THE DOUBTFUL DESCENT OF HUMAN RIGHTS FROM STOICISM

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Abstract: It is often thought that the ancient Stoics significantly contributed to the origin of natural or human rights, but critical study of the evidence provides little support for thinking that the Stoics’ writing or conduct foreshadowed positions today associated with human rights. Comparison of Stoicism with contemporary human rights culture reveals sharp contrasts between them, making it unlikely that Stoicism contributed much to the latter’s emergence. Studies of the social function of Stoic philosophy in antiquity confirm this conclusion. Indeed, Stoicism provided a rationale not to engage in the sort of social justice activity encouraged by contemporary human rights thinking.

Keywords: Stoicism, human rights, human rights culture, law of nature, natural rights, ideological function.

A. INTRODUCTION

For many scholars concerned with the influence of ancient philosophy, it is almost a truism that the ancient Stoics significantly contributed to the origin of natural or human rights. Typical is the view stated recently by Pierre Hadot, “The Stoic believes in the absolute value of the human person. It is too often forgotten, and cannot be repeated too much, that Stoicism is the origin of the modern notion of ‘human right.’”

Yet careful study of the historical record gives little reason to think that the writings or conduct of the ancient Stoics or those directly influenced by their ideas foreshadowed views we associate today with human rights positions. Moreover, a comparison of Stoic philosophy with such positions reveals sharp contrasts between the fundamental features of the two, sug-

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suggesting that it is improbable that Stoicism contributed much to the later emergence of contemporary human rights views.

Anyone who defends a view like mine must face the objection that there is an obvious line of influence extending from the Stoic doctrine of natural law, perhaps via Roman law, through natural law teaching among the Scholastics, to early modern natural lawyers, and from them first to natural rights thinking and then to human rights discourse. Advocates of the influence thesis, however, seem to mean more than that Stoicism and human rights doctrines are linked to one another across such a very long chain. Advocates of the influence thesis seem to mean that certain key elements of Stoic thought have survived essentially unchanged in the transmission across the centuries. This is what I wish to question.

What follows examines texts and historical accounts of Roman-era Stoics and Stoic-influenced writers who purportedly anticipated human rights ideas for evidence that the Stoics tried to promote reforms that would be welcomed by today’s human rights advocates. It compares the meaning and function of natural law in classical Stoicism with that of human rights in our own time. It then surveys the comprehensive doctrine of classical Stoicism over against recent views that put human rights at their center. The overwhelming impression of dissimilarity is confirmed by studies of the social function of Stoic philosophy in antiquity. We will see that Stoicism provided a rationale not to engage in the sort of advocacy encouraged by human rights culture.

B. CLASSICAL STOICISM

The Stoic school, founded in 300 B.C.E., flourished for about 500 years. Its adherents and fellow travelers included members of the Roman elite and at least one emperor. Although internally diverse, the Stoics retained agreement on many key doctrines. Briefly summarized, the primary features of Stoicism are these:

1. Stoicism was a philosophy of life. Essential to it was an account of the good or flourishing life and a strategy for promoting it on the individual level. The Stoics identified the good life with the virtuous life, for which moral and intellectual virtue was necessary and of which the “good feelings” were necessary consequences.

2. Stoicism held that the point of the moral life is to perfect one’s soul, in terms of knowledge and volition. This conviction is reflected in the sharp distinction often found in Stoic writ-

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ings between philosophical sages, who alone are good, wise, happy, and "free," and all other persons, who are morally base, ignorant, unhappy, and "enslaved."  

3. The passions were to be eliminated. The Stoics understood passions as both violent movements of the soul and false judgments. The error that constitutes a passion lies in thinking of "advantageous" things like health, wealth, and political power as true goods (essential to happiness) and their "disadvantageous" opposites as evils. Such things are neither good nor evil.

4. Also characteristic of Stoicism is its theology. The Stoics understood the supreme deity as organizing and controlling from within the entire physical universe. Moreover, divinity is present as reason within human beings themselves. This view grounds the contrast between humans, who share reason generically with the gods, and nonhuman life forms, which do not.

