B.C. For in that year Diogenes appeared in Rome with the Academic Carneades and the Peripatetic Critolaus as a member of the famous embassy of the philosophers. Drawing upon Clitomachus' book that discussed this embassy,<sup>49</sup> Cicero tells the following anecdote concerning the urban praetor Postumius Albinus (*Acad.* 2.137):

*legi apud Clitomachum,<sup>50</sup> cum Carneades et Stoicus Diogenes ad senatum in Capitolio starent,<sup>51</sup> A. Albinum qui tum P. Scipione et M. Marcello consulibus<sup>52</sup> praetor esset, eum qui cum avo tuo, Luculle, consul fuit, doctum sane hominem ut indicat ipsius historia scripta Graece, iocantem*

<sup>49</sup> Clitomachus (for whom see the edition by H. J. Mette, *Lustrum* 27 [1985]142–48) is Cicero's habitual source of information about Carneades, who wrote nothing; see *Acad.* 2.16f, 78, 98, 102–05, 108f, 139; on the embassy see: Cic. *De Or.* 2.155, *Tusc.* 4.5, *Att.* 12.23.2; Gell. *NA* 17.21.48. P. Rutilius Rufus discussed the embassy in his *Histories*: Peter, *HR Rel I* 187 fr. 3 (=Gell. *NA* 6.14.8ff); Polybius (33.2) noted differences in the three philosophers' rhetorical and oratorical style; and C. Acilius, Postumius Albinus, and Cato also remarked on it: Plut. *Cat Mai.* 22.2f; Quint. *Inst.* 12.1.35; Plin. *HN* 7.112; Cic. *Rep.* 3.8–12 (=Lactant. *Div. Inst.* 5.14.3ff), 21 (=Lactant. *Div. Inst.* 5.15.2ff).

<sup>50</sup> *apud Clitomachum* clearly refers to a book by the *amanuensis* of Carneades, which may be the *liber* Cicero has just mentioned (*Acad.* 2.102), in which case it was addressed to the poet Lucilius (though presumably in Greek). But Clitomachus was a voluminous author (*Acad.* 2.16: *industriarum plurimum in Clitomacho fuit, declarat multitudo librorum*); Cicero (*Acad.* 2.98) refers to four volumes *de sustinendis adsessionibus*, on the first of which Cicero says he was principally drawing for this section. Clitomachus may of course have mentioned the embassy in more than one place. C. Cichorius' argument (*Untersuchungen zu Lucilius* [Berlin 1908] 11f, 41) that Clitomachus, a Carthaginian, is not likely to have accompanied Carneades to Rome in 155 and so is unlikely to have been Cicero's real source (followed by J.-L. Ferrary, *REL* 55 [1977] 155) seems fanciful. Yet *Acad.* 2.98 (*acutus ut Poenus* [sc. *Clitomachus*]) shows that suspicion lingered.

<sup>51</sup> For the expression *stare ad senatum, curiam, etc.* (not "waiting attendance upon," but "standing around in front of," perhaps waiting to go in or away) see Cic. *Cat.* 2.5 (*quos stare ad Curiam*), *De Or.* 2.353 (*stare ad ianum*). During this period the Senate met at varying locations. Cicero is pointing out that the Senate on this occasion met on the Capitol, and not, as later in the Curia in the Forum.

<sup>52</sup> Cicero the scholar can be glimpsed at work on the first draft of the *Academica* (of which only the *Lucullus*, i.e., *Acad.* 2, survives) in *Att.* 12.23.2, where he asks Atticus to find out who had been consuls in this year. He wants additional information as well: the reason for the envoys' visit; had there been any notable Epicurean, head of the Garden, at this time; who were the leading Athenian πολιτικοί—and tells Atticus where to look to find it.

*dixisse Carneadi: "ego tibi, Carneade, praetor esse non videor, quia sapiens non sum, nec haec urbs nec in ea civitas." tum ille: "huic Stoico non videris."*<sup>53</sup>

The point of the praetor's remark has been grossly misrepresented. Postumius Albinus' allegation that Carneades thinks he is not a 'real' praetor (insofar as he is not a *sapiens*) nor does Rome really exist as a true *urbs* or *civitas*—clearly presupposes a position very similar, if not identical, to that expressed in the passage from Diogenes: namely, that the only true city is the cosmic city, and that 'there is no *urbs* or *civitas* among fools', *i.e.*, except among the wise; and that 'only the sage is truly praetor'.<sup>54</sup>

