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Opportunistic Stoicism: Philo's *Quod Omnis Probus Liber Sit*
 and Cicero's *Tusculan Disputations Book 2*

In Cohn's edition of *Prob.* two historical exempla mirroring exempla included in book 2 of Cicero's *Tusculan Disputations* are noted in the textual apparatus.¹ To these Petit adds one more in her edition of *Prob.*² In the introductory material Petit also suggests a strong link between the two authors and even briefly entertains the possibility that Philo knew *TD*. Petit gestures towards what she senses may be a more sustained parallelism between the two texts but concedes that establishing this exceeds the scope of her study.³ It is, to be sure, a difficult argument to substantiate. In this paper I walk a fine line. I agree with Petit that there is sustained parallelism between *Prob.* and *TD*, specifically book 2, and I place most of my efforts here to demonstrate this. On the other hand, I remain skeptical that Philo had or knew *TD* and instead suggest that whatever comparable ground exists is perhaps better explained by a common source. As to the authorship of that source, Posidonius is a usual suspect as is Antiochus of Ascalon, though it is entirely possible that the author must remain unknown to us. Given the paucity of evidence for the various philosophical schools prior to Cicero, I do not think we can be dogmatic about an underlying source even if we sense one. In feeling out some of the potential contours of this shared source, I also resist the assumption of Petit, Colson, and others that *Prob.* represents a product from Philo's youth or early literary career.⁴ If Petit's suggestion is right that Philo knew

¹ Cohn and Reiter 1962, 31.

² Petit 1974, 89-90.

³ Petit 1974, 42-3.

⁴ Colson 1954, 2; Petit 1974, 43; Alexandre 1999, 114; Engberg-Pedersen 2004, 57.

TD, a work from Cicero's final years that is far more Stoicizing⁵ than much of Cicero's other works and personal philosophical affinities,⁶ should we not grant that Philo could have just as likely composed *Prob.* toward the end of his life or literary career, crafting it to be much more Stoicizing than what we find elsewhere in his literary corpus? This is not a testable question but another way to complicate assumptions for dating *Prob.* as Nock did now over seventy years ago, asserting that "A Greek or Roman writer with literary ability adopted the style appropriate to a particular genre. Philo was capable of producing at any period of his maturity these exercises in a markedly different manner."⁷ It seems unfair to Philo's rhetorical and philosophical acumen to acknowledge that *TD* is known to be a work from Cicero's mature years, but insist, like Petit, that *Prob.* "verges on fervor and youthful enthusiasm."⁸ Let us now examine a set of representative but probably not exhaustive parallel exempla, arguments, and uniquely Stoic doctrines from the two treatises that suggest shared reliance on a discrete source rather than direct influence from one to other, mere coincidence, or reliance on something like a general doxography.⁹

Overlooked by Cohn and Petit is a shared, programmatic statement by Cicero and Philo. Early in their arguments, both authors depict philosophical training as capable of liberating people from what Stoics hold to be harmful passions. In a treatise demonstrating the freedom of the good man (*Prob.* 1), Philo predictably employs the language of emancipation.

⁵ For the complex eclecticism of the treatise see King 1945, xviii-xxxi; see also Douglas 1985, 9-12, Douglas 1990, 2-9.

⁶ For discussion on Cicero's allegiance to the Academy, his eclectic interests, and his deep Stoic sympathies, see Graver 2002, xi-xiii; see also Morford 2002, 34-50.

⁷ Nock 1943, 78-9.

⁸ Petit 1974, 43: "côtoie des élans et des enthusiasmes juveniles."

⁹ Runia 2008, 13-54.

