

Introduction

It is clear that there is a problem about the will in ancient philosophy, but it is not so clear just what the problem is.¹

Whose idea was the will? Many of us may share the intuition of an inner force by which we try to direct the course of our lives. So, too, may we feel caught in a contest of forces – of matter or spirit – that limits our ability not only to live the life we want, but even to choose what we know is best. How much of “us” is fixed in place by our genes, or our culture, or the force of our habits? If we have a will, is it free?

In the face of such doubts, politics may seem a distant concern. Yet the same word recurs. A profound and complex issue affecting millions is narrowed into a binary choice – “yes” or “no,” that party or this one. The votes are counted. And then, says the winning more-than-half to the losing almost-half, “the will of the people has spoken.” The phrase is so common that its strangeness can fail to register. How could any large and diverse body of individuals, many of whom bitterly disagree, share a single will? Who has the right to declare what that is? And why would it stay binding even as minds and circumstances change?

Most of us would shudder to think that partisan squabbles could hinder our ability to live a good life. But what if these two realms of will – the psychological and political – were linked together from the start? And what if this story, steeped in ancient history and thought, could teach us something about the dysfunctions of today’s world – about why our republics are not democracies, and how to create meaning in a broken age?

Genealogies of the will have traditionally centered upon Augustine of Hippo (354–430 CE), whose treatises in Latin framed the debates of medieval Christians and secular moderns in turn. Those pushing further back find antecedents to Augustine’s notion of will in the ideas of Plato,

¹ Kahn 1988, 234.

Table 1 *Cicero's voluntas: occurrences by genre*

<i>Opera ciceronis</i>	<i>Voluntas</i>	<i>Voluntarius</i>
<i>Rhetorica</i> (6)	84	5
<i>Orationes</i> (52)	280	15
<i>Epistulae</i> (931)	206	6
<i>Philosophica</i> (13)	74	33
Total	644	59

Aristotle, and the Stoics. And yet, these scholars largely agree: *voluntas*, Augustine's word for will, has no direct equivalent in Greek.² The etymological problem is compounded by a historical one: Augustine admits he did not enjoy reading Greek, nor did he ever master it.³ But he loved Cicero.

Until now, the statesman and philosopher Marcus Tullius Cicero (106–43 BCE) has played a minor role in the history of will.⁴ As some have remarked, his is the best-documented life of any man or woman before the Christian era.⁵ His orations, treatises, and letters were recopied through the centuries out of reverence, not necessarily for his achievements, but for his language. Readers of all faiths agreed that the magnificence of Cicero's prose was without precedent or peer. And regarding the will, digital archives confirm a curious fact. All extant texts prior to the 1st century BCE yield around two dozen occurrences of *voluntas* and its cognates.⁶ In Cicero's corpus it appears 644 times (see Table 1).⁷

² Voelke 1973, 5; Kahn 1988, 248; Frede 2011, 19–21, 158. ³ August. *Conf.* 1.13.20, 1.14.23.

⁴ See Gauthier 1970, 256: "If Cicero seems to have played a decisive role in the development of the notion of will, it is not by the originality of his thoughts . . . but rather by the clumsiness of his translations." Voelke 1973, 56–58, skips directly from Panaetius to Seneca and Epictetus in his genealogy, mentioning Cicero only as a translator of *boulēsis*. Dihle 1982, 133–34, credits him with the "correct translation" of *boulēsis* but says that "there is no indication whatsoever that Cicero came to reflect" on its unique "voluntarism." Kahn 1988, 241, only cites Cicero to affirm *voluntas* as "the standard Latin rendering for *boulēsis*." Frede 2011, 25, 37, 92–93, invokes Cicero strictly as an often imprecise translator of philosophical terms.

⁵ See Rawson 1975, xiii; Dyck 2008, ix; Tempest 2011, 2–3; Woolf 2015, 1.

⁶ As I explore later in this Introduction, these primarily take the ablative form *voluntate*, though *voluntas*, *voluntatem*, *voluntates*, and *voluntatibus* also occur. The genitive *voluntatis*, "of or belonging to the will," and the more technical *voluntarius* are both unattested before Cicero.

