

RESEARCH ARTICLES

Philosophical Reflections

Citizen Skeptic: Cicero's Academic Republicanism

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Abstract: The skeptical challenge to politics is that if knowledge is in short supply and it is a condition for the proper use of political power, then there is very little just politics. Cicero's Republicanism is posed as a program for political legitimacy wherein both citizens and their states are far from ideal. The result is a form of what is termed *negative conservatism*, which shows political gridlock in a more positive light.

Keywords: Cicero, skepticism, Plato, republicanism, conservatism

I.

Consider the ideal state Socrates sketches in Plato's *Republic*. It has its three classes, structured educational system, division of labor, and noble lies. The three famous challenges from Socrates' interlocutors to this polity were to the equality of women, to the proscriptions on private property, and to the possibility of a class of people with the requisite knowledge to run the complicated machinery of state. The answers to the first two challenges depended on a successful answer to the third. That is, only if we know that it's right do we overturn custom in such a radical way. Further, we can have that certainty only if there is a kind of knowledge sketched in the divided line – knowledge that transcends the mere appearances and guesswork in which we normally wallow. If that kind of knowledge is not achievable, communicable and practicable, then the ideal state is not possible. Knowledge, in short, is the source of legitimate authority; otherwise it's all just coercion by people with titles.

And Plato saw, too, that even with this knowledge and structuring, the state is still vulnerable from inside, as the famous precipitous progression from the kallipolis to timarchy, to oligarchy, and then to tyranny looms. Knowledge may make the ideal state possible, but it cannot guarantee its stability.

Now consider a clear fact about what passes for knowledge of politics. Many people take themselves to know many things about political culture,

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justice, and how governments should be run. Yet very few of them agree about much anything. This is not because one group is better informed, more honest, or open-eyed about the world than another. Few, if any, genuine political disagreements are between those who get it and those who don't. This is belied, of course, by how all too many involved in the debates themselves see the situation. They think and thereby portray the opposition to be mendacious, conniving, stupid and often downright evil.

Were it only the case that for every significant issue, there was one and only one side for reasonable and honest people and all the other sides were for the moral monsters and intellectual failures! What a world it would be!

Alas, we don't live in a world of easy answers, and so we don't live in a world wherein we can sort ourselves as clearly in the right, and everybody else is clearly in the wrong. This kind of intellectual humility, a kind of healthy skepticism, is bad news in one clear sense. The moral world is not as easy as dogmatism makes it out to be. But it's good news in another sense – we are liberated to learn a bit, have conversations with others who might otherwise be simple enemies, and it allows us not to be so worried about the doubts we might carry about what we'd for so long thought were our beliefs.

The simple fact is that we contract our beliefs more like catching colds than deliberating about and choosing them. Consider most people you know. Once you know a few things about their history, you can predict their political views. But notice that these determining factors for belief are not evidential factors for the belief's *truth*. Rather, they are just about whether these folks will *have* the belief. These beliefs are overwhelmingly products of their cognitive environment.

Now, even if it's strange to think it in the first person and think the thought, "My views are products of their environment and are contingencies of my upbringing," it is clearly easy to do with others. And it's a truism on college campuses. So liberal-leftist colleges are rife with speech codes and derogatory labels (usually involving a '-phobia') for any program critical of the progressive agenda. And religiously conservative campuses won't even allow students to have Young Democrats clubs or have anything but qualified Christian teaching staff, so as to allay the worries of parents that college might make their kids 'weird.'

Now, the point is not to fight the culture wars all over again. Instead, it is to point to a feature of them: they derive from a deep and abiding dogmatism, not only about the obvious correctness of their objectives, but to the obvious decadence and depravity of their opposition.

II.

