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THE STOICS ON PROPERTY AND POLITICS¹

A.A. Long has recently argued² that the Stoics pioneered two key notions of liberal political and economic thought: first, that every human individual *per se* is the rightful owner of at least one thing—his own person; and second, that human nature inclines us to acquire private property and to interact with one another in structured societies as property owners. For Long, these two claims are importantly connected, moreover, since it was by extending their particular conception of self-ownership to the external world that the Stoics arrived at a distinctive conception of private property and its importance for self-identity. Of course, one can take conceptions of rights of persons and rights to property as one's starting points and arrive at a wide variety of political structures and systems, not all of them particularly liberal; but against the background of their philosophical predecessors, the Stoics' adoption of these two notions would signal a striking shift of focus away from general communal interests to those of individuals in a manner typically espoused by liberal theorists. It might also, as John Cooper³ has pointed out in a different context, force us to redraw an important line of demarcation commonly thought to divide ancient from modern political theories. In Hegel's influential formulation, for instance, ancient political theorists hold a conception of the state and its relations to its members that is "antagonistic to the modern principle in which the particular will of the individual, as absolute, is made the starting point."⁴

¹ I am indebted to Julia Annas, Tad Brennan, Eric Brown, Margaret Graver, Brad Inwood, Alan Kim, David Konstan, Fred Miller and the Spindel audience for helpful criticism.

² "Stoic Philosophers on Persons, Property-Ownership, and Community" in ed. R. Sorabji, *Aristotle and After BICS*, suppl. 68, 1997 p. 15. Malcolm Schofield draws out the corresponding economic consequences, i.e. Stoic proto-capitalism, in "Morality and Law: the Case of Diogenes of Babylon" in his *Saving the City* (Cambridge, 1999) as does Long in "Cicero's Politics in the *De Officiis*" in Laks and Schofield, *Justice and Generosity* (1995) pp.213 ff. In *Cicero's Social and Political Thought* (Berkeley, 1988), Neil Wood makes a case for Cicero's economic individualism in greater detail. See now, as well, Martha Nussbaum, "Duties of Justice, Duties of Material Aid: Cicero's Problematic Legacy" in edd. S. Strange and J. Zupko, *Stoicism: Traditions and Transformations* (Cambridge, 2004) pp. 214-49.

³ John Cooper, "Justice and Rights in Aristotle's *Politics*" in *Reason and Emotion* (1999) p.381

⁴ Hegel, *Lectures on the History of Philosophy* (ed. and trans. Haldane and Simpson, vol II, 208, quoted from Cooper, p. 381. An obvious counter-example to this general claim would seem to be Epicurus'

Clearly, Long would urge us to redraw this line, since he argues that Stoic views on property rights and civil society bear striking affinities to ideas subsequently developed by Locke and Hegel himself, and that we can use their ideas moreover “to provide a standard of comparison for identifying and assessing the Stoics’ seminal ideas”,⁵ and hence, presumably as well, their putative “modernity.” Thus, for example, Long claims that the Stoics hold, in a way directly comparable to Locke, that a central feature of any just community is a respect for the value of private property and hence for the rights of individuals to both acquire and protect it. And like Hegel, he claims, the Stoics see deep connections between one’s ownership of private property and the growth of one’s individual moral consciousness. The Hegelian claims that our development as moral beings depends upon us learning to acquire and control property, since it provides a crucial arena for the exercise of our freedom and our subjective will in our relations to others. Correspondingly, for Long, the Stoics are committed to a belief that the natural human tendency to appropriate private property helps not only to establish our identities as members of a political community, but also to form our individual identities as such.

Although there is much that is illuminating in the correspondences that Long has isolated and in what I would characterize as his attempt at providing a *longue-durée* philosophical history⁶ of property, I think both of his major claims are ultimately mistaken, though instructively so. I will argue that when it comes to conceptions of private property, the Stoics are not at all Lockean. Indeed, their views, I imagine, would prove more worrisome to Locke’s audience of Whig merchants and rural squires than those of the Levellers themselves. By the same token, when one remembers that for Hegel it is the control of an external object such as property that helps to stabilize the subjective will of an individual and give concrete substance to one’s abstract freedom, that is, that control of external objects is essential to one’s self-understanding and the growth of one’s substantial freedom—it is hard not to suspect that something must have gone awry in Long’s parallels between Hegel and Stoicism.⁷ Surely, we might plausibly suppose, one of the Stoics’ deepest and most pervading convictions is that we must give up our attachment to external objects as well as our hope of controlling them—and that

contractual view (and all those ancient contractual theories before his) which played a critical role in early modern conceptions of the individual and the state. In what follows, however, I will be concentrating more particularly on claims about property rights, which seem to lie at the heart of Hegel’s distinction. See Eric Nelson, *The Greek Tradition in Republican Thought* (Cambridge, 2004) p.7 for the intellectual context of Hegel’s arguments and a discussion of his parallel claim in *The Philosophy of History* that it was the Romans who “developed the idea of legal personality, and invested the concept of *proprietas* with immense ideological significance.”

⁵ Long, p.15.

⁶ I take it that Long is offering something akin to a *longue-durée* historical account, since he does not document any actual historical influence of the Stoics upon Locke and Hegel; rather he points out some thematic and structural parallels in their theories that are meant to be mutually illuminating.

⁷ Long argues that the Stoics “could and should give conditional endorsement to Hegel’s further postulate that: “A person must transfer his freedom into an external sphere in order to achieve his ideal existence.” P. 30-31. They could not unconditionally endorse this Hegelian notion without further linking our natural and appropriate ownership of material property to the “abolition of slavery and [to] the generation of economic circumstances and legislation making ownership of material property an opportunity equally open to all.” P.31 Clearly, his argument requires a claim of at least conditional endorsement to get the comparison to Hegel off the ground. I doubt, however, whether the Stoics in the required sense offer even conditional endorsement of this claim about the relation between freedom and the external world.

our freedom and happiness, therefore, consist precisely in the recognition of our inner independence from externals such as property.

