

The Appeal to Nature in Cicero's *De finibus*

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This article argues that Cicero uses two connected strategies to reject the fundamental appeal to nature (or “cradle argument”) used by Epicureans, Stoics, and Antiochians in *De finibus*. The first strategy is his direct criticism of the different cradle arguments. Cicero’s criticisms of the Epicurean cradle argument imply two criteria that any strong appeal to nature must meet. On the basis of these criteria, Cicero rejects Epicurean and Stoic cradle arguments but not necessarily the Antiochian one. The second strategy utilizes a strong education theme over the course of the text to emphasize a telic sense of “nature” over a biological or given sense of “nature”. This shift both allows Cicero to make an appeal to nature that meets the two criteria set out by his first strategy and allows him to reject *any* cradle argument, including the Antiochian one. The two strategies together allow Cicero to make an appeal to “nature” that, in avoiding the “cradle”, is more sound than those of his philosophical rivals.

Introduction

When Cicero examines the varied versions of cradle arguments that appear in *De finibus*, he finds much to criticize. Though he rejects these attempts to discern our proper ethical ends from the earliest inclinations of newborn animals, he nevertheless accepts that human beings should adopt ends for themselves that are consistent with, and perfections of, human nature. I argue that Cicero uses two connected argumentative strategies to create an appeal to nature that overcomes some basic problems he finds in the cradle arguments used by Epicureans, Stoics, and Antiochians. The first strategy criticizes the different cradle arguments directly, by which Cicero establishes two negative criteria for any appeal to nature. These criteria indicate what to avoid in arguing for a highest moral end or *summum bonum*. The first criterion is that an appeal to nature must select a *summum bonum* appropriate for human adults, which is implied when Cicero critiques the cradle arguments for selecting ends that do not suit human beings.¹ On Cicero’s reading, cradle arguments fail because a *summum bonum* worthy

¹ Cradle arguments refer to newborn animals, i.e., they are not limited to human beings. That Cicero emphasizes human beings and ignores nonhuman nature indicates that he is not merely reporting cradle arguments but rather is using them to serve some purpose. Because Cicero focuses on human beings when he discusses cradle arguments in *De finibus*, this paper does as well. For clarity, I use the term “newborn” to describe human and nonhuman animals that have just come to be and “infant” to refer to human newborns in particular.

of human beings cannot be appropriately derived from a newborn's inclinations. From this critique, the second criterion becomes clear: the point of origin to which the appeal is made must have a plausible connection to the *summum bonum*. That is, Cicero presents his Epicurean and Stoic rivals as missing a crucial connection between "nature" as what is necessary, given, and an origin with "nature" as a fulfillment, a telos, and end. This first strategy clearly eliminates the Epicurean and Stoic cradle arguments. The Antiochian one is also criticized more subtly than the others. As a result, it may seem plausible that Cicero either adopts this position himself or that he at least considers it to be a strong position that is worthy of further consideration, particularly in contrast with his categorical rejection of the other schools.²

Cicero's second strategy, however, leads us away from accepting any established cradle argument, including the Antiochian one. This strategy develops a rich theme of education and emphasizes an appeal to the telic sense of "nature". In sum, the strength of the arguments presented correlates directly with the emphasis on education in each dialogue: the seemingly weakest cradle argument is the least invested in education; the second best cradle argument takes education seriously but is nevertheless misguided; the strongest cradle argument is completely centered on education and nearly meets Cicero's criticisms. Rather than seek ethical direction in some biological origin as cradle arguments do, Cicero appeals to human nature and its *summum bonum* as it appears during philosophical education. This education facilitates the selection of suitable ends for living well, and it plausibly connects one's ethical origins in education with one's *summum bonum*. Cicero's appeal to education, then, is the best way to meet both criteria for a strong appeal to nature. Whereas the cradle arguments rely too much on given nature and too little on telic nature, Cicero's own emphasis on education and telic nature amounts to a new appeal to "nature" that, in avoiding the "cradle", is more sound than those of his philosophical rivals.

I. Cicero's First Strategy, or How Not to Appeal to Nature

Cicero implies that appeals to nature ought to meet two main criteria through his critique of the Epicurean, Stoic, and Antiochian (or Old Academic) cradle arguments. The first is that an appeal to nature must choose an end or *summum bonum* suitable for human beings;

² The philosophical depth and respectability of the theories presented increases over the course of *De finibus*, the interpretation of which continues to be the subject of much debate: Cicero could be agreeing with Antiochus (Tsouni 2012, 32), agreeing with Piso (Schofield 2012, 246), agreeing with the Academic tradition (Long 2015, 195), or synthesizing his own position through Piso (Inwood 2014, 72).

the second is that this appropriate end must adequately and plausibly connect to the origins identified in the nature to which one appeals. In this section, I argue that Cicero finds all three schools presented in *De finibus* lacking in one or both criteria. I first show in some detail how Cicero might derive these criteria through his criticism of the Epicurean position. I then argue that Cicero's application of these criteria to the Stoic and Antiochian positions show that these schools fare better than the Epicurean one but nevertheless fail to meet those criteria to different degrees.

I.1 *Making an example of the Epicurean cradle argument*

According to Lucius Torquatus, who presents the Epicurean position in book 1, the Epicurean cradle argument claims that “Every animal as soon as it is born seeks pleasure and rejoices in it, while shunning pain and avoiding it as much as possible” (i 30). Because pleasure is the observed *summum bonum* for newborns and because newborn natures are considered uncorrupted, the argument goes, pleasure is also the proper end for humans in maturity. Yet there are two senses of “pleasure” at play in the argument.³ Torquatus, initially unaware that articulating the distinction between them would be necessary, explains the two are completely different kinds (*immo alio genere*): “A quenched thirst is a ‘static’ pleasure, whereas the pleasure of having one’s thirst quenched is ‘kinetic’ (*restringta enim sitis stabilitatem voluptatis habet...illa autem voluptas ipsius restrictionis in motu est*)” (ii 9). In short, “static” pleasure is the absence of pain and *summum bonum* for Epicureans, whereas “kinetic” pleasure reflects the commonly held view of pleasure, namely sensory delight.⁴

