CHAPTER 1

Cicero's sceptical methods
The example of the De Finibus

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Introduction

In this chapter I will argue that the dialogue form in Cicero's later works serves the essential philosophical function of expressing his radical Academic scepticism. The form is essential to this purpose, not just as a matter of structure – the pattern of paired arguments *pro* and *contra* – but all the way through, including the characterization, the narrative *persona*, and the focus on the Roman context of the conversations the dialogues represent. I use the *De Finibus* as an example, in part because it is a hard case: if it can be shown that Cicero's presentation of Hellenistic ethics in this dialogue is an expression of his deep scepticism, the case for the sequence it belongs to should be relatively easy. The specific case I will try to make is that reading *De Finibus* in the light of Cicero's discussion of epistemology in the *Academica* explains how Cicero's sceptical outlook produced the attitudes towards goods and ethical ends that we find his character adopting in the *De Finibus*. In particular, I will argue that Cicero's apparent vacillation in the *De Finibus* over the unique goodness of virtue is parallel to his vacillation, in the *Academica*, over the correctness of the Stoic conditions on rational assent – and that this vacillation stems from the same sceptical stance in both the epistemological and ethical cases.

On my account, then, Cicero represents himself as deeply attracted to several conflicting ethical positions, and so in a state of intractable doubt about which one may be correct: his scepticism thus emerges from the dramatization of his own unresolved doubts. In the *Academica*, the form of his own scepticism is dramatized in the same way, and mostly clearly in *Ac.* 2.66, where Cicero (in character) asserts the pull of both mitigated and radical

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scepticism in claiming that he is a *magnus opinator*, but the sage is not.[1] The ethical parallel – Cicero's conflicting views about the value of goods subject to fortune – is sketched there too, in *Ac.* 2.134, but only very briefly.[2] To see how this is dramatized on the large scale, we need to look at the *De Finibus*.

This chapter has three parts. In the first section, I lay out some rival interpretations of Cicero's position in the *De Finibus*, and quickly rule out one that does not allow that he writes as a sceptic of any kind. In the second section, I consider what kind of sceptic Cicero is, and argue that he is not a mitigated sceptic, but rather a radical or, as I shall describe him, a Carneadean sceptic. In the final section, I try to show how Cicero's sceptical approach emerges from the dialogue as a whole, and I elaborate the parallel mentioned above, between Cicero's attitude towards assent and his attitude towards goods subject to fortune.

1 Three interpretative options (one dismissed)

1.1 Interpretative options

There are clearly other ways in which one can interpret Cicero's stance in the dialogue. I used to think, as many scholars still do, that Cicero espoused in *De Finibus* an unexciting form of mitigated scepticism which allowed him to endorse dogmatic views – and in particular, the central Antiochian ethical claims his character argues for in *Fin.* 4 and Piso expounds in *Fin.* 5.[3] I will consider in detail and reject that option in

[1] *Ac.* 2.66: [Cicero:] *Nec tamen ego is sum qui nihil umquam falsi adprobem qui numquam adsentiar qui nihil opiner; sed quaerimus de sapiente. ego vero ipse et magnus quidam sum opinator (non enim sum sapiens) … eo fit ut errem et vager latius. Sed non de me, ut dixi, sed de sapiente quaeritur.* ('Not that I am someone who never approves anything false, never assents, and never holds an opinion; but we are investigating the wise person. In fact, I myself am a great opinion-holder: I'm not wise … As a result, I err or wander further afield. But it's not me, as I said, but the wise person we are investigating.')

