

# **Aristotle, Stoicism and Cosmopolitan Political Thought**

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## Introduction

As Jeremy Waldron has noted,<sup>1</sup> the recent debate over cosmopolitanism might be seen as a continuation of the 'liberalism versus communitarianism' debate,<sup>2</sup> where the main target for communitarian thinkers was John Rawls and his notion of the 'unencumbered self.'<sup>3</sup> The terms of the debate have simply moved on to include a 'global' reference, that is all. In consequence the old debate has been transformed into the 'cosmopolitanism versus communitarianism,'<sup>4</sup> or perhaps the 'cosmopolitanism versus patriotism' debate.<sup>5</sup> In what follows I shall examine the political thought of Aristotle and of Cicero (who is often considered to be an authoritative source for our understanding of the Stoic political thought) in the light of this debate, focusing on the issue of personal or political identity (I shall assume these are the same thing).

It is usually suggested by contributors to this debate that at the very heart of cosmopolitan political thought is the assumption that the basic 'units' of consideration are individual human beings or 'person.'<sup>6</sup> Consider, for example, Thomas Pogge's account of cosmopolitanism, which has been quite influential and has been cited favourably by other commentators.<sup>7</sup> According to Pogge, 'three elements are shared by all cosmopolitan positions. First, individualism: the ultimate units of concern are human beings, or *persons* – rather than, say, family lines, tribes, ethnic, cultural, or religious communities, nations or states. Second, universality: the status of ultimate unit of concern attaches to every living human being equally, not merely to some sub-set, such as men, aristocrats, Aryans, whites, Muslims. Third, generality: this special status has global force. Persons are ultimate units of concern for everyone - not only for their compatriots, fellow religionists, or such like.'<sup>8</sup> However, although this literature almost invariably focuses on the notion of a moral agent understood as a 'person,' with the exception of the work of Martha Nussbaum, there is very little discussion of the issue of what actually constitutes such a person, presumably because it is thought that the answer to this question is obvious, as all human beings are persons, and all persons are human beings. Conspicuous by its absence, then, is any detailed account of what, exactly, it is to *be* a moral 'person,' or even a 'human being.' What do we mean when we talk about 'persons' as being the fundamental unit of concern for cosmopolitan thinkers. What, in short, *is* a 'person'? One of the things I do in what follows is consider how Aristotle and Cicero answer this question.

It is possible to view the relationship between Aristotle and the Stoics as a straightforward opposition between two extremes, the communitarianism of Aristotle on the one hand and the cosmopolitanism of the Stoics on the other. It might be suggested that the idea that individual moral agents are abstract 'persons' or 'human beings' is entirely absent from the thinking of Aristotle, which is firmly rooted in the soil of the ancient Greek *polis*, its customs and its traditions, and whose only identity is that which they possess because they are citizens of a particular *polis*. Similarly, it might be suggested that it is in the philosophy of the Stoics, as represented by Cicero, that we find for the first time that abstract notion of a 'person' who is also a 'human being,' and who is in consequence the equal of all other human beings, which lies at the heart of all cosmopolitan thinking. In Stoic

thought then, allegedly, no importance at all is attached to any duties which might be associated with a moral agent's determinate social identity, his (*sic*) identity as a member of a particular society at a particular time. Indeed, on some accounts one has the impression that Cicero and the Stoics do not think that individual moral agents actually have any determinate social identity at all, and that they exist in the world *only* as ghostly, shadowy, bloodless, abstract 'persons.'

If we characterize the relationship between Aristotle and the Stoics in this sharply contrasted way then it is evident that some monumentally important transformation must have occurred between the time of the death of Aristotle and that of the Stoics, or at least that of later, Roman Stoicism, as it is to be found in the writings of Cicero (not himself a Stoic), Epictetus, Seneca and Marcus Aurelius. The difference between the two ways of thinking constitutes an intellectual revolution similar to the 'scientific revolutions' which have been so famously discussed by the philosopher of science, T. S. Kuhn – something akin to a Kuhnian 'paradigm shift' or 'gestalt switch.'<sup>9</sup> There would appear to be no lines of continuity at all between these two different philosophical outlooks, no evidence of an evolution, as opposed to a revolutionary transformation, from the one way of thinking to the other. Hence no possibility of writing any thing like a conventional history of ideas, as opposed to what Michel Foucault has famously described as an 'archaeology' of knowledge.<sup>10</sup>

In what follows I shall argue against this view. I shall discuss the ideas of both Aristotle and of Cicero in turn. In each case I will attempt to show that the suggested chasm which exists between them is not as great as it is often thought to be. In the case of Aristotle, I shall attempt to demonstrate that, just as in the case of moral principles it can be shown that Aristotle does possess some notion of 'abstract justice' or of 'natural justice,' and is therefore in *some* sense a moral 'universalist' and not a 'relativist,'<sup>11</sup> so also in the case of political identity it can be shown that Aristotle does possess an abstract understanding of what it is to be a moral 'person' or 'agent,' or a 'human being.' Similarly, in the case of Cicero, I shall attempt to show that the understanding of moral 'personality' which is usually associated with Stoicism is inaccurate and requires qualification. This is so because in Cicero's view individual moral agents are not *just* abstract 'persons' but also members of a particular society with a determinate social identity and with moral duties which are associated with that identity. In short, so far as the issue of political identity is concerned, Aristotle is less of a communitarian and more of a cosmopolitan thinker than he is often made out to be. And similarly Cicero is more of a communitarian and less of a cosmopolitan thinker than he is usually made out to be.

This does not mean that Aristotle and Cicero could not or should not be thought of as being 'cosmopolitan' thinkers at all. It does, however, suggest that we need to think carefully and explain clearly what we mean when we suggest that they are. In the case of some commentators this would involve revising one's understanding of the nature of 'cosmopolitanism.' For it requires a way of thinking about cosmopolitanism which attaches due importance to things which are not usually associated with cosmopolitanism, namely, that which is customary or conventional, historical or traditional, local and particular. In short it requires us to make a distinction between two different kinds of cosmopolitanism one of which

might be said to be 'strong' or 'extreme' and the other of which might be said to be 'weak' or 'moderate.'<sup>12</sup>

## **Abstract Personality in the Political Thought of Aristotle: Is Aristotle a Communitarian?**

According to Aristotle the system of corrective justice of a *polis* treats those with which it deals as 'equals.' This raises the question of what, for Aristotle, provides the basis for this presumption of equality? There is an interesting debate about this issue between Ernest J. Weinrib and Steven H. Heyman.<sup>13</sup> Weinrib addresses this issue in his discussion of Aristotle's views on corrective justice. Weinrib points out that at the heart of Aristotle's exposition is 'Aristotle's assertion that "the law treats them as equals"?' Aristotle's analysis 'presupposes the equality of the two parties to a transaction.' There is however, Weinrib claims, a 'troubling *lacuna* in Aristotle's explication of corrective justice.' For what Aristotle does not do is consider explicitly the question: 'In what respect are the parties equal?'<sup>14</sup> Weinrib observes that the 'parties' in question 'cannot rightly be treated as equals unless they are equal in some relevant respect.' So what exactly is it, according to Aristotle, that puts them 'on an equal footing?' Weinrib claims that because Aristotle does not address this issue directly and explicitly, he is in consequence unable to 'help us unravel the mystery that his account of corrective justice presents.'<sup>15</sup> In Weinrib's opinion, this omission is 'crucial, even if understandable.' It is crucial because 'corrective justice remains opaque to the extent that the equality that lies at its heart is unexplained.' On the other hand, it is understandable because this issue 'has become the object of serious reflection only in the last few centuries.'<sup>16</sup> It is, indeed, Weinrib maintains, addressed explicitly and self-consciously for the first time only in the eighteenth century, in the legal philosophies first of Kant then of Hegel.

Weinrib tells his readers that one of the main purposes of his discussion of Aristotle's views on corrective justice is to fill this *lacuna* in Aristotle's account by 'connecting corrective justice to the legal philosophies of Kant and Hegel.' In his view, the assumed equality which lies at the heart of Aristotle's theory of corrective justice is in fact 'the abstract equality of free purposive beings under the Kantian and Hegelian concepts of right.'<sup>17</sup> Thus, Aristotle's account of corrective justice 'coalesces with the great modern philosophies of natural right in a single approach to the understanding of private law.'<sup>18</sup> At first sight, when Weinrib suggests that the views of Kant and Hegel might supplement or 'fill the lacuna' in Aristotle's account of corrective justice, it is not clear whether he thinks that this is a matter of adding something completely new to Aristotle's analysis, which was not already there; or, alternatively, that it is a matter of drawing out and stating explicitly what *is* already there in Aristotle, albeit only implicitly. The ambiguity of his position is clearly evident in his claim that 'the Kantian and Hegelian versions of natural right *dovetail* with Aristotle's description of corrective justice.'<sup>19</sup> A careful reading of Weinrib's article, however, supports the latter rather than the former reading of his position. He says, for example, that 'the differences between the Kantian-Hegelian and the Aristotelian accounts of private law are expository, *not* substantive.'<sup>20</sup> And he also

maintains that this 'convergence of corrective justice and natural right bridges the oft asserted chasm, between ancient and modern conceptions of law.'<sup>21</sup> For Aristotle's theory of corrective justice in so far as it is 'concerned with the sheer correlativity of doing and suffering' presupposes 'a conception of the person' which is identical with that of Kant. It might, in consequence, be said to be 'inchoately Kantian.'<sup>22</sup>

Aristotle's ethical thought is widely thought to be based on the assumption of a natural *inequality* which exists between human beings, whereas, on Weinrib's reading, his doctrine of corrective justice assumes, to the contrary, the natural *equality* of human beings as abstract 'moral persons' in the sense in which Kant and Hegel understand that expression. This conclusion is somewhat surprising. Indeed, most commentators would consider any attribution to Aristotle of a belief in the natural equality of all human beings insofar as they are moral agents or 'persons' to be an historical anachronism. They would, therefore, almost certainly argue that something has gone wrong with Weinrib's analysis somewhere. This is the view of Steven Heyman, who disagrees with Weinrib and argues that for Aristotle what makes the two 'parties' affected by corrective justice and the laws associated with it 'equals' is not the fact that they are abstract moral 'persons' but simply the fact that they are both members of the same *polis* – although, strangely, Heyman does not employ the term 'citizen' in his account of Aristotle's views. According to Heyman, juridical equality for Aristotle is based on the notion of 'free status.' Aristotle is of the opinion that 'all free men are arithmetically equal' specifically 'with respect to that status.' In Heyman's account, Aristotle maintains that 'to injure another violates his freedom and disturbs the equality between injurer and victim, giving rise to an unjust gain and loss.' Heyman maintains that for Aristotle the role of corrective justice is 'to annul this injustice and thereby restore equality.'<sup>23</sup>

Heyman insists that Aristotle's view of freedom is, therefore, 'fundamentally different' from that of Kant. This is so because for Kant 'freedom is rooted in the ability of the individual will to abstract from all particular content, and thereby to attain the capacity for free self-determination,' whereas for Aristotle this is (allegedly) not the case. Heyman also maintains that the 'abstract conception of the equality' of such 'autonomous individuals' which is usually associated with this way of thinking about freedom is also not to be found in the writings of Aristotle. This idea of the equality of all moral agents as 'persons' does indeed lie at the heart of the legal philosophies of Kant and Hegel, especially their views on 'private or abstract right.' Again however, Heyman maintains, for Aristotle this is not the case.<sup>24</sup> According to Heyman, then, the views of Aristotle differ fundamentally from those of both Kant and Hegel because although in his view 'corrective justice' does consider the 'parties' with which it deals as 'equals,' nevertheless the equals in question are not considered to be equals because they are moral 'persons,' or in virtue of the fact that they are human beings, but again simply because they happen to be 'citizens' of the same *polis*. Heyman would therefore, presumably, reject Weinrib's claim, cited above, that the convergence of corrective justice in Aristotle and natural right in Kant and Hegel is something which bridges the 'chasm' which is usually thought to exist between the 'ancient and modern conceptions of law.'

