



HAL
open science

Pyrrhonism and the Value of Law

Stéphane Marchand

► **To cite this version:**

Stéphane Marchand. Pyrrhonism and the Value of Law. Polis, 2021, 38 (3), pp.573-587.
10.1163/20512996-12340351 . hal-03349260

HAL Id: hal-03349260

<https://hal.science/hal-03349260>

Submitted on 30 Jan 2023

HAL is a multi-disciplinary open access archive for the deposit and dissemination of scientific research documents, whether they are published or not. The documents may come from teaching and research institutions in France or abroad, or from public or private research centers.

L'archive ouverte pluridisciplinaire **HAL**, est destinée au dépôt et à la diffusion de documents scientifiques de niveau recherche, publiés ou non, émanant des établissements d'enseignement et de recherche français ou étrangers, des laboratoires publics ou privés.

Pyrrhonism and the Value of Law

Stéphane Marchand

Associate Professor in Ancient Philosophy, Université Paris 1
Panthéon Sorbonne, GRAMATA, UMR 7219 SPHERE, Paris,
France *stephane.marchand@univ-paris1.fr*

Abstract

The aim of this paper is to determine how a Pyrrhonian (as she/he is described by Sextus Empiricus) considers the Law and can respond to Aristocles' objection that a Pyrrhonian is unable to obey laws. First (1), we analyze the function of the Law in the 10th Mode of Aenesidemus, in order to show laws as a dogmatic source of value. But

(2) Sextus shows also that the Sceptic can live in a human society by following laws and customs, according to so-called 'sceptical conformism'. In the light of *Pyrrhonian Hypotyposes* (*Pyr.*) 1.23–24 and *Against the Mathematicians* (*Math.*) 11.162–164, I discuss the validity of the label 'conformism' in order to understand the nature of the political effect of the suspension of judgement. (3) The real nature of the political position of Pyrrhonian Scepticism – that lack of commitment does not mean indifference to politics but rather a criticism of fanaticism and praise for political cautiousness – appears by comparison with the Scepticism of the New Academy.

It is a common assumption that politics is missing from Pyrrhonian thought. For how could a philosophy that promotes suspension of judgment and tranquility as goals ever ground any political conception of justice or good government?¹

¹ By 'Pyrrhonian' here, I mean the neo-Pyrrhonism defended by Sextus Empiricus. For an interpretation of Pyrrhonism as 'apolitical stance' and 'indifferent to politics' see P. Lom, *The limits of doubt: the moral and political implications of skepticism* (Albany: State University of New York Press, 2001), pp. 44–5 and p. 81.

However, to defend a political theory and to defend a view which has political implications are two different things; and according to this distinction, every position – even the Pyrrhonian one – has political effects. My aim in this article is to evaluate such effects by focusing on the Pyrrhonian approach to obedience to law.

The theme of obedience presents some complexities from a Pyrrhonian point of view, since, on the one hand, Sextus tells us that we should follow laws and customs (the so-called conformism position) and, on the other hand, claims that the value of law is entirely relative to a city or a society and cannot be grounded in any knowledge of the good or of justice. We can find a criticism of these positions in the work *On philosophy* by Aristocles of Messena, a Peripatic from the first century AD, who expressed some objections to Pyrrhonism:

One should consider also the following things: what sort of citizen, or judge, or counsellor, or friend, or simply human being would such a man make? or on what atrocity would the man not venture who thought that nothing was really honourable or shameful, or just or unjust? for one could not even say that such men are afraid of the laws and their penalties; for how could they, who are free from emotions and troubles, as they say?²

Here Aristocles offers two objections: first, he points out a contradiction between citizenship, morality or humanity and the thesis that ‘nothing is really (ἀληθῶς) honourable or shameful’. According to Aristocles, to believe that ‘X is really just or unjust’ is constitutive of our humanity. Secondly, he replies to a counter-objection, which might allege that the Pyrrhonist could obey the law because of the fear of punishment, by recalling that the Pyrrhonist is supposed to be free from anxiety and even from suffering.³

Even though these objections are based on caricature, they appropriately introduce the framework of the discussion of this paper:

- (1) The discussion emphasises that the Pyrrhonian conception of law relies on the critique of moral realism that grounds most of the ancient conceptions of law. For a Pyrrhonist, law is nothing but a particular perspective

² In Eusebius, *Praep. Evang.* 14.18, 18 sq. (= F4 Chiesara *partim*); translation from M.L. Chiesara (ed.), *Aristocles of Messene. Testimonia and Fragments* (Oxford and New York: Oxford University Press, 2001).