5. The Stoic system is teleological throughout. Unlike their rivals the Epicureans but like Aristotle, the Stoics thought in terms of final causes. They regarded natural kinds, such as human beings, as having natures corresponding not to their factual state, which might be immature or defective, but what they would be if fully realized.

6. The Stoics held that there was, in nature, a divinely based "law," and that the good life and proper moral conduct required obedience to this law. Unlike Thomas Aquinas later, they directly equated this "law of nature" with the (right) reason of the supreme being. At least the early Stoics seem to have understood obedience to the natural law as equivalent to leading the virtuous life of a sage.

7. The Stoics also produced an account of moral development. They tried to explain how progress between moral baseness and wisdom was possible. Essential to the account of moral development is appropriate action or proper function. Appropriate actions are roughly defined as actions for which, when done, a reasonable justification can be given.

In doing appropriate actions, persons typically select advantageous things for themselves and others, according to patterns determined by well-defined roles (citizen, parent, brother, patron, client, business partner, etc.). If non-sages perform appropriate actions consistently and with increasing insight, they may advance and become sages.

The Stoics held that nature supplies us with rudimentary insights regarding value. As empiricists, they held that concepts form in the mind only as the result of experience. Early in life, they thought, we acquire elementary notions suggestive of appropriate action. Cicero describes these notions as "sparks," which hints at their source in divine reason.

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4 On freedom and slavery, see Diogenes Laertius: 7.96, 121–122.
5 For a translation of key Stoic texts related to theology, see Anthony Arthur Long and D. N. Sedley (eds.): The Hellenistic Philosophers (Cambridge: Cambridge University Press 1987), 323–33.
7 Long and Sedley: 59B.
8 Long and Sedley: 359–68; Brennan: chapters 11-12.
C. CONTEMPORARY HUMAN RIGHTS CULTURE

Contemporary human rights culture is inspired by the Universal Declaration of Human Rights and other twentieth-century international agreements. This culture corresponds to a complex linguistically mediated practice with its own rules and presuppositions that can be made explicit and discussed. It is partially and unevenly embodied in the work of governments formally committed to human rights. Recently promoted by efforts associated with the United Nations Human Rights Education Decade (1995–2004), it is also present in the practice of nongovernmental organizations devoted to advancing adherence to and enforcement of human rights principles. It is taken seriously, at the very least, by many supporters of these organizations who respond to their declarations and fund-raising appeals insofar as they invoke such rights. Many, but not all, jurists involved in legal adjudication of human rights claims and academics engaged in writing about rights closely identify with that culture.

1. Human rights are understood as entitlements attaching to individuals, being somehow their qualities or powers. Human rights discourse emphasizes the persons who have the rights.

2. Human rights correspond to the most important needs and interests of human beings, the objects of which are not entirely under their control.

3. Human rights are “prior to” legal rights inasmuch as agreement about human rights can be a basis for enactment or reform of laws affecting legal rights.

4. Human rights are primarily addressed to governments because governments can create, modify, and enforce laws, but they are also designed to affect the conduct of individuals under the jurisdiction of governments. Human rights can also be understood as entailing duties on the part of governments to enable all persons within their jurisdictions to develop their powers of autonomous choice to a certain threshold level and use them.

5. Human rights operate within cultures at least partly committed to institutionalizing them. Essential to the concept is its rhetorical use. It often serves to enable rights advocates to raise issues of justice that might otherwise go unnoticed.

