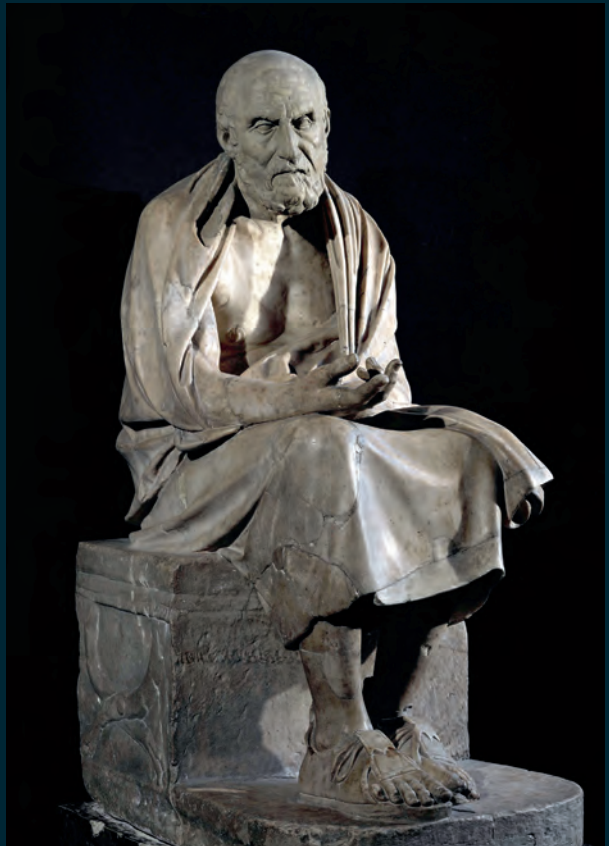


Jula Wildberger

The Stoics and the State

Theory – Practice – Context

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Rüdiger Voigt

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Jula Wildberger

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Editorial

Throughout the course of history, our understanding of the state has fundamentally changed time and again. It appears as though we are witnessing a development which will culminate in the dissolution of the territorially defined nation state as we know it, for globalisation is not only leading to changes in the economy and technology, but also, and above all, affects statehood. It is doubtful, however, whether the erosion of borders worldwide will lead to a global state, but what is perhaps of greater interest are the ideas of state theorists, whose models, theories, and utopias offer us an insight into how different understandings of the state have emerged and changed, processes which neither began with globalisation, nor will end with it.

When researchers concentrate on reappropriating classical ideas about the state, it is inevitable that they will continuously return to those of Plato and Aristotle, upon which all reflections on the state are based. However, the works published in this series focus on more contemporary ideas about the state, whose spectrum ranges from those of the doyen *Niccolò Machiavelli*, who embodies the close connection between theory and practice of the state more than any other thinker, to those of *Thomas Hobbes*, the creator of *Leviathan*, to those of *Karl Marx*, who is without doubt the most influential modern state theorist, to those of the Weimar state theorists *Carl Schmitt*, *Hans Kelsen* and *Hermann Heller*, and finally to those of contemporary theorists.

Not only does the corruption of Marx's ideas into a Marxist ideology intended to justify a repressive state underline that state theory and practice cannot be permanently regarded as two separate entities, but so does Carl Schmitt's involvement in the manipulation conducted by the National Socialists, which today tarnishes his image as the leading state theorist of his era. Therefore, we cannot forego analysing modern state practice.

How does all this enable modern political science to develop a contemporary understanding of the state? This series of publications does not only address this question to (political) philosophers, but also, and above all, students of humanities and social sciences. The works it contains therefore acquaint the reader with the general debate, on the one hand, and present their research findings clearly and informatively, not to mention incisively and bluntly, on the other. In this way, the reader is ushered directly into the problem of understanding the state.

Prof. Dr. Rüdiger Voigt

Abbreviations

Ancient authors and their works as well as standard lexica are cited with the abbreviations of the *Oxford Classical Dictionary*, ed. Simon Hornblower, Antony Spawforth, and Esther Eidinow, 4th ed. Oxford; New York: Oxford University Press, 2001. A list of these abbreviations is available online at <http://classics.oxfordre.com/page/abbreviation-list/>.

Names of authors and works are also given in unabbreviated form in the index of passages cited at the end of the book.