[2] *Ac.* 2.134: [Cicero:] *sed <et> ille [Zeno] vereor ne virtuti plus tribuat quam natura patiatur, praesertim Theophrasto multa diserte copioseque dicente, et hic [Antiochus] metuo ne vix sibi constet, qui cum dicat esse quaedam et corporis et fortunae mala tamen eum qui in his omnibus sit beatum fore censeat si sapiens sit: distrahor, tum hoc mihi probabilius tum illud videtur, et tamen nisi alterutrum sit virtutem iacere plane puto.* ('But in Zeno's case I worry that he ascribes more to virtue than nature allows, especially in the light of Theophrastus' many learned and eloquent arguments; and in Antiochus' I'm afraid that he is scarcely consistent when he says that there are bodily and external circumstances that are bad, and yet believes that someone subject to all of them will be happy if he's wise. I am torn: now one, now the other view seems more persuasive to me, and yet I think that virtue will utterly collapse unless one of them is right.') On Cicero's aporetic stance on ethical questions in *Ac.* 2, see Algra 1997 and esp. 130–138.

[3] Brittain 2001: 258–259. The strongest proponent of this view of the work in recent years has been Woldemar Görler, in whose honour I call it the 'standard view'; see, e.g., Gawlick and Görler 1994: 1038–1040, and, most recently, Görler 2011. It is also endorsed, more tentatively, by John Glucker; see Glucker 1988: 60–69 and 1995: 133–137.

section 2 below. Another view some readers have adopted is that Cicero provides an essentially neutral exposition of Greek ethics, a doxography that is not designed to express his own ethical commitments. For ease of reference, I will call these three options (which indicate, I hope, the basic range open to philosophical readers of the dialogue):

1 the doxographical reading,[4]
2 the mitigated sceptical reading, expressing his qualified endorsement of a set of philosophical views – in this case, ethical views, and in particular, the Antiochian doctrines about goods, and[5]
3 the Carneadean sceptical reading, expressing intractable doubt about such philosophical views – and in particular, systematic philosophical views about goods – through the dialogue as a whole.[6]

[4] A variant on this is what we can call 'the dogmatic reading', on which Cicero is a dogmatic Antiochian (or Stoic or Peripatetic) in ethics. I am not sure if anyone really holds this view. A number of source critics have treated him as if he were, because they think that his material is drawn almost entirely from Antiochus' *On Ends*. But this is not a reading of the dialogue, but rather a guess about its origins. It would amount to an interpretation if one thought that Cicero regards ethical views as somehow insulated from scepticism. I discount this view here, though, because it suffers from the same defect as the doxographical view: it is hard to see how to reconcile it with Cicero's explicit representation of himself as an Academic of some kind both in the frames of the set of dialogues from 45–44 BC that come before and after *Fin.* (see n. 12) and as a *persona* in the arguments of the dialogues, including in *Fin.* 5; see section 1.2.

[5] Chris Gill offers a *Stoic* variant of this view in section 4 of his chapter in this volume, on the basis of his evaluation of the relative philosophical weight of the criticisms of the Stoics and of Antiochus offered by the Cicero-character in *Fin.* 4 and 5, and because, in his view, Cicero takes a consistently Stoic line on goods in *Tusc.* and *Off.* This seems less an interpretation of the dialogue as such – which is my object here – than a philosophical response to it, since it ignores the array of dialogic structures (including arguments) described in sections 2–3 below. It is easy to see how one might infer – invalidly, I argue below – from Cicero's *persona*'s criticisms of Antiochus' consistency in *Fin.* 5 that Cicero rejects his view; but if that inference is valid, one should also infer from the same *persona*'s criticisms of the Stoics' view as incompatible with human nature in *Fin.* 4 that Cicero rejects their view too (see n. 6). Cicero's stance in *Tusc.* and *Off.* (and other late dialogues) also strikes me as more complicated than Gill suggests. The cross-reference to *Fin.* 4 in *Tusc.* 5.32–34 in fact presupposes that (the interlocutor thinks that) 'Cicero' did *not* take a Stoic line in *Fin.* as a whole, since otherwise he would not now be 'changing his mind'. But 'Cicero's' response in *Tusc.* 5.34 (and the rest of the book; cf. *Tusc.* 5.76, 5.85, 5.120) is not that he now *accepts* the Stoic view on goods, but that he has been *using* it in *Tusc.* to pursue a complex persuasive strategy; see Görler 2004a. And Cicero may be adopting a similar strategy in *Off.* by using the Stoic line as a counter-weight to his son's Peripatetic studies (*Off.* 3.11): the Stoic line offers an impossible ideal (*Off.* 3.13–17), but one that is pedagogically useful owing to its clarity (*Off.* 3.20–22, 3.33).