Moreover, I worry that even if Long were right in finding particular correspondences between these later thinkers and the Stoics, we would still need to confront a further source of potential confusion, since Locke's and Hegel's general views about private property differ so markedly in their assumptions and goals, as well as in their basic conception of everything from, say, the value of labor and the generality of property rights to the nature of their justifications of the acquisition and distribution of private property; so too, they hold widely divergent views overall of the basic relations between civil society and the state. Consequently, if there were an Hegelian strand in Stoicism that linked moral development to private ownership, given Stoic claims about equality, we might expect them, as Long notices, to conclude that every human being should have access to sufficient private property to develop his moral consciousness, since if there is any fundamental imperative in Stoicism, it must be that we should not be impeded in developing our rationality and moral consciousness. But any kind of Proudhonian distribution would quickly come into conflict with a series of prominent elements in Locke's thinking about property. Given his basic project of refuting Filmer's claim that our original common ownership of property precludes legitimate appropriation and his argument that a respect for property can be derived from its prior acquisition, it is clear that Locke thinks that we have no right *per se* to demand property for the purposes of our moral well-being and the development of our liberty. He denies, that is, that distributive justice must be based on economic equality.

Now it might be the case, of course, that Long is justified in claiming that there are discrete Hegelian and Lockean strands in Stoicism, and it might well be that the Stoics themselves either never came to grips with the conflicting implications of these dual commitments or were never able to reconcile them. But such worries, I think, will turn out to prove unnecessary, since there is not enough of either Locke or Hegel in the Stoics to generate such tensions. In some ways this may seem disappointing. Although it may save the Stoics from inconsistency, it perhaps denies them a theory of property as interestingly complex and modern as Long suggests. At the same time, however, it is perhaps not yet an entirely closed question whether one can directly gauge how intellectually compelling a theory of morality and politics is by the complexity and interest of its views on private property.

It might be helpful to begin with Long's attempt to find in Stoicism a Lockean defense of private property. The key texts are in Cicero, and of course, this raises the difficult question of the extent to which Cicero can be said to be offering a specifically *Stoic* account of private property. In my own view, although it is clear that Cicero himself is committed to defending institutions of private property, it is much less clear that he is basing his central claims on any identifiably Stoic doctrines about property. Long offers two main Ciceronian texts for his assertion that the Stoics from the time of Chrysippus "studied the rights of all persons to own what they legally possess, [and] the social utility of legally regulated competition and cooperation . . .".⁸ Both of these texts certainly mention Chrysippus and one cites a passage of his directly, but their actual bearing on questions of private property is highly problematic.

At *De Officiis* 3.42, Cicero writes:

⁸ Long, p.25

We are not, however, obliged to forgo our interests and to allot them to others when we need them ourselves. Each of us should safeguard any personal interest which does not cause injustice to another. Chrysippus as usual put it neatly when he said: “A runner on the racetrack must strain and compete with all his might to come first, but on no account must he trip or hand off a fellow competitor; and likewise in life, there is nothing wrong with an individual’s seeking what is in his own interest, but it is unjust to deprive another.” (Trans. Walsh)

Chrysippus’ image of the runner is certainly readily compatible with the kind of possessive individualism characteristic of early liberalism. Apparently a runner himself (DL 7.179), Chrysippus uses an image that, when taken in isolation, perhaps suggests a competitive political and social context in which our obligations to others merely extend to not harming them. The image can certainly conjure up as well a vision of self-seeking, competitive individualism which suggests that the individual is “the proprietor of his own person or capacities, owing nothing to society for them,”⁹ and hence that society is merely a collection of self-sufficient individuals pursuing their own interests—individuals who accept, that is, only the most minimal restrictions on liberty, and then only to prevent harm to oneself and to others. Obviously, this involves a number of leaps, but if we are willing to make them, we might then be able to draw a parallel to Locke’s basic claim that individuals are invested with sets of rights that afford their individual interests protection in the face of larger political and societal claims or threats.

To read the image this way and in isolation of what we know about early Stoic conceptions of society generally, however, would be deeply misleading. It is similarly misleading even as an account of Cicero’s conception of society.¹⁰ After all, given the relentless preaching of Cicero to Marcus about the importance of others’ interests, a benign reminder that it is also proper to look after one’s own interests may not be particularly out of place, especially by means of an image that by its very nature also tends to minimize the possibility of harsher conflicts between the interests of agents. Moreover, Cicero emphasizes that should look after one’s interests only in the wider moral context of never cheating or committing injustice against others. And whatever else one may want to say about the aims of *De Officiis*, certainly one of its continual

⁹ For the phrase see C.P. MacPherson, *Democratic Theory: Essays in Retrieval* (Oxford, 1973) p.199. MacPherson famously ascribed to Locke a conception of the rationality of unlimited desire and of unimpeded capital accumulation of the sort that was meant to provide a moral basis for early capitalism. As many have pointed out, Locke’s views are considerably more complicated here and need to be seen in the wider context of his religious faith and of his view that the ownership of property ultimately derives from a divine source (see, e.g. J. Tully, *A Discourse on Property: John Locke and His Adversaries*, Cambridge, 1980). Throughout this paper I will be using “Lockean” in the more narrowly individualistic sense that Long and Schofield rely on when making their analogies to Stoic doctrines about property and economic competition.