ἀλλ' ἔστιν ἡ σκέψις περὶ τρόπων, οὐς οὔτ' ἐπιθυμίας οὔτε φόβοι οὔθ' ἡδοναὶ οὔτε λύπαι
κατέζευξαν, ὥσπερ ἐξ εἰρκτῆς προεληλυθότων καὶ δεσμῶν οἷς ἐπεσφίγγοντο
διαφειμένων. (*Prob.* 18)

But this investigation concerns temperaments which lusts, fears, pleasures, or griefs have not subjugated, as though these temperaments have gone forth from prison and have been released from chains by which they were securely bound.¹⁰

More briefly but in the same vein, Cicero credits philosophy with liberation from three of the four Stoic passions (cf. D. L. 7.110). By the fruits of philosophy, he asserts, “sometimes we are freed from lust (=ἐπιθυμία), grief (=λύπαι), or fear (=φόβοι)” (*interdum aut cupiditate aut aegritudine aut metu liberemur; TD 2.2*). Cicero next esteems the deliverance of the soul from fear (*animum metu liberandum*) because a man so freed from the fear of death (*mortem non timet*) has acquired support for a life of happiness (*ad beatam vitam; TD 2.2*). Following his own statements on liberation, Philo also associates happiness (εὐδαιμονία) with the one who is free from fearing death (ὁ τοῦ θανεῖν μόνον ἄφροντις ὢν ἀδούλωτος; *Prob.* 23-4). Although Cicero does not overtly state it in paradoxical form, like Philo he too is concerned with proving that every good man, that is to say every philosophically trained man, is free. That both authors initiate their respective projects in this way is noteworthy.

In their ensuing arguments, both writers draw heavily upon exempla of various sorts. Cohn and Petit both recognize the parallel exempla in *Prob.* 108 and *TD 2.52*. From 105-9 Philo recounts and praises the noble endurance of torture by the philosophers Zeno the Eleatic and

¹⁰ This and all subsequent translations are my own.

Anaxarchus. Cicero, more succinctly, also mentions the exemplary comportment Zeno and Anaxarchus when tortured. What Cohn does not note but Petit does is that Cicero next praises Callanus (Cicero's spelling) the Indian philosopher who was burned alive by his own choice (*sua voluntate vivus combustus est*; Cic. *TD* 2.52; cf. 2.40, *uri se patiuntur Indi*). The same Kalanos (Philo's spelling) also appears in *Prob.* 92-7, including a letter to Alexander the Great in which Kalanos asserts that the proof of Indian philosophers' zeal for overcoming external compulsion lies in their willingness to be burned alive (ζῶντες καίόμεθα; 96). An additional detail that Petit passes over is the willingness mentioned by both authors. Cicero notes that Callanos was burned alive *sua voluntate* while Philo has Kalanos say that sages do only what they "wish" (βούλονται; *Prob.* 96). This set of identical exempla is impressive and alone suggests some sort of shared ground between the two writers. Nevertheless, more parallels can be found.

Directly following his discussion on Zeno and Anaxarchus, Philo points to the endurance exhibited by pankratiasts and wrestlers (*Prob.* 110-113). Cicero similarly lauds boxers who are beaten with gauntlets (*TD* 2.40). After the exemplum of boxers, Cicero describes the verve with which gladiators fight and, when defeated, willingly offer their necks for jugulation (*TD* 2.41). Analogously, though with a Greek rather than a Roman exemplum like gladiator fighting, Philo points to an instance when two athletes contended until both fell dead (*Prob.* 112). In addition to the comparable exempla, the corresponding argument that both writers make is that if those only trained in bodily discipline can conquer fear of death, so much more the philosopher whose training disciplines the soul. Thus concerning the philosopher Philo rhetorically asks, "Since they are trained by words from philosophy and the deeds of virtue, will they not be willing to die for the sake of freedom?" (λόγοις μὲν τοῖς ἐκ φιλοσοφίας ἔργοις δὲ τῆς ἀρετῆς ἀλείφοντας οὐχ ὑπὲρ ἐλευθερίας ἐθελήσειν ἀποθνήσκειν; *Prob.* 111). Similarly Cicero rhetorically inquires, "Shall

then [a gladiator accepting death]...be capable of this, and shall a man born to fame have any portion of his soul so weak that he cannot strengthen it by rational training?" (*ergo hoc poterit [gladiator]...vir natus ad gloriam ullam partem animi tam mollem habebit, quam non mediatione et ratione conroboret*; TD 2.41). "Clearly not" is the answer to both questions.