That the contemporary world is a morally fractious place is, perhaps, not news. I presume that it is equally not news that the ancient world was morally fractious, too. In many ways, this is what led Plato to write his *Republic* and *Laws* as he did

– both the ideal and second best cities had to *start from scratch*. Neither political work was posited on providing a program of *reform* or *reconstruction* from the mess we find ourselves in, but of *construction de novo*. Plato's vision was a dogmatic one, a vision that runs that a properly run state is one that eliminates the fractiousness of the moral world: either *completely*, as we see in the totalitarian dream of the *Republic*, or by way of *redirection* as seen in the mixed state of *Magnesia* in the *Laws*. Those states are based on the thought that we can push RESET on history, that new starts happen. Maybe they do, maybe they don't, but the overwhelming likelihood is that we will never get the chance to push RESET. What then? More fractiousness? Back to the blind battle of dogmatisms?

I think this is why Cicero's skeptical political philosophy is important. First, Cicero is no dogmatist. He is a skeptic. He has his preferences, for sure, as to how to conceive of law and what desiderata are required for justice. But he thinks a good state makes room for a variety of voices. Second, Cicero is no revolutionary. He does not wish for the state to have RESTART; instead he takes things to be well-ordered as they can be without completely knocking it all down. So that makes him a kind of conservative, in his case particularly, a *Republican*. This republicanism is the core of his book, *De Re Publica*, on the commonwealth, the public thing. He stands for preserving a state that promises social stability, provides opportunities for all to represent their views or have them represented, and protects individual liberties.

And so a sketch of the intellectual core of Cicero's skeptical republicanism is worth our time to reflect upon. My plan is to briefly lay out Cicero's skeptical program in the *Academica*, specifically the method of reason-survey that yields intellectual freedom. I will then turn to showing how Cicero's political philosophy, both in the *Laws* and the *Republic* recapitulate the skeptical program. Finally, I will have some things to say about contemporary politics, particularly the phenomenon of legislative gridlock. It will be some good news about it.

III.

Cicero's philosophical education is best described as *eclectic*. He was tutored in Athens by the leading minds in the Academic philosophy (Philo of Larissa and Antiochus of Ascalon), Stoicism (Posidonius), and Epicureanism (Phaedrus and Zeno), but the output was decidedly skeptical.¹ He remarks, when providing a short digest of his works in an unguarded moment in *De Divinatione*, that his *Academica*, his defense of Academic Skepticism is the statement of his considered views.

¹ Cicero gives accounts of his educational history in *De Finibus* 1.16; *Tusculan Disputations* 2.61; *Academica* 1.14, and *Lucullus* 115.

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... in my *Academicis Libris*, in four volumes, I set forth the philosophic system which I thought least arrogant (*arrogans*) and at the same time most consistent and refined (*constans et elegans*). (*De Divinatione* 2.1)

What drew Cicero to the Academic viewpoint? Surely it was not the skeptical muddle the Academic program made of most every issue. The appeal of the dogmatic schools was that they provided a clear path, a bright line between right and wrong, a moral and cognitive compass. The Academics see it all as a conflicted and complicated mess.

There are many arguments on either side of these questions. One of these views seems certain to your *sapiens*; but the weight of the arguments on either side strikes our *sapiens* as so equally balanced (*rationem paria momenta*) ... that it is not even clear to him what is persuasive. (*Academica* 2.124)

The skeptics practiced what the Greeks called *dialectical* method, or Latinized, the mode of *pro et contra* with all issues.

It is a considerable matter to understand any one of the systems of philosophy singly, how much harder it is to master them all! Yet this is the task that confronts those whose principle is to discover the truth by the method of arguing both for and against all the schools (*et contra omnis philosophos et pro omnibus dicere*). (*De Natura Deorum*. 1.11)

[O]ur school argues against everything (*contra omnia ... disputatur*) ... because we could not get a clear view of what is probable (*probabile*) unless a comparative estimate were made of all the arguments on both sides (*ex utraque parte causarum*). (*De Officiis* 2.8)

In short, the order of thinking things through should be: hear all the arguments for and against, *then* make the decision. It won't be perfect, since the issues are difficult and it is likely not all the information is in, but we make the decision with our eyes open to the risks, what the stakes are, what things our critics will say if (and often enough when) we fail. Moreover, when we make this sort of eyes-open decision, *we* are the deciders, our conscience, our best most reflective judgment. It is not our antecedent presumptions, not our prejudices on the opposition, not our preferred outcome from before we heard all the evidence. Rather, it is us deciding.