¹⁰ There are certainly passages in *De Officiis* that, out of context, might seem to suggest that the primary function of civil society is the protection of private property. But reading them in this way (as, for instance, Neal Wood does) distorts Cicero’s overall view of justice and society and fails to sufficiently account for his immediate political purpose of convincing Roman aristocrats to use their wealth for the common good and to not amass political power by robbing others of their property. But in any case, Cicero certainly gives us no reason for ascribing any of his strong statements about property specifically to the Stoics.

refrains is the way that individuals possess other-regarding impulses that are not only natural, but also entirely rational. Thus, the honorable man, not only harms no one, but also assists those whom he can (cf. *Off.* iii 64). But before turning to these larger issues, we need to look at a passage in *De Finibus* 3, since however we read the runner passage, it is still certainly very far from underwriting any particular conception of property rights. To get that, Long relies on the following remarks by Cicero:

For Chrysippus well said, that all other things were created for the sake of men and gods, but that these exist for their own mutual fellowship and society, so that men can make use of beasts for their own purposes without injustice. And the nature of man, he said, is such that as it were a code of law subsists between the individual and the human race, so that he who upholds this code will be just and he who departs from it, unjust. But, just as, though the theatre is a public place, yet, it is correct to say that the particular seat a man has taken belongs to him, so in the state or the universe, though these are common to all, no principle of justice militates against the possession of private property.¹¹ Again, since we see that man is designed by nature to safeguard and protect his fellows, it follows from this natural disposition that the Wise Man should desire to engage in politics and government, and also to live in accordance with nature by taking to himself a wife and desiring to have children by her.
(*Fin.* 3.67-68, trans. H. Rackham)

On the basis of this passage, Long concludes that an attempt "to study the rights of all persons to own what they legally possess" can be traced to the early Stoa, and indeed, the general scholarly consensus seems to be that this passage provides evidence for an early Stoic defense of private property.¹² Julia Annas¹³, for instance, argues that in this

¹¹ Sed quemadmodum, theatrum cum commune sit, recte tamen dici potest eius esse eum locum quem quisque occuparit, sic in urbe mundove communi non adversatur ius quo minus suum quidque cuiusque sit. A more neutral translation, from the point of view of private property would be: "But in the same way that a theater is common, yet it is correct to say that the place each person occupies is his own, so in the city or world which is common, no right precludes what each person has from being his own." I have used Rackham's translation in the main body of the text because it opts for the view that Cicero is specifically talking about private property ; but the ambiguity of the Latin allows just as well for Cicero to be reporting a view about communal property. Scholars have linked this passage to Cicero's claims about private property in *De Officiis*; but this tends to efface Cicero's different aims in these two works and it straightforwardly assimilates both Cicero's report and the image of the theater itself to his political aims in the *De Officiis* of defending the property of Roman aristocrats from attempts at confiscation and redistribution. In my view, however, the theater analogy is particularly ill suited for a defense of *private* property. It is therefore perhaps worth noting that Cicero does not make use of it in, *De Officiis*, a work where he is specifically concerned to defend the importance of private property.

¹² I should point out, in the light of Tad Brennan's comments, that an important target in my interpretation of *Fin.* 3.67-8 is the general scholarly consensus that takes the theater passage to give evidence for a Stoic defense of the institution of private property. Long, to be sure, does not overtly endorse such a reading, but it is hard to see how without it he can get to his conclusion about the early Stoa studying the rights of all persons to own what they legally possess.

¹³ Julia Annas, "Cicero on Stoics and Private Property" in edd. Griffin and Barnes, *Philosophia Togata* (Oxford, 1989) pp.167-8. For a defense of the claim that we can attribute to Chrysippus on the basis of this passage the innovation of defending private property, see M.T. Griffin, *Seneca: A Philosopher in Politics* (Oxford, 1976) p. 204.

passage Cicero is reporting an actual claim of Chrysippus¹⁴ that to occupy a seat at a theater is analogous to possessing private property. Of course, such a view presents an immediate difficulty since there is also reason to believe that the Stoics abolished private property in the ideal political conditions of their utopian cities. One common scholarly tack has therefore been to argue that Chrysippus must have recognized, as did the rest of the early Stoics, that rights to property have a legitimate claim on us only in the non-ideal world. Thus, if the theater analogy is evidence of an early Stoic attempt to “study the rights of all persons to own what they legally possess,” it most likely resides in the second tier of their political theorizing where their focus is on the non-ideal world of contemporary legal and political realities.

It is impossible to be certain, of course, for what purposes Chrysippus may have used this image of the theater, if indeed, he actually used it at all. But there is no reason to suppose that he necessarily used it in a defense of *private* property. In fact, the image seems much better suited to explain a rather different point, and one that is smoothly compatible with Chrysippus’ abolition of private property and property rights in his ideal *Republic*. If everything is held in common—an idea perhaps alluded to in Cicero’s report about the fellowship of men and gods and in the expression *mundo communi*--we still need principled procedures for allocating shares of things that cannot be used simultaneously. Theater seats are typically not private property, and by sitting in a seat, one does not come to own it as private property—at least if, as in antiquity, the theater is a public one¹⁵. Instead, one only has the temporary use of the seat—and presumably in a way that is analogous to the manner in which individuals must make use of common property in both ideal and non-ideal settings. This is not to deny, of course, that Cicero himself might be using the image of the theater to make his genetic point about the way that resources that were once in common can come to be legitimately private (cf. *Off.* 1.21, 2.73). However this is an insufficient reason, by itself, to read a defense of private property back to the early Stoics and to ascribe to them a two-tiered political theory¹⁶ that is concerned to justify conventional moral practices.

Admittedly, we have only the barest shreds of evidence elsewhere about Chrysippus’ views of property, and even the claim that he abolished private property in his *Republic* is only an inference, though a plausible one. Zeno abolished currency entirely and Philodemus¹⁷ reports that Chrysippus recommended in his *Republic* the useless currency of knucklebones or dice as the mode of exchange, perhaps suggesting symbolically money’s randomness and its vulnerability to fortune.¹⁸ He also, like Zeno, recommended a thoroughgoing sexual communism without any of the restraints that Plato tried to build

¹⁴ The question is made more difficult because the grammatical markers of reported thought (*esset*) disappear before the theater example, so it is by no means clear that Cicero is still reporting a Chrysippean image or argument.

¹⁵ Names are sometimes inscribed on individual seats in theaters of the Hellenistic period, but as far as I am aware, these are thought to be purely honorific.