Understood in the Stoic context that Carneades' reply recommends, Postumius' *quia sapiens non sum* makes perfect sense and should not be excised, on the mistaken claim that it "turns on the Academician's doctrine of the uncertainty of all things":<sup>55</sup> if that were so, and if Carneades intended to suspend judgement

<sup>53</sup> "I have read in Clitomachus' book that when Carneades and the Stoic Diogenes were standing in front of the Senate House on the Capitol, Aulus Albinus—who was praetor at the time, in the consulship of Publius Scipio and Marcus Marcellus (he was a colleague of your grandfather, Lucullus, as consul, and his own history written in Greek shows him to have been a decidedly learned man)—said to Carneades in jest: 'In your view, Carneades, because I am not a sage, I am not a real praetor, nor is this a real city, nor its corporation a real corporation'. To which Carneades replied: 'So thinks our Stoic friend here'."

<sup>54</sup> In the presumed Greek original of Cicero's story, *urbs* would translate πόλις (*cf.* the new text above, line 19); *civitas in ea* may translate συστημάτων (*cf.* line 21) or something like it; *quia sapiens non sum* corresponds to ἀφρόνων (*cf.* line 10); with Albinus' office as praetor, *cf.* στρατηγός κατὰ πόλιν line 23 with commentary.

<sup>55</sup> J. S. Reid, *Cicero, Academica* (London 1885) 338f, and H. Rackham, *Cicero, De Natura Deorum, Academica* (London 1933) 644 n.d (the phrase is retained in Plasberg's Teubner edition [Leipzig 1922]). Reid's claim rests upon a basic misunderstanding: for the Academic skeptic is not a negative dogmatist who positively denies the possibility of certain knowledge, but rather claims that his Stoic interlocutor, given his premisses and canons of logic, must suspend assent; among the large recent literature on this subject see P. Coussin, "Le Stoicisme de la Nouvelle Academie," *Revue d'histoire de la philosophie* 3 (1929) 241–76 (tr. as "The Stoicism of the New Academy," in M. F. Burnyeat, ed., *The Skeptical Tradition* [Berkeley 1983] 31–63), which is the foundation of modern research; M. Frede, "The Skeptic's Two Kinds of Assent and the Question of the Possibility of Knowledge," in R. Rorty *et al.*, edd., *Philosophy and History* (Cambridge 1984) 255–84 (= *Essays in Ancient Philosophy* [*supra* n.2] 201–22).

on the external existence of the praetorship and city, why would Carneades then turn, as he immediately does, to attribute the doctrine to *Diogenes*? Cicero immediately concludes from the story that Carneades was practically a Stoic.<sup>56</sup> Diogenes had no doubts about the certainty of these things, though he did hold them to be restricted to the wise in important respects.

The answer is clearly that Carneades, faced with the praetor's allegation, attributes the doctrine in question, and so shifts the blame for holding it, to its putative source: Diogenes. Part of the joke thus turns on the scenario in which the hapless praetor puts his question to Carneades, including the possibility of the praetor's exercising his administrative control over undesirable intellectual influence from foreign parts. Only a few years earlier, in 161 B.C., the urban praetor had been charged by the Senate to exclude rhetoricians and philosophers from settling in Rome.<sup>57</sup> And it was (and still is) widely believed that, apart from dazzling learned Romans with eloquence, the Athenian embassy upset many traditionally minded Romans by purveying the enticements of Greek philosophy and culture,<sup>58</sup> and that the

<sup>56</sup> Cic. *Acad.* 2.137f, in keeping with his Antiochean version of the history of the Academy: *sed ille noster est plane, ut supra dixi, Stoicus, perpauca balbutiens.*

<sup>57</sup> See Suet. *De rhet.* 1.2; Gell. *N.A.* 15.11.1. In 181 B.C. Pythagorean doctrines had been denounced by the praetor as undermining Roman religion: Liv. 40.29.3–14; Val. Max. 1.1.12; Plin. *HN* 13.84–88; Plur. *Num.* 22.2–5; August. *De civ. D.* 7.34; and numerous historians of the late Republic. In 173 (?) two Epicurean philosophers, Alcaeus and Philiscus, had been expelled from Rome (Ath. 574A; Ael. *VH* 9.12; *De provid.* fr. 39 Herch. *ap. Suda s.v.* Ἐπικούροϛ). Gruen (177), noting that of all the Athenian philosophical schools no Epicurean ambassador went to Rome in 155, argues for this expulsion of Epicureans in 154 (both years having a consul named L. Postumius) because the philosophic embassy in the previous year will have “caused a sensation.” Lack of Epicurean involvement in the embassy can have been due to nothing so much as the school's position on participation in political life.