³ By this remark, Aristocles shows that he is addressing his objection to a radical version of Pyrrhonism, which is probably a caricatured version, since, according to Sextus and Aenesidemus, *apatheia* is not the Pyrrhonian ideal.

on justice to which one can always oppose another different perspective of equivalent persuasive weight.

- (2) Nevertheless, contrary to Aristocles' objection, this does not imply that a Pyrrhonist cannot obey law. Sextus' point is precisely that we can obey law for other reasons than the fear of punishment or the belief that law is grounded in nature.
- (3) Finally, this discussion permits an evaluation of the political meaning of the Pyrrhonian conception of action, which is not an individualist position, advocating withdrawal into private happiness, but rather a philosophical position grounded in the distinction between two distinct fields frequently confounded by Dogmatics: theoretical knowledge and political action.

1 Law's Relative Value

Sextus gives a definition of Law in his description of the 10th mode of Aenesidemus: 'A law is a written contract among citizens, transgressors of which are punished' (*Pyr.* 3.146).⁴ Unlike custom, law rules an entire political community, while custom is just the usage of 'a number of people;' like custom, law is a convention which relies on human decision. Those two characteristics provide arguments of equal strength (ἰσοσθένεια) which lead to the suspension of judgment (ἐποχή), since we can always find examples of different laws elsewhere. Diversity of laws is an effective means to show that they do not rely on a knowledge of the good or justice. Conflicting laws give a vivid picture of our disagreements on justice, and, according to Sextus, since there is no means to resolve those disagreements, we must suspend our judgement concerning what is just or unjust by nature.

The sceptical use of laws appears in *Pyr.* 1.145–162 and 3.198–232, where Sextus shows the irregularity (ἀνωμαλία) of 'persuasions and customs and laws and beliefs in myth and dogmatic suppositions' in order to conclude that 'we shall not be able to say what each existing object is like in its nature, but only how it appears relative to a given persuasion or law or custom and so on' (1.163). We can infer from most attitudes grounded in persuasion, custom or law a theoretical judgement as to what is good or bad, just or unjust. The same examples

⁴ English translation from J. Annas and J. Barnes (trans.), *Sextus Empiricus: Outlines of Scepticism* (Cambridge/New York: Cambridge University Press, 1994). Greek text is J. Mau and Hermann Mutschmann (eds.), *Sexti Empirici Opera. I: Pyrroneion hypotyposeon, libros tres continens* (Leipzig: Teubner, 1958).

and arguments can be found in *Pyr.* 3 regarding what we should do or avoid. The variety of law shows irregularity in ‘what ought to be done and not done’ (3.198). For instance, in some cities monogamy is the rule, but in others (such as among the Tracians and the Gaetuli, according to Sextus 3.213), polygamy is permitted. According to Sextus, from such a situation we should infer that there is a conflict of opinions about whether polygamy is just or unjust, and since we cannot rationally decide that one practice is absolutely superior to another, we must suspend our judgement on this point.

Obviously, everyone should ask why a variety of practices should lead to such a suspension. Mere observation of the diversity of practices and cultures does not necessarily mean their equality. The simple fact that legal polygamy exists is in no way a sufficient argument to show that laws against polygamy are unjust and ungrounded. At most, observation of a plurality of practices may lead one to question the soundness of that particular law and urges us to ground that law in rational arguments (citing principles like equality of rights, for instance). But Sextus uses relativism as a path to scepticism, because his problem lies with disagreement itself. The difference of laws or practices gives insight into the problem of belief or judgment ‘as to whether anything is by nature good or bad, or generally to be done’ (*Pyr.* 3. 235). Disagreement is an argument for suspending our judgement as to what is good or bad by nature.

Thus the problem is not that we obey different laws according to our country, but that we obey laws as if they were expressions of natural norms. Hence, what is at stake is not the mere fact of obeying, but the manner of obeying. Does obedience necessarily entail the belief that the law we are obeying is grounded in the knowledge of what is good or just by nature? We will see that is not necessarily the case; but for now we only need to accept that there is a dogmatic way to obey that entails a belief in the truth of our norms or values. According to Sextus, the disagreement between those beliefs cannot be solved because if laws were good by nature, everyone should know it,⁵ and because Sextus can provide numerous arguments to show the indecidability of every kind of theoretical disagreement by way of the so-called modes of Agrippa (*Pyr.* 1.164–177).

