POLITICAL THEORY

A Written Republic: Cicero's Philosophical Politics.
By Yelena Baraz. Princeton: Princeton University Press, 2012. 272p. $45.00.
doi:10.1017/S1537592713000273

— Christopher Brooke, *University of Bristol*

The subject matter of this fine book is narrower than its title might incline the catalogue-browsing political theorist to suspect. This is not a study of Cicero's political philosophy as we might find it presented in dialogues such as his *De re publica* or *De legibus.* And when the discussion turns in the book's last chapter to consider Cicero's final theoretical treatise on political life, *De officiis,* the main question on which Yelena Baraz concentrates her attention is the significance of the dedicatee—his son Marcus—for understanding the intention of the work as a whole. What *A Written Republic* offers by contrast is a focused study of Cicero's front matter, above all of the prefaces—"the general remarks that begin the work but stand outside of it" (p. 7)—which he appended to a sequence of philosophical works composed in the middle 40s B.C.E., from his withdrawal from frontline politics during Julius Caesar's ascendancy until his murder at the hands of Mark Antony's soldiers in 43.

One might think that such a study would be of quite limited interest. In his correspondence, Cicero described his practice of having a notebook of draft prefaces, one of which could be cut and pasted into position when a new work was ready (p. 6). But Baraz argues that they are much more interesting than this, shedding light on the ways in which Cicero negotiated the relationships between the *vita activa* and the *vita comtemplativa,* relatedly between leisure (*otium*) and business (*negotium*), or between the rival claims of Rome and those of Greece. In developing her account, furthermore, she provides a showcase for the techniques of close reading of texts in contemporary classical scholarship that scholars of politics will find both accessible and instructive. (Source material is presented both in the original languages—mostly Latin—and in clean and accurate English translation. Readers with some Latin will benefit, but those without ought not to find this book unapproachable.)

Chapter 1 begins with Cicero's engagement in the *Tusculan Disputations* with a remark from Ennius—"the mouthpiece of Roman tradition" (p. 21)—about how "it is necessary . . . to engage in philosophy, but [only] in a limited way." In order to gauge more precisely just how Cicero is trying to win a hearing for his case for philosophy, Baraz juxtaposes his argument against prefaces from two other writers: the republican historian Sallust, who "is very explicit about things that Cicero prefers to mask" (p. 23), and the anonymous author of the *Rhetorica ad Herennium,* which shares a number of Cicero's rhetorical techniques, but which offers a sharply differing understanding of the relationship between writing philosophy and *otium*—indeed, different understandings of *otium* itself (p. 37).

In her second chapter, Baraz turns to the relevant portions of Cicero's correspondence in order to consider his "own reasons for writing the philosophical treatises" (p. 44), exploring philosophy as a deliberative resource, its relationship to political activity itself, and its location with respect to the binary of *otium* and *negotium.* Finally, she considers writing philosophy as consolation, and here she takes aim at the widespread view that Cicero's turn back to philosophy toward the end of his life was motivated by his grief at the death of his daughter Tullia in 45 (p. 87). The evidence of the letters, Baraz contends, indicates not only that Cicero's references to grief predate this traumatic event but also that they can be plausibly read as having a political cause, "the overturning of the traditional republican government" (p. 88).

The third chapter considers matters of translation. Cicero was clearly translating philosophy from Greek into Latin, a project which Baraz considers "inherently contradictory" (p. 97), insofar as the work of domesticating Greek ideas and making them acceptable to a Roman audience also involves a certain "foreignizing," too, "stretching the language" through the creation of new words and the redeployment of old words in new ways (p. 98). His challenge was also that of making the case for the utility of a distinctively Greek philosophy while nevertheless portraying "Roman achievement as superior to the Greek in virtually every area of human activity" (p. 106). Translating philosophy is presented as a distinctly patriotic activity, but, as Baraz correctly notes, "it is significant that Cicero is vague about the exact manner in which his treatises will help the republic" (p. 127).

A short fourth chapter examines "oratory as a transitional space" between politics and philosophy, with attention to the *Paradoxa Stoicorum, De natura deorum,* and the *Tusculan Disputations.* The fifth offers a close reading of the preface of the *Topica,* with particular attention to the question of its dedicatee. Baraz's suggestion here is that the reader is being invited to identify with the dedicatee, such that he or she gets drawn into the web of mutual undertakings that constitute the Roman practices of *amicitia* (which is often, perhaps quite misleadingly, translated as "friendship"), and is thereby "at the end of the preface obligated to be favorable to the work" (p. 152).

