

Interpretation

A JOURNAL OF POLITICAL PHILOSOPHY

Spring 2017

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Walter Nicgorski, *Cicero's Skepticism and His Recovery of Political Philosophy*. Recovering Political Philosophy Series. New York: Palgrave Macmillan, 2016, 283 pp., \$159.00 (hardcover).

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This book is more than an addition to the growing list of scholarship over the last twenty-five to thirty years that has taken Cicero seriously as a philosopher. For one thing, the author, Walter Nicgorski, helped to pave the way for this resurgence with an essay in 1978 that broke free from the historicist mold of looking to Cicero mainly for information about Hellenistic schools of philosophy. His decades of work have come to fruition in a book that demands to be read not only by scholars of Cicero but also by those interested in natural law or the relative merits of the theoretical and practical ways of life.

Nicgorski's ambitious goal is to understand Cicero's life and thought as a whole. He maintains that Cicero's "thought about all significant matters is affected in important ways by his orientation toward action and ultimately political action of the highest sort" (5). This "practical perspective" is "an advantaged and true perspective and therefore the basis for life-directing wisdom insofar as that can be attained" (6–7). Here is Nicgorski's interpretation of the "Socratic turn," initially proclaimed by Cicero, in which Socrates "first called philosophy down from heaven" and made it address ethics and politics (*Tusculan Disputations* 5.10). From the "practical perspective," according to Nicgorski's Cicero, "the distinction between good and evil" becomes "the foundation of philosophy" (6). Nicgorski cites *On Divination* 2.2 for that claim, but in that passage Cicero avoids endorsing it by saying passively that

“the foundation of philosophy has been placed [*positum esset*] in the ends of good and bad things” without noting who placed it there.

Nicgorski cogently argues that Cicero’s skepticism is rooted in his recognition of the uncertainty of sense perception, and that his skepticism does not preclude judgments of probability that provide a basis for action, including the judgment that the highest good is virtue (16, citing *On Divination* 2.2). Although Cicero devotes a book, *Academica*, to the possibility of knowledge, Nicgorski explains, somewhat convincingly, that Cicero is concerned with complicated epistemological discussions insofar as they have practical relevance. And yet—why, as Nicgorski recognizes, did Cicero devote “unsurpassable care” to revising *Academica* for a second edition (53n80, citing *Letters to Atticus* 326)?

Cicero’s philosophizing has two “modes,” each of which is Socratic: a “critical doubting and questing spirit” and a spirit for “guiding and consoling” humans in life (60, 64). At first Nicgorski claims that the former mode is “primary, both logically and chronologically,” because the truth must be discovered before it can be applied (65). But because questing for truth always proceeds from a particular situation, the rhetorical mode may need “to precede the critical in some ways and to play an important role in stirring such inquiry” (70). It appears, then, that philosophy begins and ends in rhetoric. But does Nicgorski’s Cicero run the risk of having philosophy drown in rhetoric? In one dialogue, Cicero has Scipio Aemilianus ascribe “perfect wisdom” to Cato the Elder (*Cato the Elder on Old Age* 4). As Nicgorski admits, “Cato was no philosopher” and was even “wary” of Greek philosophers; nevertheless, he concludes that “the complete wisdom of Cicero’s Cato is the measure of complete philosophy for Cicero” (75). Nicgorski implies that philosophy contributes nothing essential to “complete wisdom.” He champions the Socratic way of life (truths applied in life) more than the Socratic method of question and answer, but apparently neither is required to take “the measure of complete philosophy.” How could Cicero agree? Nicgorski overlooks the possibility that Cicero, through his character Scipio, is telling a noble lie for the benefit of his readers. In other words, the relation of the rhetorical mode to the critical mode may be more complicated than Nicgorski admits.

Next Nicgorski turns to the subject of duties and virtue. He maintains that Cicero sees Stoicism as the school “most faithful to Socrates regarding the supreme good,” virtue (97). Indeed Cicero advocates Stoic morals—notably natural law—in a number of his works. Why does he do so? Nicgorski cites Ernest Fortin’s thesis that Cicero appeals to natural law for its political

utility and not for its likely truth, and he tries to refute that thesis by tracing it to another scholar's claim that Stoics did not employ natural law (135n37). But Fortin's thesis is independent of that claim. If Niegorski's argument stopped there, it would be lacking, because Cicero's accounts of natural law evince traces of his skepticism and concern for political utility (e.g., *On the Laws* 1.18–19, 37). Instead he tries to reconcile Cicero's skepticism with his accounts of natural law by raising the question of how rigid a doctrine of natural law needs to be (107–8 and relevant endnotes). It is a fascinating attempt, and everyone interested in natural law should weigh its merits. It seems to me that he has not fully explained how commands and prohibitions can be issued if not in rigid formulations, and such commands and prohibitions are part of the most famous account of natural law, given by the character Laelius in book 3 of *On the Republic*. Niegorski comes closest to an explanation with the following statement: "Duties, articulated by the prudent person [especially the statesman] working from the ordinary horizon, are the specific and concrete expressions of the natural law" (108). Thus natural law would not depend on a divine lawgiver. The thesis of Cicero's *On Duties* is that what is honorable or right and what is useful never conflict. Again Niegorski interprets Cicero as being straightforwardly committed to the thesis—despite evidence to the contrary (*On Duties* 2.58, *Letters to Friends* 4.2.2).¹