Now there is a sense in which Heyman is obviously correct here. For nowhere does Aristotle discuss explicitly the question of what characteristic feature it is, exactly, the possession of which makes the citizens of a *polis* 'equals' and thereby justifies the granting of citizenship to them. Nor, consequently, does Aristotle ever state explicitly that the characteristic feature in question is the fact that all citizens are moral 'persons.' He simply asserts that as citizens they *are* equals, and the laws of the *polis* of which they are members ought, therefore, to treat them equally. Nevertheless, it is entirely legitimate for us to consider what assumptions Aristotle makes *implicitly* about the grounds upon which the attribution of citizenship is based. What *are* the qualities which Aristotle assumes can be found in all of the citizens of a *polis*, the possession of which both justifies their being citizens and differentiates them from those who are (justifiably) *not* citizens?

Weinrib makes no reference to Aristotle's views on slavery when considering Aristotle's views regarding the basis of the distinction between citizens and non-citizens in ancient Greece. This is surprising, not only because in fourth century Athens slaves were an important category of 'non-citizen,' but also because Aristotle provides us with an extensive discussion of his own views about slavery in the *Politics*. It is fruitful, therefore, to consider Weinrib's thesis in the light of Aristotle's views on slavery. If we can establish what, in Aristotle's opinion, are the qualities which *slaves* possess, in virtue of which they are indeed slaves and not citizens or 'free men,' then we will have established what Aristotle considers to be the basis for possession of citizenship, and hence also for that equality which, according to Aristotle, exists between the citizens of a *polis* for the purposes of corrective justice.

In Book I of the *Politics* Aristotle makes an important distinction between those who in his opinion are slaves by 'nature' and those who are slaves 'legally' or by 'convention.'<sup>25</sup> Before proceeding it is necessary to clarify this distinction. Presumably for Aristotle these two categories overlap with one another. In other words, for Aristotle there are some natural slaves who have not been legally enslaved. Similarly, there are some legal slaves who are not natural slaves. Finally, there are some legal slaves who are also natural slaves. This third category can be sub-divided into those legal slaves who are also natural slaves and who have been enslaved precisely because they are natural slaves, on the one hand, and those legal slaves who are also natural slaves, but who have not been legally enslaved for that reason, on the other. In what follows I shall use the expression 'natural slave' to refer to those legal slaves who in Aristotle's opinion are also natural slaves, and who have been enslaved for that very reason.

Given the account which Weinrib offers of Aristotle's views on corrective justice, it seems likely that he would take the view that Aristotle assumes implicitly that what differentiates citizens from natural slaves is precisely the fact that citizens are moral persons or human beings; that it is for this very reason that Aristotle considers them to be 'equals' in relation to one another; and that it is also for this reason that Aristotle maintains that they are rightly considered to be equals by the laws of their *polis*. Aristotle's natural slaves, on the other hand, allegedly lack the qualities associated with moral personality and with 'humanity,' and are consequently not considered to be the 'equals' of those citizens who are their masters. It is for this reason that, in their case, slavery could not be said to be unjust. At least, it seems to me that such a view would be entirely consistent with

the broad thrust of Weinrib's analysis of Aristotle's views on corrective justice. The question arises, therefore, of whether this is a plausible account of Aristotle's justification of natural slavery? If it is, then there is something to be said for Weinrib's thesis, despite the criticisms which Heyman makes of it. If it is not, then Weinrib's claim that Aristotle's theory of corrective justice relies on the assumption that all of the parties concerned are 'equals' because they are 'moral persons' must be rejected.

We may begin by noting that at the beginning of the *Politics* Aristotle *does* present a view of human nature according to which the 'essence' of what it is to be a human being is a capacity for 'ethical life,' or a life of justice. This is what Aristotle has in mind when he says that 'man' is a 'social and political animal' destined to live together with others under the laws associated with a particular political community or *polis*.<sup>26</sup> Bearing this in mind, we may now consider whether or not Aristotle considered the people whom he refers to as 'natural slaves' in the *Politics* to be 'human beings' as he understands that expression. With respect to this issue Aristotle's opinions are inconsistent. Aristotle expresses different views in different texts, and sometimes even within the same text. It is true that there are occasions when Aristotle takes the view that those whom he considers to be 'natural slaves' are definitely *also* human beings. Consequently, provided Aristotle is consistent, the justification for their condition of slavery is not, and could not be, the fact that they differ from citizens in this particular respect. Thus, for example, at one point in the *Politics* Aristotle asserts that 'some *human beings* are by nature free, and *others* slaves.'<sup>27</sup> And elsewhere in the *Politics* he suggests that since even natural slaves 'are *human beings*' and therefore, as such, 'share in rational principle,' it 'seems absurd to say that they have no virtue.'<sup>28</sup> Aristotle also expresses similar views in the *Nicomachean Ethics*, although it is unclear from the context whether his remarks are intended to apply to those whom he considered to be 'natural slaves,' to 'conventional slaves,' or to both. There, in the course of a general discussion of the nature of 'friendship,' Aristotle considers the question of whether a master might possibly be friends with one of his slaves. Typically, Aristotle equivocates when answering this question. As Aristotle himself puts it: '*Qua* slave then, one *cannot* be friends with him.' However, '*qua* human being one *can*.' For, Aristotle goes on, 'there seems to be *some* justice between *any human being* and any *other*' provided they can 'share in a system of law.' Therefore, Aristotle concludes, because there can be justice between master and slave, 'there can *also* be friendship' with a slave, at least 'in so far as he is a *human being*.'<sup>29</sup>

If we interpret Aristotle in this way, as holding the view that what differentiates citizens from those non-citizens who are natural slaves is *not* the fact that the former are 'human beings,' and therefore moral 'persons,' whereas the latter lack this quality, then this evidently counts against Weinrib's thesis that for the purposes of Aristotle's theory of corrective justice what *makes* those who are 'equals' in the eyes of the law *equals* as citizens, and what, therefore, differentiates them from those who, like natural slaves, are not citizens, is precisely the fact that they do possess moral 'personality.' For, as we have seen, Aristotle associates the notion of 'humanity' with that of a capacity for 'ethical life' (Weinrib's 'moral personality'). But on the view we are currently considering Aristotle thinks that *both* citizens *and* natural slaves are human beings and therefore, as such, possess the

same capacity for ethical life. In short they are both equally 'moral persons,' in the sense in which Weinrib uses this term. It cannot, therefore, be the case that for Aristotle what makes the citizens of a *polis* the *citizens* that they are, and what differentiates them from natural *slaves*, is the fact that the former possess 'moral personality' in Weinrib's sense whereas the latter do not

Similarly, one could also argue that not all 'non-citizens' in ancient Athens were slaves. Some (the *metics*) were 'resident aliens,' or the citizens of other *poleis*, as indeed was Aristotle himself. Presumably, Aristotle would have conceded that they shared in the possession of the qualities associated with 'moral personality' to exactly the same extent as Athenian citizens, and yet, even so, they were not treated by Athenian law as the 'equals' of Athenian citizens. It is implausible therefore to suggest that, in *their* case, Aristotle would have wished to argue that the reason why they were *not* Athenian citizens is because, like 'natural slaves,' they lacked the qualities associated with moral personality. But, turning the argument around, this line of reasoning also suggests, therefore, that the basis for granting citizenship in Aristotle's thinking is *not* possession of 'moral personality.' At the very least it indicates that Aristotle saw this as only a *necessary*, but not a *sufficient* condition, for the attribution of citizenship.

On the other hand, though, things are not quite so clear cut as this. For there are at least some passages in Aristotle's writings which do support Weinrib's thesis. There is some evidence which indicates that in Aristotle's opinion what makes those non-citizens who are natural slaves the slaves that they are, and what justifies their being also legal slaves, is precisely the fact that they lack 'moral personality,' or the capacity for 'ethical life,' as Aristotle understands it, and hence that they are not really 'human beings' at all in the strict sense of the term. And this does suggest, again turning the argument around, that Aristotle thinks that what makes free men the citizens that *they* are is precisely the fact that, unlike natural slaves, they *do* possess and exercise a capacity for ethical life, and hence also that they do possess what Weinrib refers to as moral 'personality.'

For example, at one point in the *Politics* Aristotle tells his readers that 'a state exists for the sake of a *good life*, and not for the sake of life only.' For 'if *life* only were the object, *slaves* and brute animals might form a state, but they cannot, for they have *no* share in happiness or in a *life of free choice*'<sup>30</sup> Here Aristotle makes it very clear that he thinks that there is no significant difference between a natural slave and a 'brute animal.' For what is lacking in both, in his opinion, is the peculiarly human capacity for 'free choice.' The natural slave, Aristotle insists at one point, 'has *no* deliberative faculty at all.'<sup>31</sup> Elsewhere he says that 'he who participates in *rational principle* enough to apprehend, but *not* to have, such a principle, is a slave by nature.'<sup>32</sup> In this respect there is a striking similarity between those who are natural slaves and what Aristotle refers to as the 'lower animals.' For 'the lower animals cannot even apprehend a principle,' but simply 'obey their instincts.'<sup>33</sup> It seems clear, however, Aristotle continues, that 'the use made of slaves and of tame animals *is not very different*.'<sup>34</sup> For 'both with their bodies minister to the needs of life.'<sup>35</sup> Elsewhere Aristotle refers in both the *Politics* and the *Nicomachean Ethics* to the idea that slaves are merely 'living tools or instruments, who purpose is to be used, instrumentally, by their masters.'<sup>36</sup> Instruments generally, Aristotle notes in the *Politics*, 'are of various sorts. Some are living,



others lifeless.'<sup>37</sup> A 'possession,' Aristotle continues, is 'an instrument for maintaining life,' and a slave is nothing more than 'a living possession.'<sup>38</sup> Similarly, Aristotle tells us in the *Nicomachean Ethics* that a slave 'is a living tool and the tool a lifeless slave.'<sup>39</sup> Consequently, for Aristotle, both natural slaves and animals are equally incapable of living that 'good life,' that is to say the ethical life, which Aristotle thinks is the life appropriate for (fully developed) human beings. Thus for Aristotle, on this second reading, there is no significant difference between inanimate objects, 'brute' animals, and natural slaves. None of these possess the characteristic features required for moral 'personality' or agency. None of these is 'human.' Consequently, none of them meets one of the necessary conditions for being accorded the status of citizenship within a *polis*. They are all, potentially or actually, items of property or 'instruments' whose function is to serve the interests of human beings, that is to say their owners or masters, whose main concern is to live a 'good life.'