³ Torquatus notes in i 38 that “Epicurus did not hold that there was some halfway state between pain and pleasure. Rather, that very state which some deem halfway, namely the absence of pain, he held to be not only true pleasure, but the highest pleasure. Now whoever is to any degree conscious of how he is feeling must to that extent be either in pleasure or pain. But Epicurus thinks that the absence of all pain constitutes the upper limit of pleasure. Beyond that limit pleasure can vary and be of different kinds, but it cannot be increased or expanded” (*Itaque non placuit Epicuro medium esse quiddam inter dolorem et voluptatem; illud enim ipsum quod quibusdam medium videretur, cum omni dolore careret, non modo voluptatem esse verum etiam summam voluptatem. Quisquis enim sentit quem ad modum sit adfectus, eum necesse est aut in voluptate esse aut in dolore. Omnis autem privatione doloris putat Epicurus terminari summam voluptatem, ut postea variari voluptas distinguere possit, augeri amplificarique non possit*). Though the distinction between static and kinetic pleasures is implied here and used in Torquatus’ exposition, he does not make the distinction explicit with specialized vocabulary until he is pressed by Cicero’s character at ii 5-9.

⁴ Torquatus also briefly distinguishes between desires that are (1) natural and necessary, (2) natural but not necessary, and (3) neither natural nor necessary in order to clarify the compatibility of pursuing pleasure and living in accordance with nature (i 45). Though this categorization of desire is important for Epicureanism—and Torquatus sticks closely to the *Principal Doctrines* through i 40-46—its role in the cradle argument is not emphasized in *De finibus*.

Cicero's objections to the Epicurean cradle argument return to the Epicurean understanding of pleasure and the connection between static and kinetic pleasures. On his view, the Epicureans observe inclinations for kinetic pleasures in young animals and newborns. From these observations they conclude that "pleasure" is the proper end for them—but in the case of humans and perhaps other mature animals, that pleasure is purported to be static, not kinetic (ii 31).⁵ Cicero introduces two main arguments against this position. First, he argues that the Epicureans do not really understand pleasure without reference to the body, i.e. without kinetic pleasure.⁶ This means that the *summum bonum* is dependent on, and perhaps nothing more than, kinetic pleasure. The common, kinetic understanding of "pleasure" amounts to sensory delight through the body, most often in the form of some discernible action or event like quenching one's thirst.⁷ Cicero maintains that taking this sense of pleasure to be the *summum bonum* could never build a strong ethical system because it undervalues virtue. If pleasure is the ultimate good, then we have no reason to endure hardship or suffer for a greater cause or purpose like preserving the freedom of one's fellow citizens—for there is no greater cause or purpose than the sensory delight we perceive through our bodies (ii 113-118). Second, Cicero

⁵ Rist 1972 notes that Cicero gives the Epicurean argument an absurd form: "since the natural impulses of children and animals are directed towards kinetic pleasure, therefore *katastematic* pleasure is the *summum bonum*" (106). Cicero does not always aim to be accurate or fair in his presentation of his rivals. He has a well-documented habit of misrepresenting them: Rist 1972 argues that Cicero completely misrepresents Epicureanism; Gosling and Taylor 1982 argue for the softer position that Cicero underestimates Epicurus and his followers; Stokes 1995 allows that Cicero misrepresents Epicurus' position but emphasizes that "one ought to characterize as justly as possible Cicero's way of arriving at such an interpretation" (147); Warren 2016 and Frede 2016 both admit Cicero's treatment of Epicureanism is unfair but maintain that his criticisms focus on important problems in their philosophy; Morel 2016 also admits unfairness and interestingly argues that Cicero's portrayal of Epicureanism is a carefully engineered foil to his own concept of virtue as intrinsically good. Following these analyses, I suppose that Cicero's misrepresentation of Epicureanism serves a further purpose. In the context of this article, I maintain that this purpose is to reveal the negative criteria for a good appeal to nature.

⁶ Cicero introduces this criticism at the beginning of book 1, noting that for Epicureans "happiness—that is, pleasure—consists in performing right and moral actions for their own sake. These good people fail to realize that if this were so then the whole theory is undermined. For once it is conceded that such activities are immediately pleasant in themselves, without reference to the body, then virtue and knowledge will turn out to be desirable in themselves, and that is something which Epicurus would utterly reject" (i 25). From the beginning, then, there are two problems to anticipate: (1) Epicureans cannot reconcile moral actions for their own sake with pleasure as their *summum bonum*, and (2) Epicureans do not accept pleasure without reference to the body. Both are reflected in Cicero's criticism of the cradle argument Torquatus presents.

⁷ This is a misrepresentation on Cicero's part. as the Epicureans do not say that pleasure—even kinetic pleasure—is delight of the body. Rist 1972, 105-110 and 122-6 provides a helpful summary of the *kinetic* and *katastematic* (static) pleasure as presented by Epicurus and Cicero. In particular, he argues Cicero overlooks the distinction between *aponia* and *ataraxia* which characterize freedom from pain with respect to the body and mind, respectively (105).

objects to static pleasure because it seems not to be “pleasure” in the full sense. Epicurus maintains that absence of pain (*nihil dolendi*) is a special kind of pleasure, “static” pleasure (*stabilitatem voluptatem*), and this is the kind of pleasure humans should take for their ends over the kinetic delight in the senses. This kind of pleasure is more independent than the kinetic sort of pleasure and is consistent with intellectual pleasure that human beings uniquely enjoy.⁸ It is unclear, however, how this kind of pleasure could be meaningfully pleasant. Static pleasure is, Cicero claims, an obscure sense of a commonly used term. What the Epicureans mean by static pleasure, he suggests, might be better expressed by the term “self-preservation”. Cicero himself admits that he would accept static pleasure as a viable or at least defensible end for human beings, though not as strong as virtue, because static pleasures likely derive from self-preservation rather than sensory delight (ii 31). The desire to preserve oneself entails a desire to preserve what is good about oneself which, in humans, entails reason and virtue. That is, self-preservation could at least in some cases give painful but virtuous action the respect Cicero thinks it deserves. Cicero openly defends virtue as a necessary—or at least a very important—component to live one’s life well. Self-preservation, it seems, would keep us from over-indulging in frivolous or harmful pleasures and help us focus on virtuous action as well. The problem for Cicero is that the Epicurean cradle argument doesn’t emphasize these high, static pleasures that could support self-preservation and virtue.