Another closely aligned exemplum is Cicero and Philo's shared admiration for the endurance of Lacedaemonian youths. Cicero approves of young Spartan boys who endure all manner of brutal deprivations and beatings even unto death (*ad necem*; TD 2.34). Philo for his part extols a captive Spartan boy who kills himself rather than be a slave (ἐαυτὸν διεχρήσατο; *Prob.* 114). Notably, both authors attribute this high-mindedness to the laws of Lycurgus (*leges Lycurgi*; τοῖς Λυκούργου νόμοις). As with the analogous moral of the gladiator and athlete exempla, Cicero and Philo both conclude that if mere boys can readily despise death, so much more must those trained in philosophy be ready. Cicero asks, "What? Will boys be so able and men will not? And custom has potency but reason will not?" (*quid ergo? hoc pueri possunt, viri non poterunt? et mos valet, ratio non valebit?* (TD 2.34). Philo likewise queries

εἴτ' οἰόμεθα...μειρακίοις...τοσοῦτον ἐλευθερίας ἔρωτα ἐντήκεσθαι, ὡς...πρὸς θάνατον ὡς ἐπ' ἀθανασίαν ὀρμᾶν, τοὺς δὲ σοφίας ἀκράτου σπᾶσαντας οὐκ εὐθὺς ἐλευθέρους εἶναι? (*Prob.* 117)

Do we therefore think that in...boys...so great a love of freedom is embedded that...they rush on to death as though it were immortality, while those who have drawn on pure wisdom are not naturally free?

This closely related exemplum raises the same question and again the answer for both writers is “No.”

This parallel also reveals a seam. How might we account for the discrepancy in the two accounts if both relied on a common source? My guess would be that the source included the basic argument that if boys can do so and so, then men trained in philosophy can do better and capitalized on the famed endurance of Spartan youth to illustrate the argument. Philo then added the specific story of the youth who killed himself, an account not known to Cicero. Had Cicero known it, it is hard to believe he would have omitted so apt an exemplum. As a point of comparison, Seneca knew the story and used it to argue for the sage’s freedom (cf. Sen. *Ep.* 77.14-15).¹¹ Of course, to uphold Petit’s tentative hypothesis, one could still hold that Philo added the story to the framework borrowed from Cicero.

In addition to these models, Cicero and Philo mine poetry in comparable ways to add further exempla to their arguments. Regarding the value of poetry for moral edification, Philo states that “poets are witnesses of the freedom of virtuous people” (τῆς δὲ σπουδαίων ἐλευθερίας μάρτυρές εἰσι ποιηταί; *Prob.* 98). Moreover, raised on the poets, people “better their habits” (βελτιοῦνται τὰ ἥθη) and transform deficiencies in their souls (ἐν ταῖς ψυχαῖς...μεταχαραπτόμενοι; *Prob.* 98).¹² As an example of such enriching poetry, Philo goes on to cite an otherwise unknown fragment of Euripides in which Heracles spurns pain.

πίμπρα, κάταιθε σάρκας, ἐμπλήσθητί μου
 πίνων κελαινὸν αἶμα· πρόσθε γὰρ κάτω
 γῆς εἶσιν ἄστρα γῆ τ’ ἄνεισ’ εἰς αἰθέρα,

¹¹ For reconstruction of how Philo and Seneca knew the story, see Petit 1974, 83-86.

¹² For Philo’s appreciation of Greek poetry in the project of moral edification, see Hernández 2014, 136-9.

πρὶν ἐξ ἐμοῦ σοι θῶπ' ἀπαντῆσαι λόγον. (*Prob.* 99)

Broil and burn my flesh, have your fill drinking my dark blood. The stars shall sooner go beneath the earth and the earth ascend into the heavens before you shall encounter a wheedling word from me.

Cicero takes just the opposite stance vis-à-vis the poets and Herakles as a moral paragon. Of poets he says, “But do you not see what ills they cause? They exhibit the bravest men weeping, they emasculate our souls” (*sed videsne poetae quid mali adferant? lamentantes inducut fortissimos viros, molliunt animos nostros; TD 27*). Cicero puts in the mouth of the interlocutor identified as M. this observation about Hercules: “But let us look at Hercules who was broken by grief when he was on the verge of obtaining immortality by means of death itself (*sed videamus Herculem ipsum, qui tum dolore frangebatur, cum immortalitatem ipsa morte quaerebat; TD 2.20*). Through M. Cicero then quotes an extended passage from Sophocles’ *Trachiniae* (translated into Latin by Cicero) which, perhaps coincidentally, includes lines with Hercules bemoaning the drinking of his blood (*sanguinem omnem exsorbuat; TD 20*), the onset of fire (*nunc serpit ardor; TD 22*) to torture his flesh, and a plaintive cry for mercy (*miserere; TD 21*).¹³ These respective views on poetry and the respective lines cited to substantiate those views are two sides of the same coin. As a thoroughgoing Hellenist, Philo unreservedly borrows from Greek poets while Cicero denigrates and repurposes them, a micro-aggression perhaps to compensate for Rome’s cultural deficiencies. Such one-to-one polarity, at any rate, hints at contested but shared ground.