⁷ Some 74 of these occurrences are found in the philosophical treatises, 84 in the rhetorical treatises, 280 in the orations, and 206 in the letters. At least four of these occurrences are questioned in the manuscript tradition (e.g. *voluntatem* for *voluptatem*); following scholarly consensus, I also do not credit Cicero for authorship of the *Commentariolum petitionis*, in which *voluntas* occurs seventeen times.

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Cicero's references to the will are wide-ranging and lifelong. In his early letters and speeches, *voluntas* measures criminal intent and maps hidden lines of influence. As the Republic tumbles into civil war, Cicero theorizes the will of the Roman people as the sole lawful source of power (*De republica* and *De legibus*, late 50s BCE). And with Rome in the grip of Caesarism, his treatises name the will as the seat of virtue (*De finibus*, 45 BCE), give the first account of willpower (*Tusculan Disputations*, 45 BCE), link human and divine will (*De natura deorum*, 45 BCE), and, in *De fato* (44 BCE), defend the will's freedom in a causally determined world. The earliest surviving occurrences of "will of the people" (*voluntas populi*) and "free will" (*libera voluntas*) are both found in Cicero.

This book seeks to unearth a long-ignored chapter in the intellectual history of the will. It is a Roman story, springing from and woven into the fall of its Republic. Dio Cassius observed that some essential concepts such as *auctoritas* are indigenous to Latin and not mere translations of Greek ideas.⁸ I argue likewise that the will is an original Latin contribution to the Western mind. In making this case, I borrow Carlos Lévy's distinction between a concept, which "encloses reality in a unity of meaning," and a notion, which "accepts approximation, a multitude of elements, preferring suggestion to the imposition of one framework, at the risk of offering contradictory signs."⁹ In its staggering variety, Cicero's *voluntas* is better seen as a notion than a concept. As we will see, in this one capacious word he joins multiple streams of debate that had not intersected in Greek, opening new fields of meaning for the will as a rational force in society and the soul.

Consider a passage from one of Cicero's late courtroom speeches, the *Pro Ligario* (46 BCE). His client, Q. Ligarius, briefly led the Pompeian forces in Africa during the civil war and is now accused by a political rival of *perduellio*, siding with a presumed enemy against the Roman people and their new dictator.¹⁰ With Caesar himself presiding, Cicero pleads for a different view of his client's intentions, which he claims are even more blameless than his own:

[Ligarius] went out as legate in time of peace, and in an utterly peaceable province he so bore himself that peace was its highest interest . . . [While] his departure implied a will which did him no discredit [*voluntatem habuit non turpem*], his remaining was due to an honorable necessity . . . You have

⁸ Cass. Dio. 55.3.5. Despite a Roman-sounding name, Dio makes his observation in Greek.

⁹ Lévy 2018, 1 (translation mine). ¹⁰ Loeb edition (Watts, ed.), 454–57.

then, Caesar, up to this point no evidence that Ligarius was alien from your goodwill [*nullum . . . signum alienae a te voluntatis*] . . .

. . . When Marcus Cicero maintains in your presence that another was not of the same will that he admits of himself [*in ea voluntate non fuisse, in qua se ipsum confitetur fuisse*], he feels no fear of what unspoken thoughts may fill your mind . . . Not until war had been engaged, Caesar, not indeed until it had run most of its course, did I, constrained by no compulsion but led only by a deliberate judgment and will [*nulla vi coactus, iudicio ac voluntate*], go forth to join those who had taken arms against you.¹¹

In a single passage, the will appears as Ligarius' righteous state of mind (*voluntatem habuit non turpem*), as Caesar's goodwill (*nullum . . . signum alienae a te voluntatis*), as a partisan adherence Cicero regrets (*in ea voluntate non fuisse . . .*), and as the inner force carrying out a reasoned judgment (*iudicio ac voluntate*). *Voluntas*, in other words, is not a specific and determined concept; it is a notion that assembles a constellation of meaning. Though the agile orator uses different senses of will to refer to Ligarius, Caesar, and himself, its rapid recurrence creates an effect: Three men, seemingly at odds, are subtly conjoined. Cicero wins his friend's acquittal.