[6] Another possibility I do not consider in detail here is the view that Cicero *is* a mitigated sceptic in *Fin.*, but nevertheless chooses *not* to endorse an ethical position or set of doctrines in this dialogue; see, e.g., Bringmann 1971: 138–157 (cf. Süss 1966 52–64) and Annas and Woolf 2001. I allow that this view is a serious contender, as David Sedley and Malcolm Schofield pointed out in Budapest. But I don't discuss it here for three reasons. (1) As I argue in sections 2.2.2–2.3.1 below, the evidence for taking Cicero to be a mitigated sceptic of this sort in *Fin.* is also compatible with his being a radical sceptic. But since Cicero represents himself as a Clitomachian follower of Carneades, i.e., radical sceptic, in *Ac.*, and since he refers readers back to his discussion there when the nature of his scepticism is in question (*Fin.* 5.76; cf. *ND* 1.11–12; *Div.* 2; *Off.* 2.8), the radical, Carneadean interpretation is preferable, *ceteris paribus*. (2) In section 3 I argue that the dramatization of Carneadean

In the remainder of this section, I will give a few rapid arguments against the first reading (section 1.2), in order to set the scene for the more difficult question I want to investigate in the main body of this chapter: whether we should think of Cicero's approach in *De Finibus* as that of a mitigated sceptic or as sceptical in a deeper, more Carneadean, way.

1.2 Against the doxographical reading

I think it has been true of most ancient philosophers in the last 100 years (myself included) that they have often treated Cicero's dialogues as merely doxographical sources of information about earlier Greek schools and sources. To the extent that this reflects an *interpretation* of the dialogue, it supposes that the dialogue form – the argumentative structure, the characterization and so on – is an irrelevant packaging for the exposition of ethical systems. Or, more plausibly, perhaps it acknowledges that the *structure* provides a way of giving a properly critical presentation of ethics on the model of an adversarial legal case, with argument on either side. But all the other features of the dialogues – the narrative frame, the Roman contexts of the conversations, their locations and dates, and their characters, etc. – are philosophically irrelevant. On this view, there are *characters*, and they express and criticize views, but it makes no sense to wonder how they are characterized or what they think or whether they are supposed to have consistent views: if 'Cicero' asserts 'P' and 'not-P' in a dialogue, it is merely a function of the exposition. (This may explain, one might think, apparent inconsistencies in Cicero's characterization of his own *persona*, e.g., between his endorsement of Antiochian ethical views in *Fin.* 4 and his attraction to incompatible Stoic views in *Fin.* 5.[7])

scepticism actually requires characters – such as the Cicero-character in *Fin.* 4–5 – who are torn, i.e., committed to incompatible views. This means that we can't infer from even the Cicero-character's apparent endorsement of a view that the view is endorsed by Cicero or the work as a whole. Thus I take it that, for example, the apparently strong endorsements of views by Cicero-characters at the end of some dialogues (*ND* 3.95 and *Div.* 2.148–150) are not evidence of the works' mitigated scepticism, but structural devices, designed to temper the inclination to rash assent to negative dogmatism inspired by the slashing critiques of Stoic theology by Cotta and 'Cicero' (see e.g. Schofield 1986 on *Div.* and Pease 1914 and Wynne 2014 on *ND*). (3) My aim in this chapter is to show that reading the dialogue as a Carneadean work is fully consistent with the text and makes good sense of the full range of dialogic features it contains. But both readings agree on the central claim that the work isn't designed to endorse any of the views it discusses, and allowing that is enough to put the Carneadean interpretation in play.