¹³ For caution on uniformly identifying the view presented by interlocutor M. (assignation by a later editor, not authorial) with views of Cicero himself, see Graver 2002, 79; Douglas 1985, 16; Douglas 1990, 9.

It is with Cicero's stated use of poetry that we might make out a very faint thread for discovering a common source, or at least an author for it. Before disparaging the poets, Cicero comments that his use of poetry is after the custom of his former teacher Philo of Larissa (*TD* 2.26). One of Philo's well known students and a later philosophical opponent was Antiochus of Ascalon, under whom Cicero also studied (*Cic. Acad.* 1.12-13; 2.69). Presumably Antiochus likewise was exposed to Philo's method of incorporating poetry in philosophical argumentation. In the entourage of Lucullus, Antiochus visited Alexandria and engaged in philosophical debate and perhaps left a lasting impression on other Academics and Eclectics in the city (*Cic. Luc.* 11-12).¹⁴ We also know from *TD* 5.22 that Antiochus "often wrote in various treatises" that "virtue itself through itself makes life happy (*scriptitavit etiam Antiochus locis pluribus, virtutem ipsam per se beatam vitam efficere*). Perhaps among these treatises on virtue and happiness lies our source on freedom from passions, maybe even a treatise integrating poetry, that could at once be available to Philo in Alexandria and Cicero at Rome. Again, the thread is tenuous but it is a potential link nonetheless.

Physical and psychological strength to withstand hardship and pain is a concern for both writers as well. Drawing upon the Stoic concept of *τόνος*, or "tension," Cicero and Philo both conceive of fortitude as a willed straining of mind and body.¹⁵ Cicero claims that "there are certain similarities between the mind and body" (*sunt enim quaedam animi similitudines cum corpore*; *TD* 54). To illustrate this he observes that "weights are more easily carried when bodies are tensed" and "similarly the mind throws off every loaded weight by means of its own tension" (*onera contentis corporibus facilius feruntur... simillime animus intentione sua depellit pressum*

¹⁴ For Antiochus' influence on Alexandrian intellectual life, see Hatzimichali 1976, 37-43.

¹⁵ See Arr. *Epict. diss.* 2.15.2-3 for a fine example of Stoic doctrine of *τόνος/ἄτονία* for the soul and body. For a brief formulation of the Stoic concept of *τόνος* in body and soul see Ar. Did. *Epitome*, 5b4. See also Graver 2007, 12-21, 65, 71.

omnem ponderum; TD 54).¹⁶ To follow up on this idea, Cicero states that the brave and wise man (*vir fortis ac sapiens*) when he strains to stand firm (*se intendat ad firmitatem*; TD 56) will grunt like an athlete to increase bodily tension. So also boxers grunt when throwing punches and in doing so “the whole body is tensed and the strike comes with increased vigor” (*omne corpus intenditur venitque plaga vehementior*; TD 56). This reflects the importance of psychological tension as well Cicero goes on to argue. “Not only pain, but all things must be withstood by similar tension” (*omnibus enim rebus, non solum dolori, simili contentione animi resistendum est*) including moral lapses like *ira* (TD 58). Philo arrives at similar conclusions using an exemplum from pankration. Thus, Philo recounts a bout between two pankratiasts in which one outlasted the other by absorbing every strike until his opponent quit in exhaustion. The victor was able to withstand so many blows because he was “rigid, solid...tensed throughout his whole body” (στρυφνόν, ναστόν...δι’ ὅλων νενευρωμένον; *Prob.* 26). Philo concludes that “It seems to me that the sage has experienced something similar” since he “controls his soul” and in victory does nothing “beyond his consent” (ὅμοιον δὴ τι τούτῳ πεπονθέναι μοι δοκεῖ ὁ ἀστεῖος· τὴν γὰρ ψυχὴν... κραταιωθείς...τῶν παρὰ γνώμην; *Prob.* 27). Philo, like Cicero, also uses boxers as physical exemplars of psychological integrity. When blows or death threaten, the sage can say