Though evidence is scarce, we can infer from the two dozen occurrences of *voluntas* before Cicero and a handful of later references where the notion may have stood as he found it. As we will see in Chapter 1, *voluntas* seems always to have held a dynamic, "onrushing" quality, denoting a deliberate, uncoerced choice. In these early Latin texts, *voluntas* is a legal or political desire-in-motion, a force by which actors with status shape their world. It is a "willing" but not yet "the will." By the 2nd century BCE, we find the playwrights Plautus and Terence adding psychological shadings that likely informed Cicero's study of politics, oratory, and the soul.

Why did Cicero need this notion? Though we find no full-blown "theory of the will" in his corpus, he deploys the word for each of his most important purposes. The first of these is survival. In an age of politician-generals, Cicero has no army. He is a "new man" (*novus homo*) in a republic led by noble families.¹² From his youthful prosecution of the wealthy Verres to his suppression of Catiline's conspiracy as consul, Cicero's career is a series of risky bets underwritten by intellectual gifts.

¹¹ *Lig.* 4–6 (after Loeb trans.).

¹² In the republican period, a *novus homo* or "new man" was the first in his family to be elected to high office. It was rare for any *novus* to ascend to the consulship and rarer still to do so at the earliest legal age, a feat Cicero accomplished in 63 BCE. See Rawson 1975, 57–59.

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His letters and speeches show how his skill for language gives him a subtler take on events and a richer repertoire of persuasion. In Part I of this study, these practical uses of will are foremost: mapping alliances, winning elections, and navigating what I call the “economy of goodwill.” From his earliest writings, however, *voluntas* emerges in normative claims about how law and politics should work: that Rome’s tangled mass of precedents could be rationalized through Greek ideas; that chief among these is Plato’s precept that reason must rule; and that an alliance of philosophy and tradition must rescue the republic.

Some intellectual context is useful here. In Cicero’s Rome, Greek philosophy had circulated for decades in elite circles but had yet to enter the cultural mainstream.¹³ He is born around a half-century after the famous “embassy of the philosophers” in 155 BCE, in which the heads of three Greek schools – the Academy, Stoa, and Peripatos – lectured before rapt audiences at Rome and won tax relief for Athens besides. What the Hellenistic schools largely shared – including the Epicureans, popular in Rome but allergic to politics and thus absent from the embassy – was a concern with the material over the transcendental. The leading schools in the period after Plato and Aristotle considered reason an immanent presence in the world, with our mental states governed by physical laws. For the Stoics, perhaps the best-received school in Rome, the universe was itself a perfectly rational being. Uniquely among living creatures, humans participate in the *logos* via the act of rational assent (*synkatathesis*) and thus bear the strictest responsibility for our actions. This central Stoic claim would become a touchstone of great importance to the young Marcus.

On a visit to Athens in 79 BCE, Cicero studies with Antiochus of Ascalon, an integrator of Stoic ideas into the Academic tradition.¹⁴ As he later reports in the *Academica* (45 BCE), Antiochus divided the physical world into two principles:

[T]he active principle they deemed to constitute force [*vis*]; the one acted on, a sort of “material”; yet they held that each of the two was present in the combination of both, for matter could not have formed a concrete whole by itself with no force to hold it together, nor yet force without some matter . . . (1.24)

¹³ See Moatti 2015, 47–49, 78–79. Cicero could even play down his own philosophical interests to win advantage in a public argument; *Mur.* 61–65. Cf. *Tusc.* 4.74.

¹⁴ See Plut. *Cic.* 4.1–4; cf. Schofield 2012, 240–49; Corbeil 2013, 13; Woolf 2015, 11–16. On Antiochus’ thought, see generally Sedley 2012.

Further along, Cicero relates this idea to one given by the Peripatetic Strato, “that whatever either is or comes into being has been caused by natural forces of gravitation and motion.”¹⁵ Lévy has argued that these early influences were crucial to Cicero’s view of oratory – his lifelong passion and profession – as a contest of physical forces that unfolds between speakers and their audience. This “physics” of oratory, quantifiable and scientific, may in turn reflect an early understanding of “a world that can be reduced to an ensemble of forces without the intervention of an intelligent creator.”¹⁶ As I explore in Chapter 3, these influences may have inspired Cicero to view his endangered republic in similar terms: as a matrix of forces, formerly aligned and now in need of repair.