We can infer from Cicero’s critique of the Epicurean cradle argument two key criteria for any strong appeal to nature. First, any appeal to nature that draws a conclusion about human ends must adopt a *summum bonum* that is fitting for human beings. Pleasure is an inappropriate end as far as Cicero is concerned. In the case of kinetic pleasures, Cicero makes clear, human beings are reduced to their bodies and the sensory delights they provide. Though static pleasure makes a slightly more defensible *summum bonum* for Cicero, it nevertheless fails because it seems either to be tethered to kinetic pleasures or it isn’t really “pleasure” at all for most people. Second, there must be a plausible connection between the origin and the end.⁹ Should an

⁸ Torquatus seems not to notice the problem in Epicurus’ system, which could be Cicero’s design to highlight Torquatus’ inadequate argumentative training. Cicero has Torquatus rely on the difference between the kinds of pleasure without ever formally establishing that difference (see n. 3).

⁹ The relationship between the origin and end have been analyzed in several ways. Annas 1993, for example, considers these two senses of nature to indicate a clear difference between the Epicureans, Stoics, and Antiochians. I accept the two senses she identifies but my treatment of them differs from hers in emphasis. Annas is interested in understanding the use of “nature” as what is given and unavoidable in contrast with that which comes to be as a result of development and virtue, whereas I, given my emphasis on the cradle arguments of *De finibus* in particular, add the time in life to which one appeals, i.e., infancy contrasted with young adulthood. Holmes 2014, 570 argues for these two senses of nature: that which is given and that which is a goal. She argues moreover that the Stoics attempt to

Epicurean attempt to reconcile the earliest inclinations for kinetic pleasures with the mature inclinations for static ones, they might need a rigorous argument about the development of animals over time. Young animals often need guidance to choose objects and actions that sustain static pleasure over the objects and actions that provide quick sensory delight. Without that guidance, animals rush into dangerous situations in pursuit of some exciting object or overindulge in food and become ill. If, however, development over time is a necessary consideration for the Epicurean argument to work, then the “cradle” argument as Torquatus conveys it is deeply misguided because the cradle provides neither reliable nor sufficient evidence for that development. In addition, this kind of support would imply that static pleasure is grounded in kinetic pleasure. That is, unless the Epicurean concept of pleasure is revised, the highest pleasure would become dependent on the lesser pleasure. Such an end would be highly inconsistent with the general expectations of an ethical end typically associated with freedom from distress and disturbance (Long and Sedley 1987, 114). Cicero’s treatment of the Epicurean cradle argument demonstrates that a strong appeal to nature must identify a stable, self-sustaining end that can be discerned at the starting point of the argument as much as at the end.

1.2 Applying the criteria to Stoic and Antiochian cradle arguments

Cicero’s criticism of the Stoic cradle argument suggests the Stoics identify an acceptable end for newborns, but they interpret that end inappropriately for adult humans. In explaining the position, Cato makes it clear the Stoics observe newborns’ immediate concern for their own well-being. From birth, an animal “favours its constitution and whatever preserves its constitution, whereas it recoils from its destruction and whatever appears to promote its destruction...babies seek out what is good for them and avoid the opposite before they ever fear pleasure or pain” (iii 16). Though it might look like the infant, for example, chooses the pleasant object and avoids the painful one, the Stoics maintain that the pleasure or pain would be accidental to the primary motive of self-love (*principium ductum esse a se diligendo*). In adults this self-love produces the diligent pursuit and maintenance of virtue. Concerning the first criterion, the Stoics seem to be on the right track. Self-preservation is not in itself an unacceptable end to Cicero, and the Stoic *summum bonum* for human adults, developing and sustaining virtue, is a very suitable end to him. Cicero has his own character

bridge the gap between the two senses of nature through *oikeiosis* but does extent this treatment to the other schools.

use the priority of virtue over pleasure that is consistent with Stoicism as a key argumentative point against Epicureanism throughout book 2. Nevertheless, he disagrees with the way that the Stoics derive the concern for virtue from self-preservation and considers their *summum bonum* misguided in practice.¹⁰ In short, Cicero claims that Stoic *summum bonum* of virtue requires human adults to transform self-preservation into securing the wellbeing of the mind and all *rational* aspects of oneself. As Cicero sees it, this is not self-preservation as such, but rather preservation of *only the best parts* of oneself. If our first natural desire is for self-preservation, it should therefore encompass care for both mind (*animo*) and body (*corpore*). Stoic self-love, Cicero asserts, requires that humans minimize an essential component of the human self—the parts that pertain to our bodies—for the sake of the things that pertain to our minds, most emphatically virtue. Cicero maintains that if the Stoics would emphasize preservation of the best part of oneself, then the conflict would be resolved (iv 34). They could then minimize the need for sound body and maximize concern for developing virtue and wisdom that they extol as the human telos. That is, the Stoic cradle argument cannot plausibly connect its ethical origin for humans, the preservation of the whole infant, with its end, the preservation of reason and virtue alone. Though the Stoics might meet the first criterion of a strong appeal to nature in the case of newborns, their application of that end in the case of adults does not meet the first criterion. They also fail to meet the second criterion of plausibly connecting the first inclination of newborns with the *summum bonum*. As far as Cicero is concerned, the way the Stoics emphasize virtue above all else even goes so far as to undermine this first inclination of self-preservation.

