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Symposium on Classical Philosophy and the American Constitutional Order

Martha C. Nussbaum

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COMMENTS

MARTHA C. NUSSBAUM*

The first half of this piece is devoted to making some brief general remarks about a few issues on which I think it is useful to focus in thinking about the classical tradition. Later, I will make more concrete comments about the specific papers. I want to raise three general issues. First, I want to talk about the absence of Hellenistic thought from our discussion so far, and about the contribution its inclusion might make. I will focus on the Stoics in particular. Second, I want to describe two different versions of the idea of the rule of the virtuous that we find in the classical tradition, and to insist on the importance of keeping these ideas separate from one another. Third, I shall say something about different classical views of the nature of the passions and their relationship to moral education.

First, however, a methodological preliminary. I believe that it is very important to think of the classical philosophical tradition not as a tradition of positions, but as a tradition of argument and counter-argument. It is dedication to argument that makes these philosophers philosophers; and one sells them badly short when one presents them as having “teachings” or dogmas, rather than as having arguments leading from premises to conclusions. In the case of any particular thinker, it is important not only to try to discover what is, in the end, asserted, but also to uncover, and to describe clearly, the structure of the argument that leads to the conclusion—so that one can see at what point to intervene, if one wishes to object to the conclusion. To proceed in this way is the only way to respect the philosophers as philosophers. I feel that this obvious point all too frequently gets lost in contemporary discussion, including some of the discussions in papers presented here.

Furthermore—a point of particular importance for this conference—it is crucial to recognize that the various classical thinkers are not in any sense in agreement with one another; they see themselves as rivals for the attention and allegiance of their audience. There may be some points on which “the ancients” all agree. I think, for example, it would not be wrong to claim that all major ancient thinkers agree in lacking any view comparable to the Christian view of original sin. They also agree, in

* Professor of Philosophy and Classics, Brown University.

a related way, concerning the responsiveness of the passions to reasoning and teaching. (More on this below.) But in most matters disagreements are deep. So it is not much use, usually, talking about “the ancients,” unless one immediately delves into a concrete text in order to show what particular argument one has in mind. And there is a further issue here. Frequently different ancient thinkers not only oppose one another in general philosophical terms, but also compete with one another as heirs and interpreters of Socrates. When one alludes to the thought of Socrates, there is need for great caution. For there is not only the very obvious problem that writers close to his own lifetime—Aristophanes, Plato, Xenophon—all present portraits that are different and in some respects incompatible. There is not only the even more obvious problem that we possess no writings of Socrates against which to compare these divergent reports. There is also the problem that in later Hellenistic traditions, Socrates—being venerated both as an excellent thinker and as a human being of awe-inspiring courage and dedication—came to be a kind of paradigm of what the philosophical life should be, and, therefore, to serve as a place holder for whatever is thought best and most valuable in divergent accounts of the philosophical life. Platonists depict Socrates as a Platonist, Sceptics as a Sceptic. The Stoics use him so centrally as a paradigm of Stoic virtue that Seneca even modelled his own death on the death of Socrates, as described in the *Phaedo*. This means that if we are focusing on the American appropriation of the image of Socrates—which, more often than not, was mediated by Hellenistic thought—we must bear in mind the need to ask whose Socrates we are talking about. Most often, I think, it is the Socrates of the Stoic tradition—a figure in some ways rather different from what we can tentatively reconstruct about the historical Socrates.

I. THE STOICS AND THE CLASSICAL TRADITION

This brings me to my first general issue. The account of “the classical tradition” in all the papers (with the exception of some brief and general references in Gordon Wood’s fine historical account)¹ focuses on the thought of Plato and Aristotle. Professor Pangle, I think correctly, adds Xenophon to the picture.² But the powerful thought of the Hellenistic schools—Epicureans, Sceptics, and Stoics—is altogether absent. I will not say much here about the Epicureans and Sceptics, whose influ-

1. Wood, *Classical Republicanism and the American Revolution*, 66 CHI.-KENT L. REV. 13, 22 (1990).

2. Pangle, *The Classical Challenge to the American Constitution*, 66 CHI.-KENT L. REV. 145, 147-48 (1990).

ence is powerful in later philosophical traditions, but also somewhat narrowly circumscribed. I shall focus on the Stoics, who, both through general cultural dissemination and through the works of the greatest of the Roman Stoic philosophers, such as Seneca and Epictetus (and the presentation of Stoic ideas in Cicero), were the most profound philosophical influences on many later traditions of reflections about virtue and the good human life.