[Y]et we are freer (*liberiores*) and less constrained (*solutiores*) in that we possess our power of judgment uncompelled, and are bound by no compulsion to support all the dogmas laid down for us almost as edicts by certain masters. (*Academica* 2. 8)

The contrast, of course, is with the alternative, that of showing up to debates with a simple agenda of arguing to defend the turf, give no ground, and demolish opposition. If that's been the default for argumentative exchange for most of one's intellectual life, think of how closed off one is, how a person's early commitments locked her in to a lifetime of intellectual commitments.

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For all other people in the first place are held in close bondage placed upon them before they were able to judge what doctrine was the best, and secondly they form judgments about matters as to which they know nothing at the most incompetent period of life, either under the guidance of some friend or under the influence of a single harangue from the first lecture they attended, and cling to it as a rock to whatever theory they are carried to by stress of weather. (*Academica* 2.8)

The great irony is that we make so many of our intellectual allegiances long before we can tell the right from not, true from false, the profound from the stupid. Yet once we cast our lots, we find ourselves locked in: an intellectual program to defend, to represent, to carry on. A favored figure to promote, plumb and expand upon. All this before we had the data in, before we knew better.

Again, the Academic program is posed at least as something that mollifies the effect of the dogmatism of unreflective assent and its consequent intellectual servility.

[O]ur New Academy allows us wide liberty (*magnam licentiam*), so that it is within my right to defend any theory that presents itself to me as most probable (*maxime probabile*). (*De Officiis*. 3.21)

[I]t is characteristic of the Academy to put forward no conclusions of its own, but to approach those which seem to approach nearest to the truth (*simillima veri videantur*); to compare arguments; to draw forth all that may be said in behalf of any opinion; and without asserting any authority of its own, to leave the judgment of the inquirer wholly free. (*De Divinatione* 2. 150)

Now notice that skeptical philosophy in Cicero's hand is no negative image of dogmatism, one with no commitments, a view that all programs are bankrupt. Such austere skepticism is not the Ciceronian program. Cicero is a *mitigated skeptic*, a skeptic that allows us, once purged of our reactionary inclinations in the gristmill of the *pro et contra* method, to follow our best judgment on the basis of what looks most plausible. The consequence is that the Academic program can yield results, but they are tentatively held.

I shall humor you and explain what you wish as best I can, not however as if I were the Pythian Apollo making statements to be regarded as certain and unalterable, but following out a train of probabilities (*probabilia*) as one poor mortal out of many. For further than likelihood as I may see it (*veri similia videam*), I cannot get. (*Tusculan Disputations* 1.17)

And thus the Academics and Cicero were fallibilists, they held their views in ways that allowed revision in light of new evidence and required only that one follow the evidence, not a party line. And so we see how the intellectual humility of the skeptical tradition can yield fruit.

IV.

The political consequences of the Academic skeptical outlook are significant, as the output is what I call the *Citizen Skeptic*. But first, consider the biggest concern about the skeptical attitude when taken into the political realm, as Cicero pauses in *De Legibus*:

And let us implore the Academy – the new one, formed by Arcelisaus and Carneades – to be silent, since it contributes nothing but confusion to all these problems; for if it should attack what we have constructed and arranged so beautifully, it would play too great havoc ... (*De Legibus* 1.40).