In order to meet the second criterion, they would need a rigorous argument that shows the development of one sense of self-preservation as a development of the self-preservation present at the origin. The Stoics do offer this in the form of *oikeiosis*, a process by which pre-rational humans develop rational capacities and recognize their role and position in relation to other living beings. Whereas children might be concerned mostly about themselves, they will come to be concerned with their broader community and, eventually, all of humanity, as we

¹⁰ My reading of Cicero's critique is consistent with Brad Inwood 2012, who claims Cicero's criticism of the Stoics is that "their conception of *telos* ignores important aspects of our complex nature", and that "any conception of the *telos* which does not correspond to our full set of natural powers will be to that extent defective" (192). Inwood in effect points to the same problem that I identify in criterion 1. Inwood does not develop any further significance of this alleged failure of the Stoics because he is more concerned with the intersection of physics and ethics in Antiochus than he is in the general interpretive framework of *De finibus*.

become familiar with what is suited to our nature.¹¹ Cato describes *oikeiosis* in his version of the cradle argument, yet Cicero does not engage it as he should. At this point it might be useful to acknowledge explicitly that Cicero is not often fair in his representations of the Stoics and Epicureans. He tends to exaggerate their problems and minimize their solutions. The point here, however, is not whether Cicero is accurate or fair; the point here is that he is crafting negative criteria for strong appeals to nature. He does not include a fair assessment of *oikeiosis* in this criticism because he wants to show how weak an appeal to nature is if it lacks that key connection from origin to end. Thus Cicero finds the Stoic-identified origin in self-preservation to be inconsistent with the stark prioritization of virtue over all else, including even basic care for the body. If the origin of the argument is grounded in self-preservation and the “self” includes mind and body, then the end of the argument must allow for the preservation of all the parts of self. The Stoics, then, adopt a suitable end for humans, but they fail to find a plausible connection between the origin and the end. As such, their appeal to nature is weak, though a significant improvement over the Epicurean position.

Like the Stoics, Antiochus and the Old Academy identify self-preservation as the earliest inclination of animals (v 23).¹² When Marcus Piso, who represents the Antiochian position, recounts his version of the cradle argument, he makes it clear that, as the animal develops, it becomes more aware of its own nature and understands its relation to others. The end that it strives for is “to live in accordance with nature in the best and most suitable natural condition possible,” by securing the objects that are “adapted to its nature” (v 24). Piso maintains that we ought to pursue virtue because it is suitable to our nature and obtain other material goods that are necessary for the flourishing of human beings as beings with both mind

¹¹ *Oikeiosis* and cradle arguments are closely related, but I take them to differ in that cradle arguments emphasize the *first* object of preference among newborns, before an organism is influenced by others, whereas *oikeiosis* provides a developmental account for the shift from a first object of preference to a mature one (i.e., the *summum bonum*). Within Stoicism there are many ways of using cradle arguments, with some (but not all) utilizing *oikeiosis* directly. Brunschwig 1986 argues that Cicero’s presentation of the Stoic cradle argument in *DF* iii 16 excludes any consideration for the sovereign good that is characteristic of *oikeiosis* (128 ff.), whereas Hierocles emphasizes *oikeiosis* and links the first preferred object with the *summum bonum* (139 ff.; Engberg-Pederson 1986).

¹² I claim only slight differences between them in this paper because Cicero presents them as such and, as I argue, they represent a progression in philosophical strength over the Epicurean position. In truth there are many differences between the Stoic and Antiochian cradle arguments, and the extent to which the two are compatible is up for debate. Carneades, for example, alleges that the Stoics and Peripatos differ onto in terms, not in content (Schofield 2012). Irwin 2012 claims of Antiochus’ account of “*oikeiosis*, attachment to the primary natural advantages,” and of his “account of the growth of one’s awareness of the right (*honestum*)” that “all this sounds similar to the Stoic view” (152-153). Yet in the same volume, Inwood 2012, 194 notes the Antiochian argument has a more comprehensive teleological framework than the Stoics such that “we may embrace the whole living world under a single heading” (*De finibus* v 26).

and body. That is, Piso asserts “we all by nature think of ourselves desirable in our entirety...[and] it must be the case where a whole is desired on its own account, its parts are too” (v 46). Virtue and bodily goods are not equal components of a happy life, however. Piso notes, “the mind’s virtue will rank more highly than that of the body, and...the volitional virtues of the mind will come in ahead of the non-volitional” (v 38). Virtue is extremely valuable in its own right and is the most important component of the human end on this view. All of this is to say that the Antiochian position appears to meet both criteria. Since Cicero accepts self-preservation and virtue as suitable ends, let us consider the second criterion more closely. Piso’s presentation emphasizes the need for human beings to care for their whole selves, mind and body. This repeats Cicero’s criticism of the Stoic cradle argument exactly—the Antiochian position is stronger than the Stoic one because it does not require that we discard our concerns for bodily and material goods while we prioritize virtue.

In addition to this advantage over Stoicism, the Antiochian cradle argument may also satisfy the second requirement. Self-preservation lends itself to the development of virtue, particularly when Antiochus adds the qualification mentioned above, that an animal ought to “to live in accordance with nature in the best and most suitable natural condition possible,” by securing the objects that are “adapted to its nature” (v 24). Virtue is the object best suited for human nature, and material goods that are adapted to human nature are also important or valuable. Especially interesting is the emphasis on “the best and most suitable natural condition possible”. This phrase suggests that human beings ought to develop their capacities in accordance with what is adapted to human nature. In other words, living well requires that we cultivate ourselves as much as possible. Consider this alongside Piso’s argument that humans willingly endure hardship for the sake of fulfilling work. He concludes, “we are born to act” (v 57-58). Action in public office, private business, or intellectual life is not something that we are born *with* but something we are born *for*. We live well when we develop the parts of ourselves that allow us to act virtuously in these roles. The cradle argument that the Old Academy espouses, then, is context sensitive enough to meet the second criterion as well. Because it identifies the pursuit of objects adapted to one’s nature as the earliest inclination, it plausibly identifies a motivation that could apply to the self-preservation of young animals as much as it does to mature adults living virtuously. The Antiochian position, then, has a plausible connection between the origin of self-preservation in newborns and the *summum bonum* of adult humans.