In addition to those of the *Oxford Classical Dictionary*, I use the following abbreviations:

<i>DPhA</i>	<i>Dictionnaire des philosophes antiques</i> , ed. Richard Goulet. Vols. I-VI. Paris: CRNS Éditions, 1989-2016.
<i>OLD</i>	<i>Oxford Latin Dictionary</i> , ed. P. G. W. Glare. Oxford: Clarendon Press, 1982.
Plut. <i>Stoic.rep.</i>	Plutarch. <i>De Stoicorum repugnantibus</i> = <i>Moralia</i> 1033a-1057b.
Stob.	Ioannes Stobaeus. <i>Anthologium</i> . (The two titles <i>Eclogae</i> and <i>Florilegium</i> by which this work is often cited refer to two halves of the same work, which had a separate manuscript tradition.)

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1. Introduction

The Stoics are famous as originators of two central ideas in political theory: cosmopolitanism and natural law.¹ We have become so familiar with these concepts that it is difficult to imagine how paradoxical they must have seemed when Zeno of Citium (334/3-262/1 BCE), the founder of this school of thought, promoted them c. 300 BCE – so much so that they could have appeared to undermine the possibility of politics and a meaningful conception of the state in any sense. *Nomos*, law and arbitrary, local convention, was perceived as the virtual antonym of *phusis* (“nature”), and when Plato has Callicles talk of a “law of nature,”² it is meant as a provocation illustrative of that character’s impetuous inconsistency. Especially in Athens, where Zeno taught, *polis* – the city state – and citizenship as a member of that *polis* were almost tribal notions; the Athenians defined themselves genetically, as a kin group distinguished from others by their blood and autochthonous origin in Attica, the territory of their city.³

Is there still space for political thought about how to assure the permanence and autarky of a state – topics central to Plato’s and Aristotle’s writing – if the real *polis* is coextensive with the cosmos? What is the point of discussing how laws and constitutions may negotiate a fair balance of interests and countervailing social forces, if the Common Law is as unchangeable as Nature and has been decreed since eternity? The Stoic conception of the state has far reaching peculiarities that distinguish it from its more famous predecessors but also from approaches and positions in mod-

1 See Vogt 2008, 3-6, also concerning the differences between the modern concepts and original Stoic thought. Actually, the Stoics had two different terms: “(what is) just by nature” (*dikaion phusei*) and “Common Law” – not “natural law” (Vander Waerd 1994, 274; Vogt 2008, 16, 161; Asmis 2008, 4). On the precursors and reception until Rousseau, see Kaufmann 2008. He sketches the main strands: “[...] ist es die platonisch-aristotelische Konzeption eines von Natur Rechten, die sie, inhaltlich entscheidend modifiziert, mit der monistisch-pantheistischen Logosphilosophie Heraklits und zugleich mit der sophistischen Relativierung der geltenden Gesetze verbinden. Die stoische Moral- und Rechtsphilosophie erfährt dadurch eine kosmologische Fundierung, wie sie die klassische griechische Philosophie nicht kannte. Anders als für Heraklit gelten die menschlichen νόμοι den Stoikern allerdings nicht mehr generell als Ausfluß des einen göttlichen Nomos; vielmehr unterscheiden sie gerade scharf zwischen dem Weltgesetz und den menschlichen Gesetzen, intern gesprochen: zwischen natürlichem und positivem Recht. Hinzu kommt, daß die Stoiker zum erstenmal innerhalb der Geschichte der abendländischen Philosophie nicht nur polis- bzw. bürgerbezogen, sondern dezidiert menscheitsbezogen über Recht und Gerechtigkeit philosophieren, so daß ein in jeder Hinsicht universales Naturrecht erst von ihnen begründet werden konnte” (242).

2 Plato. *Gorgias* 483e: *nomos tēs phuseōs*.

3 See Richter 2011 on this idea “that the political community is or ought to be coterminous with what we might call a biologically homogenous collectivity” (4, 6, 25f., and *passim*).

ern political philosophy, even if those philosophers locate themselves in a tradition of which the Stoics are the beginning, or at least a part.

1.1 *A State?*

Given that the term “state” is not an ancient one and connected to the rise of the modern nation state, the use of the word in a book about political ideas of ancient Stoics requires some justification. To which degree is that which the Greek Stoics call *polis* a state or not a state?

My first reason for preferring the term “state” is the lack of better alternatives. The more general concept of a polity – understood as a matrix or space of political action and its constitutive institutions and practices – is too wide to do justice to the rigorous distinctions maintained by the Stoics between a *polis* in the proper sense and other political organisms that do not qualify for this appellation. I will therefore use the word “polity” for state-like entities that are not states in the narrow Stoic sense.