[7] Smith 1995 suggests a sophisticated version of a legal model of this sort, on the basis of passages like *Pro Cluentio* 139: *Sed errat vehementer, si quis in orationibus nostris quas in iudiciis habuimus auctoritates nostras consignatas se habere arbitratur. Omnes enim illae causarum ac temporum sunt, non hominum ipsorum aut patronorum. Nam si causae ipsae pro se loqui possent, nemo adhiberet oratorem.*

But a decent respect for Cicero's own descriptions of his methods and aims, in the dialogues and elsewhere, shows that this sort of doxographical view is untenable. It doesn't fit Cicero's manifest interest in characterization or the subtlety of his literary hermeneutics (see, e.g., *Ad Att.* 13.19, *Ad Q. fr.* 3.5.1).[8] Nor, to stick to the dialogues themselves, does it fit with the explicit claims in the prefaces about his aims in writing. In *De Finibus* itself, Cicero as narrator is very clear in *Fin.* 1.6 that his aim is to apply his own *iudicium* or *critical judgement* to the views he sets out.[9] And this is further spelled out

Nunc adhibemur ut ea dicamus, non quae auctoritate nostra constituantur sed quae ex re ipsa causaque ducantur. ('But anyone who thinks that he has my own attested opinions from claims made in my forensic speeches is very much mistaken. All such claims belong to the cases and the moment they are made, not to the advocates themselves or their clients. For if cases could speak for themselves, no one would need an orator. As it is, we are sought not to say what we have established on our own authority but what one can glean from the facts and the case itself.') But, while Cicero and his characters often use legal metaphors to describe their arguments, and often in interesting ways (see e.g. *Fin.* 4.1, 4.61; more complex metaphors are used in *Div.* 2.46 and *Tusc.* 5.32, see n. 11 below), in my view, this is an analogy or metaphor, rather than Cicero's model for his enterprise as a whole.

[8] Cicero's interest in dialogue form and especially characterization remains under-studied in modern scholarship, despite the early start made in Hirzel 1895: 457–552, and resumed in Levine 1958, Douglas 1962 and 1995 (cf. Dyck 1998), Zoll 1962, and Leeman 1963, and again in the twin articles on *Div.* by Beard 1986 and Schofield 1986. But things are changing: see Steel 2005, Schofield 2008, and Baraz 2012, and the individual studies in Fox 2000 (on *Rep.*), Fantham 2004 (on *De Or.*), and Gildenhard 2007 (on *Tusc.*). Cicero's formal interest in these issues is clear (*inter alia*) from the remarks he makes on these issues in passing in his letters. From four such passages we can glean the following: (1) He tries to avoid temporal anachronism with characters (*Att.* 14.16.2; cf. *Brutus* 217–218). (2) He also tries to avoid inconsistency of characters with respect to content, such as a Lucullus giving complex arguments (*Att.* 13.19.4). (3) Likewise with personality, such as Scaevola's not remaining to listen to *De Or.* 2–3, which Cicero avoids for the same reason he takes Plato to have avoided having Cephalus stay for *Rep.* 2–10 (*Att.* 14.16.3). (4) His prefaces (cf. *Att.* 16.6.4 for his *volumen* of them) are first-personal, like Aristotle's, and so allow for different temporal settings (*Att.* 14.16.2). (5) He distinguishes three kinds of setting: ones with historical characters on the model of Heraclides (*Rep.*); ones set at a remove from the present but in living memory (*De Or.* – cf. *Fam.* 1.9.23); and ones set in his own times, but preferably with the other characters dead (*Fin.*, *Ac.*) – and in the latter, Aristotelian, kind, the conversation is organized so that it is under the control of the narrator (*ita sermo inducitur ceterorum ut penes ipsum sit principatus*, *Att.* 13.19.4). (6) He allows that ancient characters imply fictionality and so loss of perceived authorial authority (*Q.Fr.* 3.5). (7) Likewise that the actual conversations in non-ancient dialogues are fictional, though ideally suited to their characters' interests and views (*Fam.* 9.8.2). We can also see from his works that Cicero was aware of a wide range of interpretations of Platonic dialogues. The most notable among these are: (a) an Antiochian view that divides historical Socratic dialogues from Pythagorean ones which don't represent what Socrates thought but rather what Plato later on thought (*Rep.* 1.15–16, cf. *Fin.* 5.87); (b) a sceptical interpretation, that takes Socrates as an aporetic character and takes the dialogues as a whole to be aporetic (*Ac.* 2.74 and 1.46); and (c) a proto-Platonist one that takes Plato as dogmatic and Socrates' occasional disclaimers of knowledge as ironic (*Ac.* 1.15–16, 2.15). See Long 1995b.