As regards the list of practices that entail what we shall call ‘source of normativity’, Sextus mentions ‘persuasions and customs and laws and beliefs in myth and dogmatic suppositions’ (*Pyr.* 1.145: ὁ παρὰ τὰς ἀγωγὰς καὶ τὰ ἔθη καὶ τοὺς νόμους καὶ τὰς μυθικὰς πίστεις καὶ τὰς δογματικὰς ὑπολήψεις). This list is intriguing because it puts at the same level individual way of life, customs, religious beliefs and even philosophical positions. According to Sextus, all these are aspects of life which can entail ethical evaluation and the possibility

⁵ According to the *consensus omnium* argument, cf. *Math.* 11.68–7 and *Pyr.* 1.179.

of living dogmatically; and one can oppose one kind of practice to another. Persuasion, customs, laws and so on are different ways of relating to a representation of the good or the just. But they are not related equally to dogmatism and fanaticism. On the contrary, the list seems to present a progression from the less to the more dogmatic practices. For instance, references to belief in myths and dogmatic suppositions are a very dogmatic way to justify action. If, as Sextus says, Scythians justify the practice of ‘cut[ting] the throats of every- one over sixty’ (*Pyr.* 3.210; see also 3.228) by citing Zeus’s parricide, we have an insight into the kind of justification which is involved. Mythology and religious beliefs more generally, can be a way to naturalise value: the gods tell us what is just by nature. Actually, I doubt that Sextus believes that story; As I see it, Sextus’ mention of this story is rather a means to ridicule philosophy, which is defiantly compared to any belief in myths. Sextus’ overall target seems to be the ‘dogmatic suppositions’ which almost all philosophical theses entail and which are – at least in Ancient Philosophy – kinds of naturalism, that is, ways to ground any position in a natural conception of truth, good or justice. For Sextus, the dogmatist is a kind of fanatic who does not accept that another way of life besides his own is possible, and for him philosophers are at the top of the list of fanatics. Beliefs in myths and dogmatic suppositions are the basis of dogmatic action: the Dogmatist seeks to define what is good and finds it either by reference to traditional beliefs bestowed by the poet as a ‘master of truths’ or by reference to philosophers, who are the new ‘masters of truths’, according to Sextus. The Dogmatist then gives his assent to this conception of the good and acts accordingly, with the conviction that what he is doing is not only a good thing to do but also the only right thing to do.

2 Scepticism and Conformism

What about customs, persuasion, and – above all – laws? There are, indeed, various ways to obey: we can obey out of conviction that a particular law is good, but we can also obey because of the fear of punishment or out of respect for the society that creates the laws without considering that these rules are good or just by nature. In this section, I will consider how the latter possibility defines the Pyrrhonian position regarding law and whether we can label it as ‘conformism’.⁶

⁶ Cf. T. Penelhum, ‘Skepticism and Fideism’, in M. Burnyeat (ed.), *The Skeptical Tradition* (Berkeley: University of California Press, 1983), pp. 287–318; H. Thorsrud, ‘Is the Examined Life Worth Living? A Pyrrhonian Alternative’, *Apeiron* 36 (2003), pp. 240–8.

The core of the Pyrrhonian position regarding the law is expressed in *Pyr.* 1.23–24.⁷ In that passage Sextus is responding to the *apraxia* objection by showing that there is no incompatibility between Pyrrhonism and action, because action does not necessarily entail knowledge and assent.⁸ According to Sextus, we can live ‘in accordance with everyday observances, without holding opinions’ (*Pyr.* 1.23), and this is what we are doing when we are not practising philosophy or more generally seeking to ground our actions theoretically. Sextus specifies that ‘these everyday observances seem to be fourfold, and to consist in guidance by nature, necessitation by feelings, handing down of laws and customs, and teaching of kinds of expertise’. By ‘guidance by nature’ he means following the natural conditions of human life: we think, we feel; the sentient properties of human life are not challenged by the Pyrrhonist. By ‘necessitation by feelings’ he means acting in order to satisfy at least my bodily needs, and probably more, while Sextus’s reference to ‘handing down of laws and customs’ (τὸ δὲ ἐν παραδόσει νόμων τε καὶ ἑθῶν) serves as an explanation that we can act in a complex social environment by following rules.

Hence, there is a Pyrrhonian way to obey the law. For instance, following the example of *Pyr.* 1.24 on piety, we can act according to the law prescribing piety without having the opinion that gods exist or that the ritual we are following is what the gods require. In that case, the motivation of our action will be the fact that tradition has transmitted the law or custom, and that we should follow the usage without dogmatism. With regard to piety, this means that we will follow a ritual because it is a public and common practice, and perhaps because the health of the community depends on respect for common usage. That justification in terms of usage is close to Cotta’s position described in Cicero’s *De Natura Deorum* and John Scheid’s description of the Roman religion as ‘orthopraxy’.⁹ In that context, to be pious is not to share a belief in a common *credo*, but to follow a series of gestures transmitted by the *mos majorum*.¹⁰

This position is a possible answer to Aristocles’ objection and his accusation of incivility, immorality and inhumanity. The sceptic can live in a community

⁷ See also *Pyr.* 3.235–36.