Cicero need not attack the Antiochian cradle argument as he does the others because it does, at first glance, meet the two criteria for a strong appeal to nature. This is perhaps one

reason why book 5 contains both the Antiochian position and Cicero's refutation of it, whereas the entirety of books 2 and 4 are refutations of the Epicurean and Stoic ethical systems, respectively—and compared to Cicero's categorical rejection of Epicureanism there is relatively little to critique of the Antiochian position. There is, however, a criticism relevant to the cradle argument in book 5. Cicero's main objection is that Piso draws a distinction between the "happy" life and the "happiest" one.¹³ Virtue is necessary for the happy life and any virtuous person would be happy, according to Piso, but the happiest life is one that is grounded in virtue and also has the other, i.e., material, goods. This distinction has a clear advantage over the Stoics: while the Stoics insist that the virtuous person is happy even when being tortured unjustly, the Old Academy would say that this person is happy, but not as happy as a virtuous person who is not being tortured unjustly. Whereas conditions such as slavery, disease, and death should not affect the happiness of the virtuous person on the Stoic account, the Antiochian one allows that those conditions make the happiest life impossible. Unfortunately for Piso, he has made the claim that nothing is better than virtue.¹⁴ If this were so, then he should also advocate that the virtuous life is the happiest one—but he doesn't. The virtuous person living in bad circumstances cannot be as happy as those who are virtuous and have material goods. This, Cicero claims, puts Piso in the position of having to say that the material goods that make the difference between "happy" and "happiest" are just as, or more, important for living well than virtue. The Antiochian position thus fails to meet the same consistency that the Stoic position does. Though it borrows from Stoicism, it fails to provide a similarly consistent and rigorous system. The Antiochian cradle argument, then, does not necessarily demonstrate an appeal to nature from which it derives a *summum bonum*. It derives a very important good but not the highest end because the happiest life depends on goods outside of human beings and thus not present for the newborn. The Antiochian cradle argument gets close

¹³ This amounts to a charge of inconsistency. In Cicero's mind, Antiochus as made changes to Stoicism that are in some ways more sensible than what the Stoics develop, but he sacrifices rigor and consistency to do so. Annas 1993, 180 n. 3 points out that Piso does not have a good reply to this charge and correctly notes "it is clear that Cicero thinks the theory is basically weak". Despite the major problem of consistency that emerges in the implications of their appeal to nature, the Antiochian appeal to nature is nevertheless better than the other schools'. I suggest the problems with the Antiochian appeal are a statement of just how problematic the other appeals are than it is an endorsement of Antiochianism.

¹⁴ This is perhaps importantly ambiguous. Antiochus maintains that living according to nature implies a life cognizant of the goods of body and soul, which includes the development of virtue. This implies that one ought to live virtuously but that virtue does not surpass other kinds of goods so much that one can be happy without them. In other words, he reduces the distance between the value of virtue and the value of other goods that the Stoics seek to widen (cf. Annas 1993, 185-187).

but ultimately does not work well as an appeal to nature. Though it is best position of the three schools, it is not one to be adopted uncritically.

II. *Cicero's Second Strategy, or How to Appeal to Nature*

Many assessments of *De finibus* examine the contents of the cradle arguments Cicero presents, either assessing the fairness of their presentation or analyzing the likelihood that Cicero endorses the Antiochian position as his own. These efforts tend to undervalue a fundamental difference between the cradle arguments of all three schools on the one hand and the kind of appeal to nature that Cicero makes on the other. Cicero is not making an appeal to nature and youth in quite the same way that cradle arguments do because he appeals to a different aspect of human nature than the others. He does not discern the human end from a formative *biological* moment in one's life, let alone infancy, but rather from a formative *educational* moment. This is a significant choice because it suggests that in ethics the telic sense of nature is more important than our congenital abilities. The development of human nature becomes the origin of living well instead of our condition as neonates. As such, education is at the core of our human end. It follows that, for Cicero, any appeal to nature that applies to human beings must be grounded in academic development. The appeal to "nature" that he has in mind, then, is an appeal to our telic nature. This makes Cicero's appeal to nature completely different from that of the cradle arguments at its foundation.

I argue for this position in two main steps. First, I first show that education is developed as a theme with increasing intensity and depth from book 1 to book 5. This reframes the grounding of an appeal to nature from "nature" in the biological sense to "nature" in the telic sense. In other words, Cicero likens an appeal to nature to an appeal to education. Second, I argue that Cicero's appeal to nature more easily reconciles the origin and end of human nature and meets Cicero's two criteria than the other accounts he examines.

II.1 *Education and the Appeal to Nature*

Cicero begins his attack on cradle arguments with what he pejoratively claims is the simplest of philosophical schools, Epicureanism. This alleged simplicity is due in part to what Cicero perceives to be a general failure on the part of Epicureans to educate themselves. For example, as Cicero and Lucius Torquatus (the representative of the Epicurean school) begin their conversation in book 1, Cicero alleges that Epicurus lacks a basic understanding of

scientific explanation. He charges that the notion of swerve, which Epicurus introduces into his physics to account for freedom, chance, and variation, is an arbitrary invention that is posited without a discernible cause (i 13-26). He emphasizes the gravity of the error, noting “when the most unprincipled move that any physicist can make is to adduce effects without causes” (i 19). He even accuses Epicurus of causing learned people to “unlearn” what they know (i 20). This skewering of Epicurus for his alleged disregard for any education may be overstated, but it serves a purpose for Cicero’s theme of education. While the education theme remains fairly thin in book 1, this early riff establishes that education is critically important to avoid logical pitfalls and gross misjudgments.¹⁵ This one small, negative allusion to education alleges that the Epicureans make egregious errors because they do not value education.

In addition to the general shortcomings of Epicureanism to endorse education, Torquatus makes missteps in his argument that demonstrate precisely what Cicero is talking about. Consider, for example, Torquatus’ insistence that he need not make a full argument for pleasure as the first inclination of newborn animals. As he indicates, no further argument is truly necessary because perceptions convey truth: “as fire is perceived to be hot, snow white, and honey sweet” (i 30). He also does not clearly define the Epicurean senses of pleasure until prompted to do so by Cicero, indicating a lack of priority for conceptual clarity and argument. This is important in two ways. First, it highlights that Epicureans did not insist on argument, and thus do not insist on education or training in good judgment—perceptions, common to adults and infants, humans and nonhumans, are enough. Second, it shows Torquatus deferring to the dogma of Epicurus without bolstering such claims with justification. While Torquatus’ interest in philosophy might be commended, he seems to miss the mark to engaging it adequately. This is perhaps because he is a keen student of literature and not philosophy (i 14). Though Torquatus is educating himself, he may not be focusing on the right things.