¹⁶ Doyne Dawson, *Cities of the Gods* (Oxford, 1992) p.217 ft. 44 offers a convenient summary of the evidence that scholars have relied on for the early Stoics’ supposed recognition of the legitimacy of non-ideal political demands and legal conventions. None of this, however, supports the claim that they believe in the legitimacy of *private* property, though such a belief is the necessary lynchpin of the two-tiered account of their politics.

¹⁷ Philodemus, *On the Stoics* c.6, cols. 15–17 (Dorandi)

¹⁸ See Dawson, p. 180 for this intriguing suggestion.

into his account of the community of women in his *Republic*. It has therefore seemed plausible to infer that there would be no private property in the ideal cities of the early Stoics.¹⁹ Accordingly, that Cicero would be prepared to dance lightly over this particular element in Chrysippus' doctrines, is not particularly surprising. Moreover, this certainly seems to be his mode of operation as the passage continues. His presentation of the Stoics' attitude to women and children treads very, very lightly, indeed, especially if we are to understand him as still reporting a Chrysippean view. The account is both so selective and so exceedingly discreet that there is nothing in it that could offend a Roman matron's vision of monogamy and nuclear family²⁰, though of course the early Stoics held views that were famously different, including sleeping with mom, sis, and any daughters that could be identified as such. So I think we can avoid having to choose between discounting Cicero's report entirely or directly attributing to the early Stoics a defense of private property on the basis of it.²¹ The theater analogy is perfectly well-suited for justifying and explaining the communal use of property, a view that can be plausibly attributed to early Stoics. At the same time, it would hardly be unlikely for Cicero to sanitize or to appropriate for his own purposes an image that in any case is so helpfully pliant.

There are several further reasons for thinking that this might be the case. Seneca, for instance, uses the theater analogy at *De Beneficiis* 7.12.3-6, and in a context clearly involving a question of common rather than private property.²²

In the second place, there are many ways of owning things in common. the seats reserved for the knights belong to all the Roman knights; yet of these the seat that I have occupied becomes my own property and if I surrender it to anyone, I am supposed to have given him something although I have only surrendered to him what was common property. certain things belong to certain persons under particular conditions. I have a seat among the knights, not to sell, not to let, not to dwell in, but to use only for the purpose of viewing the spectacle. Therefore I am

¹⁹ DL 7.181 relates the claim by Hecato that Chrysippus came to philosophy after his property was confiscated. Whether this is a case of reading doctrines back on to lives is hard to say. In any case, it would be dangerous to try to make any psycho-biographical claims one way or another on the basis of this report, since, for instance, Cicero had his house confiscated in 58 and he later came to write a defense of private property. For those who believe that there may be some connection between a philosopher's words and deeds, it is perhaps worth noting that, unlike its rivals, the Stoa as an institution never acquired any private property.

²⁰ Eric Brown has convinced me that, given that the sage may marry, nuclear families are indeed a possibility in Stoic ideal republics. For detailed argument see chapter six of his forthcoming book, *Stoic Cosmopolitanism* (Cambridge University Press). But the possible sexual combinations within these families are clearly not of the sort that could win Cicero's approval.

²¹ Cf. Annas, p. 167

²² Andrew Erskine, following Tarn (*Alexander the Great, Cambridge 1948*) emphasizes the inequality of seating in Roman theaters, and concludes on the basis of this passage in Seneca that the theater image must be a later innovation of Roman stoicism since it justifies inequality, *Hellenistic Stoa* (Cornell, 1994) p.105 ff. But surely Seneca's point in using the analogy in this passage is not to justify inequality. Like Annas and Griffin, Erskine also assumes that the theater image must be concerned with questions of private property. But it seems highly unlikely that Seneca is concerned with defending unequal distributions of private property in this particular argumentative context. For some evidence that Seneca actually attacks such view, in any case, see the passage from *Ep Mor.* 88 quoted p. below.

not speaking an untruth when I say that I have a seat in the equestrian rows. but, if the equestrian rows are full when I enter the theater, I both have a right to a seat there, because I have the privilege of sitting there, and have not a right, because the seat is occupied by those who have with me a common right to the space. Consider that the same relation exists between friends. Whatever our friend possesses in common to us, but it is the property of the one who holds it; I cannot use the things against his will. “You are making fun of me,” you say; “If what belongs to my friend is mine, I have a right to sell it.” Not so; for you have no right to sell the equestrians’ seats, and yet they belong to you in common with other knights. The fact that you cannot sell something, or consume it, or alter it for the better or worse is, in itself, no proof that it does not belong to you; for something that is yours under particular conditions is nevertheless yours.
(trans. J.W.Basore)

The passage raises the following puzzle. How is it that, if wise men or friends have everything in common, a friend can give a gift to a friend since he would just be giving him something he already owns? Seneca’s solution relies on the theater analogy. If I am sitting in the theater and I see a friend and give my seat up to him, even though the seats are common property, I still seem to have given him something. That is, I have bestowed a benefit on a friend, but certainly not in a way that is parallel to my alienating some bit of my private property to him or to my giving up all interest in it, since the seat is still something that both he and I continue to maintain a common share in. Seneca’s point is about the use of commonly shared property in a system of mutual benefit—something that the theater analogy neatly captures by explaining the kind of coordination of interests and the range of virtuous attitudes necessary for those who—like the wise or friends or citizens in the ideal Stoic polis—hold property in common.²³

Before taking leave of this analogy, however, it may be worthwhile to step back and take a little harder look at it. One can imagine a wide range of political thinkers who would be impatient with it as it stands, since in a deep sense it seems to make social and political life much too easy; and it can certainly strike one as being rather naïve, if not just simply misleading, in the face of social and political realities. In the theater each person has a seat, and even if those with more egalitarian sensibilities bridle a bit at the hierarchy of seating that Seneca assumes, it is still the case that no one takes up more than one seat. The image that is conjured up, that is, is not one of a few privileged individuals enjoying the performance and lounging on specially made couches while the great majority is excluded. And though Seneca briefly alludes to the possibility of one entering the theater and not being able to find a seat, there is no sense that one would therefore be being deprived of something crucial to one’s physical and moral well being or that one has been consigned to a long-term situation that is not easily remedied.²⁴ If

²³ For some interesting twists in the later life of this image see Kathy Eden, *Friends Hold All Things In Common: Tradition, Intellectual Property, and the Adages of Erasmus* (New Haven, 2001).