⁸ On the different forms of this objection, cf. K.M. Vogt, ‘Scepticism and Action’, in R. Bett (ed.), *The Cambridge Companion to Ancient Scepticism* (New York: Cambridge University Press, 2010), pp. 165–80; D.E. Machuca, ‘Scepticisme, *apraxia* et rationalité’, in D. Machuca and S. Marchand (eds.), *Les raisons du doute* (Paris: Classiques Garnier, 2019), pp. 53–8.

⁹ Cf. Cicero, *Nat. D.* 3.17.43. For a survey on Scheid’s position on Roman religion, see for instance J. Scheid, *La religion romaine en perspective: leçon de clôture prononcée le 3 Mars 2016* (Paris: Collège de France, 2018).

¹⁰ Cf. C. Grellard, ‘Le rite et la raison : scepticisme, droit et religion selon le Cotta de Cicéron’, in D. Machuca and S. Marchand (eds.), *Les raisons du doute* (Paris: Classiques Garnier, 2019), pp. 213–37.

and obey common rules without being the lone wolf described by Aristocles. On the contrary, the complaint we can address to him is that he is too dependent on others and seems incapable of thinking for himself and of innovating by inventing new practices. That point leads us to the question of sceptical conformism.

To address that question, we need to define the key term. By 'conformism' I mean a political position which considers that in every case we should favour tradition instead of innovation. We could evade the issue by granting that, after all, Pyrrhonism is not a political position and that such conformism is only implied by a text which is a response to the *apraxia* objection. But if we want to evaluate the political effect of Scepticism, we ought to consider the meaning of every kind of position regarding political action, even the position which may promote abstention, refusal or desertion of the political field. According to previous definitions of conformism, we must acknowledge that Pyrrhonism is a kind of conformism: for Sextus, tradition, the handing down of laws and customs, and more generally the value of experience and daily life, set out patterns of action that a Pyrrhonist can follow without giving his or her assent. To think of action as obedience permits avoidance of commitment. We can obey a law, not because we think it is a good law, but for the simple reason that it is the law.

But how can we justify such conformism? In contrast to fanaticism, conformism is a way to prevent fanaticism, since it disassociates obedience to a rule from the conviction that the rule is grounded in absolute truth. The choice of tradition does not rest on the principle that older institutions are on principle wiser but on the fact that they have been selected by time and experience, or on the fact that to change of institutions could be more dangerous than to accommodate to older ones.

At this point the real issue emerges: does the principle of conformism mean that we abandon all kinds of individual decisions in favour of collective and traditional choices? This is Martha Nussbaum's objection: sceptical conformism is a comfortable solution for people who can basically rely on acceptable laws. But what will the Pyrrhonist do to counter tyrannical or unjust laws? Can he not rebel?¹¹ This criticism can be tracked back to Antiquity. Two texts help us to understand how Pyrrhonism can face it.

¹¹ According to Nussbaum, the Pyrrhonist is in the same situation as Rorty's ironist, which is conceivable only in democracy, where indifference to politics is possible. See M.C. Nussbaum, 'Equilibrium: Scepticism and Immersion in Political Deliberation', in J. Sihvola (ed.), *Ancient Scepticism and the Sceptical Tradition* (Helsinki: Philosophical Society of Finland, 2000), pp. 171–97, at p. 194: 'in times of trouble – of repression, of war, of genocide – any human being who is not totally dehumanized will care, and care deeply,

First, Diogenes Laertius in book 9 mentions such an objection:

And when the dogmatists argue that he may thus live in such a frame of mind that he would not shrink from butchering his own father if ordered to do so, the Sceptic replies that (it could be possible) according to dogmatic (principles), but not according to daily life and everyday observances. Accordingly we may choose a thing or shrink from a thing by habit and may observe customs and laws.