Niegorski offers a valuable treatment of Cicero's political philosophy in *On the Republic* and *On the Laws*. How to understand the relation of those works to the similarly titled works of Plato is a long-standing question. Niegorski sees Cicero as mostly supportive of Plato's approach to political things; Cicero's main disagreement concerns Plato's lack of attention to statesmanship in his *Republic* and *Laws*. To some scholars, the importance that Cicero assigns to consent in politics brings him closer to modern thinking than to Plato. The Latin for "consent," *consensus*, is probably better translated as "assent" or "agreement" in most cases because "consent" is too suggestive of the modern social contract. Apparently Niegorski disagrees with that point of translation, but he admirably clarifies the substantive points through careful analyses of (1) Cicero's use of *consensus*, (2) his account of the naturalness of human society, and (3) his view that injustice is more responsible than a lack of consent for the defectiveness of bad regimes.

¹ I have presented this evidence in "How Machiavellian Is Cicero?," in *The Arts of Rule: Essays in Honor of Harvey C. Mansfield*, ed. Sharon R. Krause and Mary Ann McGrail (Lanham, MD: Lexington Books, 2009), 161. See also Douglas Kries, "On the Intention of Cicero's *De Officiis*," *Review of Politics* 65 (Autumn 2003): 375–93. Niegorski cites both pieces but does not directly respond to the claims.

Nicgorski's final chapter, the most provocative, concerns statesmanship, about which he has already claimed that "consistently throughout Cicero's writings, it is presented as the greatest necessity and the highest human calling" (114). That conclusion follows "from the Socratic practical perspective" of one who "seeks to read the message of nature in the light of commonly evident utilities" (206). Of course, Socrates avoided political leadership. Thus Nicgorski's Cicero blames Socrates for neglecting political responsibility and the art of rhetoric, and Cicero's model statesman must be "a matter of aspiration" rather than an actual person (himself included) (207). As Nicgorski explains the qualities needed in a statesman, he falls into the trap of treating Scipio Aemilianus (in *On the Republic*) and Lucius Licinius Crassus (in *On the Orator*) as Cicero's spokesmen instead of participants in dialogues from which Cicero expects us to learn by questioning every speaker's claims. Nevertheless, Nicgorski gives a sharp analysis of the prudence that statesmanship requires, including the ways in which prudence both leads and depends on the political community. Cicero's ambiguous treatment of glory as the statesman's chief reward becomes clear at the end of this chapter.

As some of my previous remarks have suggested, I find Nicgorski unconvincing on two large issues: the status of contemplation and the relation of philosophy to the political community. On the former point, Nicgorski appears not to be fully consistent. For the most part, Nicgorski's Cicero is so occupied by the "practical perspective" that he treats all intellectual virtue—presumably including contemplation—as a "manifestation of moral virtue" (75–76; cf. 78–79, 232, 242n84, 246). But at one point his Cicero recognizes contemplation as "the most divine of activities," albeit an activity in which our duties do not usually allow us to indulge (116); and at the end of the book, Nicgorski suggests that philosophy "can flower out to a fuller and more detailed moral and political wisdom and even beyond, to a greater understanding of all things" (246). Here he describes philosophy as "a way of life having the object of understanding the nature of things," and the "Socratic turn" to ethics as being meant "to give philosophy a different *primary* object and *initial focus*" (247; italics mine). Can those claims be squared with one another?

On the whole, Nicgorski's Cicero recognizes no essential tension between philosophy and politics (for one exception, see 242n83). He does maintain that the Epicurean rejection of public life is harmful to the city and should not be discussed (23, 121–23). But Nicgorski's Cicero is so much at home with his fellow Romans, so incapable of writing anything other than what he finds to be probably true, that Nicgorski must deny Cicero's explicit claim to be

faithful to Socrates by concealing his opinion in philosophic matters (76–77, citing *Tusculan Disputations* 5.11). Yet in the same work, Cicero insists that philosophy inherently “flees the multitude” because most people are suspicious of it (*Tusculan Disputations* 2.4).

Those reservations aside, Nicgorski makes a convincing case that Cicero does not rank the theoretical way of life over the practical way of life. Neither Cicero’s life nor his philosophical works allow us to associate him with Plato and Aristotle in that respect. For Nicgorski to establish that conclusion in such rich detail—covering the entirety of Cicero’s philosophy, not falling victim to historicism or relativism, not devoting unnecessary effort to tracing Cicero’s sources, displaying an encyclopedic command of secondary material—is a great achievement.