6. The “human” in “human rights” signifies that such rights are “possessed” least controversially by prototypical cases of human beings, e.g., those viable out of the womb and not in a persistent vegetative state. Human rights presuppose one or more shared features

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10 The concept of a “human rights culture” is discussed in Julie A. Mertus: Bait and Switch: Human Rights and U.S. Foreign Policy (New York: Routledge 2004), 211–14. Mertus lists several organizations in the U.S. working to expand the influence of human rights culture in the U.S.
12 For an attempt to trace the earliest European reflections on this type of right, see Brian Tierney: The Idea of Natural Rights (Grand Rapids: Eerdmans 1997).
14 Orend: chapter 5.
of humans that exist prior to participation in culture, such as the capacity for moral deliberation and choice.

7. Human rights are cultural conventions, even if they are not as mutable as legal rights, which are affected by changes in civil law. Their conventional status is confirmed by the late dates of their first proclamation and the first politically enacted declarations of their existence. To recognize that human rights are cultural creations is not, however, to take a stand on whether they have a foundation in the pre-cultural nature of human beings or in divinity that transcends humanity.

8. Survival of human rights culture requires agreement across otherwise diverse cultures that certain human interests are important enough to merit a human rights defense. As Jack Donnelly argues, John Rawls’ notion of an overlapping consensus between otherwise divergent detailed (“comprehensive”) religious and philosophical views provides one way of understanding this agreement. Rawls himself introduces the notions of comprehensive views and overlapping consensus in order to ground his political liberalism, which applies to the domestic or national case rather than the international case, but given internal diversity of countries like the U.S. or France, the idea seems as applicable globally as it does to the domestic case.

D. CLASSICAL STOIC WORDS AND DEEDS

If Stoicism contributed to the development of human rights or even natural rights in the modern sense, we would expect this tendency to be expressed in the writings and actions of the Greek and Roman Stoics. We ought to find evidence of commitment to something like human rights even if they would not have used our terminology. Let us look in particular in the writings of Roman-era Stoics like Seneca and that Stoic-friendly Skeptic Cicero, who gave positive expression to Stoic ideas in his dialogues.

In *De Officiis*, Cicero places a high value on respect for the property of others. He even goes so far as to derive an anti-theft principle from the law of nature. In a passage that starts from premises about common human nature and interests, Cicero concludes that the law of nature dictates a rule against theft, whether the victim is a kinsman, a fellow-citizen, or a foreigner. Yet nothing in Cicero’s argument is critical of the customary civil law on property.

No things are private by nature but either through long occupancy . . . or through victory [i.e., conquest in war] or by [due process of] law, bargain, purchase, or allotment . . . Whence of [originally common] things [some] became each one’s own, what had fallen to each, each one should retain it.

18 Cicero clearly indicates that his work is largely based upon *On Appropriate Actions*, by the Stoic Panaetius.
19 Cicero: *De Officiis* 3.6.27–28.
20 *De Officiis* 1.7.21.
He does not try to justify the customary procedures by which things have “fallen to” each owner in the past. He never claims that every person, or even every citizen, ought to have the same formal opportunity to acquire possessions. His Stoic-influenced ethics is uncritical of the modes of appropriation that have the blessing of long use. Moreover, he seems to oppose involuntary property transfers between persons subject to Roman law, even if aimed at relieving the suffering of the poor (although not if needed in an emergency, for the defense of the republic). Generosity for Cicero does not call for legal enforcement as do the property-related prohibitions included under justice.

Torture, of course, is a key human rights issue today. In one defense speech, Cicero seems to refute the usual rationale for torture of slaves as witnesses in court trials, i.e., that torture would make the slave blurt out the truth. He argues that torture creates conditions of fear and desperate hope in which “there is but little room left for truth.” The courtroom context of this speech makes it impossible to tell whether Cicero was expressing his personal view, but it does not matter: his point is not that torture violates the human or moral rights of slaves being tortured, but that torture is an unreliable method of extracting truth. Elsewhere Cicero describes the horror of crucifixion and the threat of crucifixion, clearly both a form of torture and a form of the death penalty. But his point at most is that these practices are wrong when they violate the respect due, in Roman legal culture, to Roman citizens. Seneca later is quite capable of evoking the horror of being crucified or tortured by other methods. Yet his aim is not to defend or invoke a human right not to be tortured. It is to defend the Stoic view that suicide is sometimes an appropriate action.