Diog. Laert. 9.10812

This objection is very different from that of Aristocles: according to Diogenes, the Pyrrhonist cannot resist a tyrant's order: he has to obey. Why that is so remains unclear. The first possibility is that Diogenes is claiming that a Pyrrhonist cannot disobey because he always follows the law. This is Nussbaum's objection. If the Pyrrhonist has no conviction, he has no moral strength to resist the tyrant. He has no value to defend, no moral compass which can give him reason to resist. Even if it is a crucial objection, this is not – in my view – the real meaning of Diogenes' objection, because it does not account for the Pyrrhonist response on the grounds of observance of law and customs. The second possibility is that Diogenes means that the Pyrrhonist is compelled to obey because he follows his affections and has no political or moral reason to resist. This objection emphasises that necessity of feeling, which can explain the animal's pattern of action, is not sufficient to explain that of men, and more precisely the fact that we can act according to moral principles, rules and laws. In this case, the Pyrrhonist's answer makes sense, and DL's objection is the same as that of Aristocles.¹³

The second text that explains the Pyrrhonist attitude regarding action and politics is *Math.* 11.162–166:

about what is right and what wrong, and will be deeply committed to one alternative rather than another. When society seems to be on even keel, by contrast, the attitudes of insulation and play that go with scepticism can seem like an appealing human option, and we don't think there is anything inhuman about preferring them. Sceptical play and irony go well with liberal democracy not in the way that Rorty suggests, supporting its goals, but in the other sense that would never permit ourselves the freedom to play around if things weren't going on pretty well around us'.

¹² I have adapted R.D. Hick's Loeb translation to Dorandi's recent greek edition (T. Dorandi (ed.), *Diogenes Laertius. Lives of Eminent Philosophers* (Cambridge: Cambridge University Press, 2013)).

¹³ See already R. Bett, 'Pyrrhonism in Diogenes Laertius', in K.M. Vogt (ed.), *Pyrrhonian Scepticism in Diogenes Laertius* (Tübingen: Mohr Siebeck, 2015), pp. 172–181, at p. 103.

Hence one also needs to look down on those who think that he is reduced to inactivity or to inconsistency; (163) to inactivity, because, since the whole of life is bound up with choices and avoidances, the person who neither chooses nor avoids anything in effect renounces life and stays fixed like some vegetable, (164) and to inconsistency, because if he comes under the power of a tyrant and is compelled to do some unspeakable deed, either he will not endure what has been commanded, but will choose a voluntary death, or to avoid torture he will do what has been ordered, and thus no longer ‘Will be empty of avoidance and choice’, to quote Timon, but will choose one thing and shrink from the other, which is characteristic of those who have apprehended with confidence that there is something to be avoided and to be chosen. (165) In saying this, of course, they do not understand that the sceptic does not live in accordance with philosophical reasoning (for as far as this is concerned he is inactive), but that in accordance with non-philosophical practice he is able to choose some things and avoid others. (166) And if compelled by a tyrant to perform some forbidden act, he will choose one thing, perhaps (τυχόν), and avoid the other by the preconception which accords with his ancestral laws and customs.¹⁴

The two texts share the same example, but the argument is slightly different. Sextus’s version focuses on the objection that whether she obeys or not, the Pyrrhonist gives her assent and contradict herself.¹⁵ The combination of these two passages, however, provides a clue to understand the Pyrrhonist’s position on political action.¹⁶ Both texts emphasise that the *apraxia* objection is based on a dogmatic conception of action inasmuch as it is linked to assent; the Pyrrhonist’s answer is that an action is possible without assent, since suspension impugns only one kind of action, namely action which is motivated by dogmatic principle, or, as Sextus says, living ‘in accordance with philosophical reasoning’. But since the Pyrrhonist is acting according to daily life, he can

¹⁴ Translation from R. Bett, *Sextus Empiricus. Against the Ethicists (Adversus Mathematicos XI)* (Oxford: Clarendon Press, 1997).

¹⁵ See Bett’s commentary pp. 172–181; see also E. Spinelli, *Sextus Empiricus. Contro gli etici* (Napoli: Bibliopolis, 1995), pp. 326–336.

¹⁶ On the political implication of that text see already J.C. Laursen, ‘Yes, Sceptics Can Live Their Skepticism and Cope with Tyranny as Well as Anyone’, in J.M. Neto and R. Popkin (eds.), *Skepticism in Renaissance and Post-Renaissance Thought* (New York: Humanity Books, 2004), pp. 207–25; E. Spinelli, ‘Neither Philosophy or Politics? The Pyrrhonian Approach to Everyday Life’, in J.C. Laursen and G. Paganini (eds.), *Skepticism and Politics in Early Modern Europe* (Toronto: University of Toronto Press, 2015), pp. 17–35.

follow laws and customs and more precisely ‘the preconception which accords with his ancestral laws and customs’.