[9] *Fin.* 1.6: *Quid? si nos non interpretum fungimur munere, sed tuemur ea quae dicta sunt ab iis quos probamus eisque nostrum iudicium et nostrum scribendi ordinem adiungimus, quid habent, cur Graeca anteponant iis quae et splendide dicta sint neque sint conversa de Graecis?* ('What of it, if I do not perform the task of a translator, but preserve the views of those whom I consider worthwhile, while contributing my own judgement and order of composition? What reason does anyone have for preferring Greek to that which is written with brilliance and is not a translation from Greek?') NB: All

in his somewhat enigmatic remark in *Fin.* 1.12 that he has 'gone through not only the view(s) I approve but those of each of the philosophical schools individually'.[10] This tells us, at least, that Cicero approves some, but not all, of the philosophical views he will present: he does not claim – in his authorial voice – to be neutral between them.

When we try to work out *how* Cicero presents his own views in the dialogues, it seems reasonable to assume that he does so at least partly through his own *personae* in the narrative frame and in the subsequent conversations. It is true this involves his holding inconsistent *views*, but it turns out that when Cicero is explicitly charged with inconsistency, he – or, at least, his *persona* – does not adduce the legal model to explain it away. Rather, he always appeals to the freedom of the Academic to say what he thinks at the moment, even if it isn't what he thought at some other time; see *Div.* 2.46 and *Tusc.* 5.32 – the latter referring to *Fin.* 4 (see section 3.1 below).[11] Of course, the Cicero-character might

translations from *Fin.* are based on Raphael Woolf's excellent translation, in Annas and Woolf 2001, with minor changes. All other translations are my own. The Latin text is Reynolds' 1998, although Reid 1925 and especially Madvig 1876 [1839] remain useful. As Patzig 1979: 308–310 argued against Reid 1925 *ad loc.*, Cicero's *iudicium* here is clearly his own philosophical judgement. (The sequel of 1.6 shows that Cicero takes his work to be as original as Posidonius' or Panaetius' versions of Chrysippian ethics; and in *Fin.* 1.11 Cicero says he is looking for the best and *truest* of the incompatible views of philosophers on ethics.)

[10] *Fin.* 1.12 *Nos autem hanc omnem quaestionem de finibus bonorum et malorum fere a nobis explicatam esse his litteris arbitramur, in quibus, quantum potuimus, non modo quid nobis probaretur sed etiam quid a singulis philosophiae disciplinis diceretur persecuti sumus*. ('For my part, I consider that this work gives a more or less comprehensive discussion of the question of the highest goods and evils. In it I have gone through not only the view(s) I approve but those of each of the philosophical schools individually.') This needn't assert more than that the book includes views Cicero does not approve. It is notable that Cicero sensibly drops the clause about what he finds plausible in his summary of *Fin.* in *Div.* 2.2.