The stakes were not simply theoretical. Following the assassination of Tiberius Gracchus in 132 BCE, the rivalries of Rome’s political elite had solidified into two principal affiliations: the *populares* (“people’s men”) and *optimates* (“best men”). At various periods before Cicero’s birth and during his life, leaders of each side proved ready to demolish precedent and murder their opponents *en masse*.¹⁷ An orator, not a fighter, Cicero wants to refound Rome by the force of persuasion. His project is as politically conservative as it is intellectually radical. The principles of Plato and the Stoics not only accord with Rome’s ancestral customs, but philosophy itself demonstrates Rome’s perfection. Status and custom alone can no longer hold together a society whose institutions have been compromised by bad men. Only *ratio* – the irrevocable reason of natural law – can justify the wills of politicians and people. In practice, this means a reinforcement of collegiality and self-restraint, a balance between the forces of law (*ius*) and personal ambition – each useful for the public when properly constrained. This equilibrium of will is *concordia ordinum*, the amicable hierarchy of classes that Cicero presents as his ideal.¹⁸

Following the trauma of his exile (58–57 BCE), Cicero finds a new arrow for his quiver of argument. With Pompey, Caesar, and their armies now dictating public affairs, a balance of wills may no longer be possible. Though never abandoning *concordia*, Cicero proposes a new ideal in *Pro Sestio* (56 BCE): *consensus bonorum*, an unshakeable bond of all moral citizens, rich and poor, against the wicked few.¹⁹ This ideal of consensus grounded in natural law – of intrinsic collaboration rather than balanced

¹⁵ Cic. *Acad.* 2.121. ¹⁶ Lévy 2012a, 268. See also Lévy 2008, 5–20.

¹⁷ See generally Brunt 1971; Mouritsen 2001; Arena 2012, chs. 4 and 5.

¹⁸ See *Cat.* 4.15; *Att.* 1.17.9–10; *Sest.* 137; *Rep.* 2.69. Cf. Morstein-Marx 2004, 101; Connolly 2010, 10–12.

¹⁹ *Sest.* 97.

competition – is crucial to understanding what Cicero means by “the will of the people.” Here, again, intellectual daring and conservative politics go hand in hand. Yes, his protagonist Scipio declares in *De republica*, *res publica* is *res populi*, the people’s possession. At the same time, tradition and nature’s law require the people to express their liberty not in participatory self-government but through a ruling class that relies upon their votes. In these dialogues, *voluntas populi* becomes the binding force of a nominally popular but functionally elitist constitution.

If this state of affairs looks familiar in today’s “democratic” republics, we have Cicero in part to thank. Equality under the law, diffusion and rotation of power, the transaction of public affairs in public view – these are the republican ideals to which Cicero dedicated his life and that continue to inspire. But Cicero was also the first to argue that the quintessential use of a citizen’s freedom is to elect better men to office. He was the first to argue (with help from Plato) that this elite must be specially educated in an art of rational rule unavailable to the masses. And he was the first to argue that the citizens – though free and sovereign – be kept as far as possible from actual governing. Rulership in sovereign republics would be strictly reserved for enlightened statesmen like himself.

In the 18th century, the republican model embodied in Cicero’s writings was indeed a great leap forward; here in the 21st century, his ideal of a rational elite has cracked. Insistence on the singularity of popular will and mistrust of the common citizen lie at the heart of today’s political crisis. And populists today, as *populares* did before, capitalize on the failures of elites to play the virtuous role Cicero intended. It is only logical that voters, denied education or experience of public affairs, increasingly use the one power left to them – the ballot – to detonate a system that neglects and humiliates them. And, like Caesar, the “people’s champions” who grasp at their votes may prove the greatest threat to free society.

How does the story end? In Cicero’s case, Rome’s ensemble of forces collapses into a single man’s all-powerful will. With Caesar ascendant, Cicero turns *voluntas* inward; the will of the people is reimagined as an inalienable force of the soul. In *De finibus* (45 BCE), the *Tusculan Disputations* (45 BCE), *De fato* (44 BCE), and *De officiis* (44 BCE), *voluntas* becomes the locus of individual responsibility, the power to conquer our defects, and the mark of a free conscience in an unfree age. Transmuting political failure into philosophical innovation, Cicero develops a new idea – the will and its freedom – with tremendous consequences for Western thought.