It is clear from this that there are three characteristic features which Aristotle associates with humanity, or with being a 'human being' in the strict sense of the term. These are 'rationality,' 'freedom' or 'autonomy,' and the capacity for living a 'good life' or an 'ethical life.' All of those who possess these features could be said to be 'human beings' in the strict sense of the term. Hence they possess those features which are at least necessary for being granted citizenship in a *polis*. Moreover, we can be sure that all of those who are the citizens of some *polis* or other can also be said to be 'human beings,' precisely because they possess these features. For Aristotle then the individuals who are members of the class which includes the citizens of all *poleis* everywhere are the same individuals who are members of the class which includes all human beings everywhere. In this respect Aristotle's views are similar to those of the Stoic philosophers who came after him. There is, however, an important difference between the two. For in the case of the Stoics this idea goes beyond the boundaries of the ancient Greek *polis*, and is associated with the notion a 'cosmopolis,' a global city which includes the entire human race, whereas for Aristotle it does not.

Given that Aristotle thinks that a 'good life' is a moral or an 'ethical life,' a life of justice, it is not too surprising that Aristotle is prepared to take seriously not only the question of whether natural slaves are capable of living a life of this kind, but also the possibility that they might indeed *lack* this capacity. As Aristotle puts it, 'a question may indeed be raised, whether there is *any* excellence *at all* in a slave beyond and higher than merely instrumental and ministerial qualities - whether he can have the virtues of temperance, courage, justice, and the like; or whether slaves possess *only* bodily and ministerial qualities?'<sup>40</sup> Aristotle is acutely conscious of the relevance of this question for the debate about the justice or injustice of slavery, and of the problems which it poses for those like himself who think that some individuals are natural slaves and that, at least in their case, slavery could not be said to be unjust. 'Whichever way we answer' this question, Aristotle notes, 'a difficulty arises.'<sup>41</sup> For in the first place if it is allowed that slaves *do* 'have virtue,' then 'in what will they differ from freemen?'<sup>42</sup> That is to say, if it is admitted that so far as their capacity to live an ethical life is concerned there is no significant difference at all between a slave and a free citizen, and that slaves and citizens are 'equals' in this particular regard, then what possible moral justification could there

be for slavery? As Aristotle was evidently well aware, such an admission undermines completely the claim that there are such things as natural slaves, and (in the absence of any alternative argument justifying slavery) would amount to an acknowledgement that slavery is indeed unjust, precisely because it involves treating unequally those who are in fact by nature equal. On the other hand, though, if it is argued that what differentiates slaves from citizens or 'free men' is the fact that slaves do indeed lack the capacity for ethical life (Weinrib's moral 'personality') whereas citizens do not – and hence that slaves are not properly speaking 'human beings' at all - then this *also* serves to undermine the institution of slavery, albeit for a quite different reason. For such a view, if taken seriously, implies that slaves are incapable of performing the moral duties associated with their particular station in society. Indeed it implies, as Hegel was later to observe, that slaves. Living as they do in some important sense 'outside of society,' can have neither rights nor duties - something which, not surprisingly, at least in the case of the duties associated with slavery, Aristotle is unwilling to accept.<sup>43</sup>

A further observation which supports the view that Aristotle does not consider natural slaves to be human beings is the following. If Aristotle did indeed think that even his 'natural slaves' are 'human beings,' then he must have also thought that not *all* human beings possess the same capacity for moral personality and hence the same moral worth. But what then are the features which those individual human beings who *do* possess those qualities associated with 'moral personality' (Aristotle's potential citizens), and those which do *not* (Aristotle's natural slaves), have in common in virtue of the fact that they *all* might be said to be 'human beings'? If Aristotle's natural slaves lack a capacity for ethical life, and yet nevertheless remain 'human beings,' this seems to imply that Aristotle has a 'lowest common denominator' understanding of human nature, such that the qualities associated with it have nothing at all to do with those features in virtue of which human beings possess a moral 'personality,' that is to say, 'rationality,' 'freedom' and 'morality.' But such an interpretation of Aristotle flatly contradicts what Aristotle says at the beginning of the *Politics* about human nature, especially of course his claim that human beings are social and political animals whose function is to live an 'ethical life.'

My conclusion is, then, that despite the criticisms which Heyman makes of it, there is something to be said for Weinrib's claim that Aristotle's theory of corrective justice presupposes the assumption on Aristotle's part that a necessary if not a sufficient precondition for possession of citizenship, and hence also for that 'equality' which exists between the citizens of a *polis* so far as its system of corrective justice is concerned, is indeed that 'moral personality' or capacity for ethical life which all human beings have in common.

This is not to say, however, that Heyman's critique of Weinrib is completely wide of the mark. For there are strengths as well as weaknesses in Heyman's interpretation of Aristotle, just as there are in that of Weinrib. It is, indeed, fruitful to consider the issue of whether these two approaches might not be in some way combined, and, if so, how this might be done. As I have presented it so far, the debate between Weinrib and Heyman involves a straightforward 'either-or' choice between on the one hand thinking, as Weinrib does, of individual moral agents in a purely philosophical or ahistorical manner, as 'abstract moral persons' in the

manner of Kant and (allegedly) Hegel, and on the other hand thinking of them, as Heyman does, as historically situated 'selves' who possess a determinate social identity as the citizens of a particular *polis*. In short, Aristotle is either considered to be an extreme 'cosmopolitan' thinker (Weinrib) or an extreme communitarian thinker (Heyman). What neither Weinrib nor Heyman consider is the possibility that, for Aristotle, an individual moral agent might actually be committed to *both* ways of thinking at the same time. For there is no logical inconsistency in attributing to Aristotle the view that an individual moral agent who is a citizen of a particular *polis* and who possesses a particular social identity with attendant moral rights and duties, as for example an Athenian, a Corinthian, or a Stagyrite, is *also* a 'human being' and therefore a moral 'person.' Indeed, it seems clear that the same individual might be considered from either one or the other of these two different (but not incompatible) points of view depending on the circumstances.

We may illustrate this way of thinking about Aristotle's views on moral agency by considering again the passage from the *Nicomachean Ethics* referred to earlier, which runs as follows:

For where there is nothing common to ruler and ruled, there is not friendship either, since there is not *justice*; e.g. between craftsman and tool, soul and body, *master* and *slave*; the latter in each case is benefited by that which uses it, but there is no friendship nor *justice* towards lifeless things. But neither is there friendship towards a horse or an ox, nor to a slave qua *slave*. For there is nothing common to the two parties; the slave is a living tool and the tool a lifeless slave. Qua *slave* then, one cannot be friends with him. But qua *human being* one can; for there seems to be *some* justice between any *human being* and any other who can share in a system of law or be a party to an agreement; therefore there can also be friendship with him in so far as he is a *man*.<sup>44</sup>

Although Aristotle does not say so explicitly, it is evident that in this passage he is referring to legal or conventional rather than natural slavery. It is also evident that he thinks that the slaves to which he is referring are indeed 'human beings.' They possess a moral personality. They can and do live some kind of 'ethical life.' Hence they have 'duties,' even if they do not have 'rights.' In short, at least in this passage, for Aristotle being a *slave* is similar to being a *tailor* or a *cobbler*. It involves the possession of a determinate social identity like any other. From this point of view, the individual who is a slave does not stand completely outside of all human society. One of the striking things about this passage is the fact that within it Aristotle indicates clearly that he thinks of the individuals who possess the identity of *masters* and *slaves* as 'human beings' *as well* as masters and slaves. This passage suggests that for Aristotle if the individuals who possess the identity of being either masters or slaves, nevertheless there is *more* to them than this fact. For they are *also* 'human beings' and can relate morally to one another as such. There is a sense in which they can be said to 'share in a system of law,' although evidently this is not the law of the *polis* of which the master is a citizen. For unlike the master the slave is not a member of that *polis* and has no rights in law. Similarly, the passage also suggests that for Aristotle there is more to human beings than the simple fact that they are 'human beings.' For *individual* human beings must also possess a determinate social identity. They must *also* be masters, or slaves, tailors or cobblers, Athenians or Corinthians, and so on. In addition to

their abstract or universal moral 'personality' they must *also* possess a particular identity as members of some *polis* or other, and the rights and duties associated with it.

In short, in this passage Aristotle suggests that a 'person' or a self is a unified entity which is internally differentiated. The *psyche* of an individual is 'dual' or 'split.' It possesses two component elements or 'parts.' One of these is associated with the 'universal' features (rationality, freedom and morality) which individuals possess insofar as they are 'human beings', or 'persons' in general. The other is associated with those features which individuals possess insofar as they have a determinate social identity as members of a particular society at a particular time. In the next section I shall consider this same idea as it is to be found in the writings of Cicero.

### **Determinate Social Identity in the Political Thought of the Stoics: Is Cicero a Cosmopolitan?**

So far as the Stoics are concerned, Gillian Brock and Harry Brighouse have claimed that 'the term "cosmopolitanism" originates with the Stoics, whose idea of being "a citizen of the world" neatly captures the two main aspects of cosmopolitanism: that it entails a thesis about *identity* and that it entails a thesis about *responsibility*.'<sup>45</sup> The notion of a 'cosmopolitan identity' is at first sight a strange one. It suggests that an individual could have a determinate social identity as a 'cosmopolitan.' Against this, however, it might be suggested that to think of individuals human beings from a 'cosmopolitan' point of view is to think of them 'abstractly,' simply as 'persons,' that is to say, as lacking *any* determinate social identity at all. From this point of view 'cosmopolitanism' is associated with the absence of any determinate social identity rather than the presence of a determinate special identity of a particular, 'cosmopolitan,' kind. One possible response to this would be to argue that to say that an individual is a 'cosmopolitan' is to say, not that they lack a particular social identity entirely, but that they possess more than one such identity. Such an individual is associated with a plurality or multiplicity of identities, the assumption being, perhaps, that these have been freely chosen by the individual concerned, who has undergone some process of 'self-identification,' or 'identity construction.' Jeremy Waldron has captured this idea very well when he refers to 'the cosmopolitan self' who 'learns Spanish, eats Chinese, wears clothes made in Korea, listens to arias by Verdi sung by a Maori princess on Japanese equipment, follows Ukrainian politics and practices Buddhist meditation techniques.'<sup>46</sup>

Cicero has some interesting things to say about this issue in Book I of his *De Officiis*.<sup>47</sup> For example, at one point he says that 'we are invested by Nature with *two* characters, as it were: one of these is *universal*, arising from the fact of our being all alike endowed with reason and with that superiority which lifts us above the brute. From this all morality and propriety are derived, and upon it depends the rational method of ascertaining our duty. The other character is the one that is assigned to individuals in *particular*.'<sup>48</sup> This remark is ambiguous. It is unclear whether Cicero thinks that individual human beings are associated with a multiplicity of characters or 'selves,' or alternatively whether he thinks that they are associated with a *unified* self which is internally differentiated, possessing more than

one aspect or parts. Cicero's employment of the expression 'as it were' here suggests the latter rather than the former. To keep things simple for the purposes of the present discussion, I shall assume in what follows that Cicero does have the latter view in mind.

Important questions for anyone wishing to understand Cicero's views on this subject include: how are these two selves, or rather parts of the self, supposed to be related to one another? Does Cicero think that the relationship which exists between them is a *contingent* one, such that the one self, or part of the self, might exist without the other, as Cicero's reference to a plurality of multiplicity of 'selves' suggests? Or are they, perhaps, *necessarily* connected to one another, as the language of 'parts' or 'aspects' of the self appears to suggest? And which (if any) of these two selves, or parts of the self, is the more important, in Cicero's view, for those seeking an adequate understanding of an individual's personal identity? For example, could either one of them be said on its own to constitute an individual persons' 'true' or 'essential' self?