Nor was it possible to recur to the concept of a “city state.” Unlike Plato and Aristotle, the Stoics do not think exclusively in terms of the city state, even though this form of polity is still the foil that provides preconceptions and starting points for new ideas. Living at a time of shifting political organizations, the founders of Stoicism had no reason to think of the city state as the political form par excellence,⁴ and their basic ideas continued into the Roman Empire. There is not one single type of polity suitable to serve as the base or umbrella term for all Stoic conceptualizations of statehood. I will therefore use the word “city” or “city state” only when the referent is recognizably an actual city state or a polity conceived as such a city state.

The plurality and historical change of political structures also makes it difficult to align the terminology of our sources with our modern conceptual toolbox. But it also makes it difficult to pinpoint coherent usages within these sources themselves. For a Stoic writing in Greek in the second century of the Roman Empire, a *polis* is not the same as what the city state of Athens was for Zeno five-hundred years earlier. A further layer of complexity is added by mismatch between Greek and Roman terminology. Most Stoics wrote in Greek, while Seneca and Cicero expressed themselves in Latin. Latin *ius* and *lex* correspond to but also differ significantly from Greek *dikaion* and *nomos* (p. 158f.). One Latin translation of *polis* is *urbs*, which can refer to a large city or the urban center (Greek: *astu*) in contrast to the country side; *Urbs* capitalized as a name is the city of Rome (which can no longer be adequately described as a city state at the time when the Romans begin to write about Stoic philos-

⁴ See p. 137ff.; on the city state as a conceptual foil: p. 140.

ophy). The Romans distinguished different types of cities (e.g. *municipium* or *colonia*). As a general term they used the polysemous *civitas*, a word which is the literal equivalent of the Greek *politeia*, but with an inverse etymology: *Civitas* derives from the noun *civis* (“citizen”), whereas the Greek word for citizen (*politēs*, literally: *polis*-man) derives from the noun *polis* denoting the state to which the citizen belongs. A *civitas* is often a city state or a city with some kind of self-government, but it can also be a larger state-like unit like a tribe or nation, and it is also used as a term for *politeia* in the sense of “constitution,” “citizenship” (the legal status), and “citizen body” (the collective of citizens). However, unlike Latin *civitas*, *politeia* does not denote the nation or city state itself.⁵ On the other hand, *politeia* in the sense of political life or practice cannot be rendered with the Latin word *civitas*; rather a Roman might use a phrase with *res publica* in this context or refer to the *forum* as the place where such activities are performed.⁶ Both Greeks and Romans usually refer to a city state or nation by naming its citizens, e.g. “the Athenians,” or, in the case of ancient Rome, *Senatus Populusque Romanus* (SPQR: “The Roman Senate and People”). The Romans may also talk of the *Imperium Romanum*, which is both the supremacy of Rome over its provinces and the whole territory with its political organization. The most general equivalent for both “state” and “politics” in Latin is *res publica*, which literally means “public affair” or “public property,”⁷ that which is of concern to every citizen and belongs to all, an idea that English translations often render with the word “commonwealth.” *Res publica* is also used for the Latin version of the title of Plato’s political masterpiece, the *Politeia*, and of the works that emulate and engage with it, such as Zeno’s *Politeia* or Cicero’s *De re publica*.

When speaking about the Stoic theories in English, I use the word “state” to refer to the political organism that is called *polis* in Greek sources and most often *res publica* in Latin whenever such an organism is a state in the full Stoic sense. The word “state” is also used when there is good reason to believe that the entity discussed at this point is what is defined as a state (*polis*) in our sources. When *politeia* seems to refer to the constitutional or legal structure of a state, I translate it as “constituted polity.” The original Greek or Latin terms will be indicated regularly as well, in order to allow for a critical assessment of my readings and attempts at disambiguation.

5 That usage is attested only in late antiquity, in an analogous extension of the Latin word *civitas* (LSJ s.v. *politeia* 1.4). More on the various meanings of the Greek word *politeia* below, p. 63.

6 For example: *accedere ad rem publicam*, *gerere rem publicam* (OLD s.v. *res publica* 1); *in foro versari*, *forum attingere* (OLD s.v. *forum* 4). The law court held by a magistrate in the provinces was also called a *forum*, and so *forum* became a term for towns at which such courts were held (OLD s.v. 6 and 7). Hence, for example, Forum Iulii, modern Fréjus.