There are strong historical reasons why any account of “the classical tradition” that omits the Stoics is seriously incomplete. In the mainstream tradition of the history of modern philosophy, Stoic ethical thought is, on the whole, far more prominent and influential than the ethical thought of Aristotle, and even of Plato. To point to only a few examples, Descartes, when he talks about ethical topics, bases his views almost entirely on Stoic thought, and especially the thought of Seneca. (The book that he and Princess Elizabeth choose to read together is a Seneca “dialogue,” *De Vita Beata*, and he strongly agrees with the sentiments he finds there.) Spinoza, although he certainly knows Aristotle and alludes to him with a kind of distant respect, is much more deeply enmeshed with Stoic ideas. Both his account of the nature of the passions and his arguments for their removal derive from Stoic sources. Kant’s ethical thought owes an enormous debt to Stoic thought; and (though he is influenced by Plato’s *Phaedo*, itself a work of central importance for the Stoics) he is generally unfamiliar with the thought of Aristotle, and with most of Plato’s writings. One could go on and on. Especially relevant for our purposes is the example of Adam Smith, whose theory of the nature of the moral sentiments is explicitly and profoundly based on Stoic conceptions, though he also criticizes certain Stoic ideas, defending a more liberal role for attachments to family and kin than the Stoics had thought wise.

The eighteenth century in America is the heir to all of this long and complex tradition of ethical and psychological reflection, in which the Stoics are by a large margin the leading ancient players. Even when the Founding Fathers are not reading Stoic philosophical texts, they are being confronted with Stoic paradigms of virtue through the history to which I have alluded—and also, of course, through the influence of these paradigms on ancient literary figures such as Plutarch, Virgil, Lucan, and Juvenal, all of whom are widely read in the eighteenth century. So I would suggest that, insofar as the papers presented here have failed to discuss the Stoics, they have presented an unbalanced picture of the “tradition” that was really at issue in America.

In the introduction to his paper, Professor Pangle makes a claim

that I had better address in order to dispel any misapprehension it may create. For he writes that classical scholarship is “especially problematic when the principal focus is placed on thinkers like the Stoics of whom we possess for the most part only exiguous fragments and reports.”³ I am, frankly, at a loss to understand what this astonishing statement means. It is true that for the three great original Greek founders of the Stoa—Zeno, Cleanthes, and Chrysippus—we do possess only fragments and reports. The fragments, however, are by no means “exiguous.” In fact, they fill approximately 750 closely printed pages in the volumes of the *Stoicorum Veterum Fragmenta* (not counting the Index)—in other words, a length about twice that of Plato’s *Republic*. Nor are the reports conjectural and far removed from their source, as is the case with the Pre-Socratics. For Stoicism is a school with a continuous tradition for hundreds of years, and with an enormous emphasis on continuity. Writers such as Cicero and Plutarch—two of the most prolific writers in all antiquity, and markedly obsessed with Stoicism—clearly have the original works of the Greek Stoics before them as they write.

But where the tradition leading to the United States Constitution is concerned, we do not need to rely on fragments at all. For we can rely on exactly what Descartes, Spinoza, Kant, Adam Smith, and the Founding Fathers relied on: the copious and intact surviving works of Seneca, Epictetus, and Marcus Aurelius, as well as the briefer, but still not fragmentary, works of Musonius Rufus. To use a crude but graphic measure, Seneca’s philosophical writings fill six volumes in the Loeb Classical Library; those of Epictetus two; those of Marcus one. Musonius fills a volume in the Teubner library. These writers are orthodox Stoic thinkers; nobody doubts that they are Stoics, and central sources for what Stoicism is. Moreover, along with Cicero and Plutarch, they are the primary sources for the American tradition’s knowledge of Stoicism (since the American founders did not possess our collections of fragments), and are among the most revered and cherished thinkers of the eighteenth century. So what on earth does Pangle mean? Perhaps he has a new argument eliminating these thinkers from consideration as Stoic philosophers. Perhaps he holds that works produced by a former slave cannot possibly count as Stoic philosophy. This knocks out Epictetus, but leaves us with Seneca, Marcus, and Musonius. Perhaps he wishes to deny, as well, that any philosopher who was also a great poet can be a true Stoic philosopher. This gets rid of Seneca, but leaves Marcus and Musonius. Perhaps Pangle will deny that any philosopher who de-

3. *Id.* at 147.

scended to the cave to rule (with considerable distinction) the Roman Empire can have been a true philosopher. This disposes of Marcus, but leaves Musonius. Perhaps, however, he believes that Musonius could not be a true philosopher on account of the content of his views about women and marriage—which I shall discuss shortly. In any case, let him produce his arguments, and not try to confuse the reader about our textual situation. We have plenty of whole Stoic texts; and they are exactly the same texts that the writers of the Constitution studied and revered.