We may note at the outset that the answers which Cicero gives to these questions, and hence his views regarding the issue of personal identity, are not always consistent with one another. In effect, there are two views which run throughout his remarks on this issue, which Cicero does not clearly distinguish or keep separate from one another. According to the first view, Cicero is of the opinion that there is only *one* personality or self, and this has both 'universal' and 'particular' characteristics. However on this view the relationship which exists between the universal dimension of the self and its particular dimension is a *necessary* rather than a contingent one. In other words, each of these two 'parts' of the self is necessary and neither on its own is sufficient for an individual self to be the self that it is. From this point of view, if an individual should lose some or all of those features which are associated with this 'particular' self then that individual would, quite literally, be transformed into a different person with a different identity. I shall call this Cicero's 'Necessity Theory of the Self.'

According to the second view, the two parts of an individual 'self' can be conceptually separated from one another and considered in isolation. One of these, however, is the more important than the other and captures better than the other just who an individual person is. This is the universal and not the particular self, and it is therefore our true or essential self. This self stands in a *contingent* relationship to the particular self, or to the characteristic features which are associated with an individual's particular identity. In other words an individual could lose some or all of these features and yet nevertheless remain exactly the same 'person' as they were before. Henceforth I shall call this Cicero's 'Contingency Theory of the Self.'

It should be noted that according to *neither* of these theories of the self does Cicero think of individual moral agents as being merely abstract 'persons' who lack entirely any determinate social identity – that is to say a particular self, or a particular dimension to their self.<sup>49</sup> The difference between these two views is not that according to one of them Cicero thinks of a moral agent as being just an abstract 'person,' whereas on the other view he does not. Rather, the difference between these two views has to do with the way in which the relationship which exists between what Cicero refers to as the 'universal' self and the 'particular' self,

or between the universal and the particular parts of the self, is conceived – whether it is thought of as being either a contingent or as a necessary relationship.

So far as the 'universal' self is concerned, Cicero associates this with the characteristics which we possess because we are human beings, and which he assumes all human beings in all societies everywhere have in common. In the passage cited earlier Cicero refers explicitly to 'reason' and the capacity for 'morality,' or for living an ethical life, which he considers to be a life devoted to duty, especially the duties associated with one's station, position or place as a member of a particular society at a particular time. Later he introduces a third universal characteristic, namely 'freedom,' or the capacity of 'free choice.' I will begin by discussing the relationship which exists between this 'universal' self and the 'particular' self according to what I have referred to as the 'Necessity Theory of the Self.' In order to clarify Cicero's views we need to consider what he has in mind when he talks about the 'particular' self.

One of the features which Cicero associates with the particular self is purely physical, and has to do with such features as a person's stature, colour of hair, and bodily appearance in general. Another is what today we would refer to as matters of individual 'psychology, and has to do with things which are associated with an individual person's temperament. As again Cicero puts it: 'In the matter of physical endowment there are great *differences*: some, we see, excel in speed for the race, others in strength for wrestling; so in point of personal appearance, some have stateliness, others comeliness...' but, He goes on, 'diversities of *character* are greater still.' Lucius Crassus and Lucius Philippus, for example, 'had a large fund of wit,' and Gaius Caesar, Lucius's son, 'had a still richer fund and employed it with more studied purpose.'<sup>50</sup> Before proceeding, it is important to note that Cicero does not claim that these individual differences pertaining to a particular person or self, or to the self in its particularity, are of no importance – that they should be set aside, ignored or criticized rather than valued by moral philosophers. On the contrary, he insists that 'countless other dissimilarities exist in natures and characters, and they are not in the least to be criticized.'<sup>51</sup> For one cannot ignore them if one wishes to know who, in particular, a person *is* and hence also what their duties are. 'It is each man's duty,' Cicero maintains, 'to weigh well what are his *own* peculiar traits of character, to regulate these properly, and not to wish to try how another man's would suit him. For the more peculiarly his own a man's character is, the better it fits him.'<sup>52</sup>

Cicero attaches a great deal of importance to questions of 'propriety,' or to the issue of how individual moral agents ought to live, where their duties lie and how their duties are determined. In this connection there are two other aspects of the identity of a particular person which he discusses. These might be said to be sociological, rather than physical or psychological. Or perhaps, more accurately, given that on this first view of the self they are associated with 'moral personality,' it should be said that they have to do with matters of *social* as opposed to individual psychology. The first of these has to do with what, today, would be referred to as one's cultural identity. Surprisingly, given that he is widely assumed to be a 'cosmopolitan' thinker, Cicero is well aware of and sensitive to the importance of cultural differences as determinants of moral conduct. He maintains that one has different moral duties from others because one is either a Greek or Roman, just as

one has different moral duties from others because one is either a soldier or a senator.

According to Cicero moral 'propriety' is associated with 'uniform consistency in the course of our life as a whole and in all its individual actions.' Cicero suggests at one point that this is a matter of being true to ourselves and of the peculiarities of our own individual character. It is a matter of *refraining* from 'copying the personal traits of others and eliminating one's own.' In short, it is a matter of expressing oneself and one's identity as an individual. One example of this is the language which one speaks, or chooses to speak if one is in a position to make such a choice. With respect to this issue Cicero is adamant that 'we [Romans] ought to employ our mother tongue, lest, like certain people who are continually dragging in Greek words, we draw well deserved ridicule upon ourselves.'<sup>53</sup>

Also however, and perhaps more importantly, Cicero maintains that those who wish to express their own individuality or particular identity must follow the moral code, or the customs and conventions, of the society in which they live. Again surprisingly, for someone who is supposed to be a cosmopolitan thinker, Cicero maintains that just as in the case of the language we speak, so also more generally 'we ought not to introduce anything *foreign* into our actions or our life in general.' He takes care to emphasize the importance which 'diversity of character' of this kind has for any attempt to understand the ethical life of individual human beings,' who must necessarily be members of some particular society or other, and therefore possess a determinate social identity. He says that this is so important, or 'carries with it so great significance' that an action such as, for example, the act of suicide 'may be for one man a duty,' whereas 'for another,' under the same circumstances, it may be 'a crime.'<sup>54</sup> For Cicero, on this view, whether one should consider suicide to be a duty or a crime depends, therefore, on *who* one is and where one lives or comes from, that is to say, one's particular personal identity, or one's identity as a particular person. For the features associated with one's particular self are a *necessary* aspect or part of who one *is*, and therefore an important determinant of one's duties to others.

We saw above that although at times his analysis of the component elements of a particular self is a relatively sophisticated one (for example, in the passages from the *De Officiis* under discussion Cicero suggests that human beings possess not one, or two but *four* 'selves'), nevertheless Cicero also concedes that there is something to be said for a much simpler account which suggests that the self is a unified entity which possesses just two component parts, one of which is 'universal' and the other 'particular,' and neither of which is separable from the other. This has been noted by Derek Heater, who observes that for the Stoics it is not the case that an individual has two 'selves,' a universal self and a particular self. It would, rather, be more accurate to speak in terms of a unitary self which is at the same time a 'divided self.'<sup>55</sup> The Stoics, Heater maintains, 'taught of the oneness of the universe and of man's *dual identity* as a member of his state and of humanity.'<sup>56</sup> Each of these aspects of the identity of an individual person is associated with a certain framework of moral duties or obligations; either the universally valid ones which are owed to all other human beings or persons who are also members or citizens of the 'cosmopolis' which is the universe; or, alternatively, the particular duties and obligations which we owe to others with whom we are connected in our own society.

As Heater notes, there is in consequence a connection in Stoic thinking between the idea of an individual having a 'split' identity, one the one hand, and that of the individual being a member, of two quite different societies or moral communities, two 'republics' on the other.<sup>57</sup> Heater insists that Stoic cosmopolitanism did not, therefore, 'preclude the holding of other *identities (sic)* simultaneously with world citizenship.'<sup>58</sup> In his view the Stoics, or at least the Roman Stoics, did not by any means 'discard their citizenship identities and duties in favour of their commitment to world citizenship.' Rather, they 'felt the conscious need to accommodate the two identities (*sic*),' or 'roles,' 'simultaneously and comfortably.'<sup>59</sup> It is clear, however, that at least in principle, and perhaps also therefore in practice, this accommodation *might* in some situations prove difficult. For Cicero's analysis of the self does raise the possibility that a conflict of duties might occur. It also raises the problem of establishing which set of duties, those of the cosmopolis on the one hand or of one's own community on the other, should take precedence should such a conflict arise. Heater has suggested that such a conflict between the two opposed positions of 'cosmopolitanism' and 'communitarianism' might be seen as an attempt by 'both sides' to claim 'total control of the individual's political identity.'<sup>60</sup>

I said above that Cicero discusses two aspects of the particular self which have to do, neither with the physical characteristics of a person nor with matters of individual psychology. These aspects have to do with an individual's moral personality insofar as it is related to one's social identity. The first of these aspects, as we have seen, has to do with an individual's cultural inheritance. The second feature has to do with the issue of employment, one's career, or with one's station or position in the social hierarchy of the society of which one happens to be a member. For according to Cicero this, too, is one of the important factors which together determine just *who* one is, and where in particular one's moral duties lie. In his view, as well as being 'human beings,' we are all members of a particular society at a particular time, and as such it is necessary that we have a particular occupation or career and that we carry out the duties associated with it (provided these do not conflict with the requirements of natural law or our duties, as human beings, to other human beings). Social identity in this sense is, therefore, an important determinant of those duties which individuals need to perform if they are to live ethical lives. In short, there are times when Cicero suggests that whether one is a *soldier* or a *senator*, for example, is just as much an important determinant of one's particular social identity as the fact that one is either Greek or Roman, and that one's career or occupation is just as much a part of the identity of an individual as the fact that s/he is a human being, or a person. In short, Cicero sometimes says things which imply that in his view an individual's occupation is a *necessary* rather than a *contingent* part of *who* they are. As such it cannot be relinquished without also changing that individuals' identity. An individual who made such a change would, from this point of view, quite literally become a different person.

What then, in Cicero's view, ought to be the attitude of individuals towards the particular social identities which they possess? Generally speaking, it is Cicero's opinion that we should 'work to the best advantage in that rôle to which we are best adapted.'<sup>61</sup> However, he says, should it transpire that 'circumstances shall thrust us aside into some uncongenial part,' we must nonetheless 'devote to it all possible



thought, practice, and pains, that we may be able to perform it, if not with propriety, at least with as little impropriety as possible.<sup>62</sup> In short, even if we feel unhappy and unfulfilled in our work, we cannot change that, as this is an essential part of who we are and of where our duties lie. The only course that is available to us, therefore, is to conscientiously carry out the duties which are associated with it even if this should make us 'unhappy.'