What is the implication for the case of the tyrant? Sextus means that the Pyrrhonist is not necessarily compelled to obey. In fact she has the choice – as every one has – between surrendering because she is forced to obey and refusing to obey because the tyrant’s order violates one of her customs or laws. The tyrant’s case adds a subtlety, because the tyrant is at once a source of normativity (he is the father of the laws) and a person who orders a parricide, that is, something contrary to the ancestral laws (πατρίους νόμους). This example shows that the Pyrrhonist has to face the problem of choice and deliberation, even if she withholds her assent. Hence, independently of whether she loves her father or not, the Pyrrhonist is in the situation of having to choose among her will to live, her belonging to a society that condemns parricide (if this is the case), and her knowledge that customs and laws are relative and parricide can occur in some civilisations or stories, as in the myth of Zeus.

According to Diogenes, the Pyrrhonist can avoid committing parricide by following laws instead of her natural attachment to life. But this answer does not respond to Nussbaum’s objection that the Pyrrhonist cannot rebel by inventing a new law. According to Sextus, the Pyrrhonist can either obey or disobey because of the lack of a universal rule overriding the complexity of a situation. (One can, for example, decide to obey the tyrant’s order in order to survive and take care of one’s children, or decide to rebel because the life of a parricide is not worth living – all these options are possible and defensible.) The refusal to resolve this case in universal terms helps respond to the objection of political indifference raised by Nussbaum. This objection implies that the Pyrrhonist does not confront the difficulty of choosing or deliberating, as if she were looking at the issue of action from outside. But Sextus emphasizes that the Pyrrhonist has to decide and choose; she does so, however, without pretending to ground her decision in natural value.

In sum, the Pyrrhonist position emphasises the fact that in daily life we are not subject to a unique system of law but to different kinds of laws and customs. Scepticism does not avoid the experience of a conflict of norms. We are always part of different communities with different rules and norms, which frequently contradict each other. Sextus does not pretend to propose a way to produce a hierarchy comprising all systems of rules, laws and customs. As with the example of the tyrant’s order, Sextus is not pretending to resolve a conflict between two different laws, such as the tyrant’s law and the traditional law against parricide. Hence, Sextus’ response does not amount to a renunciation of decision; his point is rather to emphasise that the choice cannot be reduced

to a theoretical one, and even that theory does not really help in making a decision. In an existentialist manner, Sextus would say that every choice relies on a particular situation. To make a decision we should rather rely on an empirical analysis of the situation, our education and our intuitions – that is, a wide range of factors exterior to theories on good and evil. Scepticism, therefore, does not cancel political action; it does not even simplify decision-making. On the contrary, it insists on the difficulty of deciding, because it emphasises that theory or ready-made values cannot help one to choose. This position does not even imply that a Pyrrhonist cannot invent new solutions, because new problems can oblige us to invent; the point here is to be aware of the importance of the social environment in making our decision. The Pyrrhonist has to choose between the various sets of rules she is submitted to. The result is not that decision-making is simplified, but rather that, *whatever the choice she makes*, the Pyrrhonist is not making a decision on behalf on a principle that would definitively justify it on the grounds of nature or reason. The Pyrrhonian norm of action depends on situation, time and persons; it is probable that *τυχόν* here means something like an *ad hoc* decision rather than ‘by chance’. The sceptic does not act randomly, but according to circumstances.¹⁷

Now, should we brand this position conformism? We certainly can, but we should stipulate that this conformism does not imply indifference to action, or renunciation of decision-making.¹⁸ On the contrary, this kind of position insists on the impossibility of hiding behind a universal rule or even a ready-made principle to make a decision. Even obeying laws and customs implies a kind of commitment, not to principles, but to the very fact of making decisions according to the situation.¹⁹

17 The sense of *τυχόν* is a matter of discussion; it has been interpreted as an argument in favour of the conformist view, in favour of the intuitionist view and in favour of the irrationalist view as well; for a defense of another interpretation, see S. Marchand, ‘Sextus Empiricus : les effets politiques de la suspension du jugement’, *Elenchos* 35 (2015), pp. 311–42.

18 For a demonstration that modern skepticism does not necessarily entail conservatism or conformism, see J.C. Laursen, *The politics of skepticism in the ancients, Montaigne, Hume, and Kant* (Leiden: Brill, 1992).

19 For an accurate description of the Pyrrhonist’s ethical choice see E. Spinelli, ‘Sextus Empiricus, l’expérience Sceptique et l’horizon de l’éthique’, *Cahiers Philosophiques* 115 (2008), pp. 29–45, at pp. 44–5.