οὐδ’ εἰμι πυκτῶν ἢ παγκρατιαστῶν ἐλάττων, οἵτινες ἀμαυρὰ εἶδωλα ἀρετῆς ὀρῶντες, ἅτε σωμάτων αὐτὸ μόνον εὐεξίαν διαπονήσαντες, ἐκάτερα τλητικῶς ὑπομένουσιν· ὁ γὰρ ἡγεμῶν σώματος ἐν ἐμοὶ νοῦς ἀνδρείᾳ τονωθείς οὕτω σφόδρα νενεύρωται, ὡς ἐπάνω πάσης ἀλγηδόνοσ ἴστασθαι δύνασθαι. (*Prob.* 146)

¹⁶ For discussion of *contentio animi* and corporeal *contentio* see Koch 2006, 160-161.

I am not less than boxers or pankratiasts who although seeing shadowy images of virtue—since they only train the well-being of bodies—endure both death and blows patiently. For the mind within me, the body’s governor, toned with courage is so exceedingly tensed that it is able to stand strong over every pain.

For Philo and Cicero alike, tension, both physical and psychical, is a moral imperative to overcome attacks on body and mind and is attained and enhanced through discipline. For both authors, martial arts, boxing in particular, offer visible exempla to demonstrate the invisible struggle against deficiency in virtue.

The lack of physical and psychical tension is also at issue for both writers.¹⁷ In book four of *TD* Cicero identifies the opposite of tension as *contractio*. This is a physical and psychical recoiling or shrinking because of the passion *aegritudo*, or “grief,” in the face of perceived or real pain.¹⁸ In book two Cicero uses this term in verb form when discussing his exemplum of gladiators fighting to the death mentioned above. As part of his greater argument that the philosophically trained should outstrip in virtue those only exercised in mundane disciplines, Cicero rhetorically asks, “What gladiator after falling has drawn in his neck when ordered to suffer the fatal stroke? (*quis, cum decubisset, ferrum recipere iussus collum **contraxit**?*; *TD* 2.41). Brave men, Cicero claims, prefer to accept death blows rather than basely avoid them (*accipere plagam malunt quam turpiter vitare*; *TD* 2.41). Utilizing a Greek rather than Roman

¹⁷ For a brief discussion on λύπη in Philo and *aegritudo* in Cicero, see Dillon and Terian 1996-7, 21.

¹⁸ *TD* 4.14: “Distress is the mark of fools and they are afflicted by it when evils are falsely imagined. They let their souls become downcast and they suffer contraction because they do not comply with reason. And so this is the primary definition of distress: it is a contraction of the soul although reason stands in opposition... Therefore distress is a recent notion of present evil, in which it seems right for the soul to suffer contraction and dejection. *stultorum aegritudo est, eaque adficiuntur in malis opinatis animosque demittunt et contrahunt rationi non obtemperantes. itaque haec prima definitio est, ut aegritudo sit animi adversante ratione contractio... est ergo aegritudo opinio recens mali praesentis, in quo demitti contrahique animo rectum esse videatur.*

exemplum, Philo attends to this same passion (Gr. λύπη) and depicts the one overcoming it as a victorious wrestler or pankratiast (*Prob.* 21). Just like Cicero, Philo also identifies contraction as the destructive effect of grief: “For if the soul...contracts by grief...it enslaves itself and makes the possessor of this soul a slave of ten thousand masters” (εἰ μὲν γὰρ...λύπη στέλλεται...δουλοῖ μὲν αὐτήν, δοῦλον δὲ καὶ τὸν ἔχοντα μυρίων δεσποτῶν ἀπεργάζεται; *Prob.* 159).¹⁹ It bears noting that although not in the context of gladiators accepting jugulation in the neck as in Cicero, a few lines before this passage Philo also points to the neck as a site of demonstrable virtue. He links the straight—and therefore tensed—neck of the sage with noble traits and contrasts this with the cocked—and therefore contracted—neck of those apt for slavery (*Prob.* 155).