²⁴ Cf. Epictetus, *Diss.* 2.4, where he compares an adulterer to someone throwing a spectator out of his seat at the theater. Again, the use of this image is meant to raise a question about the coordination of interests concerning possessions held in common, in this case, women. Both harms and benefits still attach to a system of common property. If I give my seat up to you at the theater, I have benefited you. If I throw you out of the seat, I have harmed you. This might raise the question of whether eliminating private property

we take as our conceptual starting points (as did Locke and Hegel, for instance) the inevitable conflict of individual interests and the threats to social harmony posed by individual greed, desires for power, and the unequal historical distribution of goods and resources consequent upon them, we might be inclined to dismiss the theater analogy for failing to capture the basic realities of our political and social existence, as well as the psychology of our fellows. The analogy, for instance, gives no sense that politics needs to concern itself with a struggle over scarce and valuable commodities or that it must confront and try to coordinate individual psychologies saturated with greed, fear, insecurity, and possessiveness. By the same token, each theatrical performance offers the possibility of a new distribution of seats and thus tends to make light of distributive problems raised by prior acquisition; and it similarly effaces any worries about long-term inequalities, since they too are not built into the image. Indeed, this is one reason why the theater image seems to be ill-suited for a defense of private property, since it suggests that one's possession of a particular piece of property is merely random, temporary, and readily interchangeable with any other; and it similarly deflates any notion of private attachment, since there would hardly seem to be any compelling psychological or prudential reasons why one should become deeply attached to one seat in a theater as opposed to another. Nor, finally, does the image evoke the necessity of anything corresponding to a Lockean night watchman to protect those already seated from being unjustly deprived of their seats by their neighbors.

Yet however ill suited to these kinds of (often liberal) assumptions about human society, politics, and psychology, the theater analogy with its notion of politics as a benign, publicly shared experience fits to a tee the Stoics' normative vision of citizens whose political lives are "like that of a herd grazing together and nurtured by a common law" in a "philosopher's well-regulated city." (*SVF* 1.262=LS 67A, trans. LS). The Stoic citizen is a virtuous agent who is able to view himself as a part of a rational community structured by friendship,²⁵ virtue, and divine law. In such a community, there are no inevitable, built-in conflicts of interest. So too, such agents know that all external goods are random, temporary, and readily interchangeable, and that material goods can appear scarce only to those afflicted by irrational passions for self-gratification or by self-defeating appetites for riches and honors. In such a tranquil context, where virtue is the only possession of importance, individuals can go about their political and social lives with no more threat of genuine conflict than people filling a public theater or herds nurtured by a common law coming to graze together. And should any difficulties surface, they typically can be addressed by regulating and coordinating individuals'

makes any difference, if disputes can still arise over the use of common property. Seneca provides part of a Stoic answer. For Seneca, one transforms tangible goods and "owns" them to the extent that one gives them to another (cf. *De Ben.*6.2-3). In some sense, then, one comes to "own" a seat in the theater only by giving it up to another and thereby transforming its tangible nature through the virtuous act of bestowing it (cf. *De Ben.*1.5); that is, one only owns one's own intangible act of giving and cannot be said to own material goods, since they are in common. The practice of virtue thus cleanses property both from the kinds of private attachments and the worries over scarcity that might provoke conflict. For a cogent general discussion, see Brad Inwood, "Politics and paradox in Seneca's *De beneficiis*," in A. Laks and M. Schofield, *Justice and Generosity* (1995) p. 241 ff.

²⁵ Hierocles notes in defense of his doctrine of *oikeiosis* that "we make friendships easily. By eating together or sitting together in the theater . . ." (*EE* 11.18 von Arnim)

natural, communal interests, rather than having to resolve any inevitable or pressing conflicts among them.

Whatever we ultimately make of the adequacy or usefulness of the vision of politics embodied in this image, there is some evidence, though again slight, that it was subjected to criticism by those trying to show that when push comes to shove, conflicts of interest over common property, even among the wise, are inevitable. For instance, Cicero relates a series of casuist puzzles from the sixth book of Hecato's *Obligations* (*Off.* 3.89-91) taking up the possibility of such conflicts. It is often extremely difficult to know what was at stake in each of the disputes Cicero relates or where exactly in each case his own voice leaves off. But one relevant question, perhaps having a distant pedigree in the Academic skepticism of Carneades,²⁶ concerns the actions of two wise men that have been shipwrecked. Should each of them, the question goes, try to save himself by grabbing the only plank available or should they both yield it to the other? This kind of example puts pressure on a more benign view of interests like the one presented in the theater analogy, and the answer that Cicero offers, presumably on Hecato's behalf, is that if both wise men are equally valuable to the state as well as being of equal intrinsic value, they might just as well leave it up to chance to see who gets the plank. This seems to cohere with what we might expect. On the Stoic view, no real conflict of interest should occur among the virtuous even in such desert island cases, since one guiding assumption of their virtue is the knowledge that life itself is an indifferent. Survival may be an indifferent, but it is preferred and that is presumably why they both don't just drown together.²⁷ However, death is not of sufficient importance to one leading a virtuous life to warrant any mutual conflict in avoiding it.