But this not all that Cicero says about the issue of occupation or employment and its relationship to one's determinate social identity or one's particular self. For there are also times when Cicero suggests that in his view the relationship which one has to one's occupation, or to this aspect of one's particular identity, is not a necessary at all but a *contingent* one. I now turn, therefore, to consider what I have called the 'Contingency Theory of the Self,' a theory which can also to be found in Cicero's *De Officiis* alongside the 'Necessity Theory' just discussed. At one point, for example, Cicero maintains that so far as our occupation or career is concerned we have a duty to ourselves, which is to 'follow the bent of our own particular nature.' We must, he says, 'resolutely hold fast' to our 'own peculiar gifts,'<sup>63</sup> in order that we might express ourselves in and through our chosen career. For again this is a fundamentally important determinant of our social identity – of who we are, and therefore of where our duties lie.<sup>64</sup>

Cicero notes, however, that this aspect of one's personal identity, of who in particular one is, is to some considerable degree a matter of luck or *chance*. 'Regal powers and military commands, nobility of birth and political office, wealth and influence, and their opposites,' he says, often 'depend upon *chance*' rather than upon *us*, and are, therefore, in large degree 'controlled by circumstances.' But although this is true some of the time, it is not always or entirely true. We can, Cicero suggests, at least some of us, and/or at least some of the time, also influence the course of events in this regard. Cicero therefore acknowledges that to a certain degree at least, our social identity is something 'which we assume by our own deliberate choice.'<sup>65</sup> As Cicero himself puts it, 'what rôle we ourselves may choose to sustain' in society is sometimes 'decided by our own free choice.' Thus, he observes, 'some turn to philosophy, others to the civil law, and still others to oratory.'<sup>66</sup>

In Cicero's view it is important that those who are able to make this choice should 'get it right,' as this will make it much easier for them to carry out the duties associated with their future station in life. For, as we have seen, there is reason to suppose that in choosing one's career one is also to some considerable extent choosing oneself – at least one's particular self. One is, Cicero observes, not simply choosing to perform a particular action on particular occasion, but, by choosing one career rather than another, one is in effect 'ordering the whole course of one's life.'<sup>67</sup> And this 'is a matter to which still greater care must be given' than when we choose to perform a particular action on just one occasion, in order that 'we may be true to ourselves throughout all our lives and not falter in the discharge of any duty.'<sup>68</sup> In Cicero's opinion, then, those who make such a choice *are* in effect choosing who it is that they wish to be. Whichever choice one makes, the person one becomes will have a position in society, a position with attendant duties, and it will be much easier, Cicero thinks, to carry out these duties if one considers one

social position to be an expression rather than a limitation of one's own free choice – of one's own self.

Cicero recognizes that certain individuals might, for whatever reason, be located in social positions or roles which are not in fact well suited to their character. Such person will not feel happy or fulfilled and will think that carrying out the duties associated with their station in life is burdensome, a limitation of their freedom, rather than an opportunity for self-expression. Interestingly, Cicero's recommendation to those who are in such a position is not that they ought to do their duty, at no matter what cost to themselves, but rather that, if it is possible for them to do so, they should change their career. It is possible, Cicero notes, that someone might 'discover that he has made a mistake in choosing his life work.' If this should happen, Cicero continues, then 'he must change his vocation and mode of life.' Such a change, and the transformation of one's particular social identity associated with it, might be seen by others as a dereliction of duty, as an outright rejection of the call of duty, rather than as the expression of a desire to replace one set of duties for another. Consequently, 'when we have once changed our calling in life,' we must, Cicero insists, 'take all possible care to make it clear that we have done so with good reason.'<sup>69</sup> It is clear from this that Cicero associates 'freedom,' not with the absence of duty but, rather, with a situation in which by choosing a career, and hence also a determinate social identity, one has also chosen for oneself where one's duty lies.

This aspect of Cicero's thinking is evidently one of the sources of inspiration for the work done by Michel Foucault, towards the end of his life, on a form of ethics associated with the idea of the 'care of the self.'<sup>70</sup> This has generated some interest, for example, amongst classics scholars, and has indeed led them to focus on the issue of the theorization of the 'self' which took place in the ancient world.<sup>71</sup> A. A. Long, for example, has referred positively to the work of Foucault in this regard. According to Long, Cicero 'provides a conceptual framework to enable individuals to analyze *their own* sense of *who they are*, and what is incumbent on them.' The suggestion is, Long goes on, 'that self-analysis along these lines will ideally result in a disposition to act in a way that both respects general ethical norms and, at the same time, fits the person one is.' Long maintains that this represented an innovation in Roman thought, as 'traditional Roman values had not depended on introspective analysis and self-monitoring; a man's peers told him how he was doing.' In this passage from Cicero then, Long maintains, 'we witness the first Roman instance of a concern with the 'self' as moral authority.' Long notes that 'Cicero himself does not develop the point.' However, for later Stoics 'under the Empire,' such a 'care of the "self" becomes the primary focus of ethics.'<sup>72</sup>

It is important to appreciate the full implications of the remarks which Cicero makes about this issue of 'choosing one's self' for our understanding of his views on the self in general. For once they are unpacked it is clear that they imply a quite different understanding of the self, and of the relationship which exists between the universal self and the particular self, from the 'Necessity Theory of the Self' outlined earlier. Indeed, they imply that for Cicero, on this reading at any rate, individual moral agents just are abstract 'persons,' which although they must have some 'particular identity' or other, are not *necessarily* associated with any particular 'particular identity.'

To see why this is so, we may note that a striking feature of Cicero's discussion of personal identity is that, like Epictetus, he endorses an early version of what today is referred to as the 'dramaturgical theory of society,' which sees human society as being similar to a theatre. Cicero suggests that at least in principle (though not necessarily in practice) all human beings are free to choose their own particular social identity. He says that we are like *actors* who may or may not choose to play a particular part on the stage. Given this, as Cicero himself puts it, 'every one, therefore, should make a proper estimate of his own natural ability and show himself a critical judge of his own merits and defects.' We should not, he continues, 'let *actors* display more practical wisdom than we have.' For actors 'select, not the best plays, but the ones best suited to their talents.' Shall a player, Cicero continues, 'have regard to this in choosing his rôle upon the stage, and a wise man fail to do so in selecting his part in life?'<sup>73</sup>

Cicero's suggestion that a moral agent or 'person' is just like an actor, who can freely choose to play any 'part' at all and who, presumably, would continue to be the *same* actor irrespective of which part they chose to play, represents a quite different way of thinking about a 'self' or 'person' than that associated with the 'Necessity Theory' discussed earlier. For on this second view the most important, indeed the sole, determinant of the personal identity of individual are the universal characteristics which they possess in consequence of the fact that they are human beings. These and these only are necessary features of an individual self, which therefore stands in a *contingent* relationship with those identifying characteristics, such as physical characteristics, psychological temperament, cultural identity and occupation, which Cicero associates with the particular self. According to this 'Contingency Theory,' an individual person could lose any or all of these particular features (though not *all* particular features) and yet nevertheless remain the *same* person.

Paradoxically, the 'Contingency Theory of the Self' may be said to differ from the 'Necessity Theory' both because it considers the self to be more fragmented than the 'Necessity Theory' does *and* because it considers the self to be more unitary than the 'Necessity Theory' does. It considers the self to be more fragmented because, according to the 'Contingency Theory,' the two aspects associated with 'dual' or 'split' personality which is central to the 'Necessity Theory,' that is to say the 'universal' and the 'particular 'self,' should be considered as being entirely separate from one another. They are not to be thought of as being necessarily connected, as parts to a whole. It is more unitary because, despite Cicero talking about the existence of two 'selves' in this context, rather than two different dimensions of the self, according to the 'Contingency Theory' such talk is not to be taken seriously. The logical outcome of Cicero's' employment of the dramaturgical analogy is that there are *not* two 'selves' here at all, but only *one*, namely that which Cicero refers to as the 'universal' self. It is this which, according to the 'Contingency Theory' is an individual's true or essential self, and it is this which, in his view, continues to be, no matter what changes take place in the particularities of an individual's life, such as for example a change in that individual's occupation, religion, and so on. Once the logical implications of the basic assumptions of the 'Contingency Theory' have been worked out, then, it is clear that, insofar as Cicero is associated with it, his view of the self is in fact a unitary

one. From this point of view, this unitary 'self' is seen as being entirely lacking in any of the particular characteristics which, according to the 'Necessity Theory,' make an individual self the *individual* self that it is.

What is most significant for present purposes is that there is a surprising tendency in Cicero's his thinking to emphasize the importance of that which is particular, local, customary, traditional and historical, as opposed to that which is rational and universal, in the ethical life of human beings. Cicero does recognize that the idea of a 'human being' or of a moral 'person' is an abstraction, and that no such things could exist on its own, separately from some collection of particular identifying characteristics or other. Human beings always live in particular societies at particular times. They always also possess a determinate social or political identity. And in Cicero's view, at least according to the 'Necessity Theory of the Self' to which he occasionally subscribes, this is just as much a part of their identity as moral agents, or of *who* they are, as the fact that they are human beings and members of the Stoic 'cosmopolis.' Moreover, the ethical life of all human beings is always, in consequence, associated with at least some moral rules which apply *only* to them and their fellows, and not to other human beings who are members of different communities with different identities, and so on. Nor generally does Cicero think that in practice a conflict between these two *personae* of any individual human being living in a particular society at a particular times actually occurs.

The analysis presented above suggests that, whether he subscribed to the 'Contingency Theory of the Self' or the 'Necessity Theory of the Self,' in neither case does Cicero think, at least initially, of moral agents as being abstract 'persons' who might be said to be 'disembodied,' in two senses of that term: first in the sense that they lack any physical characteristics; and second in the sense that they lack a determinate social identity. It therefore undermines the claim that Cicero is a certain kind of 'cosmopolitan' thinker. It indicates that Cicero does possess an awareness of, and respect for, the moral and cultural differences which exist between different societies, and the way in which they impact on the moral lives of their members. We need, therefore, to significantly qualify the claim that Cicero is a cosmopolitan thinker who attaches no moral significance at all either to the traditions, customs and conventions of particular societies, or to the particular social identities of moral agents.

Cicero's' understanding of what it is to be a 'person is a complex (and perhaps contradictory) one. It is arguable that this has not been sufficiently appreciated by those involved in the recent debate over cosmopolitanism, who tend not to be at all interested in this issue. One exception to this is Martha Nussbaum.<sup>74</sup> However, Nussbaum's account of the Stoic understanding of the self is marred by the same logical inconsistencies as are to be found in the writings of Cicero. To be more specific, Nussbaum is unclear whether Cicero and/or the Stoics subscribe to the 'Necessity theory of the Self' or the 'Contingency Theory of the Self.'<sup>75</sup>

At times Nussbaum acknowledges that the Stoics did not attach exclusive importance to global issues, or to that which is universal in the moral life of human beings. Thus, for example, she maintains that according to the Stoics 'each of us dwells, in effect, in *two* communities – the local community of our birth and the community of human argument and aspiration.'<sup>76</sup> And she concedes that 'the Stoics stress that to be a citizen of the world one does *not* need to give up local

identifications, which can be a source of great richness in life.<sup>77</sup> 'We need not,' Nussbaum states, 'give up our special affections and identifications, whether ethnic or gender based, or religious. We need not think of them as *superficial*, and we may think of our *identity* as constituted partly by them.'<sup>78</sup> When unpacked these remarks imply that each of 'us' possesses two social 'identities,' as members or citizens of two different moral communities, one of which is the cosmopolis which comprises all human beings, and the other of which is our own society or community. They also imply that each of 'us' has two quite different sets of moral or legal duties and obligations, the one associated with the 'natural law' which ought to regulate the conduct of all human beings in their interactions with one another, and the other associated with the customs, conventions and traditions of our own community, and with the particular 'place' or 'station' that we have within it. Most importantly, though, they indicate that for Nussbaum those features of the self which Cicero describes as being 'particular,' as opposed to 'universal,' are nonetheless a necessary component element or part of the self, or of who an individual moral agent is. Note that she states that these are *not* 'superficial' and that we might rightly think of our identity as being at least partly constituted by them.