The Roman-era Stoics did occasionally address the issue of gender equality. Musonius Rufus, a first-century Stoic philosopher whose students left us notes on his discourses, addressed the question of the capacities of women for virtue and philosophy. In his view women’s capacities in this respect are equal to men’s but one should not infer from this that there should be any major change in male and female social roles.

Seneca’s writings on slavery are famous. He discusses the condition of those who are slaves by legal status in a number of places. He argues for kind treatment of such slaves and insists that masters should not act as haughty superiors toward them.

In his essay On Benefits Seneca praises the virtue “humanitas” at some length.

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26 Seneca: Epistulae Morales 47.
27 Seneca: On Benefits 1.4.2, 1.15.2, 2.3.1, 2.11.4, 3.18–28, 4.14.3, 4.17.3–4, 4.18.1, 6.25.5, 6.26.2, 6.27.6
This virtue seems to connote kindness or liberality toward needy and socially vulnerable persons within one’s sphere of influence and avoidance of cruelty. Yet because ancient and medieval writers commonly distinguish the sphere of justice from that of generosity and gratitude, even if there are analogous features in the corresponding duties, it is unlikely that humanitas can generate a doctrine even of very limited human rights. A virtue related to what modern philosophers would have called imperfect duties, humanitas does not correspond to duties that call for legal enforcement.

In his letters on slavery Seneca stresses that virtually everyone is a slave. His message is the standard Stoic one that all persons except the rare sage are slaves to external things because of their false judgments about the value of externals. Seneca notes that many “free” people are slaves to lust or greed or ambition or fear. He calls for masters to treat slaves kindly to win respect from them. The larger context shows that Seneca opposes what he considers cruel and inhumane treatment of slaves, but he proposes neither abolition of slavery nor gradual emancipation of slaves. He knew how much slaves hated their condition and wished to escape it. “In exchange for freedom they pay out the saving which they have scraped together by cheating their own bellies.” 28 But his real aim is to convince his reader to escape from the more serious slavery that derives from not knowing or not practicing the precepts of philosophy: “[Moral] liberty cannot be bought. You must … seek [this good] from yourself.”

Elsewhere Seneca addresses the question of slaves’ moral status in a discussion of whether slaves can properly be said to benefit their master. He insists on the humanity of the slave. 29 Later he explains:

It is a mistake for anyone to believe that the condition of slavery penetrates into the whole being of a man. . . . Only the body is at the mercy and disposition of a master; but the mind is its own master. It is, therefore, the body that Fortune hands over to a master . . . that inner part cannot be delivered into bondage. 30

This is surely an eloquent passage, but it does not transcend the standard Stoic teaching about moral freedom. In one of his authentic letters, St. Paul urges the Christian master of a slave to manumit the slave, who had by then become a brother “in the Lord.” 31 By contrast, we have no indication that Seneca might have been moved to urge a Stoic master of Stoic slaves to manumit them given the common kinship of humans with gods. 32

Thus we have seen that although the natural law as the Stoics understood it clearly dictated certain moral attitudes, it did not call for a concerted effort, as modern human rights doctrine does, to promote or defend legal or constitutional standards or to pressure states to modify their policies toward sections of their own population. The absence of such a mandate is reflected in the actual practice of influential Stoics during the Roman imperial era.

28 Seneca: Ep. Mor. 80.
30 Ibid 3.20.
31 Letter to Philemon 1:16.
The Stoic writers, especially in the imperial era, were politically very cautious. That fact did not rule out acts of courage, as when Stoic philosopher Musonius Rufus tried personally, even if ineffectively, to prevent armies engaged in a civil war from carrying their mayhem into the streets of Rome itself.33 Nor did the Stoics’ political caution prevent them from being perceived as a threat or expelled from Rome under a few emperors. A Stoic Senator might absent himself from the Senate so as to avoid being called upon to rubber-stamp crimes committed by an emperor.34 This silent act could be understood as a protest when the Senator was known for holding a view that equated virtue with the good.