The theme of education is introduced in book 1 to construe Epicurus’ mistakes as results of ignorance. The necessary conditions of learning are introduced but fairly undeveloped, as the reader does not have much opportunity to observe the power of a strong education in action. As the reader progresses from the “easiest”, Epicurean position to the more technical Stoic one, the theme becomes explicit in the interlocutor’s roles as learners and educators. The reader compares the Epicurean position to the Stoic one and should notice Cato’s superior method,

¹⁵ This criticism extends beyond this one point. He also gives significant criticism of the Epicurean approach to argument and logic at i 10, which is dramatically reflected in some of Torquatus’ assumptions; for example, claiming that truth does not need argument because it can be “pointed out” for observation.

argumentation, and precision. After the Epicurean dialogue ends, book 3 opens when Marcus Cato, who represents the Stoic school, happens to be at young Lucullus' library when Cicero arrives and the dialogue begins. Though both men have held public office, they are at leisure here. What's more, they are presented as actively engage in philosophy during their free time (iii 7-10).¹⁶ Their presentation here suggests that one's education does not end when formal schooling has been completed. In mature adulthood they continue to read, learn new ideas, and philosophize. They are, for lack of a better phrase, lifelong learners. In addition to expanding their own knowledge, they are concerned with the education of young Lucullus, whose library serves as the setting. They agree to take joint responsibility for his intellectual development (iii 8-9). The dramatic components of this section allow for Cicero and Cato to serve as learners and as educators.

This scholarly framing anticipates the more technical discussion of books 3 and 4. The Stoics are better trained in argument than are the Epicureans, and Cato's presentation of Stoic philosophy lives up to that reputation. The philosophical engagement of Cato is more impressive than that of Torquatus, both with respect to his carefully chosen words and to his defense of Stoicism broadly. Whereas Torquatus seems initially unaware of the need to clarify his terms, for example, Cato shows great care for precise language and clear mastery of both Greek and Latin. He outlines the many fine distinctions of Stoic ethical theory and selects Latin words for technical Greek Stoic terms, including *axia*, *homologia*, and *kathêkon*. Cicero congratulates Cato for speaking precisely and clearly about Stoic philosophy at iii 40, even "committing to memory all of the vocabulary you are using to express your themes". Stoicism, presented as more rigorous than Epicureanism, consists of a better understanding of argument and the history of philosophy and represents a more advanced stage in education and rational development.

Cicero treats the Antiochian position more favorably than the others, and the dramatic context of book 5 emphasizes education the most directly and completely of them all. This dialogue takes place when Cicero and his interlocutors are in Athens completing their youthful philosophical studies—that is, decades before the other dialogues of *De finibus*. Prior to any involvement in politics, oratory, war, or statesmanship, and prior to the arguments of the rest of the text, they are students of philosophy wandering the ruins of the Academy, where Plato himself educated young men just like them. The emphasis on philosophical education is not

¹⁶ In addition, Cicero is there to borrow some of Aristotle's notebooks from Lucullus' library, which indicates that he is committed not only to enjoying philosophical conversation but also to broadening his philosophical knowledge.

subtle, and the relation of the characters underscores the point even further. Lucius, Cicero's cousin, is new to philosophy and trying to decide if he should learn more about Antiochus and the Old Academy on the one hand or Carneades and the New Academy on the other (v 6). The framework of this section of the text, then, is a debate about the relative merits and drawbacks of Antiochianism in the interest of persuading Lucius (esp. at v 86 and 95). In addition to the education-intensive framing, Marcus Piso's presentation of Antiochus appears to offer the most sophisticated of the theories examined in *De finibus* (even though Cicero is not convinced).¹⁷ This is in part because mastering the philosophy of the Antiochus requires some understanding of Plato, Aristotle and the Peripatetics, and Stoicism alike.¹⁸ In addition, Piso is the most rhetorically polished interlocutor in *De finibus* except, perhaps, for Cicero himself. His presentation is clear, direct, and eloquent. Cicero thinks eloquence is not a requirement for good philosophy but good philosophy that is presented well is best of all, and it proves effective here.¹⁹ Lucius, whose philosophical allegiance is at stake, is won over immediately by Piso's speech (v 76). The dialogue draws to a close when Cicero claims Piso must strengthen his argument, but the other interlocutors are deeply impressed by Piso's exceptional speech. Cicero's reply matches the strength of Piso's presentation, yet he does not prevail over his interlocutor here as he does in the first two dialogues.²⁰ While there are suggestions that Piso depends too much on eloquence and not enough on philosophical might, the readers are left with the impression that they have just witnessed an excellent philosophical discussion.²¹

¹⁷ Annas 1993 maintains that the position Piso presents is not actually the strongest of the three on the grounds that Cicero's response completely undermines its core ideas. Antiochus' position is appealing, she argues, because it is the most intuitively viable (Annas 1993, 180-187). Even if we allow that Antiochus' position is weak, it is nevertheless an improvement over the other, weaker positions.

¹⁸ The New Academy, to which Cicero states his allegiance in *Academica*, is born out of the Academy under the leadership of Arcesilaus and his radical skepticism. The Old Academy develops later when Philo of Larissa's student Antiochus breaks away from the radical skeptical interpretation of Plato and reincorporates Stoicism with Peripatetic ideas in what he claims is a unified tradition. While the other schools might encourage understanding these philosophers (or not), it seems as though this knowledge is a prerequisite to study Antiochus well.

¹⁹ At i 14-15 Torquatus states that Cicero and Triarius dislike Epicurus because he is less eloquent than other philosophers, but Cicero insists that he does not demand the eloquence of philosophers. Elsewhere he praises the union of eloquence and good philosophical argument (see *Ac.* i 8-10, *De fin.* iv 6, 24, v 1).

²⁰ By contrast, the first dialogue ends when Torquatus expresses the ability or perhaps need to refer Cicero to other "authorities" and "more experienced practitioners" (ii 118). Though he seems confident that better philosophers can come up with answers to Cicero's challenges, he is not himself capable. The second dialogue ends with Cato asking Cicero to promise to hear his refutation soon, but Cicero has the final word (iv 80).

²¹ Cicero at v 85 says that the conversation is "wandering from the point" and attempts to bring Piso back to the philosophical question at hand. Pomponius' approval of Piso's exposition at v 96 is entirely on the basis of presentation and excellence in speaking.