7 On Cicero’s famous explication of the word as *res populi* (*Rep.* 1.39), see, e.g., Christes 2007, 90-95.

A further reason for using the term “state,” even at the risk of anachronism and at the cost of greater imprecision, regards my intentions in writing this book for the series *Staatsverständnisse*. When discussing “the state,” we cannot help but negotiate political and ethical values. How we conceive of statehood and how we assess the quality or importance of existing token states is intimately linked to our willingness to commit, as citizens, to shared objectives and define the means we regard as acceptable for achieving them. Evidently, rethinking the state is a crucial task of our times, and if our understanding of the object of discussion is too narrow, we might deprive ourselves of avenues of thought worthy of exploration.

1.2 The Analytical Grid

For structuring my account and formulating questions that I may pose to the scattered and complex material, it was helpful to think in terms of the four constitutive categories of statehood distinguished by Bob Jessop: population, territory, institutions, and state idea.⁸ The first two of these are reflected in Stoic definitions of a *polis*, or state, in terms of dwelling (*oikētērion*) and a people, while the categories of institution, also called “state apparatus” by Jessop, and state idea apply to the Stoic state only with fundamental but telling qualifications.

Apart from the law itself, institutions play a marginal and fuzzy role in Stoic conceptions of statehood. In the tradition of Max Weber’s analysis of the state as the bearer of a monopoly of power, Bob Jessop thinks of institutions first of all in terms of state power.⁹ This central element in modern theories is alien to the Early Stoic state. In any case, power to defend a territory against external forces could only characterize the particular state, not the world state. But particular states too define themselves by internal cohesion and not by defending a separate territory against other states. It was a central claim of Zeno’s *Politeia* that even though humans will live together as communities located in different places, a reasonable person will see these particular states as parts of a shared whole, not as competitors for limited space or other resources (T50 on p. 77). This is one reason why Chrysippus and

⁸ Jessop 2016. Jessop thus adds one more category to Georg Jellinek’s (1900) three constituents of statehood: *Staatsvolk*, *Staatsgebiet*, and *Staatsgewalt*. Rüdiger Voigt (2015, 39) considers but rejects the addition of a constitution to this threesome. Even though constitutionalism is alien to at least Early Stoic thought (p. 166, a Stoic might think of the particular laws for a local state as equivalent to a modern constitution. Like the law of a local Stoic state, a modern constitution is a changeable adaptation to the particular socio-political context in which it forms the base rules for a state, and both are formulated with a view to more universal principles. A modern constitution presupposes human rights and conceptions of just government, whereas the Stoic looks to the Common Law of which the local law is a particular adaptation. A certain overlap with the concept of a state objective, at least as I will use it in this book, also obtains if the state is defined as a guarantor of rights and social protection (Voigt 2014, 353).

⁹ Jessop 2016, 25, 49, and *passim*.

probably already Zeno himself declared that in a proper state military force is useless.¹⁰

When trying to understand the Stoics, we should never forget that material possessions, bodily health, and even life (one's own or that of someone else) are "indifferents" (*adiaphora*) – objects that evoke action impulses and whose motivational force and thus value is always context-dependent, relative to the actual options at hand. Indifferents are called so because whether a person attains them or not is irrelevant for her attaining a good life. Further, among the indifferents those pertaining to *skheseis* – social relations and opportunities to care for others – have a particularly high relative value, so much so that they are treated as a separate category in the writings of Imperial Stoics such as the *Discourses of Epictetus* and Hierocles.

The "Beautiful City" (*Kallipolis*) that Plato devises in his *Politeia*, has a soldier class because of the consumptive needs of this luxurious city: It needs a larger territory and must fear attacks by neighbors interested in the city's territory and possessions – with the result that the city's territory and economy have to grow even further to provide for its military forces. In this respect, the Stoic state is more like the "City of Pigs" which Socrates sketches first but which his interlocutors reject as inadequate.¹¹ Like the inhabitants of that simple city, a Stoic sage has no need for things that can only be obtained by prevailing over others. Nor would she feel very strongly about keeping the kinds of possessions that a polity can only preserve for its citizens if it is able to defend its borders against external foes.