<sup>58</sup> Plut. *Cat. Mai.* 22.4f; Plin. *HN* 7.112; Cic. *Rep.* 3.9; Quint. *Inst.* 12.1.35. Yet Cicero (*De Or.* 2.155) suggests that Carneades and Diogenes left a very good impression indeed among Roman nobles. Cf. E. S. Gruen, *The Hellenistic World and the Coming of Rome* (Berkeley 1984) 257f, who denies (341f) any assault against Roman imperialism by Carneades in his lectures for and against justice, on the grounds that such a violation of decorum would have jeopardized the embassy's mission before the Senate. This view is maintained in his 1990 study (174–77 at 176f): “The event did not betoken a mighty confrontation between the cultures. Rather the reverse. The success of the philosophers discloses a markedly increased zeal for Greek learning among the Roman intelligentsia by the mid-second century. Athens had sent her emi-

ensor Cato had sent the ambassadors packing.<sup>59</sup> Cicero has to point out that the praetor was only joking (*iocantem*).

Why, then, does Postumius Albinus address his joke to Carneades rather than Diogenes, inasmuch as the joke relies on the latter's doctrine? The explanation (in light of the actual text of Diogenes discussed above) is that Carneades had quoted or summarized Diogenes' doctrine in public discourse, probably in his first speech in praise of justice in which he collected the favorable arguments of its proponents (Lactant. *Div. Inst.* 5.14.3ff).<sup>60</sup> Since Carneades had cast his argument in Stoic terms (without, of course, committing to them in his own name: Lactant. *Epit.* 50 [55] 5–8), Postumius might well have had good reason for thinking that Carneades shared the Stoic views he expressed. This interpretation has the advantage, unlike Reid's and Rackham's, of motivating both Postumius' question and Carneades' reply.

The envoys certainly did more at Rome than simply lodge a formal plea before the Senate. They offered public lectures and displays of current Greek philosophy. Most of the attention focused on Carneades and involved an encounter with the censor Cato. Carneades was particularly remembered for having presented a brilliant defense of justice on one occasion, followed on the next day by an equally compelling disquisition on its irrelevance. The event has often been taken as evidence for a clash of Roman and Greek cultural values in the second century

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nent professors in the first instance in expectation that they would get a warm reception.... When public business had been concluded, the Athenian representatives returned home.... Cato succeeded only, if at all, in speeding completion of the senatorial debate. The philosophers had accomplished their mission and left in high repute." The embassy was apparently successful, to judge from Plut. *Cat. Mai.* 22.5; Ael. *VH* 3.17. But the embellished accounts from the later period entirely fail to distinguish between successfully impressing Romans in rhetorical/philosophical display and obtaining a diplomatic concession from the Senate.

<sup>59</sup> In point of fact, all Cato did was to hasten the decision of the Senate on the envoys' request: Plut. *Cat. Mai.* 22.5; Plin. *HN* 7.112; Gruen 176 ("thus to leave them with no further pretext for remaining in Rome"). There was no expulsion; it was only customary for envoys to be sent home after conducting their business.

<sup>60</sup> Perhaps without specifying its source. Although Carneades seems to have attributed most of these arguments to Plato and Aristotle, the "patrons of justice," slighting Chrysippus in this connection, almost all the detailed argumentation in his second speech is directed against the Stoics.

B.C. It has also been suggested that Carneades' lectures criticized the injustice inherent in Roman imperialism. Gruen, however, has recently argued that it is highly implausible that envoys should have perhaps undermined the purpose of their mission by indecorously denouncing their hosts' foreign policies or offending their political sensibilities in philosophical disquisition.<sup>61</sup> But the passage from Cicero reveals a complex situation, both socially and intellectually, as it radically reshapes our knowledge of what was actually articulated during this famous diplomatic event.

First, Carneades, who received the lion's share of attention for his displays, argued with characteristic wit the positions of *other* philosophers, including the views of his fellow philosopher-envoys: Diogenes of Babylon was more than once the butt of his dialectical maneuver (see also Cic. *Acad.* 2.98), to the certain delight of his Roman audiences. His motive was to employ his opponents' premises (but never his own) against them—to hoist them with their own petard, as it were—though a Roman audience could, and on occasion did, mistake their views for his own.