E. COMPARISONS

Open advocacy by the Stoics of anything like human rights would have contradicted the Stoics’ relative political caution. Perhaps this caution points to deep differences between Stoicism and contemporary human rights culture. Let us now systematically consider those differences.

I. LAW OF NATURE AND HUMAN RIGHTS

Is the Stoic law of nature (LN) closely related, as often alleged, to the modern notion of human rights?

1. The LN in Stoicism is part of, or identical to, the mind of the supreme divinity and binding on us for that reason. Contemporary human rights culture does not require anyone to believe that human rights depend upon the will of God, although it is compatible with such a belief.

2. The LN in Stoicism is fully grasped only by the sage, who is on some accounts “as rare as the Ethiopian phoenix.”35 Human rights culture assumes that all governments and most adult human beings can apprehend human rights principles. Stoic teaching addresses a human soul assumed to be perfectible, but human rights discourse makes no such assumption.

3. The LN in Stoicism is almost always described in the singular. This is to be expected since it is identified with the right reason of the supreme divinity. The set of human rights has always been understood as a plurality.

4. The LN in Stoicism commands us to regard life, health, material possessions, and the conduct of others as indifferent things. Advocates of human rights culture affirm that we should care very much whether humans have what they need to avoid starvation, severe lasting illness, torture by others, isolation from community, etc. A present-day Stoic


34 Tacitus: *The Annals* 16.21–34, in Hadas (ed.).

35 Arius Didymus: 68, lines 1–9; SVF 3.658 (Long and Sedley: 61N).
might personally accept duties corresponding to human rights insofar as the latter are norms of her society and she might act to ensure, in harmony with her other obligations, that other people receive the objects of their human rights. However, she would judge it wrong to feel anger at violators of human rights or distress at inability to prevent violations.

5. The LN in Stoicism is an objective moral standard, independent of human conventions. It does not cease when humans and all beings other than Zeus are destroyed in the periodic conflagrations expected by most Stoics. In human rights culture, human rights provide standards to evaluate and propose changes to laws, but human rights partisans need not regard them as entirely independent of convention.

6. The LN in Stoicism is best understood as prescribing conduct for the ideal human agent. Human rights, by contrast, are conceived as powers or qualities that persons generally possess. We say, e.g., that each human being has a right to a fair trial or to practice a religion of his or her choice.

7. From a historical perspective, the LN is a conceptual invention of Stoic philosophers. It served as an anchor for the system of the Stoic school. Stoicism taught its adherents the importance of "following nature," but nature here was the same as the divine reason that pervaded the system of material bodies and the basic order of human society. By contrast, human rights recently and "the rights of man" previously were rhetorical tools of movements for profound social change, beginning with the promotion of liberal ideas such as freedom of conscience and political liberties. They have been invoked by abolitionists, feminists, anti-colonial movements, and even the labor and socialist movements. 36

2. STOICISM AND HUMAN RIGHTS CULTURE

Let us now turn to differences between Stoicism and contemporary human rights culture as linguistically mediated practices. My premise here is that only in the context of a complex practice does a relatively abstract word or phrase get its precise meaning. Thus, the more dissimilar Stoicism and human rights culture, the less likely that the earlier might have created a concept or a doctrine able to find a niche in the latter.

1. Stoic ethics was a form of virtue ethics. Its primary focus was on the perfection of the individual. For the Stoics the good life was simply the virtuous life. By contrast, human rights culture is especially concerned about rules and their application, because human rights are standards for positive laws that should govern conduct and therefore be enforced. Of course, I am not denying that individuals or groups within human rights culture may also advocate a strenuously ideal way of living compatible with respect for human rights norms.

2. For Stoicism appropriate action is conduct that accords with one’s socially determinate role, with special exceptions allowed for the rare sage. For human rights culture right conduct is conduct compatible with, or called for by, human rights principles.