In ancient Greece, territorial sovereignty and autonomy were framed in terms of "freedom" (*eleutheria*), but the Stoics redefined freedom in a radically different way. Even if military service or dying for one's fatherland appears as a civic duty in Stoic doxographies and later Stoic writings, as part of the sociable acts a sage would perform if circumstances so warrant because of the *skhesis* she has to her home country, neither military power nor internal policing of citizens is constitutive of statehood as Stoics understand it.

Nor is state power conceived as necessary for law enforcement and protecting citizens' rights. Stoics derive their conception of political freedom from personal

10 Phld. *On the Stoics*, col. 15f. Dorandi. Since the source is given as Chrysippus' *On the Politeia* – most likely a commentary on Zeno's *Politeia* (Schofield 1991, 26) – we can infer that Zeno himself did not see any use in weapons either (Baldry 1959, 10 n. 12; see also Schofield 1991, 50f.; Bees 2011, 225). Philodemus also informs us that Chrysippus followed Heraclitus in identifying Zeus with War (Phld. *On Piety*, PHerc 1428, col. 7 Henrichs = *SVF* 2.636; discussion, e.g., in Schofield 1991, 74-6, 80). We lack sufficient context to ascertain what Chrysippus might have meant. One possible explanation is that Chrysippus thinks of Zeus, i.e. the active principle God, as the origin of opposites (on which see Wildberger 2006, 3.3.3.5), especially such opposites like virtue and badness, by which some people – the wise ones – are equal to gods and free, while the others are slaves, just as in the passage from Heraclitus Chrysippus must have alluded to (frg. 22 B 53 Diels and Kranz).

11 Book 2, 373d-374a; Kallipolis: Book 7, 527c; "luxurious" (*truphōsa*): 2, 372e; City of Pigs: 2, 372d.

eleutheria as the opposite of slavery. As Phillip Mitsis proposes, we may here grasp the germs of a concept of natural human rights as “the authorized exercise of a capacity or power grounded in nature.”¹² Such a right, as it were, to act according to their own judgment, is in principle given to all human beings. In this sense, Mitsis was successful in refuting Richard Sorabji’s claim that the Stoics have “an ethics of duty, not an ethics of right.”¹³ It is however, important to keep in mind, first, that the term “duty” does not point to some burdensome obligation. We must rid ourselves from the modern stereotype of the Stoic resigning to inevitable fate and doggedly performing her duty with clenched teeth. This is a Neo-Stoic idea (p. 206) and due to Cicero’s transformation of *kathēkon*, the target effect a reasonable person aims to achieve with an action (p. 83), into Roman *officium* (“service” or “duty”), a term characteristic of that culture based on reciprocity and patronage, in which social obligations are services to be rendered according to one’s place in a web of dependencies in return for services received. The original *kathēkon* has a much wider meaning and can be any kind of action effect that makes sense in a particular situation. According to the Early Stoics, a reasonable person goes for a *kathēkon* as that which suits her; for her, it is the thing to do. She likes what she does, and a perfect person is blissfully happy with all that she does and all that happens to her. Freedom in the Stoic sense is nothing but the authorization to follow one’s heart’s desire and do what one really wants.¹⁴

Second, such a ‘right’ differs from a right in modern discourses of law or justice in that it is not a right that must be guaranteed or protected by anyone else than the bearer of the right, let alone by state power; it is in the full power of the right-owner herself.

For the Stoics [...] an individual’s personality is not tied in any fundamental way to an external thing as property, or [...], even to one’s own life or body. [...] What is in one’s power, however, is one’s own moral personality, which consists essentially in one’s *eleutheria* and is grounded in one’s power of giving or withholding assent (*sunkatathesis*). [...] we should not [...] expect the Stoics to attach rights to what they consider matters of indifference [...].¹⁵

As we will be shown in more detail below (p. 101ff.), only the individual agent herself can take away her own freedom and deprive herself of the right or power (*exousia*) to be the decisive origin of her own actions. A state may take measures to help and encourage individual agents *not* to deprive themselves in that way, but the exertion of state power is likely to play a marginal role in this, if at all. The freedom of full citizen sages is an unalienable property, something not threatened by any

12 Mitsis 1999, 161; on the question, see also below, p. 166f. with n. 553.

13 Mitsis 1999, 165, referring to Sorabji 1993, 140.

14 This is a variation of Socratic intellectualism. See, e.g., Schofield 1991, 49.

15 Mitsis 1999, 172.

force outside the subject. As a result, a sage cannot be coerced by any state institution either. The sage is perfectly suited to obey laws and follow commands (p. 94), but does so by choice, with free assent, because it suits her, and not in explicit or implicit submission to a force beyond her control.