Through his astonishingly varied career, the force of *voluntas* is inflected and enriched. A mind as fertile as Cicero’s defies exhaustivity.

Nevertheless, I will argue for three critical qualities that emerge in Cicero's notion of will: (1) its durability, (2) its measurability, and (3) its moral bivalence.

The *voluntas* Cicero inherits from Roman tradition denotes a single "willing," not a continuous power of mind. From the evidence available to us, it is Cicero who gives durability to the will. Early signs appear in his analysis of the *voluntas* or "spirit" of a law, which outlasts its legislator and maintains its power on posterity.²⁰ Cicero also links *voluntas* to *mens*, insisting as consul that it was not he alone who foiled the conspirators, but rather, "I received this mind and will [*mentem voluntatemque*] from the immortal gods . . ." ²¹ A similar durability is present in *voluntas mutua*, the goodwill transacted over years by distant friends and allies. *Voluntas populi*, too, retains its power beyond the moment of election – it is public will, for example, that underwrites his suppression of Catiline's plot.²² In his treatises, the ex-consul brings the durability of *voluntas* into his architecture of the soul. Will, in the *Tusculans*, becomes "that which desires something with reason [*quae quid cum ratione desiderat*]" (4.12); in *De finibus*, it is the part of our soul where nature places the cardinal virtues (5.36); and in *De officiis*, the *persona* or role we choose in life "sets forth from our will [*a nostra voluntate proficiscitur*]" (1.115). In all of these genres, and centuries before Augustine, Cicero completes the word's transformation from a specific instance of will to a unified capacity for them all.

As Cicero gives durability to the will, he expands its measurability as well. His path to legal and political success is made by ceaselessly (if not always correctly) divining the intentions of others. In his letters and speeches *voluntas* is not binary, as *hekōn* or *eunoia* are in Greek,²³ but protean. Will varies in kind, as when a friend has "such ample goodwill for me" (*in me tali voluntate*) that he "do[es] more for my friends than perhaps I should do myself";²⁴ it varies in strength, as when a prosecutor shows "how much will and devotion" (*quantum voluntatis et studii*) lay in a

²⁰ See the discussion of *controversia ex scripto et sententia* and *De inventione* in Chapter 2.

²¹ Cic. *Cat.* 3.22.

²² Ibid. 4.14: All of Cicero's plans have been made "in accordance with the will of the Roman people to defend their supreme power and preserve their common fortune [*populi Romani ad summum imperium retinendum et ad communis fortunas conservandas voluntate*]."

²³ Whatever the complexity of the surrounding facts, in Greek an action is either "willing" (*hekōn*) or "unwilling" (*akōn*) – it cannot be "*hekōn* to a certain extent." Similarly, *eunoia* is a binary consideration in Greek: goodwill is either present or absent. See discussions in Chapters 1, 4, and 6.

²⁴ *Fam.* 3.293.2.

defendant;²⁵ and it varies over time, as when he complains that a friend's will is "more obstinate [*obstinatior*] than before."²⁶ Cicero is a master psychologist *avant la lettre*: Tracing the shifts in Pompey's intentions or lecturing his rivals on the "inmost feelings" (*intimos sensus*) of the Roman people, he both describes and practices the interpretation of will.²⁷ He carries this talent into the late treatises, where volition is given prime importance in quelling inner turmoil and establishing reason's rule in the soul. The measurability of *voluntas* propels his account of moral progress: To overcome our vices, the will must be trained and grow stronger. This markedly Roman account takes the Platonic notion of a divided soul and heightens it with the language of manly combat. Since the origin of our suffering lives within us, our duty is to oppose it or, in the terms of Stoic physics, to "intensify" our souls. In his magnum opus of moral philosophy, the *Tusculan Disputations*, willpower is what makes reason effective and progress possible.