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3. Stoicism did not recognize what human rights culture has recognized in recent decades as economic and social rights. Of course, the Stoics were not alone in this. As Samuel Fleischacker has shown, nobody, prior to 1790, understood distributive justice as requiring state redistribution of material means “so that everybody is supplied with a certain level.” The change in the conception of distributive justice discovered by Fleischacker corresponds to a change in the content of “the rights of man” or human rights.

4. Stoicism is what John Rawls and other recent philosophers call a comprehensive view. Comprehensive views include detailed metaphysical, political, moral, and religious doctrines and are typically at odds with one another. Other examples are Platonism, Thomas Aquinas’ Christian Aristotelianism, Spinoza’s metaphysical ethics, and J. S. Mill’s empiricist utilitarian liberalism. Arguably, contemporary human rights culture is not built around a comprehensive view but around a moral-political “module” shared by many overlapping comprehensive views. The human rights module would fall within the overlap. The following differences reflect the limited character of contemporary human rights culture:

   a. Stoicism requires a theory of the nature of the passions and is committed to regarding them as evil. Human rights culture is compatible with a wide variety of theories of the passions. To be an adherent in good standing of human rights culture, one need not be confident that she has found the true theory.

   b. Stoicism was committed to metaphysical determinism, the doctrine according to which every event follows from prior events in series that permit no deviation. Human rights culture is noncommittal on the issue of determinism.

   c. Stoicism affirms that humans (but not animals) carry a divine spark within, which the Stoics equated with reason. Defenders of the Stoic origin of human rights see a link between this view and the contemporary assertion, in the Universal Declaration of Human Rights, that every human being possesses inherent dignity. But contemporary human rights culture is not committed to denying something like inherent dignity to nonhuman life.

   d. Stoic philosophy requires and contains a theory of moral development in individual human beings. Human rights culture is not committed to any one theory of moral development. It is more directly concerned with discovering the material and social conditions required to secure or promote the autonomy of human beings than with discovering the best theory of moral development.

5. While it is true that “freedom” is important in both Stoic thought and human rights cul-

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39 Long and Sedley: sections 55 and 62.

40 Orend: 244.

41 Cf. Martha C. Nussbaum: Frontiers of Justice: Disability, Nationality, Species Membership (Cambridge MA: Harvard University Press 2005). Nussbaum is both a defender of human rights culture and an advocate of extending the circle of inherent worth to include nonhuman beings.
ture, there is a vast difference between them with respect to the meaning of this “freedom.” In classical Stoicism, the goal is to become a sage and thereby “free” from enslavement to externals. Here “freedom” is a property of sages alone. Epictetus, a Stoic of the late first and early second centuries, does not reject this orthodox Stoic position. But he also stresses that the ways we choose, or more accurately, assent or do not assent to impressions, are in our power, that is, dependent upon our “volition,” our “rational, self-scrutinizing, and motivating faculty.” Here we find hints of a second notion of freedom, which extends no further than the “internal citadel” of each person. (One’s body, unlike one’s volition, is not in her power.)

Neither of these notions of freedom corresponds to the freedoms defended by human rights culture. For human rights discourse the task is to show respect for the rights of others, perhaps on the assumption that doing so will tend to enhance their autonomy, but autonomy is here understood as the capability to inquire into, formulate, pursue, and revise one’s own conception of the good or to exercise a range of capabilities. But such autonomy is always also understood as partially dependent upon institutions, such as schools that teach literacy. Human rights discourse calls for attention to politically guaranteed rights and liberties, as well as their material underpinnings. Yet, as Julia Annas notes, “the Stoics did not regard the justice of institutions as a centrally important ethical matter.”