What does Stoic thought contribute to “the classical tradition” that might be absent from accounts of it based on the thought of Plato and Aristotle? First of all, it contributes a most persistent and emphatic assertion that all human beings, in virtue of being human, have the natural capacity for virtue and reason; and an equally emphatic assertion that it is the duty of educators (and, in many cases, of government) to develop those natural capacities. Indeed, a goal of the universe as a whole is seen to be the adjustment of rational beings to the rational structure of the universe. This means that in promoting rational self-development through education, government promotes the goals of the universe, and in failing to do so fails to promote (or even subverts) those goals.

Thus, the idea of the citizenship of the virtuous is understood in Greek Stoic thought to be the injunction to make people virtuous—that is to say, reasonable and self-governing through reason—and then to make them citizens. So in the ideal cities of Zeno and Chrysippus you do find, to be sure, that the citizens are all virtuous. But what we are to understand by this is that the city has taken all its human beings—explicitly including both the male and the female—and has, by educating them, made them into virtuous people. (It is stipulated that males and females will even dress in similar clothing—presumably because these radical thinkers understood that you will not get equal respect for reason in each human being unless and until conventional gender distinctions are eroded.) Even in Rome, where the job of making citizens virtuous has to be considered somewhat indirectly, since the scope of philosophers for political action is highly restricted, there is a tremendous insistence on educating each and every human being, female and male, slave and free. Epictetus, himself once a slave, crusades tirelessly against the relevance of these class distinctions, insisting that the only slavery and freedom worth considering are in the individual soul. In the case of Musonius Rufus (Epictetus’ teacher) there is an equally strong insistence on the importance of the equal education of women. In a remarkable work entitled *Should Women Too Do Philosophy?* he argues, succinctly and most effectively, that since god has given women humanity, and all the natural

capabilities this implies, there is no excuse for not giving them an equal opportunity for self-development and for the completion of virtue that, in his view, only a philosophical education can supply. Concern for virtue is concern for the self-development of each human being; and the good philosopher's fundamental motive is respect for humanity as an end in itself.

Second, in Stoic conceptions of the education for virtue, there is a tremendous emphasis—which we do not find in Plato and Aristotle to this extent—on taking charge of one's own life and one's own choices. If you read any brief passage of Epictetus, you will find at least three injunctions not to listen to anyone else's authority, but to take charge of your own self. ("Wipe your own nose!" he rudely enjoins the too passive pupil.)⁴ I think this is important, since all too often the authority of "the classical tradition" is used to bully or intimidate students into being passive recipients of authority; we should always remember that this is just what the core of that tradition tried most assiduously to combat. It is important, too, because one can see how this insistence on taking charge of oneself led, historically, to a certain sort of liberalism, the kind associated with the Kantian tradition, in which the autonomy of choice is seen as fundamental. In this tradition, as for the Stoics, getting a life that in some sense had the right content—without doing it through one's own deliberation and choice—would be of no worth at all. Philosophical speech is understood by the Stoics in that connection not as authoritative, but as gentle guidance for one's own thought and speech. So instead of a list of imperatives, we have philosophical texts like the letters of Seneca, tentative and searching, directed toward the self-improvement of a particular interlocutor. Whenever Seneca and Epictetus encounter pupils who repeat what Chrysippus said, or what Zeno said, their immediate response is, "But what do *you* say?" and even, "How long will you march under someone else's banner?"⁵

A third point follows naturally from this: the Stoics have a conception of philosophical education and philosophical speech according to which these should be the prerogative of every human being. On the one hand, it is argued that the philosopher should remain immersed in the life of the political community. We even find Musonius arguing that every philosopher should be married in order to fulfill completely the role of political being, which is, as he sees it, inseparable from the role of philosopher. On the other hand, Musonius also holds that each member

4. EPICTETUS, DISCOURSES, I.b.30.

5. SENECA, EPISTOLAE MORALES 33, 7-9.

of the community ought to philosophize. The sort of higher education promised by philosophy is essential for the completion of virtue in each person, and so philosophy will permeate both the household and the community, bringing its benefits to such daily tasks as nursing a child, balancing a budget, taking a bath, and combatting political corruption. Philosophical speech speaks about all of this, and aims to transform it, making each daily choice part of the ordered life of a reasonable being.