[11] *Div.* 2.46. '*Tu igitur animum induces' sic enim mecum agebas 'causam istam et contra facta tua et contra scripta defendere?' Frater es; eo vereor. verum quid tibi hic tandem nocet? resne quae talis est an ego qui verum explicari volo? itaque nihil contra dico, a te rationem totius haruspicinae peto*. ('"How can you bring yourself," you argued, "to defend this position, which is contrary to both your record and your writings?" You're my brother, so I will be polite. But, really, what is the problem here? Is it the case itself, which is a difficult one, or me, who just wants to set out the truth? So I'm not going to respond to this charge – I'm just going to ask you for a causal explanation for haruspiciny.') *Tusc.* 5.32: *sed tua quoque vide ne desideretur constantia. Quonam modo? Quia legi tuum nuper quartum de finibus; in eo mihi videbare contra Catonem disserens hoc velle ostendere – quod mihi quidem probatur – inter Zenonem et Peripateticos nihil praeter verborum novitatem interesse …* [33] *Tu quidem tabellis obsignatis agis mecum et testificaris, quid dixerim aliquando aut scripserim. cum aliis isto modo, qui legibus impositis disputant: nos in diem vivimus; quodcumque nostros animos probabilitate percussit, id dicimus, itaque soli sumus liberi*. ('"But aren't you losing your own consistency, too?" – How's that? – "I read recently the fourth book of your *De Finibus*, and in your argument with Cato there you seemed to me to want to show (something I at any rate accepted) that there was no difference between Zeno and the Peripatetics except the verbal innovations <of the former> …" You are adducing sealed documents and testimony as to what I once said or wrote. That's an OK approach with other philosophers, who argue under oath <to be faithful to their school doctrines>. But we

not represent *Cicero* as such in these passages. Still, on the only account given in the dialogues, these inconsistencies are resolved as distinct temporal episodes in the thought of a single character, and one whose Academic philosophical views are echoed in the narrative frame.[12] The doxographical model thus seems incompatible with some basic features of the dialogue.

2 Is Cicero a mitigated sceptic with Antiochian views or a Carneadean sceptic?

This rapid rebuttal of a non-sceptical reading leaves me free to argue against the view I used to hold, that Cicero's approach in the *De Finibus* was that of a mitigated sceptic, who endorsed the central doctrines of Antiochian ethics. My aim here is to argue the other side, to the effect that the dialogue reflects or dramatizes a deeper form of scepticism in the tradition of Carneades.

Readers have taken Cicero to be a mitigated sceptic with Antiochian leanings because it looked as though he was an Antiochian in ethics and it looked as though this was compatible with the form of mitigated scepticism he appeared to hold. In this section of the chapter I will examine some basic features of the dialogue that have given rise to these (false) appearances. But I will start by saying a bit more about what I mean by 'mitigated scepticism with Antiochian leanings', and the view I prefer, 'Carneadean scepticism' (section 2.1). Then I will examine the evidence for the former and show why it does not hold up (section 2.2). Finally, I will add some positive reasons to prefer the Carneadean reading to the mitigatedly sceptical Antiochian reading (section 2.3).

2.1 Mitigated and Carneadean scepticism

'Mitigated sceptic with Antiochian leanings' is a short way to describe 'a follower of the mitigated interpretation of Academic scepticism, who approves sceptically of the central doctrines of Antiochian ethics'. A mitigated sceptic – at least, as I have argued elsewhere – is a follower of the Academy who takes the Philonian interpretation of Carneades (before the

live for the day – we say whatever strikes our minds as persuasive, and for that reason, we alone are free.') On the function of these and similar passages in Ciceronian dialogues, see Schofield 2008: 74–83.

[12] Cicero characterizes his aims in dialogues as Academic (*inter alia*) in, e.g., prefaces such as *Ac.* 2.7–9, *ND* 1.10–12, *Tusc.* 1.7–9, 2.1–9 and 5.11, *Div.* 2.1–7, and *Fat.* 3–4.