6. The Stoics are often credited with teaching the equality of all human beings. Scholars making historical surveys of the antecedents of modern rights doctrines often allude to this as justification for their claims about the Stoic origins of human rights. Indeed, for the Stoics equality and the reason-based capacity for assent (or not) to impressions are linked issues. Pierre Hadot, elaborating his claim on the Stoic origin of human rights cited at the beginning of this paper, quotes Epictetus’ response to a person who asked how he should tolerate a clumsy slave. Hadot paraphrases the answer: “This slave is a living being like you, and like you a man gifted with reason. Even if human laws refuse to recognize that he is your equal, the laws of the gods, which are the laws of reason, recognize his absolute value.” Yet for Epictetus, as for Seneca and Marcus Aurelius, what is shared by all humans is “volition,” the capacity for right (or wrong) reason. Thus human equality goes no further than the inner life and has no consequences for the reform of institutions. At most it justifies a more benevolent attitude toward one’s fellow human beings.

43 Epictetus: Encheiridion 1, in Epictetus (Cambridge MA: Harvard University Press 1928), vol. II.
45 Nussbaum: Sex and Social Justice 44–45.
47 Epictetus in Epictetus I: Arrian’s Discourses of Epictetus I 13.
48 Hadot: 312.
F. Ideological Function of Stoicism

Another reason for skepticism about claims of Stoic ancestry for human rights is the ideological function that really existing Stoicism served in the context of Hellenistic and Roman society.

The Stoics fundamentally identified with the cosmos or world-city, conceived as the city of gods and (especially wise) humans, but there was no essential conflict in their minds between this identification and allegiance to, say, the Roman imperial system. Brent D. Shaw has shown that Stoicism subtly “acted as a reinforcer of traditional values.” It regarded traditionally given roles as “natural.” A person’s moral progress “lay in the order and coherence of his words, thoughts, and actions … with Nature. The man who plays his role well … that the human drama might function well is adjudged the morally good man.”

Epictetus, he notes, lists roles associated with appropriate actions, including arguably natural ones like father, mother, old, and young and social ones like ruler, citizen, general, and soldier. But he also includes “slave, cripple, and beggar.” All these roles are customary ones in Hellenistic-Roman society. “Stoicism was thus cosmic metaphor positing a Divine Economy in which every thing and every person had its proper place.”

In the mid-first century C. E. the integration between the empire and Stoicism was assisted by analogies like the one drawn by Seneca between the Roman emperor and Jupiter: the emperor is to the empire as Jupiter is to the cosmos. This is perhaps clearest in On Mercy, which Seneca addressed to the young emperor Nero. The emperor, he writes, “is the bond by which the commonwealth is united, the breath of life [from] which many thousands draw, who in their own strength would be only a burden to themselves and the prey of others if the great mind of the empire should be withdrawn…. Such a calamity would be the destruction of the Roman peace. . . . [I]f ever [this people] shall tear away the rein, or shall suffer it not to be replaced if shaken loose by some mishap, then this unity and this fabric of mightiest empire will fly into many parts.”

The key to grasping the structure of Hellenistic and Roman society is the patron-client system. In the Roman case this relationship developed out of Roman patriarchal traditions and is clearly an extension of the patriarchal family. Wealthier and more politically powerful families attracted as clients less powerful citizens, freedmen, and foreign residents, who would support them and in turn be protected by them. The system was easily extendable— with prominent clients of the greatest patrons themselves being patrons of lesser clients. The late Republican civil wars seem to have been struggles between the most powerful patrons for absolute dominance. The victory of Octavian/Augustus meant that, for the time being, the emperor would be the supreme patron.