Yet, the introduction of what may appear to be potential utilitarian considerations—i.e. it is better to save the sapiens who is more valuable to the state—might appear troubling and a threat to the standard Stoic claim that only questions of virtue matter in assessing actions. Although Cicero is keen to show that conflicts between what is honorable and what is useful are only apparent, he sets up the passage (*Off.* 3.89) by suggesting that Hecato links obligation to the useful rather than to the humane, and hence the honorable. One might suppose, therefore, that Hecato's criterion of utility extends as well to the question of whether one wise man can be more valuable to the state than another, though it is by no means clear from the passage that Hecato actually asserts such a view in his own voice or rather merely entertains it. Even if we grant that he thinks utility does play a deciding role here, however, it would be hard to construct any kind of coherent conclusions about the general role of utilitarian considerations in Hecato's arguments.²⁸

²⁶ Cf. *Rep.* 3.30, apud. Lact. *Inst. Div.* 5.16.10. Annas argues that Carneades' famous second speech against justice in Rome was "a source of good examples" (p. 157) and that such examples could take on a life of their own independent of the Academy; therefore, in her view, it is not clear that the puzzles in Hecato were generated by Academic criticism of Stoic positions. However, it is hard to imagine who else would be attacking the Stoics with this type of example, given that the other schools would be facing similar difficulties because of their doctrines about the friendship of the wise and their community of goods; they would therefore be unlikely candidates for mounting such an attack on the Stoics. See M. Schofield, "Morality and the Law: Diogenes of Babylon" in his *Saving the City* (Cambridge, 1999) for suggestions about why it is plausible to suppose that Carneades may be behind these arguments.

²⁷ I leave aside any questions about the appropriateness of the wise man playing *micare* under these circumstances.

²⁸ Malcolm Schofield, "Morality and Law: the Case of Diogenes of Babylon" in his *Saving the City* (Cambridge, 1999) p. 173 ff is rather optimistic on this score and ascribes a kind of rule utilitarianism to the

In the immediately preceding example, for instance, Cicero reports that Hecato concluded that it would be unjust for a wise man to grab a plank from a fool who already has hold of it. In this case, it would be unlikely that Hecato could be relying on utilitarian considerations, since there is no way that the fool can be of more use to the state than the wise man. At the same time, Hecato specifically discounts the claims of the actual owner of the ship to seize the plank and hence any special prerogatives of private property, since although the plank is part of ship owner's private property, the passengers have the use of the ship for the duration of the voyage. One possibility that perhaps presents itself is that the sage does not dislodge the fool for much the same reason that one does not dislodge someone already occupying a seat in the theater. They both have hired the use of it and the fool got there first. And the two wise men perhaps respond to the problem of who gets the plank in much the same way that they would regarding the question of which of them gets the last seat in a theater. In any case, it is not implausible to imagine such desert island arguments arising as part of a general challenge to Stoic views about the community of interests—the kind of views that is, encapsulated in the theater image.

More important, however, notice that an attempt to connect an account of private property to the kind of sentiments expressed by Hecato at *De Officiis* 3.63 only makes matters worse for proponents of a Lockean reading of the Stoic theory. Cicero writes:

I note that Hecato of Rhodes, the pupil of Panaetius, says in his books *On Obligations* addressed to Quintus Tuberus that it is the mark of a wise man to have regard for family assets, though without transgressing the laws, customs, and traditions of the state—his argument being that we seek wealth not for ourselves alone, but also for our children, relatives, friends, and above all the state; for the resources and wealth of individuals are the riches of the state. (trans. Walsh)

Hecato says that we want to be wealthy not for ourselves alone, but also for our children, relatives, friends, and *above all*, for our country, for the resources and wealth of individuals are the riches of the state. One can perhaps see how the more collectivist conception of property expressed by Hecato with its increasing emphasis on state, rather than mere community, grows out of the early Stoic idea of common property.²⁹ Though

Stoics on the basis of this passage (see following note). So does Janet Coleman, *History of Political Thought* (Oxford, 2003) p. 253. Schofield also believes that Stoic thinking about justice in the 2nd century BCE is reflected in Cicero's claim (*Off.* 1.20) that it consists primarily of a no-harm principle along with immunities concerning property (however, see discussion below note 24). But, as he admits, it is mere conjecture to claim that Cicero is relying on Panaetius for these views; moreover, he fails to discuss the wide-ranging effects, or better damage, such views, if adopted, would have on a host of canonical Stoic ethical claims. These doctrines are in my view better left to Cicero.

²⁹ Annas takes this passage as evidence for the Stoics holding a view in which private property helps to achieve "a morally desirable end" and thereby gains "some derivative moral worth" (p. 169). Hecato, however, seems to offer a more straightforwardly collectivist conclusion ("for the resources and wealth of individuals are the riches of the state"). The general claim that there is in Stoicism a notion of derivative moral worth should, I believe, on its own make us very uneasy, but Schofield (see above nt. 24) further elaborates Annas' claim and argues that Stoics of this period (2nd cent. BCE) formulated what he describes as a kind of rule-utilitarianism which "is rather an anticipation of Adam Smith's idea that there is a sort of utilitarian providential economy governing social interactions, which ensures that even paradigmatically

it is difficult to tell, I take it that Hecato's view is more of a collectivist one in another sense too, since he seems to hint that in those instances where the property of the state cannot be used simultaneously, principles of just allocation might involve an authoritative mechanism of the state for regulating its use--an emphasis that is not in the foreground of the more benign communal views of the early Stoics. But in any case, this citation of Hecato shows that no agent has such a personal connection to any bit of property that it allows him to make decisions about its use without taking into account the state's collective interests.³⁰ In a real sense, of course, this is exactly the kind of view that Lockean private property is meant to avoid. Locke argues that property is for the benefit and advantage of the proprietor and the proprietor's family. But for Locke, individuals do not hold property in the first instance to perform larger social functions; they hold it to satisfy their own private wants and needs. We have strong reasons to doubt, therefore, that there is any indication in these Ciceronian reports that Stoic claims about the community of interests that structure society and politics involve any essential reference to private property or to the rights of individuals to acquire and hold onto it.