While the aspect of state power is thus marginalized, only to return with significant force in modern receptions of Stoicism, the fourth aspect of Jessop's conceptual grid, the state idea or *raison d'état*, is so central to the Stoic theory of the state that it would eclipse the other aspects if it were not possible to discuss them as expressions of and contributions to the fourth. This is so because, as Katja Vogt argues in her account of Early Stoic political philosophy, the state is the central expression of the cosmological teleology of that school. The world exists in order for there to be a state as that form of community in which all life forms, and in particular the rational life forms capable of reflective observation and conceptual thought, live the best life possible for them – including the creator of that cosmos himself, as was confirmed just a few years ago with the discovery of a piece of inscription in the mountains of south-eastern Turkey (T58 on p. 93).

For the Stoics this is a fact of nature, and so the term “state objective” is more appropriate than “state idea.” Nevertheless, since this objective fact must be conceived as something of value, an end of individual strivings, and then expressed in actions, practices, and institutions both by individuals and their communities if they wish to be states, citizens, and political animals in the proper sense of these words, the state objective is also an idea, an ideal to aspire to and implement in one's local context.

In what follows, I will first set out the actual evidence for a Stoic definition of the term *polis* (ch. 2), a task that will involve already some conceptual exploration but also close reading and fine-grained philological work. As Malcolm Schofield's influential book on *The Stoic Idea of the City* (1991) amply demonstrates, any serious study of Stoic thought consists to a large portion in the reconstruction of lost texts, their exact wording, and the exact meaning of those words. Chapter 2 thus serves as a warning, as it illustrates the uncertainty of whatever claim a reader makes about Stoic thought. It will be impossible to continue at the same level of detail throughout the book, and some readers may not be interested in all those tricky little issues anyway. All the same, I will let the sources speak for themselves as much as possible, building my account through exegesis of literal quotations, for which I have either carefully adapted the best existing translations or, more frequently, proposed a new translation of my own.

The following chapters will elucidate the single definientia identified in the second chapter: that the state is a dwelling (chs. 3 and 4), that it is administrated (ch. 4) by law (ch. 5), and that it is a population thus administrated (ch. 6). Already in this context it will be necessary to address the concept of a world state or cosmic polity

(ch. 4), while the role of particular polities and their relation to the whole is the topic of chapter 7.

We find traces of all three traditional aspects of statehood in the Stoic definition of polis: the population, the territory (in the definiens “dwelling”), and state institutions both insofar the state is “administrated by law” and, in one definition, has urban structures and institutions associated with the city center. The state objective, the fourth aspect that Bob Jessop adds to the triad, is implicit in those terms, and the quest for such implicit connotations informs the discussion from chapter 2 to chapter 7. Particularly relevant to this aspect are sections 3.2, 4.3.3-4, 5.4, 6.6 and 7.2.

Chapters 8 and 9 supplement the systematic outline in the first part with a diachronic account of ancient Stoicism from the beginnings in the third century BCE to the second century CE. At the same time, this section continues to explore questions raised in chapter 7 about the role of particular polities in that it considers how the theories of individual philosophers are reflected in what we still know about their political practice. It will also be interesting to see how they adapt the conceptions of their school to the changing socio-political contexts in which they live. Chapter 8 treats the Early Stoics and compares their practice to what we know about Stoic discussions of political involvement generally. Chapter 9 is devoted to Stoicism after it has arrived in Rome: the Middle Stoics and, in a longer section, the Imperial Stoics, whose thought is much better preserved and among whom there are two, Seneca and Emperor Marcus Aurelius, who had a leading function in the government of the empire.

By way of a conclusion, the final chapter (ch. 10) discusses three adaptations of Stoic thought in early modern and modern political thought: by Justus Lipsius, Immanuel Kant, and Martha C. Nussbaum. It illustrates the presence of Stoicism in our political thought and conceptions of the state today, but also significant absences or differences. The chapter will thus demonstrate the fecundity of Stoic thought and provide an opportunity to explore its peculiarities in even sharper relief against the backdrop of well known established theories. Thus, one or the other road for further exploration not yet taken by the Stoics’ modern readers may present itself as an invitation to continue the dialogue.