That concern with the question of the dedicatee continues into the final chapter, which considers politics and the possibilities for philosophy in the wake of Caesar's assassination in 44. This is a chapter that can profitably be

read alongside A. A. Long's contribution ("Cicero's Politics in *De officiis,*" in André Laks and Malcolm Schofield, eds. *Justice and Generosity,* 1995), but whereas Long presents *De officiis* as Cicero's "political testament," Baraz urges us to read it as "a new beginning," the dedication to his son Marcus indicating that Cicero's audience has changed, and that instead of continuing to speak to his own contemporaries he was now turning specifically to address a rising generation of *adulescentes,* of young men on the threshold of their public lives (p. 217).

The attention to detail, textual and contextual, throughout *A Written Republic* makes Baraz's argument a persuasive one. Yet the wider puzzle persists. Cicero might have kept returning to the idea that philosophy might be beneficial for his beloved republic, but this remains more than a vague thought. It seems a strikingly implausible one in the face of the scale of the crisis that engulfed Roman politics during his lifetime, the era of what Cicero himself once so memorably described as the "dregs of Romulus" (*Epistolae ad Atticum,* 2.1.8). But perhaps if we are fully to address the question Baraz asks early on in her study, of "what could stabilize this structure that we call *res publica*?" (p. 2), we would need to shift our attention away from Cicero's front matter and have another look at the main texts of his major works on politics.

In Our Name: The Ethics of Democracy. By Eric Beerbohm. Princeton: Princeton University Press, 2012. 368p. $45.00.

When the State Speaks, What Should It Say? How Democracies Can Protect Expression and Promote Equality. By Corey Brettschneider. Princeton: Princeton University Press, 2012. 232p. $35.00.
doi:10.1017/S1537592713000285

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Both Corey Brettschneider and Eric Beerbohm have written books about democratic complicity: the danger that citizens who have won the right to claim that the government acts in their name will find themselves responsible for political outcomes and statements that they abhor. But the two books take very different approaches. They differ in style and ambition: Brettschneider's book is a readable, manageable monograph, accessible to nonspecialists and nicely situated in an existing debate between proponents and opponents of state neutrality toward inegalitarian viewpoints, whereas Beerbohm's aspires to be a comprehensive and meticulous treatment of its topic, proceeding from truly impressive scholarship yet building up its main arguments from scratch. They differ in normative assumptions: Brettschneider is a late-Rawlsian "political liberal" who thinks that a reasonable range of comprehensive conceptions is a permanent condition and that we should tolerate a variety of such conceptions provided they do not endanger our common life as free and equal citizens. Beerbohm's sympathies lie, mostly quietly and implicitly (see pp. 9, 235), in a purer tradition of moral philosophy that suspects that stark disagreement reflects a lack of clear thinking.

Above all, these books differ in sensibility. *When the State Speaks, What Should It Say?* is establishmentarian: It affirms the revised standard version of contemporary Anglo-American political theory; mostly trusts the state and its officials; and worries that those officials are, if anything, too reluctant to express the importance of free and equal citizenship in the face of backward social groups' resistance to these values. *In Our Name,* in contrast, is the work of an individualist and temperamental pessimist. It stresses the evils that modern states can inflict on a great scale—torture, discrimination, a cruel and indifferent economic system, unjust wars—and worries that current structures of political representation give ordinary citizens too few resources to dissociate themselves from such collective, coercive wrongs, let alone prevent them. Even readers who reject the authors' premises will admire these books' force, consistency, and rigor. Sympathetic readers will admire much more.

When the State Speaks is essentially about hate speech and what the state should do about it. Brettschneider puts forth, and defends, a principled middle position: "[T]he state should simultaneously protect hateful viewpoints in its coercive capacity and criticize them in its expressive capacity" (p. 3). Against those who believe the state should ban hate speech—as most, perhaps all, advanced democracies other than the United States do—the author upholds viewpoint neutrality with respect to coercion: Speech should be free, with any limits placed on it to be unrelated to its content. Against those who believe the state should not affirmatively favor any viewpoint, he grounds a more assertive policy on what he calls "value democracy." Because all legitimate government action, including government respect for free speech, rests on principles of free and equal citizenship, government may promote those principles and take a stance against denials of them, through exercises in "democratic persuasion" that fall short of coercion; the state should aggressively promote principles of freedom and equality through its role as "speaker," "spender," and "educator" (p. 46). The goal is to avoid two dystopias: an "invasive state" that flouts private judgment and conscience and a "hateful society" in which bias against women, racial minorities, and gays propagates while state actors do nothing.

By means of this middle path, Brettschneider aims to show that civil liberty and social equality need not—as critics of American free speech doctrine have long claimed—collide. In a series of clear and logical chapters, he argues that citizens have a duty to internalize values of civic freedom and equality, even when this entails transforming their religious beliefs (as many past beliefs have in fact changed to accommodate modern views on equality and liberty). But this duty, which Brettschneider calls