II.2 *The benefits of an appeal to telic nature*

Despite their respect for and modeling of good education, Cato and Piso nevertheless appeal to newborns in their versions of the cradle argument. The strengths of Stoicism—its consistency, its emphasis on virtue—depend on good education and yet the Stoic position is given its grounding in an appeal to human nature’s pre-rational state. Antiochus’ theory also requires that we have virtue, which implies education, in order to be happy, but he too appeals to human beings before they are fully rational to ground his argument. All three schools examined seem to agree that newborns are a good source to discern human nature because they are uncorrupted by society or other influences that get in the way of their choosing what is “good” for them. I propose that Cicero rejects this and uses education to highlight human “nature” in its fullest sense, i.e., in opposition to the “nature” that newborns embody and express. In short, I argue that Cicero finds the telic sense of nature more useful and accurate than he does the congenital sense of nature. Ultimately this means Cicero can provide an alternative to the varied cradle arguments that better meets the implicit criteria he posed in his criticism of them.

Recall that Cicero critiques Stoic and Epicurean cradle arguments because they allegedly place too much value in “mere” or biological nature when determining our proper “telic” end. He considers an appeal to young animals (human or nonhuman) means that we are relying on creatures that lack good judgment at ii 33:

in truth I have no faith in the judgment of animals. Their instincts can be corrupt without being corrupted. One stick may deliberately be bent and distorted, another grow that way. So too an animal’s nature may not have been corrupted by bad upbringing but of its own nature be corrupt. In fact the young are not moved by nature to seek pleasure but simply to love themselves and to wish to keep themselves safe and sound. Every living creature, as soon as it is born, loves both itself and all its parts. It cherishes above all its two major components, namely mind and body, and then the parts of each. Both mind and body possess certain excellences. At first these are dimly perceived, then incipiently distinguished, with the result that nature’s primary attributes are sought and their contraries rejected.

Bestiarum vero nullum iudicium puto. Quamvis enim depravatae non sint, pravae tamen esse possunt. Ut bacillum aliud est inflexum et incurvatum de industria, aliud ita natum, sic ferarum natura non est illa quidem depravata mala disciplina, sed natura sua. Nec vero ut voluptatem expetat natura movet infantem, sed tantum ut se ipse diligat, ut integrum se salvumque velit. Omne enim animal, simul et ortum est, et se ipsum et omnes partes suas diligit duasque quae maximae sunt in primis amplectitur, animum et corpus, deinde utriusque partes. Nam sunt et in animo praecipua quaedam et in corpore, quae cum leviter agnovit, tum discernere incipit, ut ea quae prima data sint natura appetat asperneturque contraria.

This passage supports an appeal to telic nature rather than congenital nature in two ways. First, it introduces a natural source of “corruption” in animals. Humans manipulate the judgment of nonhuman animals whenever they train them, which can either improve those animals or make them worse. Cicero allows that bad upbringing and bad education can corrupt or “bend” an organism away from what is truly good. Yet Cicero here considers what his rivals seem not to consider—that animals may be “corrupt” at birth. This does not imply some animals are born evil but rather that some animals (and certainly humans) are “bent” away from what is actually good. These organisms need correction and instruction before they reliably select truly good objects and actions. Second, Cicero’s identification of an organism’s nature in “its two major components, namely mind and body, and then the parts of each” is important. He notes that awareness of these parts and their excellences grow over time. This means that biological development or education, or both, seem to have some necessary role in perceiving these parts. In addition, each organism must perceive these excellences clearly in order to love oneself and support its own excellences by seeking and rejecting the right things. For the organisms “corrupt” from birth, however, this self-love is only possible with intervention in the form of correction or education. Though Cicero does not specify how often animals are “corrupt” in this way, it is nevertheless reasonable to say that many animals need some correction to keep away from harm. In other words, loving oneself means requires correction or education. In claiming this, Cicero implies the superiority of one’s telic nature, which results from development and education, over one’s biological nature. Biological nature in itself does not reliably point animals toward developing excellence. This is why it is an unreliable indicator of the human *summum bonum* and human nature in its full sense.

As an alternative to grounding an ethical system on one’s biological origins, Cicero prefers we appeal to trustworthy human judgment, the product of formal or technical education, which represents our completed, telic nature. Through education students come to understand the principles and causes of their areas of study. It is only in having received good education that they understand these and are able to consistently and responsibly make the correct judgments about theoretical topics, such as mathematics, and about technical applications, such as carpentry or any other art in which they specialize. The shift Cicero makes here signals an important restriction on the varied cradle arguments in that he limits himself to human beings strictly, whereas the cradle arguments in the text appeal to young animals that are not necessarily human. Since Cicero seems entirely focused on humans, he is concerned with finding the origins of what he considers our best and specifically human inclinations. In a thoroughly human context, biological origins are less important than the natural gifts or talents

that humans possess prior to any training. Thus the reliability that comes with a educated, well-considered judgment is not taken as the counterpoint to newborn infants; rather it is the counterpoint to variability of the knack (or lack thereof) that someone could have for some task. The frame that Cicero uses for his own appeal to nature has nothing whatsoever to do with newborn animals or human infants. Thus his argument is not really a “cradle” argument because he does not seek an answer there. Cicero’s suggestion that we ground ethics in well-developed human judgment instead of early inclinations makes his position is nevertheless analogous to those cradle arguments because they share a few key features. First, both the cradle arguments and Cicero’s alternative involve an appeal to the young. While the origin of the kind of judgment Cicero appeals to would not be available to us from infancy, it is nevertheless available to us in “youth”—that is, in late adolescence or early adulthood. In addition, both the cradle arguments and Cicero’s alternative aim to find some uncorrupted expression of our human nature. Though his rivals seek this uncorrupted state prior in time to experience of social structures and influences, Cicero seeks it in philosophical immersion that is prior in importance to those influences.