We are now in a position to turn to the supposed Hegelian element that Long has isolated in the Stoics' thinking about property. We have seen that they have no commitment to private property as a structural element in political and social communities writ large. However, one might argue that the development of important individual virtues such as prudence, autonomy, a sense of responsibility, and generosity require a connection to property, even if it is only common or collective property. That is, we might be able to retain some claims about the essential connections between moral personality and material property, without appealing to specifically private property. Of course, one would part company with Hegel here since he is so relentless about the necessity of private property for the growth of substantial freedom. He argues that what is morally important about being an owner of an object is not the interest one has in using the object, nor the contingent fact that one has acquired it in a particular way. What is morally significant about property is the opportunity it offers for responsibility and control—a control that helps to stabilize the will and give to abstract freedom a concrete substance.³¹ Such control comes only with private property. But it seems to me that there

self-interested behavior turns out to be something in the common interest. Conversely, actually trying to pursue the common interest directly is not necessarily the most effective way of securing it.” This goes far beyond Annas' reading of the Hecato passage and it plays havoc with a series of basic Stoic claims, e.g. that the only thing of importance in assessing an action is the moral intention with which it is undertaken, not its external results; that the moral intentions of the wise are in accord with divine providence, hence any personal or communal financial disasters are in the best interests not only of those individuals and communities involved, but also of rational nature as a whole; etc. Interestingly, Locke uses Cicero's example of the grain dealer at *Off.* 3.50 in an unpublished essay, “Venditio,” in an exploration of this very economic point and some have seen it as providing the basis for Smith's central economic argument as well. But both are at pains to distinguish their views from the kind of collectivism given voice to in this passage by Hecato.

³⁰ In order to show that Stoics think the protection of private property is a central feature of justice, Long links this passage about Hecato to Cicero's statement at *Off.* 1.21: “the primary function of justice is to ensure that no one harms his neighbor unless he has himself been unjustly attacked. Its second concern is that communal property should serve communal interests, and private property private interests.” But it is precisely this final significant claim about private property and private interests that is lacking in Hecato's formulation.

³¹ Cf. J Waldron, *The Right to Property* (Oxford, 1988) p.356 ff.

is a further worry in attempting to find these kinds of parallels between the Stoics and Hegel. In one sense, it is clear that Stoics continually resort to the notion of possession to distinguish what is in the sphere of the moral personality and what is without.³² But here, I think, it is the contrast with Hegel that illustrates how difficult it is to get anything morally useful for a defense of property out of the Stoics' particular notions of possession or self-possession. Hegel argues that the first task of one's will is to appropriate one's own body, to take possession of it, and to give itself an embodiment. When I thus take possession of my body, Hegel argues, I am no longer "a beast of burden" (*PR* 48). Both the contrasts and parallels with the kind of *oikeiosis* story told by Stoics are instructive here³³, but now contrast Epictetus on the body. For Hegel, it is only after I take possession of my body that I can begin to show my mastery and responsibility as a human being. For Epictetus, the move is in the opposite direction: it is the body that is a beast of burden and it remains ever on the outside of the self that we possess:

"You ought to treat your whole body like a poor-loaded down donkey; if it be commandeered and a soldier lay hold of it, let it go, do not resist nor grumble. If you do, you will get a beating and lose your little donkey just the same. But when this is the way in which you should act as regards the body, consider what is left for you to do about all the other things that are provided for the sake of the body. Since the body is a little donkey, the other things become bridles for a little donkey, little pack-saddles, little shoes, and barley. Let them go to, get rid of them more quickly and cheerfully than the little donkey itself." *Diss.* 4.1.79 (trans. Oldfather)

For Hegel, it is essential to his conception of appropriation that the will operate in a material world that transcends the subjectivity of inner mental life. Physical possession—the interaction of will and objects in a material way—is crucial to an understanding of both property and self. But how can a notion of possession in that sense apply to the Stoic conception of self-possession or self-ownership in the light of the kinds of attitudes to the body expressed by Epictetus? I think it is fairly clear that it cannot.

In the *Second Treatise* (V.27), Locke claims, "Though the Earth, and all inferior Creatures be common to all Men, yet every Man has a *Property* in his own *Person*. This no Body has any Right to but himself." In Locke's theory, this argument is used as a premise for his argument about mixing one's labor with objects to make them one's own. Since I own my person, I own my actions and therefore I can come to own whatever my actions are irretrievably mixed with. Presumably for the Stoic, our actions—in their narrow, technical sense of action—are our own. But do Stoics' actions impinge on material objects in the world and mix with them in such a way as to make them their own, and thus provide, say, subject matter for a property right? That is, can a Stoic be said to own his actions in a way strong enough to support a parallel to what Locke or

³² See, for instance, Epictetus *Diss.* 4.4.29; Hierocles *E.E.* 9.3, von Arnim.

³³ For instance, Hierocles thinks that as soon as animals are born they become aware of their bodies and begin appropriating their limbs to themselves. (*EE* 1.34 ff, von Arnim). Hegel, to be sure, is focusing on the growth of moral self-consciousness, but he too moves from an initial account of self-consciousness.

Hegel conceive of as ownership? I doubt that such an argument can be made³⁴, since when the Stoic engages in an action, we are meant to view it exclusively from the restricted sense of his moral motivation, with the result that every action stops short of possession in the required sense. Seneca's claim (*De Beneficiis* 1.5; 6.2) that one can be said to own tangible goods only to the extent that one gives them away, however self-consciously paradoxical, points to a deeper Stoic attitude. That is, that what one owns is only one's own inner virtuous state—and, moreover, that these states are the only thing worth owning and not giving away. The Stoic doesn't truly mix his labor with the material world since there is nothing there that he needs to own or, indeed, really can own; nor does his will require external embodiment in order to achieve the required responsibility and control of a moral self.