The third essential quality of Cicero's *voluntas* is its hesitation between good and evil – what I call its "moral bivalence." In the *Tusculans*, Cicero identifies *voluntas* with the Stoic *boulēsis* or rational desire. Though not always directed toward proper ends, *boulēsis* is firmly and fully rational. Elsewhere, however, Cicero follows more conventional usage and makes *voluntas* akin to *hormē*, an impulse unhinged from reason.²⁸ He contrasts the *voluntates* of his legal clients with the rationality of law; Catiline's coconspirators look *honesti* but have "a most shameless will and cause" (*voluntas et causa impudentissima*);²⁹ with Caesar in power, all matters depend "on someone else's will, not to say his lust [*in alterius voluntate, ne dicam libidine*]."³⁰ These more negatively charged references to will are not confined to his oratory: In the *Tusculans* themselves, his definition of *voluntas* as a rational force is followed quickly by warnings against the "willing" (*voluntaria*) disturbances of our minds.³¹ The moral bivalence of *voluntas* is clearest, perhaps, in the competing schemata of *De inventione*,

²⁵ *Inv.* 2.90. ²⁶ *Att.* 1.7.1.

²⁷ *Sest.* 119–20. See also *Off.* 1.59, his counsel to young Romans to become "good calculators of duty" (*boni ratiocinatores officiorum*).

²⁸ Though the original sense of *hormē* covered various kinds of impulse or forward motion (as illustrated earlier in this Introduction), the Stoics positioned *hormē* within a monist view of the soul (i.e. fully partaking in reason). See Graver 2007, 26–28, discussed in Chapter 6.

²⁹ *Cat.* 2.18. ³⁰ *Fam.* 2.190.3.

³¹ See *Tusc.* 4.60, 4.65, and 4.83. Though he occasionally substitutes *voluntate* and *voluntaria* for one another, the latter term occurs far less frequently in Cicero's corpus and generally in more technical contexts: five times in his rhetorical treatises, fifteen times in his orations, six times in his letters, and thirty-three times in his philosophical treatises. Its most common use is to signal that an act that is typically coerced is in fact occurring willingly (e.g. *mors voluntaria* for suicide, *Fam.* 3.183.3, or

where it signifies criminal intent in one scheme and a righteous state of mind in another. Anticipating Christian thinkers who will explain human will as a battlefield between angelic and demonic powers, Cicero makes the *voluntas* of an audience an orator's prize that can "incline" (*inclinare*) in his favor or against him. Neither entirely rational nor irredeemably wicked, the will becomes – for the first time, it seems – the contested terrain of a moral life.

The notion of will helps Cicero confront a final problem, one that almost led him to suicide. In the theater of politics, Roman identity was forged in moments of public validation and rejection. In his rapid ascent, Cicero's sense of self is fed by popular goodwill and the (occasional) embrace of highborn peers. When fortune turns, however, the exiled Cicero despairs: "What am I really [*quid enim sum*]?"³² Marked by bitter experience and deprived of public favor, Cicero turns to philosophy for a new foundation of self, secure from tyrants and the crowd. The pursuit of fame is a "mistaken path" (*error cursus*), he writes in the *Tusculans*.³³ Life's only true meaning is virtue, which depends on us alone. His final word for posterity, the *De officiis*, offers a view of selfhood at a crossroads of Western thought, applying Hellenistic ideas to reaffirm republican duty. Adapting the Stoic Panaetius' theory of four *personae*, Cicero makes will the fourth and freest "role" of moral lives. In so doing, I argue, he makes possible the later idea of the will as the battleground of moral choice and driver of self-consciousness. With Augustine and the church fathers, divine will submerges terrestrial politics, and many more centuries would pass before Cicero's republican values could find new life.

The problems he poses for rational self-rule still remain. Will we continue to place the hopes of free citizens in the hands of an elite or will we discover that the most effective government, *contra* Plato and Cicero, is the one that can harness collective intelligence? In politics as in the soul, the will may yet provide a vital force for good – what Arendt calls the power "to bring about something new."³⁴

The principal method of this study is a close reading of Cicero's corpus. Given the state of our sources, a few points of caution should be raised. The first of these relates to Cicero's originality. Contemporary scholarship has mostly, if not entirely, discarded the caricature of Cicero as an

justifying his reconciliation with the hated Crassus as "voluntary forgetfulness", *oblivio voluntaria*, *Fam.* 1.20.20). For a full list of such uses, see Chapter 2, note 73.

³² *Att.* 1.60.2; see discussion in Chapter 8. ³³ *Tusc.* 3.4. ³⁴ Arendt 1971, vol. 2, 7.