Skepticism arises from the tumult of views, it is primarily a manifestation of the spirit of criticism, and its results are the weakening of commitment. The worry is that the skeptics' critical program is only negative, and purely destructive. The wake of the skeptic's critical view is not only a dissolution of our beliefs, but a failure of political will. This concern about skepticism is an instance of a longstanding anti-skeptical trope, that of *apraxia*. *A/praxia* being Greek for *no action* – skepticism's paralysis in the mind becomes paralysis in life. Now, the *apraxia* argument runs simply:

If one is a skeptic, one has no commitments.

One can act intentionally only if one has commitments.

We must act intentionally.

So, we must not be skeptics.

What makes the political case an instance of the *apraxia* argument is that political life requires a special brand of intentional action and intellectual commitment, one that approaches certainty, for there are sacrifices one must make in political decisions. One of Cicero's interlocutors in the *Academica*, Lucullus, invokes this thought:

It is impossible for anyone to value impartiality and fidelity so highly that there is no punishment he would refuse in order to maintain them, unless he has given his assent to impressions that can't be false. (*Academica* 2.23)

One must, it seems, be certain that justice is better than injustice when one is tempted to steal, when one must make a sacrifice or when one's very life is on the line. And so Cicero concedes in *De Re Publica*:

[T]he establishment of a state which is stable enough to endure for the ages requires by far the highest intellectual powers (*maximi consilii*). (*De Republica* 3.4.7)

When the stakes are high, the criteria for acceptance are demanding. And such conditions are ripe for skeptical challenge, as when standards go up, the occasions for doubt increase. And now let us return to the dismissal of the skeptics in *De Legibus*. Cicero hadn't finished his thought.

And let us implore the Academy – the new one, formed by Arcelisaus and Carneades – to be silent, since it contributes nothing but confusion to all these problems; for if it should attack what we have constructed and arranged so beautifully, it would play too great havoc; *at the same time I should like to win over this school, and so do not dare banish it from the discussion.* (*De Legibus* 1.40)

The Ciceronian program, then, isn't that the skeptic must be silent because critique will destroy what's been established, but that without the skeptic's challenge, without the withering gaze of Academic criticism, what stands will not continue and will not have the right to.

The reason why the highest intellectual powers are necessary for the confirmation of a just republic is that the ways the state may coerce, alienate, or staunch the autonomy of the citizens must be anticipated, and if not anticipated, then it must be recognized before rebellion and revolution foment. Cicero pauses in *De Legibus* to identify a core republican view, that all citizens need to feel the state is something they not only are protected by, but have a stake in. A good state is a *re publica* – a public thing, something that belongs to all. This is why the tribunate of the plebeians, despite the way it stands in the way of the Senate's role with its veto power, despite the way tribunes are mostly rabble rousers and blowhards, despite the fact that the institution of tribune is all too often abused in profligacy with budgets, it is necessary for the state of a true republic (*De Legibus* 3.18). It is in the tribune's appeal to the rabble that the tribunate makes the rabble care for the state. They care, and they care enough to hope that the state will be just; and so that it will survive.

The skeptical view that we do not have knowledge with these matters returns – we are all in this together, and so even the rabble's view matters. If the skeptic is right, none of us know. And so the views of the masses may be right for all we know.² Their being part of the conversation, part of the method of *pro et contra* is a condition for not only feeling part of the state, but for having any political authority.

But this is only a method of management. We do not have perfect knowledge. There is a limit of what we can do to anticipate and ameliorate. The tribunate functions as a good feedback mechanism for those purposes. But even with this institution, we cannot anticipate and ameliorate well enough for all circumstances. Disaster awaits all states.

[T]he essential nature of the commonwealth (*rerum publicarum*) often defeats reason. (*De Republica* 2.33.57)

Recall that even Plato's Kalliopolis, one that starts from scratch, has the citizens raised under perfect conditions, and has perfectly wise leaders, has its own internal failure – it is vulnerable from the inside, it has its own trajectory of

² See Fott 2014, 250 for an account of the skeptical interface with the tradition of Natural Law in Cicero's politics.