3 Does Doubt Weaken Action?

Still, an issue remains: Pyrrhonian action is supposed to be action without assent, in a generalised context of doubt. But how can we act without commitment, conviction and determination? This is another aspect of Nussbaum's objection: if all the choices and positions are arguable, nothing will prevent the Pyrrhonist from accepting the unacceptable. For that reason, she makes a comparison to the German intellectuals who did not defend the Weimar Republic and opened the door to Nazism. There is a point at which political action needs strong commitments and not only good habits.²⁰

We can meet this objection with a fragment from Pascal's *Thoughts*, in which, discussing Montaigne, Pascal emphasises that the belief that the law is founded on reason is a central reason for obedience:

Montaigne is wrong. Custom should be followed only because it is custom, and not because it is reasonable or just. But people follow it for this sole reason, that they think it just. Otherwise they would follow it no longer, although it were the custom; for they will only submit to reason or justice. Custom without this would pass for tyranny; but the sovereignty of reason and justice is no more tyrannical than that of desire. They are principles natural to man. It would therefore be right to obey laws and customs, because they are laws; but we should know that there is neither truth nor justice to introduce into them, that we know nothing of these, and so must follow what is accepted. By this means we would never depart from them. But people cannot accept this doctrine; and, as they believe that truth can be found, and that it exists in law and custom, they believe them, and take their antiquity as a proof of their truth, and not simply of their authority apart from truth. Thus they obey laws,

²⁰ Nussbaum writes that 'Just as the Weimar intellectuals gave up on their commitments and stopped fighting, allowing the authoritarian forces to prevail, so the sceptic will go with the play of forces upon him, because that is all he has left to guide him. Since those forces include moral habits and a history of political action, he may in fact stand up to the tyrant. But Rawls's suggestion is correct: a person who sees himself and his political life as simply a space in which forces play themselves out cannot be relied on for the same committed behaviour we can demand from a person who sees justice as possible and worthy of profound commitment and sacrifice. A person who views every claim as having its equally powerful counterclaim and his inclination to one side as mere antiquated habit is not likely to stick up for those habits in the way that someone will who believes that they are justifiable by a rational procedure' (Nussbaum, 'Equilibrium', pp. 192–3).

but they are liable to revolt when these are proved to be valueless; and this can be shown of all, looked at from a certain aspect.²¹

On the one hand, according to Pascal, Montaigne is right. We should obey the law not because of its justice but because it is the law, since we can always find reasons to criticise the law ‘from a certain aspect’. But on the other hand, Montaigne is not totally right, if he thinks that this statement would facilitate obedience, since to show people the reasons for obeying is to reveal the weakness of the law. How can people still obey without believing that the law is just? Without justice, who is still ready to commit himself freely? Like Montaigne, Sextus has to face this objection: is something like an undogmatic obedience to law or customs possible? And this objection has implications for politics (can we require such obedience of people or citizens?) and for the philosophy of action (can we act efficiently without commitment?). I will devote the last part of this paper to this last objection: is Pyrrhonian action without assent weakened by the lack of commitment? Does Pyrrhonist action lose in efficacy by being too prudent?

It is a fact that the lack of commitment should have an effect on efficiency. It is precisely one of the characteristics of the Pyrrhonian approach to action to denounce rashness and fanaticism. Thus, we cannot totally castigate Pyrrhonism for encouraging cautiousness, since that is one of its main characteristics. Pyrrhonian scepticism encourages a sort of deflationist approach to theory. It emphasises the danger of large theoretical solutions to our problems and specifically of philosophical systems and their promises of happiness. Hence, according to Pascal’s objection, Sextus would assume the fact that he does not require the same kind of obedience that people are supposed to have when they believe the law is supported by justice or reason. He does not even require the kind of obedience we commonly connect with conformism, that is, an obedience warranted by the conviction that the law of tradition is a good law.

But it seems that there are two sceptical possible positions with regard to action. The first is to disconnect, on the one hand, deliberative reasoning before action on the basis of degrees of probability and, on the other hand, commitment to the action after deliberation. One might consider – as Descartes did in the 2nd maxim of his *Discours de la méthode* – that the uncertainty of deliberation should not affect determination and commitment in action. We should

²¹ B. Pascal in W.F. Trotter (trans.), *Pensées* (New York: Modern Library, 1941), pp. 109–110; Br. 325/Lafuma 525/Sellier 454.

act as if we were certain of our decision. This is the Carneadian model,²² which we can find in Cicero, who explains in the *Academica* (2.24.109) that we are going on a voyage, marrying etc. on the basis of the *probabile*. It means that we have to be cautious before getting married, but once the decision has been made, we should act as if we knew without doubt what to do. On this basis, Academic scepticism does not mean irresolution, and sceptical obedience to law can be a committed obedience.