50 Shaw: 16, 37.


52 John Dominic Crossan and Jonathan L. Reed: In Search of Paul (Harper San Francisco 2004),
To judge by Cicero’s treatment in *De Officiis* of the virtues relating to the basic social bonds of human society, the Romans recognized two families of principles whereby resources might change hands. Cicero refers to the virtue corresponding to one of them as justice, the virtue corresponding to the other as beneficence. The principles of “justice,” which included those governing commercial transactions, might be enforced by law. Commercial transactions were important in Roman life, but the more personal interactions corresponding to beneficence and gratitude, central to the operation of the patron-client system, were far more important for the Romans than for us. The prominence of these virtues is clear from Stoic and Stoic-influenced texts of the late Republic and early Empire. Like the early Stoics, the Roman-era writers distinguished generosity from justice, which entailed non-injury and fidelity related to contracts. Nowhere do we find a Stoic commitment to a government-backed material floor in relation to all the inhabitants, non-citizens as well as citizens, of their cities or states. There is no sign of the view that political leaders should try to secure to all persons within state borders sufficient material goods for subsistence or sufficient land or tools to produce for themselves what seems required for a minimally decent life, and thus no movement toward social or economic rights. Even if this idea had been conceivable at that time, the Stoic emphasis on the moral excellence of the giver and the doctrine that poverty as such is an indifferent would have served to discourage the Stoics from adopting it. The earliest Christians came closer to this when they established communities of the poor that operated on the principle “from each according to ability, to each according to need.” But even the Christians never proposed that the state adopt this principle: the principle was applied only within their religious communities.

Systematic philosophies of life express, by adaptation, opposition, or both, the prevailing social structures of their times. Roman-era Stoicism adapted, at least in a general way, to the patron-client system. In particular, the Stoics of the imperial age adjusted their rhetoric, and sometimes made questionable concessions, to the carefully crafted imperial ideology expressed in the cult of the emperor, Roman public art, and Roman architecture. Political reality combined with organic Stoic analogies to dampen enthusiasm, even among the elites, for the limited but real political liberties enjoyed by Roman citizens under the Republic. For the Stoics there was no question of a struggle for political liberties extended to all persons. Nor did the Stoics address whether freedom of conscience ought to be legally protected. For them showing proper piety is an internal matter, in each person’s power already. No law could prevent it. (Curiously, we find what seems to be an affirmation of natural liberty of conscience in a letter by Christian writer Tertullian ca. 212 C.E.)

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53 *De Officiis* 1.20.
54 Arius Didymus: 15, 19, 37, 45.
G. CONCLUSION

No doubt fact-based stories can be told linking ancient Stoicism and subsequent philosophical, theological, and political views, but changes of context reframe old terms and produce changes of meaning. There may be family resemblances between each discursive system and its historical successor. But resemblance is not a transitive relationship. Later systems near the end of such series may be radically different in all or most aspects from early ones. Such appears to be the case for classical Stoicism and contemporary human rights doctrine.

What seems decisive for development of the human rights position is the emergence of three assumptions that change the context for political discourse: (1) that human individuals regardless of citizenship possess a kind of value that positive laws should be designed to respect; (2) that whole categories of people, up till now regarded as inferior by social elites, have been subject to shared injustice; and (3) that legal or treaty recognition of their rights might ameliorate that situation. These ideas came into prominence and became widely shared assumptions long after – in fact, more than a millennium after – the demise of the classical Stoic school.

The thesis that the Stoicism is the origin of human rights is not only questionable on historical grounds. Accepting it tends to put obstacles in the way of grasping the distinctiveness of both ancient Stoicism and human rights culture. It wrongly suggests that modern human rights ideas might provide a useful interpretive foothold by which to enter into appreciation of this ancient school. (In fact, the “Stoic origins” thesis makes it harder to understand classical Stoicism as a systematic philosophy of personal life.) Moreover, the suggestion that essential human rights notions were already present in ancient Stoicism makes more difficult an appreciation of the fact human rights culture is a relatively recent and fragile achievement.

A related concern is that overstating trans-historical links in Western history between classical Stoicism and contemporary human rights views reinforces the claim by advocates of unique “Asian values” that human rights are so essentially tied to Western culture that they cannot be promoted globally without cultural imperialism. Recognition of the role played in the West as well as elsewhere by individual and collective struggles against hierarchy in the generation of modern human rights ideas provides a bridge between East and West, North and South, and underscores the universality of the human interests to which human rights at their best are a response.