On the other hand, though, until very recently Nussbaum has defended what might be referred to as an 'extreme' version of 'cosmopolitanism' which she suggests is closely related to that of Cicero and the Stoics. According to this version of cosmopolitanism the basic 'units' of cosmopolitan thinking are indeed abstract moral 'persons.' Either these 'persons' lack completely any determinate social identity or, alternatively, although they do possess such an identity this is 'irrelevant' so far as any assessment of their duties as moral agents are concerned.<sup>79</sup> In short, Nussbaum has in the past attributed to the Stoics generally what I have referred to as the 'Contingency Theory of the Self.'<sup>80</sup>

Nussbaum acknowledges, however, that there are difficulties involved in attributing such a view to Cicero, at least if we take into account some of the remarks which Cicero makes about personal identity in the passages from his *De Officiis* discussed above – remarks which I have associated with what I have called the 'Necessity Theory of the Self.' Nussbaum concedes that although in Book III of the *De Officiis* Cicero 'comes close to asserting that our obligation to humanity takes priority over all other obligations, he is far less confident in Book I, and indeed makes many more concessions to *local* affiliation than other Stoic thinkers.'<sup>81</sup> Unlike A. A. Long, then, Nussbaum considers those remarks which Cicero makes about personal identity which are associated with what I have called the 'Necessity Theory of the Self' to be an aberration, untypical of Stoicism in general, especially Roman Stoicism.

The 'Contingency Theory of the Self' is the one which is usually associated with Stoicism, with cosmopolitanism,<sup>82</sup> and with Cicero, just as it is also associated with the philosophies of Plato, Descartes and Kant. For those familiar with the philosophy of these thinkers it is therefore, as Nussbaum has noted, the fact that Cicero occasionally says things which appear to support the view that he subscribes to the 'Necessity Theory' which is surprising. This raises the question of whether the views expressed by Cicero in Book I of his *De Officiis* which support the claim that he does endorse the 'Necessity Theory' can be taken as representative of Stoic thinking in general, or of the later thinking associated with Roman Stoicism, or even of Cicero's

own considered position regarding the nature of the self. In connection with the first two of these issues, it should be noted that the dramaturgical theory of society and its metaphor of society as a theatre, which as we have seen are employed by Cicero, are also to be found in the writings of Epictetus.<sup>83</sup> Similarly, even in the case of Epictetus there is an acknowledgement that the 'ethical life' of most human beings is closely associated, not so much with the rationally apprehensible and universally valid duties and obligations which they have simply because they are human beings or moral 'persons,' but *also* with the local and more parochial duties and obligations which they have as members of particular political communities. Moreover, again in the case of Epictetus, just as in that of Cicero, these local duties and obligations are connected to issues relating to personal identity – the question of who one is, or who one wants and chooses to be.<sup>84</sup> A case could perhaps be made, therefore, for the view that the views expressed by Cicero in this text are not as untypical of later Stoicism as Nussbaum suggests.

## Conclusion

What I hope the analysis of the views of Aristotle and of Cicero presented above has shown is that the distance between them is not so great as it is often assumed to be. Aristotle is by no means a straightforward advocate of a simple-minded form of 'communitarianism,' whose political thought is entirely devoid of any emphasis on universalism, rationalism, and the other things which are usually associated with an one-sided understanding of 'cosmopolitanism' - especially the notion of an abstract moral or legal 'person.' Similarly, Cicero is by no means a straightforward advocate of a simple-minded form of 'cosmopolitanism,' whose political thought is entirely devoid of any emphasis on customs and conventions, or on that which is historical, local and particular, and the other things which are usually associated with a one-sided understanding of and commitment 'communitarianism' - especially the notion that individual moral agents are not abstract 'persons,' but possess, and must necessarily possess, some determinate social identity or other. I have argued that there is evidence to support the view that both Aristotle and Cicero think of individual moral agents as complex or composite entities which possess both 'universal' and 'particular' characteristics. Neither of them, therefore, is exclusively either a communitarian or a cosmopolitan thinker, as these terms are often understood. This is not to say that it is entirely inappropriate to characterize them as being 'cosmopolitan' theorists of *some* kind, provided one's understanding of what it is to be a cosmopolitan thinker has been suitably qualified.

Simon Caney has said, in my view sensibly, that it is an 'error' to assume that 'to posit a common human nature,' as perhaps all cosmopolitan thinkers do, is necessarily 'to deny the *historicity* of persons.' According to Caney, such a view is 'misconceived,' for to affirm a conception of human nature is to affirm *some* properties that persons have in common.' It is not, therefore, necessarily to 'deny the many ways in which persons' membership of cultures render them *different*.'<sup>85</sup> If the view which Caney appears to endorse here might be thought of as a weak or moderate form of cosmopolitanism, then in my view both Aristotle and Cicero could be said to be 'cosmopolitan' thinkers in just this sense. The crucial question for all

cosmopolitan thinkers, however, is not so much whether the 'persons' who lie at the heart of cosmopolitan political thought possess a particular self, or a particular social identity which is an *historical* product, as well a 'universal' self insofar as they are all human beings, but how *important* this is for our understanding of them as moral agents – of *who* they are and where their duties lie. As Martha Nussbaum has noted, the issue is whether this historical identity is also merely a *contingent* one and therefore 'morally irrelevant' so far as cosmopolitan political thought is concerned.<sup>86</sup> I have argued, against Nussbaum, that for Aristotle and Cicero this is not the case, despite the fact that both of them could legitimately be said to be 'cosmopolitan' thinkers in some sense of that term.

## **Appendix: Martha Nussbaum on the Self**

Martha Nussbaum has suggested that 'national origin is rather like class background, parental wealth, race, and sex: namely, a *contingent* fact about a person that should not be permitted to deform a person's life.'<sup>87</sup> This suggests that an individual would be the same 'person' even if (*per impossibile*) they were somehow detached from all of these allegedly contingent characteristic features which they merely happen to possess and be associated with other, quite different ones. In other words, Nussbaum subscribes to what in the main body of this paper I have called 'the Contingency Theory of the Self.' But this view might be criticized from the standpoint of the 'Necessity Theory.' It is true that the person in question would continue to be a 'person' or a 'human being,' considered abstractly, even if they were to 'lose' all of these characteristic features. But it is arguable that there is an sense in which they could *not* be said to be the '*same*' person or human being at all. From this point of view, the relationship in which individuals stand to the society in which they were born and reared, and to its culture and its traditions, is not by any means a contingent one. The psychological characteristics associated with being a member of that society or state, as opposed to a different one, are just as much a part of who one is as those generic characteristics which can be found in all human beings. One cannot, therefore, detach oneself from one's own particular identity (what might be characterized as one's primary social and political identity) in the way that Nussbaum appears to be suggesting; or at least one cannot do so without some fundamental change of personality, or restructuring, or reinventing or remaking of oneself. Such a process is not by any means as simple as Nussbaum appears to think.

This point has been well made by Gertrude Himmelfarb, who says that 'what [extreme] cosmopolitanism obscures, even denies, are the givens of life: parents, ancestors, family, race, religion, heritage, history, culture, tradition, community – and nationality. These are *not* "accidental" attributes of the individual. They are *essential* attributes. We do not come into the world as free-floating, autonomous individuals. We come into it complete with all the particular, defining characteristics that go into a fully formed human being, a being with an *identity*. Identity is neither an accident nor a matter of choice. It is *given*, not willed. We may, in the course of

our lives, reject or alter one or another of these givens, perhaps for good reason. But we do so at some cost to the *self*.<sup>88</sup>

A similar view has also been maintained by Samuel Scheffler, who also subscribes to a 'Necessity Theory of the Self.' Scheffler's views might be taken as a direct commentary on the views expressed by Cicero in his *De Officiis*, and are worth quoting at length:

'Our most significant social roles and relations...help determine what might be called our social identities. To the extent that we choose our roles and relations, and decide how much significance they have in our lives, we shape our own identities. But to the extent that these things are fixed independently of our choices, our identities are beyond our control...The ability to have our social identities influenced by our choices is something about which most of us care deeply, and which seems to us an important prerequisite for the forms of human flourishing to which we aspire. We regard societies in which one's social identity is rigidly fixed as a matter of law or social practice, by features of one's birth or breeding over which one has no control, as societies that are inhospitable to human freedom....[204]...And yet...it is clear that the capacity to determine one's identity has its limits. Each of us is born into a web of social relations, and our social world lays claim to us long before we can attain reflective distance from it or begin making choices about our place in it. We acquire personal relations and social affiliations of a *formative* kind before we are able to conceive of them as such or contemplate altering them. Thus there is no question...of our being able actually to choose all of the relations in which we stand to other people...For better or worse, the influence on our personal histories of unchosen social relations – to parents and siblings, families and communities, nations and peoples – is *not* something that we determine by ourselves. Whether we like to or not such relations help to define the contours of our lives, and influence the ways that we are seen both by ourselves and by others. Even those who sever or repudiate such ties – insofar as it is possible to do so – can never escape their influence or deprive them of all significance, for to have repudiated a personal tie is not the same as never having had it, and one does not nullify social bonds by rejecting them. One is, in other words, forever the person who has rejected or repudiated those bonds; one cannot make oneself into a person who lacked them from the outset. Thus while some people travel enormous social distances in their lives, and while the possibility of so doing is something that we have every reason to cherish, the idea that the significance of our personal ties and social affiliations is *wholly* dependent on our wills – that we are the supreme gatekeepers of our own identities – can only be regarded as a fantasy.'<sup>89</sup>

Needless to say, these remarks of Scheffler's, like those of Himmelfarb, constitute an effective criticism only of what I have called a strong or extreme version of cosmopolitanism. As a critique of the more moderate form of cosmopolitanism which I have associated with both Aristotle and Cicero (at least on one reading of Cicero's thought) they are much less effective.

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## NOTES

<sup>1</sup>Jeremy Waldron, 'Minority Cultures and the Cosmopolitan Alternative,' *University of Michigan Journal of Law Reform*, 25, 3-4 (1991-92), pp. 751-93,

<sup>2</sup>Shlomo Avineri, and A. S. de-Shalit, A. (eds) *Communitarianism and Individualism* (Oxford: Oxford University Press, 1992); Will Kymlicka, *Liberalism, Community and Culture* (Oxford, 1989); Steven Mulhall, and Adam Swift eds., *Liberals and Communitarians* (Oxford: Blackwell, 1992); Michael Sandel, *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press, 1982); Michael Sandel ed., (1984), *Liberalism and its Critics* (Oxford: Blackwell, 1984); Michael Walzer, 'The Communitarian Critique of Liberalism', *Political Theory*, 18, 2 (1990), pp. 6-23.

<sup>3</sup>To cite just one example, see Michael J. Sandel, 'The Procedural Republic and the Unencumbered Self,' in Tracy B. Strong ed., *The Self and the Political Order* (New York: New York University Press, 1992), pp. 79-94.

<sup>4</sup>See Derek Heater, *World Citizenship: Cosmopolitan Thinking and its Opponents* (London: Continuum, 2002), p. 15; Jones, *Global Justice: Defending Cosmopolitanism*, p. 203; Sharon Anderson-Gold, *Cosmopolitanism and Human Rights* (Cardiff: University of Wales Press, 2001), 'Introduction,' p. 1.