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irrationality. Cicero's republic is not an ideal state, but the best the world's provided. And that means that we must run a government with the citizenry we've got. Some are virtuous and intelligent, but let's face it: most of our fellow citizens, most of *us*, are selfish, reactionary, badly educated and deeply irrational. For sure, some states are destroyed by large-scale invasions, pandemics, or famines. But that limit of political rationality is a limit provided by the world – we are not omniscient, we cannot anticipate and avert every earthquake or flood. But this limit is one of our failure to anticipate what we will do, how we will feel, and how we will get along. We are the agents of chaos; we are the limits of political reason.

Cicero proposes what he calls “the ideal statesman” as a model for what kind of character is required for consistently taking up with the requirements of state and setting an example for all involved. It is a republican parallel to the familiar philosopher-king. This ideal statesman must be:

... improving and examining himself continually, urging others to imitate him, and furnishing in himself, as it were, a mirror to his fellow citizens by reason of the supreme excellence of his life and character. (*De Republica* 2.42.69)

We might put it that the Ciceronian statesman is not only to be well-informed but to be exemplary about it. Knowledge, again, is the source of legitimate authority, so we need people who pursue it and encourage others to do so, too.

But this returns us to the skeptical challenge. If the skeptic is right, there isn't any knowledge. If the skeptic is right, there are not only no ideal states, there are no ideal statesmen. If the skeptic is right, our highest intellectual powers aren't too high and are hardly powers at all. The citizen skeptic, then, knows this is all a mug's game, a fool's errand. In the end, this politics stuff is inherently tragic.

Cicero himself was exactly such a tragic figure.³ He detects and stops the Catilinarian conspiracy, but he is hasty in the aftermath and orders the executions of the conspirators. This breaks a rule of procedure, and after his consulship, it yields banishment by the tribune Clodius Pulcher. Later, in the aftermath of Julius Caesar's assassination, Cicero becomes one of the few people who could run the Senate. He sees the chance to eliminate the remaining Caesarians under Mark Antony and he takes it. But Antony survives, makes amends with Octavian, and Cicero, himself, is executed.

Ideal statesman or no, the nature of politics, the play of force and justice, ambition and service, power and authority, defeated a voice of reason.

³ See Anthony Everett's portrait of Cicero's life in (2003) and Jonathan Zarecki's (2014) case that Cicero's picture of the ideal statesman arose from his own aspirations and failings in the aftermath of the Civil War.

V.

Let us return once more to the pause in *De Legibus* as Cicero considers barring the skeptics.

... let us implore the Academy ... to be silent .. for if it should attack what we have constructed so beautifully, it would play too great havoc ... (*De Legibus* 1.40)

Two background assumptions are operative here. The first is that what we have already is well-constructed, the second is that sticking with the stable is better than moving to the unstable. Despite the fact that Cicero was a skeptic, he nevertheless was a kind of conservative. My view is that Cicero's conservatism is a result of his skepticism. To see this point, let's make a distinction between *positive* and *negative* conservatism.

Positive conservatism is the view that our reason for preferring standing institutions and norms come from indicators that these institutions are truly just, are the best way to do things, are most reflective of truths of human nature. And there is a wide variety of sources for these sorts of reasons: perhaps those reasons derive from revealed truths in a holy book, these reasons could be derived from timeless truths, or a more modest kind of reason may simply be that longstanding practices wouldn't be so longstanding if they didn't have track records of success. So the positive conservative holds that we have positive reason to hold to standing institutions and norms.

Negative conservatism is the view that we have no positive reasons to hold to our current institutions and practices, but we have no positive reason in favor of any of the competitors either. All the views are on a kind of valuational flatland – they all have pros, they all have cons, every option is a mixed bag. The reason why we should prefer current institutions, however, is that, given what we know about humans, instability creates more problems. And so if every option has pros and cons, then considerations of changing from option A to option B adds to the cons of B (that we will create uncertainty, need to refigure things, and so on) and adds to the pros of A (that we don't get those headaches). And so negative conservatism is run off a principle of *minimal mutilation* – that reasons for change must outweigh not only reasons in favor of alternatives, but must outweigh the reasons against disturbing the peace.