Roman Books).[13] Mitigated sceptics accept the Stoic conceptual analysis of knowledge, according to which it requires assent to cognitive impressions. Like the Stoics, they refuse their (unqualified) assent to impressions that are not cognitive, but, unlike the Stoics, they do not think that there are any cognitive impressions. Thus knowledge is unavailable, in their view, and (unqualified) assent should never be given. (See the classic formulation in *Ac.* 2.104, cited in n. 13.) However, they use the 'persuasive' (*probabilis* or *pithane*) impression as a *provisional* criterion of the truth, on the grounds that, if generated in appropriately rational ways, such impressions give better guidance, and are more likely to be true, than impressions that are not 'persuasive'. Thus, despite withholding (unqualified) assent, mitigated sceptics are free to approve the views that, after rational scrutiny, strike them as more 'persuasive' – for instance, the set of views constituting the Antiochian doctrine of the goods. They may also do so consistently on the basis of arguments for the superiority of these views to other ethical tenets, provided that they recognize that the grounds for their approval are never conclusive, i.e., are never grounds for (unqualified) assent.

A 'Carneadean sceptic', by contrast, is a follower of Carneades who takes the Clitomachian – and in my view, correct – interpretation of their eponymous scholarch. The Carneadean sceptic is someone who has considered the claims of rationalist philosophy and found them to be compelling but inconclusive – indeed, no more compelling than their negations. Unlike the mitigated sceptic, then, the Carneadean sceptic is not rationally committed to the Stoic view that knowledge requires

[13] Brittain 2001, drawing on Frede 1987b and 1987c and Barnes 1989. Brittain 2006: xix–xxix gives a short version of this view. The main evidence for both kinds of Academic sceptic is *Ac.* 2.32–36 and 2.98–114. (Note that I gloss over here the issue of the mitigated sceptics' 'qualified assent' (mentioned in *Ac.* 2.59, 2.67, 2.78, and 2.148), although this is one way of distinguishing their position from the Clitomachian view.) On the Academic notion and classification of 'persuasive impressions', see further Allen 1994. The central text is *Ac.* 2.104*: adiungit dupliciter dici adsensus sustinere sapientem, uno modo cum hoc intellegatur, omnino eum rei nulli adsentiri, altero cum se a respondendo ut aut adprobet quid aut inprobet sustineat, ut neque neget aliquid neque aiat. id cum ita sit, alterum placere ut numquam adsentiatur, alterum tenere ut sequens probabilitatem, ubicumque haec aut occurrat aut deficiat, aut 'etiam' aut 'non' respondere possit.* ('Clitomachus added: "The wise person is said to suspend assent in two senses: in one sense, when this means that he won't assent to anything at all; in another, when it means that he will restrain himself even from giving responses showing that he approves or disapproves of something, so that he won't say 'yes' or 'no' to anything. Given this distinction, the wise person accepts suspension of assent in the first sense, with the result that he never assents; but holds on to his assent in the second sense, with the result that, by following what is persuasive wherever that is present or deficient, he is able to reply 'yes' or 'no'." ') I should perhaps note here that I disagree with Gawlick and Görler 1994: 1092–1099 and Görler 2004a: 285–288 on Cicero's originality in using the *probabile* as a way of conducting philosophical investigations. This seems to me to be built in explicitly to Clitomachus' description of the original notion in *Ac.* 2.104.

assent to cognitive impressions, since there are arguments in favour of this view, but there are strong arguments against it as well. Nor is the Carneadean rationally committed to the doctrine of the Socratic tradition, whether Stoic or Antiochian, that philosophy can provide an art of living that will elevate its practitioners above the vagaries of fortune. This too is a compelling vision, but there are compelling arguments against it as well. So the Carneadean sceptic finds himself in a state of profound *aporia* about the best rational response to such philosophical questions. But this doesn't mean that a Carneadean sceptic will never find one view more 'persuasive' than another, and so never act in accordance with what strikes him as good or bad, and so on. (Again, see Clitomachus' formulation in *Ac*. 2.104.) It just means that he or she does *not* consider the fact of their finding an impression 'persuasive' to give objective grounds for assuming that it is more likely to be true than another impression. Like the Sextan sceptic we meet in *PH* 1, the Carneadean follows impressions as a practical criterion of life, *not* as a dogmatic – or as a provisional – criterion of truth.[14]

2.2 Is Cicero a mitigated sceptic with Antiochian leanings? Evidence for and against

The basic evidence in favour of taking Cicero in the *De Finibus* as a mitigated sceptic with Antiochian leanings comes in two parts: the work's Antiochian structure and the sceptical methods of Cicero as both narrator and character.