<sup>5</sup>See especially the various contributions to Martha Nussbaum et. al. *For Love of Country: Debating the Limits of Patriotism* (Boston: Beacon Press, 1996).

<sup>6</sup>See Simon Caney, *Justice Beyond Borders: A Global Political Theory* (Oxford: Oxford University Press, 2005), pp. 26, 72, 105; Charles Jones, *Global Justice: Defending Cosmopolitanism*, pp. 15, 55; Derek Heater, *World Citizenship: Cosmopolitan Thinking and its Opponents*, p. 73; David Held, 'Principles of Cosmopolitan Order,' in Brock and Brighouse eds. *The Political Philosophy of Cosmopolitanism*, pp. 12, 20-21, 25; Darrell Moellendorf, 'Persons' Interests, States' Duties and Global Governance,' in Brock and Brighouse eds. *The Political Philosophy of Cosmopolitanism*, pp. 148-63, esp. 148; Martha Nussbaum, 'Patriotism and Cosmopolitanism,' p. 8; Martha Nussbaum, *Frontiers of Justice*, p 292.

<sup>7</sup>For example, Caney, *Justice Beyond Borders: A Global Political Theory*, p. 4; Derek Heater, *World Citizenship: Cosmopolitan Thinking and its Opponents* (London: Continuum, 2002), pp. 13-14.

<sup>8</sup>Thomas Pogge, 'Cosmopolitanism and Sovereignty,' *Ethics*, 103, 1 (1992), pp. 48-75, cited pp. 48-49; reprinted in Brown ed., *Political Restructuring in Europe: Ethical Perspectives*, pp. 89-122, cited p. 89.

<sup>9</sup>T. S. Kuhn, *The Structure of Scientific Revolutions*, 2<sup>nd</sup> ed (Chicago: University of Chicago Press, 1970 [1962]).

<sup>10</sup>Michel Foucault, *The Archaeology of Knowledge* (London: Routledge, 1995 [1965]).

<sup>11</sup>See Tony Burns, 'Aristotle and Natural Law,' *History of Political Thought*, XIX, 3 (1998), pp. 142-66.

<sup>12</sup>Distinctions of this kind are often made by contributors to the debate over cosmopolitanism. See, for example, Bruce Ackerman, 'Rooted Cosmopolitanism,' *Ethics*, 104, 3 (1994), pp. 516-35; Brock and Brighouse, 'Introduction' to *The Political Philosophy of Cosmopolitanism*, p. 3; Caney, *Justice Beyond Borders: A Global Political Theory*, pp. 5-6; Caney, 'Review Article: International Distributive Justice,' *Political Studies*, 49 (2001), pp. 974-97, esp. p. 975; Mitchell Cohn, 'Rooted Cosmopolitanism,' in Michael Walzer ed., *Toward a Global Civil Society* (Providence RI: Bergahn Books, 1995); David Held, 'Principles of Cosmopolitan Order,' in Brock and Brighouse eds., *The Political Philosophy of Cosmopolitanism*, pp. 10-27, cited p. 17; David Miller, 'The Limits of Cosmopolitan Justice, in D. Mapel and T. Nardin eds., *International Society: Diverse Ethical Perspectives* (Princeton, NJ: Princeton University Press, 1998), pp. 166-67; Thomas Pogge, 'Cosmopolitanism and Sovereignty,' *Ethics*, 103, 1 (1992), pp. 48-75, cited p. 49; Thomas Pogge, 'Cosmopolitanism: A Defence,' *Critical Review of International Social and Political Philosophy*, 5, 3 (2002), pp. 86-91; Samuel Scheffler, 'Conceptions of Cosmopolitanism,' *Utilitas*, 11, 3 (1999), pp. 255-76; reprinted in Samuel Scheffler, *Boundaries and Allegiances: Problems of Justice and Responsibility in Liberal Thought* (Oxford, 2002), pp. 111-31, esp. pp. 114, 119.

<sup>13</sup>Ernest J. Weinrib, 'Corrective Justice,' *Iowa Law Review*, 77 (1991-92), pp. 403-26; Steven J Heyman, 'Aristotle on Political Justice,' *Iowa Law Review*, 77 (1991-92), pp. 851-63. Symposium: Corrective Justice and Formalism: The Care One Owes One's Neighbor, *Iowa Law Review*, 77 (1991-92), pp. 403-864. The papers by Weinrib and Heyman were contributions to 'Symposium: Corrective Justice and Formalism: The Care One Owes One's Neighbor,' *Iowa Law Review*, 77 (1991-92), pp. 403-864. For the other contributions to the symposium see Peter Benson, 'The Basis of Corrective Justice and its Relation to Distributive Justice,' *Iowa Law Review*, 77 (1991-92), pp. 515-624; Richard W.

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Wright, 'Substantive Corrective Justice,' *Iowa Law Review*, 77 (1991-92), pp. 625-712; and Anita L. Allen and Maria H. Morales, 'Hobbes, Formalism and Corrective Justice,' *Iowa Law Review*, 77 (1991-92), pp. 713-739.

<sup>14</sup>Weinrib, 'Corrective Justice,' p. 419.

<sup>15</sup>Weinrib, 'Corrective Justice,' p. 421.

<sup>16</sup>Weinrib, 'Corrective Justice,' p. 404.

<sup>17</sup>Weinrib, 'Corrective Justice,' p. 404.

<sup>18</sup>Weinrib, 'Corrective Justice,' p. 404.

<sup>19</sup>Weinrib, 'Corrective Justice,' p. 422.

<sup>20</sup>Weinrib, 'Corrective Justice,' p. 424.

<sup>21</sup>*Ibid.*

<sup>22</sup>*Ibid.*

<sup>23</sup>Steven J Heyman, 'Aristotle on Political Justice,' *Iowa Law Review*, 77 (1991-92), p. 860.

<sup>24</sup>*Ibid.*

<sup>25</sup>Aristotle, *Politics*, Book I, Chapter 3, 1253b15-23, *Works*, II, p. 1989; Book I, Chapter 5, 1254a18-1255a2, *Works*, II, pp. 1989-9; Book I, Chapter 6, 1255a4-1255b15, pp. 1991-92.

<sup>26</sup>Aristotle, *Politics*, Book I, Chapter, *Works*, Vol. II, p.

<sup>27</sup>Aristotle, *Politics*, Book I, Chapter 5, 1255a1-2, *Works*, Vol. II, p. 1991. The translation in the *Works* is by Benjamin Jowett, who invariably uses the English word 'man' when referring to human beings. I have taken the liberty of substituting the expression 'human being' for this throughout.

<sup>28</sup>Aristotle, *Politics*, Book I, Chapter 13, 1259b27-28, *Works*, Vol. II, p. 1999.

<sup>29</sup>Aristotle, *Nicomachean Ethics*, Book VIII, Chapter 11, 1161a31-1161b7, *Works*, Vol. II, p. 1835.

<sup>30</sup>Aristotle, *Politics*, Book III, Chapter 9, 1280a32, *Works*, Vol. II, p.2032.

<sup>31</sup>Aristotle, *Politics*, Book I, Chapter 13, 1260a12- *Works*, Vol. II, p. 1999.

<sup>32</sup>Aristotle, *Politics*, Book I, Chapter 5, 1254b21-25, p. 1990.

<sup>33</sup>*Ibid.*

<sup>34</sup>*Ibid.*

<sup>35</sup>*Ibid.*

<sup>36</sup>Aristotle, *Politics*, Book I, Chapter 4, 1253b31-32, *Works*, Vol. II, p. 1989.

<sup>37</sup>*Ibid.*

<sup>38</sup>*Ibid.*

<sup>39</sup>Aristotle, *Ethics*, Book VIII, Chapter 11, 1161b4, *Works*, Vol. II, p. 1835.

<sup>40</sup>Aristotle, *Politics*, Book I, Chapter 13, 1259b21-29, *Works*, Vol. II, p. 1999.

<sup>41</sup>Aristotle, *Politics*, Book I, Chapter 13, 1259b25-26, *Works*, Vol. II, p. 1999

<sup>42</sup>*Ibid.*

<sup>43</sup>Cf Aristotle, *Politics*, Book I, Chapter 13, 1260a1-2, p. 1999: 'If he [a slave] be licentious and cowardly, he will certainly not do his *duty*'; *Politics*, Book I, Chapter 13, 1260a16-17, p. 1999: 'all should partake of them, but only in such manner and degree as is required by each for the fulfillment of his *duty*'; *Politics*, Book I, Chapter 13, 1260a34-36, p. 2000: 'Now we determined that a slave is useful for the wants of life, and therefore he will obviously require only so much virtue as will prevent him from failing in his *duty* through cowardice or lack of self-control'; *Politics*, Book I, Chapter 13, 1260b5-6, p. 2000 'It is manifest, then, that the master ought to be the source of such excellence in the slave, and not a mere possessor of the art of mastership which trains the slave in his *duties*.'

<sup>44</sup>Aristotle, *Nicomachean Ethics*, Book VIII, Chapter 11, 1161a31-1161b7, *Works*, Vol. II, p. 1835.

<sup>45</sup>Gillian Brock and Harry Brighouse, 'Introduction,' to Gillian Brock and Harry Brighouse eds., *The Political Philosophy of Cosmopolitanism* (Cambridge: Cambridge University Press, 2005), p. 2.

<sup>46</sup>Jeremy Waldron, 'Minority Cultures and the Cosmopolitan Alternative,' *University of Michigan Journal of Law Reform*, 25, 3-4 (1991-92), pp. 751-93, cited, p. 754 (also in Will Kymlicka ed., *The Rights of Minority Cultures* (Oxford: Oxford University Press, 1999), cited p. 95). See also Jeremy Waldron, 'What is Cosmopolitan?' *Journal of Political Philosophy*, 8, 2 (2000), pp. 227-43, which responds to criticisms of the earlier piece.

<sup>47</sup>Cicero, *De Officiis*, trans. Walter Miller (Cambridge Mass: Harvard University Press, 1968 [1913]), Loeb Classical Library, Book I, Chapters XXX-XXX Paras 107-121, pp. 109-25. For discussion of Cicero's views see Christopher Gill, 'Personhood and Personality: The Four *Personae* Theory in Cicero, *De Officiis I*', *Oxford Studies in Ancient Philosophy*, 5 (1988), pp. 169-99.