Finding such a person able to withstand both physical and psychical duress is difficult, however, as both writers recognize. Cicero notes that thus far he has not seen a man (*adhuc nos quidem vidimus neminem*) with perfect wisdom (*perfecta sapientia*; *TD* 2.51). Philo avers that such people do exist but concedes that “exceedingly good things,” like sages, “are rare” (τὰ λίαν καλὰ σπάνια; *Prob.* 63; cf. 72). Tacitly but revealingly, Philo also does not claim autopsy. Both authors however, after exhibiting fictional heroes from poetry who despise pain, turn to mortal, non-demigod exemplars of virtue (*Prob.* 99-104; *TD* 48-50). Indeed, taking the same argumentative step, both writers next reference the endurance of Zeno and Anaxarchus noted above (*Prob.* 105-9; *TD* 51-2). To show that sages are not unicorns, the step is altogether reasonable. Still it seems more than a coincidence of logical arrangement for the two writers to utilize identical exempla to prove their shared point.

Another shared example of a degree of realized virtue are non-sages willingly accepting wounds and death in battle for the sake of mundane glory. Philo points to perhaps the most

¹⁹ Cf. D.L. 7.111: “[Stoics assert] that grief is an irrational contraction” (τὴν μὲν λύπην εἶναι συστολήν ἄλογον).

famous battle from Greek history, Marathon, Cicero to a renowned archetype of Roman patriotism. In recounting the Athenian victory Philo notes that Miltiades stoked the soldiers' ardor for battle by having them watch fighting cocks fight to the death (*Prob.* 131-2). Philo observes that

θεασάμενοι γὰρ τὸ τλητικὸν καὶ φιλότιμον ἄχρι τελευτῆς ἐν ἀλόγοις ἀήττητον,
 ἀρπάσαντες τὰ ὄπλα πρὸς τὸν πόλεμον ὄρμησαν, ὡς ἐχθρῶν ἀγωνιούμενοι σώμασι,
 τραυμάτων καὶ σφαγῶν ἀλογοῦντες (*Prob.* 133)

Once the soldiers beheld that the endurance and zeal for glory was unconquerable in these irrational animals, even until death, they snatched up their arms and hastened to battle to fight with the bodies of their enemies, paying no regard to wounds and slaughter.

The soldiers, Philo implies, outstrip the fighting-cocks' zeal for glory because they rationally choose to be wounded and die. Cicero says something analogous concerning glory as motivation for battle wounds and death.

ex hoc cursu atque impetu animorum ad veram laudem atque honestatem illa pericula
 adeuntur in proeliis; non sentiunt viri fortes in acie vulnera, vel sentiunt, sed mori malunt
 quam tantum modo de dignitatis gradu demoveri. fulgentes gladius hostium videbant
 Decii, cum in aciem eorum irruebant: his levebat omnem vulnere metum nobilitas
 mortis et gloria. (*TD* 2.58-9)

Because of this rush and impetus of souls toward true glory and honor, men meet with those dangers in battle. Brave men do not feel wounds in battle, or they do feel them but they prefer to die more than to be removed from a position of esteem. The Decii saw the flashing swords of the enemy when they rushed into their opponents' battle line. For them the renown and glory of death diminished all fear of wounds.

The rhetorical enthymeme here is that if real, historical people (in the minds of Philo and Cicero) who, under no compulsion, voluntarily sacrifice themselves for the freedom of Athens or Rome, real people can in fact choose to endure physical and psychological pain to keep their souls unenslaved to the passions. The result of this is not the glory that comes in battle, but the highest glory for the philosopher, virtue.