One benefit of Cicero’s appeal to nature is that it appeals to something that is much more reliable than what is provided to us at birth. Cicero unambiguously establishes that proper training in an art produces better results more consistently than does untrained talent. He notes, “art is a safer guide than nature. To pour out words like a poet is one thing. To arrange what one says in a methodical and organized manner is quite another.” (iv 10) He suggests regular and repeatable success is more likely to follow from the well-trained speaker than the talented one who receives no training. This reliability is a significant advantage over the relative variability in what is present or absent in an animal immediately upon birth. For Cicero, there are at least two good reasons for this. First, training in an art through education and experience provide a more stable foundation for action than natural talent. This is because, as discussed above, it provides some certainty on account of understanding the relevant principles and causes of the subject in question. Second, education and training make progress possible. Indeed, progress is inherent in any educational program. Complete beginners might approach a new subject for the first time with no understanding whatsoever. Even without understanding, the beginners learn the practices of their subject and with a guiding hand, often an expert in the area to teach them, they begin to understand patterns of cause and effect. With repetition, correction, and adjustment, they make progress toward mastery over time. In other words, education provides the individual with a passageway from what is given by nature, natural talents and weaknesses, to what is possible from those innate capabilities. True in intellectual

and technical areas, Cicero plausibly implies that this applies equally in the context of ethics. Ethical training, through education, practice, and correction, can propel human beings from what is given and necessary from their circumstances to what is chosen through virtue.

Centering an appeal to nature on education has plausible benefits at the individual level because it gives an ethical system a more stable ground than what is given at birth. Education builds reliability in ethics because it is the thing that transforms immature humans that might follow their inclinations without critical assessment or reflection into mature humans that consider their choices alongside their values and goals. There is a further benefit to this proposal at the community level, however. Eventually the students that receive guidance in education are themselves able to give guidance. Educated individuals can positively shape the education of those younger than themselves.²² Every generation is able to learn from the previous and perhaps even make progress beyond what their teachers had known. This is how art makes progress over time. Engineering, technology, or medicine, for example, has benefitted tremendously from the accumulation of education over generations of good teachers and learners. When individual students make individual progress, they learn from and build upon the foundation established by those who have come before, and they contribute to the field collectively. The art becomes more refined, comprehensive, and, often, useful as a result of this process. An ethical system grounded in intellectual curiosity and study might similarly be able to make progress, though it might be more difficult to quantify or track. The end and benefit of human society is mirrored by the end and benefit of the individual.

II.3 *The criteria applied to the appeal to education*

An education-grounded ethics meets the first criterion of a strong appeal to nature because it would support the adoption of proper human ends, including virtue and self-preservation, both at the individual and community level. While Cicero shows a willingness to accept a few candidates as *summum bonum* (including virtue, self-preservation, or preservation of the best parts of oneself) education leads us to and supports them all. Let us consider virtue as the *summum bonum*. Learning about the world helps individuals understand their own roles within it and this, properly appreciated, should imbue them with some perspective about which kinds of problems are concerned with right and wrong—and thus, are worthy of attention—and which are not. This encourages the development of virtue, as courage or wisdom or

²² As Cicero and Cato intend to do for Lucullus in books 3 and 4, and as Cicero and Piso intend to do for Lucius in book 5.

moderation or any other sort, and even facilitates its practice. The specific virtue one chooses is not identified, and may be less important than the perspective that brings someone to choose virtue and act accordingly as an end. So, too, preservation of the whole self or the best part of oneself, could be the *summum bonum*. A good education supports self-preservation in several ways. A basic understanding of care of the mind and body would help one preserve their health. A clear understanding of one's values and the consequences of different courses of action could help that person choose actions that will bring the least damage to themselves or others. In every case, a good education prepares the individual to choose good ends and good means to those ends.

The second criterion, that there be a plausible connection from the appeal to the *summum bonum*, is also met in Cicero's telic appeal. Cicero's appeal assumes that human beings develop their given nature through education. Education is that process by which humans beings (and some nonhuman animals) are transformed beings that could have good judgment into beings whose judgment can be trusted. Prior to education or training, it is plainly observable that human beings less consistently choose what is in their best interest, or with what Cicero identifies as a proper end (self-preservation or virtue). Small children, for example, will often choose that which brings immediate satisfaction over an option that delays satisfaction. They need guidance from a community of adults to help them learn why one choice is better than another and help them practice making those choices. That is, they must be educated well. If Cicero's appeal to nature originates in a stage of development in which education has taken hold and the individual is able to engage thoughtfully with the object of their attention, then the origin and end are easily reconciled with the ends Cicero would accept. In other words, education is *itself* that connection that the other schools seem to lack. When Cicero appeals to his youthful philosophical studies, he appeals to the part of human nature that is curious and engaged with subtle ideas and arguments. Our desire for learning as our primary inclination persists throughout one's education and perhaps even throughout one's adult life. While Cicero always foregrounds philosophical activity as important for its *application*—as when education transforms curiosity into a stable foundation for decision making—it nevertheless has no terminus. Cicero and Cato continue to study philosophy in their free time, and Cicero's character demonstrates a continued commitment to philosophical discussion even as the Republic is on the brink of civil war.

Conclusion

Cicero's treatment of the different cradle arguments makes it clear that the Epicureans and Stoics fail to live up to his standards, though the standards themselves are not explicit. I have shown that Cicero's criticism of the Epicurean cradle argument implies that there are two criteria any good appeal to nature must meet: it must select a suitable *summum bonum* for humans, and it must have a plausible connection from the point of appeal to the end selected. The Epicureans fail to meet both criteria; the Stoics select a better end, though they misapply it, and fail to meet the second criterion. The Antiochian position gets close but still fails to meet Cicero's proposed criteria. When taken in the context of the text-long development of education as a theme, the relative failures of the cradle arguments are inversely correlated with Cicero's thematic emphasis on education. The Epicureans, Cicero makes clear, miss the mark on education entirely. The Stoics do better in education and have better technical arguments, but they have missed something crucial to dogmatically maintain the absolute value of virtue alone. The Antiochians, again, get closer than the other two. Yet despite the pervasive presence of education in book 5, the Antiochian position does not appreciate the significant flaw it has in maintaining both that virtue is both the most important good and that it is insufficient for the happiest life.

Where the other positions have failed to make a strong appeal to nature, Cicero offers an alternative. Rather than appeal to "nature" evident in neonates, Cicero appeals to our "nature" in a telic sense, with an emphasis on our ends rather than our origins. His own appeal to his youthful philosophical studies successfully meets his two criteria for a good appeal to nature. Education is the very thing that propels us from one sense of nature, the given sense, to the other, telic one, as the Stoic and Epicurean cradle arguments were unable to do.

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