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- <sup>48</sup>Cicero, *De Officiis*, trans. Walter Miller (Cambridge Mass: Harvard University Press, 1968 [1913]), Loeb Classical Library, Book I, Chapter XXX, Para 107, p. 109.
- <sup>49</sup>At least Cicero does not think so initially – although it is arguable that such a view is a logical outcome for anyone who embraces the ‘Contingency Theory of the Self.’
- <sup>50</sup>Ibid.
- <sup>51</sup>Cicero, *De Officiis*, I, XXX, 109, p. 113.
- <sup>52</sup>Cicero, *De Officiis*, I, XXXI, 113, p. 117.
- <sup>53</sup>Cicero, *De Officiis*, I, XXXI, 111-12, pp. 113-15.
- <sup>54</sup>Cicero, *De Officiis*, I, XXXI, 112, p. 115.
- <sup>55</sup>Heater, *World Citizenship and Government: Cosmopolitan Ideas in the History of Western Political Thought* (London: Macmillan, 1996), p. 11.
- <sup>56</sup>Ibid.
- <sup>57</sup>Heater, *World Citizenship: Cosmopolitan Thinking and its Opponents* (London: Continuum, 2002), pp. See also Lisa Hill, ‘The Two *Republicae* of the Roman Stoics: Can a Cosmopolite be a Patriot?’ *Citizenship Studies*, 4, 1 (2000), pp. 65-79.
- <sup>58</sup>Derek Heater, *World Citizenship: Cosmopolitan Thinking and its Opponents* p. 37.
- <sup>59</sup>Heater, *World Citizenship: Cosmopolitan Thinking and its Opponents*, p. 40.
- <sup>60</sup>Heater, *World Citizenship: Cosmopolitan Thinking and its Opponents*, p. 81.
- <sup>61</sup>Cicero, *De Officiis*, I, XXXI, 114, p. 117.
- <sup>62</sup>Ibid.
- <sup>63</sup>Cicero, *De Officiis*, I, XXXI, 110, p. 113.
- <sup>64</sup>Here there is a striking affinity between the views expressed by Cicero in his *De Officiis* and those expressed about this same subject much more recently by Jurgen Habermas. See Jurgen Habermas, ‘On the Pragmatic, the Ethical and the Moral Employments of Practical Reason,’ *Justification and Application: Remarks on Discourse Ethics* (Cambridge: Polity Press, 1993), pp. 2-10, cited p. 4: ‘In the case of complex decisions – for example, choosing a *career*...The more radically this question is posed, the more it becomes a matter of what life one would like to lead, and that means *the kind of person one is and would like to be*.’ Habermas says here that he follows Charles Taylor, who also has an interest in, as Habermas puts it, ‘the self understanding of a person, his character and way of life,’ and hence with ‘each individual’s identity.’ Cf Charles Taylor, ‘The Concept of a Person,’ *Philosophical Papers* (New York, 1985), Vol 1, pp. 95 et seq.
- <sup>65</sup>Cicero, *De Officiis*, I, XXXII, 115, p. 117.
- <sup>66</sup>Cicero, *De Officiis*, I, XXXII, 115, p. 119.
- <sup>67</sup>Cicero, *De Officiis*, I, XXXIII, 119, p. 121.
- <sup>68</sup>Cicero, *De Officiis*, I, XXXIII, 119, p. 123.
- <sup>69</sup>Cicero, *De Officiis*, I, XXXIII, 120-121, p. 123.
- <sup>70</sup>Michel Foucault, ‘The Ethics of the Concern for the Self as a Practice of Freedom,’ in Paul Rabinow (ed), *Michel Foucault: Essential Works of Michel Foucault 1955-1984, Volume I – Ethics, Subjectivity and Truth* (New York: The New Press, 1997 [1994]), pp. 281-302. For Foucault, ancient Greek ethics and the notion of the ‘care of the self,’ see also C. B. Becker and Lawrence C. Becker, *A History of Western Ethics* (Routledge, 2003), pp. 34-36; Michael L. Humphries, ‘Michel Foucault on Writing and the Self in the *Meditations* of Marcus Aurelius and *Confessions* of St. Augustine,’ *Arethusa*, 30, 1 (1997) 125-138; A. A. Long, ‘Roman Ethics,’ in C. B. Becker and Lawrence C. Becker, *A History of Western Ethics* (Routledge, 2003), pp. 31-42; Neil Levy, ‘Foucault as Virtue Ethicist,’ *Foucault Studies*, 1 (2004), pp. 20-31; Paul Veyne, Catherine Porter and Arnold I. Davidson, ‘The Final Foucault and His Ethics,’ *Critical Inquiry*, 20, 1 (1993), pp. 1-9.
- <sup>71</sup>A. A. Long, ‘Roman Ethics,’ in C. B. Becker and Lawrence C. Becker, *A History of Western Ethics* (Routledge, 2003), pp. 31-42; A. A. Long, *Epictetus: A Stoic and Socratic Guide to Life* (Oxford: Clarendon Press, 2002), esp. pp. 193, 229-37, 242-43, 274. Long’s debt to Foucault in these remarks is evident, and acknowledged by him.
- <sup>72</sup>Long, ‘Roman Ethics,’ pp. 35-36.
- <sup>73</sup>Ibid.
- <sup>74</sup>Martha Nussbaum, ‘Patriotism and Cosmopolitanism,’ in Martha Nussbaum et. al. *For Love of Country: Debating the Limits of Patriotism*, pp. 3-17; Martha Nussbaum, ‘Kant and Stoic Cosmopolitanism,’ *Journal of Political Philosophy*, 5, 1 (1997), pp. 1-25.; Martha Nussbaum, *Frontiers*

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of Justice: Disability, Nationality, Species Membership (Cambridge Mass & London: Belknap Press, 2006).

<sup>75</sup>Martha Nussbaum 'Patriotism and Cosmopolitanism,' in Martha Nussbaum et. al., *For Love of Country: Debating the Limits of Patriotism* (Boston: Beacon Press, 1996), pp. 3-17.

<sup>76</sup>Nussbaum, 'Patriotism and Cosmopolitanism,' p. 7.

<sup>77</sup>Nussbaum, 'Patriotism and Cosmopolitanism,' p. 9.

<sup>78</sup>Nussbaum, 'Patriotism and Cosmopolitanism,' p. 9.

<sup>79</sup>Martha Nussbaum 'Patriotism and Cosmopolitanism,' in Nussbaum et. al. *For Love of Country: Debating the Limits of Patriotism*, pp. 3-17.

<sup>80</sup>Samuel Scheffler, 'Conceptions of Cosmopolitanism,' *Utilitas*, 11, 3 (1999), pp. 255-76, cited p. 262, and Derek Heater, who follows him, *World Citizenship: Cosmopolitan Thinking and its Opponents*, p. 11, have both suggested that Nussbaum should be associated with 'extreme' cosmopolitanism in her 'Patriotism and Cosmopolitanism,' Nussbaum et. al. *For Love of Country: Debating the Limits of Patriotism* (Boston: Beacon Press, 1996). For 'extreme' cosmopolitan thinkers 'patriotism and cosmopolitanism are mutually incompatible' with one another. One is, therefore, presented with an 'either-or' choice between being a 'cosmopolitan' and being a 'patriot.' On the other hand, those who (like Scheffler) claim that cosmopolitanism and patriotism are compatible may be said to embrace a form of 'moderate cosmopolitanism.' In this connection see also Charles Taylor, 'Why Democracy Needs Patriotism,' in Nussbaum et. al. *For the Love of Country: Debating the Limits of Patriotism*, pp. 119-21, cited p. 121, who maintains that 'we have no choice but to be cosmopolitans and patriots'; and Kwame Anthony Appiah, 'Cosmopolitan Patriots,' also in Nussbaum et. al. *For the Love of Country: Debating the Limits of Patriotism*, pp. 21-29, cited p. 25: '[T]he cosmopolitan...celebrates the fact that there are *different* local human ways of being.' See also Pauline Kleingeld, 'Kantian Patriotism,' *Philosophy and Public Affairs*, 29, 4 (2000), pp. 313-42; and Charles R. Beitz, 'Patriotism for Cosmopolitans,' *Boston Review*, 19, 5 (1994), pp. 23-24.

<sup>81</sup>Martha Nussbaum, 'Kant and Stoic Cosmopolitanism,' *Journal of Political Philosophy*, 5, 1 (1997), pp. 1-25, cited p. 7, fn. 23.

<sup>82</sup>For example, Simon Caney, *Justice Beyond Borders: A Global Political Theory*, p. 121, refers to the arguments of Charles Jones and Henry Shue in the following way. According to Caney: '[T]he arguments considered all invoke a universalist moral personality. Shue and Jones's arguments rest on the moral personality of all persons as rights bearers and attribute *no* moral relevance to persons' nationality or ethnicity or civic identity.' Note that although he is committed to a 'cosmopolitan' outlook Caney's himself does not share this view. At fn 54 to p. 121 given on p. 144, Caney also attributes this 'extreme' view to Thomas Pogge. This is interesting because in his own preliminary account of the beliefs associated with cosmopolitanism Caney simply cites the account given by Pogge, without demur. At that point he does not indicate that he has any reservations at all about Pogge's understanding of cosmopolitanism. However, elsewhere in his book he is more circumspect. For the relevant texts see Jones, *Global Justice: Defending Cosmopolitanism*, pp. 61-62; Thomas Pogge, *Realizing Rawls* (London and Ithaca: Cornell University Press, 1989), p. 247; Pogge, 'Cosmopolitanism and Sovereignty,' in Brown ed., *Political Restructuring in Europe: Ethical Perspectives*, p. 198; Thomas Pogge, 'Loopholes in Moralities,' *Journal of Philosophy*, 89, 2 (1992), pp. 89-90, 92-95; Thomas Pogge, 'An Egalitarian Law of Peoples,' *Philosophy and Public Affairs*, 23, 3 (1994), pp. 195-224, esp. p. 198; Henry Shue, *Basic Rights: Subsistence, Affluence and U.S. Foreign Policy*, 2<sup>nd</sup> ed (Princeton: Princeton University Press, 1996), pp. 61-62.

<sup>83</sup>'Remember that you are an actor in a play, whichever play the dramatist chooses, whether short or long. If he wants you to play the part of a beggar, be sure to act it skillfully, and similarly with the parts of cripple or official or private citizen. For *your* function is to play the assigned role well, but the choice of the role is *another's*.' Epictetus, *Enchiridion*, 17, cited Long, *Epictetus: A Stoic and Socratic Guide to Life*, p. 242.

<sup>84</sup>Epictetus, 'How can the acts appropriate to man be discovered from the names applied to him?' in *The Discourses of Epictetus*, ed. Christopher Gill (London: Everyman, 2000), II, X, pp. 95-98.

<sup>85</sup>Caney, *Justice Beyond Borders: A Global Political Theory*, pp. 39-40; see also p. 31.

<sup>86</sup>Nussbaum, 'Patriotism and Cosmopolitanism,' p. 5: 'Once someone has said, I am an Indian first, a citizen of the world second, once he or she has made that morally questionable move of *self-definition* by a *morally irrelevant* characteristic, then what, indeed, will stop that person from saying...I am a Hindu first and an Indian second, or I am an upper class landlord first and a Hindu second?' It is this

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remark, perhaps more than any other, which is the focus of criticism by the other contributors to the volume in which it was made. See also Nussbaum, 'Kant and Stoic Cosmopolitanism,' p. 5: 'Class, rank, status, national origin and location, and even gender are treated by the Cynics as secondary and *morally irrelevant* attributes.' Nussbaum goes on to state that 'it is obvious' that these ideas 'had a major influence on later Greco-Roman cosmopolitanism.' When she made these remarks ten years ago Nussbaum attributed to Cicero and the Stoics, and herself endorsed, what I have called 'The Contingency Theory of the Self.' She might for that reason be said to have then subscribed to a strong or extreme form of cosmopolitanism. Since then her views on the 'self' have altered, as is evident from what she says about the subject in her recent *Frontiers of Justice*, where Nussbaum's understanding of the 'self' is much closer to Aristotle and Marx than it is to Kant and the Stoics.

<sup>87</sup>Nussbaum, *Frontiers of Justice*, p. 264.

<sup>88</sup>Gertrude Himmelfarb, 'The Illusions of Cosmopolitanism,' in Nussbaum et. al., *For Love of Country*, p. 77:

<sup>89</sup>Scheffler, 'Relationships and Responsibilities,' *Philosophy and Public Affairs*, 26, 3 (1997), pp. 189-209, esp. p. 203.