I offer one more point of comparison. At *TD* 2.47 Cicero departs from conventional Stoic doctrine on the monistic nature of the soul. Instead, through M. Cicero professes that “Indeed the soul is divided into two parts, the one involved with reason, the other lacking it (*est enim animus in partes tributus duas, quarum altera rationis est particeps, altera expers*; *TD* 2.47). When we are in control of ourselves and give the commands (*nobismet ipsis imperemus*), reason represses rashness (*ratio coerceat temeritatem*; *TD* 2.47). This command Cicero compares to a master ruling a slave (*ut dominus servo*; *TD* 2.48). Although not as overtly as Cicero, Philo too introduces a soul that is partly subject to the passions.²⁰ He also uses the language of commands and slavery to explain this struggle. The good man, he asserts, “has learned to disregard orders, as many as those most lawless rulers of the soul command, because of eagerness and aspiration for freedom, the distinctive inheritance of which is self-commanding and self-operating” (ἑμαυτοῦ

²⁰ In *Conf.* 21 Philo describes a tripartite soul. See Whittaker 1996, 2.

γὰρ ἀλογεῖν ἐπιταγμάτων, ὅσα οἱ ψυχῆς παρανομώτατοι ἄρχοντες ἐπιτάττουσι, διὰ ζῆλον καὶ πόθον ἐλευθερίας, ἧς τὸ αὐτοκέλευστον καὶ ἐθελουργὸν κληῖρος ἴδιος; *Prob.* 22). Philo goes on to say that “nothing exists to so enslave the mind as the fear of death (οὐδὲν οὕτως δουλοῦσθαι πέφυκε διάνοιαν, ὡς τὸ ἐπὶ θανάτῳ δέος; *Prob.* 22). If there are rulers of the soul that vie for power to issue the soul orders, we should probably not understand Philo to be presenting something like a unified rational soul, like we might find in the earlier Stoa. The fact that Philo here depicts a complex soul more akin to the Platonic tradition is not surprising since he regularly does so elsewhere in his writings.²¹ However, the distinctive language and imagery of commands and slavery is rather closely aligned with Cicero’s description of the divided soul.

Unless we insist upon coincidence, in the aggregate these parallel exempla, themes, arguments, and arrangement point to two reasonable possibilities. The one is that Philo knew *TD* 2 and adapted it, muting or removing its Romanizing traits in favor of a decidedly Hellenistic orientation. The other possibility is that Cicero and Philo had a common source available to them containing these arguments backed by a set of exempla. Both authors then manipulated their source to fit their respective rhetorical occasions. Earlier I traced out a possible link to Antiochus of Ascalon and I view him as a likely author of the shared source. Though he deals with texts other than *TD* 2 and *Prob.*, Michel came to essentially the same conclusion that Philo was not dependent on Cicero but that both were mutually dependent on Antiochus for portions of their philosophical stances and rhetorical argumentation even when they diverged from his positions.²² Similarly, I am prepared to grant that *Prob.* and *TD* 2 demonstrate fraternal²³ similarity but not direct influence flowing from Cicero to Philo.

²¹ On irrational and rational souls of humans, see Wolfson 1947, 1.385-95.

²² Michel 1967.

²³ I borrow this locution from Michel 1967, 100, 101.

A final point. Although we have no reliable date for the publication of *Prob.*, we know that Cicero composed *TD* in 45, just a couple of years before his execution and at a time in his life when he was more given to reflecting over external threats and disappointments, injury, and death.²⁴ The entirety of *TD* can be read as a philosophical meditation on pain and death, a consolation for his own troubles.²⁵ Reflecting the actual time of his life at which he writes, Cicero crafts the rhetorical situation as an older man, M., presumably Cicero himself, dialoguing with A., whom M. addresses as “youth” (*at tu, adolescens*; *TD* 2.28). We find similar rhetorical framing in *Prob.*, a detail we should not ignore in considering when Philo composed the piece. Whether speaking as his himself in real time or whether in an exercise of *prosopopoeia* as an older man imparting wisdom, Philo early on identifies his real or imagined audience as “all youth everywhere” (νεότητα τὴν πανταχοῦ πᾶσαν; *Prob.* 15). Even if this is a treatise composed entirely in character, I remain suspicious that we can determine whether it is a youthful or mature product of Philo. At most, all we can really say is that Philo could have written *Prob.* at any point in his literary career, as Nock has already observed.

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²⁴ Cicero calls the *Tusculans* his “old man’s declamation” (*senilis declamatio*; *TD* 1.7).

²⁵ For *TD* as sincere philosophical consolation for his age and personal losses, see Erskine 1997.

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