But the Pyrrhonian position is different and seems to express the idea that cautiousness must have an impact on action. According to that position, the awareness that law is relative should change something in our relationship with it. If my interpretation is correct, we cannot say that the sceptic acts and obeys the law as if he had no doubt about its legitimacy; on the contrary, he has to obey with a kind of proviso, which is the result of his doubt and relativisation of the law. I assume that this is the difference at stake in *Pyr.* 1.230 between the two scepticisms and two kinds of obedience:

Even if both Academics and Sceptics say that they go along with certain things, the difference even here between the two philosophies is clear.

[230] For ‘go along with’ is used in different senses. It means not resisting but simply following without strong inclination or adherence (as the boy is said to go along with believe his tutor); and it sometimes means assenting to something by choice and, as it were, sympathy (as a disolute man goes along with someone who urges extravagant living). Hence, since Carneades and Clitomachus say that they go along with things and that some things are plausible in the sense of having a strong wish with a strong inclination, whereas we say so in the sense of simply yielding without adherence, in this respect too we differ from them.

Sextus Empiricus Pyr. 1.230²³

This text seems to provide tools for understanding both the relationship between the Pyrrhonist and Law and the relationship between the Pyrrhonist and his own practice. According to Sextus, the Academic Sceptic chooses the ‘probable impression’ as if it were really probable (see also *Pyr.* 1.226), and once he has chosen, he acts like a dogmatic with ‘a strong inclination’ (κατὰ τὸ σφόδρα βούλεσθαι), presumably because this inclination is the condition of

²² On that model, see J. Vuillemin, ‘Une morale est-elle compatible avec le scepticisme?’, *Philosophie* 7 (1985), pp. 21–51; and the discussion in S. Marchand, ‘Jules Vuillemin et le scepticisme utilitaire de Carnéade’, *Philosophia Scientiae* 20 (2016), pp. 43–63.

²³ Annas and Barnes translation modified.

efficiency. And for Sextus this idea is a kind of return to assent and dogmatism.²⁴ In this context, obedience to the law is a form of approbation of the law, or a form of sympathy with the law, through a kind of approval of its content. Admittedly, the example of the ‘dissolute man’ is not very clear – and probably not very fair, because it implies the critique that the academician is presenting his own subjective choice as a rational calculation. The Pyrrhonist, however, is not in the same situation. He can follow the law and choose the law or the custom he is obeying, but he does not have to give his assent or to approve it. Like the boy with his tutor, he is just passively following a path. Hence, he is not conformist, in that he takes no pleasure, and feels no sense of personal accomplishment, in obeying. He is not conformist by positive choice but by cautiousness or resignation. But he doubts the rationality of the law and customs, as he doubts other sources of normativity, because he knows perfectly well that nothing can prevent a law or a custom, even an ancient one, from being bad in some respect.

To conclude on a more personal note: Martha Nussbaum is convinced that intellectual commitment is necessary in order to save humanity. For other philosophers – like Sextus, Montaigne and, in some respects, Pascal – conviction and commitment are part of the problem, because they are linked to fanaticism. Perhaps it is not reasonable to give here a definitive and universal answer to such an issue. There are (dramatic) situations where political action needs intellectual commitment in order to resist or to rebel to injustice and I assume that in those situations Pyrrhonian scepticism or irony are inappropriate; in this case the Cartesian-Academic position represents a convincing equilibrium by calling for management of a juncture between theoretical cautiousness and practical determination. But there are also other (dramatic) situations

where political action needs a great measure of scepticism,²⁵ that is the capacity to be aware of the variety of norms and positions and eventually the possibility to change our mind and our decisions in accord with

situations.26

- 24 Presumably Cicero was not thinking of approbation as dogmatic assent; on this puzzle, see R. Bett, 'Carneades' Distinction Between Assent and Approval', *The Monist* 73 (1990), pp. 3–20.
- 25 See the remarks of J.C. Laursen, 'Skepticism, Unconvincing Anti-skepticism, and Politics', in M.A. Bernier and S. Charles (eds.), *Scepticism et modernité* (Saint-Étienne: Publications de l'Université de Saint-Étienne, 2005), pp. 182–3. who quotes M. Oakshott: 'the pursuit of moral ideals has proved itself an untrustworthy form of morality.'
- 26 I would like to express my gratitude to the editors of this volume: Anthony Bonnemaïson, Dimitri El Murr and René de Nicolay for their remarks and wise suggestions.