Thus we should be wary of the a priori assumption that Carneades the envoy would have dared to say nothing as a skeptical philosopher that could possibly offend Roman officials, and so potentially undermine his mission.<sup>62</sup> Cicero's account and its philosophical content demonstrate that the views put forth by the philosophers *could* occasion alarm, at least theoretically, among Roman officials. But they need not have been taken with complete seriousness. Carneades' encounter with the cultivated Hellenophile Postumius Albinus is a remarkable example of how the philosophers' antics could be received by Romans

<sup>61</sup> Gruen 176, drawing on Plut. *Cat. Mai.* 22.2f: "Romans delighted with the idea that the younger generation was partaking of Hellenic culture and enjoying the company of such remarkable men.... Rome's *principes* expressed pleasure that Athens had chosen to send the most renowned philosophers as her diplomatic representatives and frequently joined the audiences at their lectures.... Cato's complaints were swallowed up in the enthusiasm." Gruen also places much weight upon Cic. *Tusc.* 4.5, where it is implied that the Athenians would never have dispatched the three philosophers as envoys, if there had not already existed considerable positive interest in philosophy at Rome (but see 174 n.71: appointments of philosophers as envoys were customary).

<sup>62</sup> A point insufficiently appreciated by Gruen 174–77.



with a mixture of guarded concern and genuine curiosity.<sup>63</sup> The story generously portrays the Roman praetor, in his official capacity, as engaging in urbane philosophical banter (if not completely on top of the argument) in a foreign tongue with distinguished visiting intellectuals (to which mention of his history written in Greek lends some plausibility).<sup>64</sup>

Finally, Carneades' apparent use of Diogenes' position in public discourse and the story recorded by Carneades' pupil and biographer Clitomachus shows that Diogenes' doctrine on the subject (treated in Diogenes' text presented above) had passed into the literary and anecdotal tradition nearly a century before Philodemus quoted it in his *On Rhetoric*.

Diogenes' text provides unambiguous evidence that the early scholars' most distinctive political doctrines—their claims that the *megalopolis* is the only true city, that natural law is identical with the sage's right reason, and that only citizens of the *megalopolis* may live in accordance with natural law—persist until the end of the Hellenistic period. Although Diogenes' conception of the Stoic sage in the city of fools advances his novel project of reconstituting Stoic political philosophy so as to make it practically useful and comparable in scope to that of the school's rivals, it reaffirms the early scholars' conception of the

<sup>63</sup> For A. Postumius Albinus (cos. 151) see *SEG* I 152 (recipient of a Delphic decree); *Cic Att.* 13.32.3 (recipient of a statue at Corinth); his *Annals* in Greek: *HR Rel* I 53f; *FGrHist* 812; D. Timpe, *ANRW* I.2 (1972) 928–48. He was certainly a Hellenophile (though no friend of the Scipios: Polyb. 39.1), which earned him the scorn of Cato (*Plut. Cat. Mai.* 12.5; *Gell. NA* 11.8; *Macrob. Sat.* 1 praef. 13–16) and Polybius (33.1.3–8, 39.1 with F. W. Walbank, *JRS* 52 [1962] 5), who had reason to be biased: Albinus as praetor presided over a senatorial hearing on restoring exiles (including Polybius) to Achaëa in 155, and Polybius thought Albinus' presentation of the motion led to its defeat. But see Gruen (*supra* n.58) 240: the Achaeans received a negative answer at least five times between 166 and 154. Cicero (*Brut.* 81) presents a more favorable view; cf. *Acad.* 2.137. Polybius curiously says (39.1.11f) that he was in Greece for the first time in 146.

<sup>64</sup> It is unlikely that Carneades and the other envoys spoke Latin. Their case before the Senate (as opposed to their lectures) had to be presented in Latin translation by the senator C. Acilius (*Gell. NA* 6.14.9; *Plut. Cat. Mai.* 22.4), as much from practical considerations as because “it was essential to maintain the distinction between private ardor for Greek culture and the official demeanor of the state” (Gruen 176). A translator could have been similarly employed for the interchange reported by Cicero (via Clitomachus). But Postumius will have hardly needed one, as Cicero's account shows.

provenance of natural law, in particular its restriction, as a discipline of expertise, to the Stoic sage. Diogenes' account of the political expertise of the Stoic orator thus confirms the fundamental differences between the political philosophy of the early scholars and that of their Late Republican followers.<sup>65</sup>

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