2.2.1 The dialogue is not structured to favour Antiochian ethics

I start with the Antiochian leanings. The main reason for thinking that Cicero endorses the central doctrines of Antiochian ethics in *Fin*. is that the structure of the dialogue seems weighted heavily in favour of Antiochus:

(a) for, in *Fin*. 1–2, Cicero seems to rule out Epicurean ethics, leaving Stoic and Antiochian ethics as his and our remaining options;
(b) in *Fin.* 3–4, Cicero adopts an Antiochian approach to ethics in his critique of the Stoics;

[14] The arguments grounding the possibility of Carneadean scepticism are examined in detail in Bett 1989 and 1990.

(c) and *Fin.* 5 is skewed in favour of the Antiochian Piso, since there is no *Fin.* 6 criticizing his view – Cicero makes only a few critical remarks against it in *Fin.* 5 and Piso still gets the last word.[15]
(d) Some people think that Cicero's critique of the Epicureans in *Fin.* 2 is also Antiochian; if so, 2, 4, and 5 are all (allegedly) Antiochian.[16]

But further reflection shows that the dialogue is in fact structured in an extremely complicated way, and not one that leads to an Antiochian interpretation. It is well known that it consists of three distinct conversations, with three sets of characters, held at three different times, and in three different places, linked together in a frame address/letter/quasi-conversation with someone else and set in another time.

Fin. 1–2: Torquatus (Epicurean) vs. Cicero, with Triarius (Stoic) attending – set in 50 BC at Cicero's house in Cumae, when Torquatus was praetor-elect (*Fin.* 2.78).
Fin. 3–4: Cato (Stoic) vs. Cicero – set in 52 BC, the year of Pompey's law on court procedures (*Fin.* 4.1), and in the library of Lucullus Jr's house in Tusculum (*Fin.* 3.7).
Fin. 5: Piso (Antiochian) vs. Cicero, with Atticus, Q. Cicero, and L. Cicero attending – set in 79 BC, when they were students in Athens (*Fin.* 5.1f).
Frame: Cicero to Brutus (Antiochian), set 'now', presumably in 45 BC (*Fin.* 1.1–13, *Fin.* 3.1–6, *Fin.* 5.1 and 5.8).

But I don't think that the implications of this complicated structure have been noticed. Given that there are four different Ciceronian characters or *personae* here, reconstructing his overall position requires some interpretative work. So we can't just infer from the representation of his anti-Antiochian argument of thirty-five years ago or his anti-Stoic argument of seven years ago that the contemporary Cicero of the frame – or that *Cicero* himself – has the same view.[17] The structure in fact complicates things in four ways:

(a) as above, by putting side by side four potentially distinct Cicero-slices,
(b) by its narrative/frame order, which progresses, with comments, from *Fin.* 1 to *Fin.* 5,

[15] See Leonhardt 1999: 13–88, whose argument that the order and length of speeches determine which is more persuasive to Cicero is justly criticized in Graver 2000.
[16] The strongest variant of this is the pre-war source-critical orthodoxy that identified Antiochus' *On Ends* as the source for Cicero's arguments in *Fin.* 2 and 4 as well as Piso's in *Fin.* 5 (which explicitly relies in some measure on Antiochian material, *pace* Giusta 1990); see Hirzel 1883 II: 630–668, Philippson 1939: 1132–1141, and, e.g., Nikolsky 2001: 462–464. But see *ad* n. 29 below: if Antiochus came up with the common strategy of *Fin.* 2 and *Fin.* 4, he somehow failed to notice how well the same strategy fits his own position. This is one reason for thinking that the strategy is Carneadean.
[17] The frame in *Fin.* 3.1–6 does tell us, though, that Cicero-now agrees with Cicero-in-50 BC about Torquatus' argument; see *ad* n. 50.