Clearly no skeptic would ever be a positive conservative, but the possibility of negative conservatism is open. The question is, however, how a skeptic would assent to the minimal mutilation principle.

Notice that the minimal mutilation principle is not a principle of belief, but of action. It is not about what is true, but it is about what to do when you don't know what's true. Many of those who have sipped or drunk deeply from Skepticism's font light on something akin to the minimal mutilation principle. In the parallel ancient skeptical tradition, that of Pyrrhonism, Sextus Empiricus holds that one should live according to the skeptical fourfold:

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For we follow a line of reasoning which, in accordance with appearances, points us to a life comfortable to the customs of our country and its laws and institutions and to our own instinctive feelings. (PH I.17)

And Rene Descartes, the famous methodological skeptic, proposes a provisional morality, the first maxim of which is:

... to obey the laws and customs of my country, constantly retaining the religion ... I had been brought up in since childhood, and in all matters follow the most moderate and least excessive opinions. (*Discourse on Method III* CSM 1.122; AT VI.23)

The reason in the background is that if the circumstances are such that you can actually do philosophy, so that you can do the kind of skeptical critique wherein we can even frame this kind of question, then we have something that counts in favor of the circumstances. We want to keep that circumstance, those cultural and political conditions, in place. To do otherwise risks error, risks overturning what makes it possible for us to correct our errors.

This is why tyranny is so bad. Tyrants have a bad track record for how they treat people, but they have an even worse track record of hearing about and correcting those errors. The same goes for oligarchs and plutocrats – they not only make errors, but because of how they are situated, they don't recognize the errors as errors. And this is why philosophy is very hard to do under tyrannical conditions, under oligarchic conditions – honest criticism, the play of *pro et contra* is not valued.

This is why Cicero is a republican conservative. It is under the conditions of recognizing and protecting individual rights, including a wide variety of voices, and weighing policy on the basis of shared reasons that philosophy can flourish. For this arrangement is fragile and ultimately doomed – the nature of the republic defeats reason. A tyrant will rise, the rich will take control from all, the poor will abolish high culture, or a military junta will take over.

VI.

So what lesson is there to take from this trajectory from the citizen skeptic to the tragic republican? I think one lesson is that we can see a current phenomenon of political culture we regularly find objectionable in a new light.

Consider all the complaint we have of gridlock in legislatures. Bills can't be passed, major legislation is held up, budgets take forever to be endorsed. Governance happens very slowly.

This regrettable phenomenon is explained by two things: the rules of legislatures and the polarization of the legislators (and, presumably, the voting populace). Gridlock is regrettable, but given the fact of the wide and sometimes unbridgeable differences of opinion on major matters, slow-moving government is preferable, is it not? Muting the polarized sides with rules of procedure, vetoes, opposing forces within the various offices. The design is for the

government not to be a fast-moving thing. Why? Because without the institutional rules, the counter-balances of offices, one of the factions may pass their agenda unopposed and undo what had come before. And with another swing of voter sentiment, another press of governmental RESTART.

Legislative gridlock is good news in a polarized society. It means that the rules of government have made it so that the cultural extremes do not take control for short bursts of production for their own program and destruction for the opposition's. And so minimal mutilation. We retain what makes it so that we can at least see each other's views as worth debating, but don't do anything rash.

The bad news, of course, is that little gets done – often, not even the moderate compromises. But we must remind ourselves not only what goods gridlock stands in the way of, but what bads it prevents. And so the citizen skeptic, the Ciceronian tragic republican, not only endorses the state of current gridlock, but holds that it may be the best we should hope for.

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