I want to close by raising a few general considerations of why it is a mistake to think that the Stoics might have pioneered a conception of rights to private property (i.e. other than that Aristotle, as Fred Miller would tell us, had already done so). We might typically think of a property right as providing immunity against outside threats and including some notion of justified reparation for the harm done if one's property is violated. But the Stoics have no grounds from within their theory to defend either of these claims. They can neither point to any moral harm that has befallen an agent who has had his property violated, nor can they assume the kind of Lockean attitudes towards their property necessary for supposing that it has a rightful immunity from violation. It is useful to hear Seneca on these points:

What good is there for me in knowing how to parcel out a piece of land, if I know not how to share it with my brother? What good is there in working out to a nicety the dimensions of an acre, and in detecting the error if a piece has so much escaped my measuring-rod, if I am embittered when an ill-tempered neighbor merely scrapes off a bit of my land? The mathematician teaches me how I may lose none of my boundaries; I, however, seek to learn how to lose them all with a light heart. "But," comes the reply, "I am being driven from the farm which my father and grandfather owned!" Well? Who owned the land before your grandfather? Can you explain what people (I will

³⁴ Again, I would argue, it is the contrasts with contemporary accounts that are more telling for Stoicism. For someone like Nozick, the notion that we own our bodies is important—it offers us protection from consequentialists wishing, say, to lop off our body parts in order to maximize societal utility. But as Epictetus claims, a Stoic, like Anaxarchus, should be able to bite off his tongue and spit it in his antagonist's face (III.7) or with tranquil equanimity watch his right leg being cut off, since his body is nothing that he owns. Thus, whereas one can readily understand how our bodies can share attributes with external property and furnish a bridge to them, as it were—and Hegel makes much of these similarities in his accounts of possession and ownership-- it is harder to see how the Stoic notion of inner self-ownership can sustain any significant Hegelian-style extension to the external world of material property. So while it may be true that the Stoics' pioneered the notion of self-ownership, given the wider constraints in their theory about what counts as one's morally relevant self, I doubt that this is an idea that has the potential of underwriting any useful notions of property generally, much less private property. Nor would the Stoics find much to attract them in Nozick's use of the notion of self-ownership to defend a radical conception of personal liberty or the consequent social vision that flows from it. Perhaps a closer contemporary parallel to the Stoics is provided by what Gerald Cohen calls "left-wing libertarianism", a view that attempts to combine self-ownership with the common ownership of external resources. (Cf. G.A. Cohen, *Self-ownership, Freedom, and Equality*, Cambridge, 1995).

not say what person) held it originally? You did not enter upon it as a master, but merely as a tenant. And whose tenant are you? If your claim is successful, you are tenant of the heir. The lawyers say that public property cannot be acquired privately by possession; what you hold and call your own is public property—indeed it belongs to mankind at large. *Ep. Mor.* 88.11-12 (trans. Gummere)

The fact, reflected so well here by Seneca, that for the Stoics any loss or violation of property must remain a matter of indifference, ultimately undermines any attempt to attach a right to it.³⁵ Moreover, the claim that we are just temporary tenants on land that belongs to mankind at large and that the origins of any individuals' possession of property are contingent further suggests that private property is merely an illusion.³⁶ Moreover, it raises disturbing questions about the justice of its acquisition. Indeed, there is some evidence that the early Stoa concluded that all private property is held unjustly and amounts to little more than theft. At DL 125 we find the following claim:

Also everything belongs to the wise. For the law, they say, has conferred on them a perfect right (*exousian*) to all things. It is true that certain things are said to belong to the bad, just as what has been dishonestly acquired may be said, in one sense, to belong to the state, in another sense to those who are enjoying it.³⁷ (trans. Hicks)

In the passage immediately preceding, it is reported that the wise are friends and hold all things in common (DL 124). By now, this claim and its implications should be fairly familiar. But here it is coupled with the striking claim that the property possessed by the non-wise, whom we might plausibly presume to be ordinary holders of private property, belongs to them in the same way that something dishonestly acquired can be said to belong to a thief. In other words, property that is not shared communally by those with

³⁵ John Cooper has argued that the theological assumptions of the Stoics preclude them from holding any plausible conception of rights. While I am not entirely convinced of this, there are certainly good reasons for thinking he is on the money about property rights. If the cosmos itself is rational and providential, and our happiness and virtue consist in following its divine natural laws, we have to affirm as good anything that happens to us in the world. As Cooper points out, that will mean affirming as good such things as harms to our body and the loss of our property. Thus, the Stoics' theological postulates steam roll over any attempts to fashion the kinds of immunities and protections necessary for a theory of property rights. The Stoics also fail the Hegelian test for a modern right, since they make divine natural laws the starting point, not the particular wills of individuals, as absolute.

³⁶ Cf. *Ep. Mor.* 73.7-8, *De Ben.* 2.35, 6.3, 7.4-12 with Dawson's discussion (1992), fn. 43.

³⁷ I have used Hick's translation here because he uses the language of rights for *exousian*. This may be plausible, if we construe the claim to be about a Hohfeldian power right (cf. Miller), in some extremely extended and figurative sense. I take it, however, that even the wise man's property will have no immunities in the sense required by most theories of property rights. This notion of the wise man having *exousian*, however, raises another difficulty for a notion of rights to private property, which in some ways is parallel to a problem that arises for Fred Miller's Aristotle, i.e. the Aristotle who postulates a city structured by an elaborate system of claims, powers and immunities that embody individual rights. Aristotle believes that if a wise man were to enter such a city, in some sense all bets would be off, since his entitlement to rule trumps the rights of all others. There is a corresponding problem for any theory of property rights in Stoicism, though in a starker form. It is only the wise who have *exousian*, and they apparently have a right that overrides any interest that the unwise may have in their own private property.

wisdom is mere theft. This conclusion should perhaps not surprise us, but it certainly brings us to a position antithetical to Locke and liberalism, and to the Thatcherite interpretations of their theory by Long and Schofield. Thus, rather than, say, their wishing to privatize council houses so that citizens can learn to respect the property of others and come to have a stake in society by learning the virtues of thrift, private savings, and, above all, a respect for law and authority, it turns out that the Stoics are the kind of wild-eyed hooligans who think that private property is theft and that rationality, virtue, and happiness require that all property be held in common. In short, one should think less Maggie and Ronnie and rather more Kropotkin.