Fourth, the Stoic conception of virtuous citizenship is a conception that points beyond the confines of the *polis* as understood in the Platonic/Aristotelian tradition. The frequently repeated idea that the good person is a "citizen of the universe" (*kosmou polites*) may or may not suggest that any Stoic imagined a world state, or thought of the nation as a bad way of setting things up for daily political purposes. What it clearly does mean is that the good person considers national boundaries to be as artificial and morally irrelevant as boundaries of class, wealth, and gender. She or he will take thought for the good of humanity in the world as a whole, and will not refuse concern to those who live beyond her or his own local boundaries. I think that this is an idea with profound historical and philosophical importance. The idea of world citizenship is very influential in some strands of the liberal tradition, and it is an important link between "the classical tradition" and some forms of liberalism. We need to think about it when we reflect about our classical heritage.

Fifth, let us consider the role of religion. Religion is very important in the Stoic tradition, and indeed, in a certain peculiar way, in the Epicurean tradition as well. But in both cases this is religion that is rationalized and highly critical of the superstitious and authoritarian conceptions of popular religion. Zeus is taken by the Stoics to be essentially a reasoning being. When something bad happens, it is certainly the case that Zeus willed it. But Zeus is not imagined as punishing people in the way of the old Greek gods. Rather, the idea is that when you come to understand the whole structure of the universe better, you will see that the thing that seemed bad to you, from your own limited perspective, is actually for the good of the universe as a whole. The universe is well ordered, through and through, under the direction of reason. So to understand the religious conception at the heart of the universe is to understand the rational order of nature: no less, but also, no more. One may have objections to this way of looking at life. Voltaire had a few; and he gave some reasons for preferring the other influential conception bequeathed him by "the classical tradition," namely the Epicurean idea that the world works in a chancy and arbitrary way, and that no divine purpose or agency can

be discerned in its operations. In neither case, however, should citizens fear divine punishments: in the Epicurean case because the gods have no concern for us at all, in the Stoic case because god is thoroughly good. All this should be borne in mind; and I shall return to it in commenting on Professor Pangle's paper.

Finally, we need to ask how the Stoics put these ideas to work in thinking about the best form of government. There is no unanimity—but much argument—among Stoic thinkers about what would be the best regime. There is defense of monarchy (as best, if the monarch is wise, for the education and development of all citizens); there is defense of a mixed regime. In the case of the ideal cities of Zeno and Chrysippus, there is apparently defense of something more like Aristotle's polity, where all citizens will share in ruling and being ruled. But in the Roman Stoics—and this is what Gordon Wood has very correctly emphasized⁶—there is a very strong anti-authoritarian republican tradition, connected with attempts to overthrow the early Roman Empire. Again, this would be an important area to examine in order to see how philosophical arguments—and historical paradigms such as Cato, Brutus, and Socrates—are involved in this tradition, and how the eighteenth century made use of this.

II. VIRTUOUS CITIZENS: ELITISM AND PERFECTIONISM

My second general point is closely connected with the remarks I have made about the Stoics. We need to look more closely at the idea, which arises in several different parts of the classical tradition, that only the virtuous should exercise political authority. I believe that there are two distinct forms of this idea that can be found in the tradition, and it is very important to keep them distinct. One I shall call the elitist view, and the other the perfectionist view. These are not ideal names, but they will do well enough. The elitist view is the view that only certain people are by nature fitted to become virtuous. We should find out who these people are, and then make sure that they rule. That is essentially what one finds in Plato's *Republic*, where the unequal natural distribution of abilities is central to the distribution of political functions, and even of education. The best are selected by testing, and then educated to be rulers. Ideas with similar structure but very different starting points can be found in oligarchic writers, who hold that it is the members of a certain hereditary social elite that we should prefer.

On the other hand, most obviously in the Stoic tradition, you get

6. Wood, *supra* note 1, at 14.

another type of claim that only the virtuous should rule. Here that claim is connected with ideas of the development of human capability and the duties of government. The claim here is that—given that we have on our hands a group of human beings, and given that all human beings are by nature capable of practical reasoning—it is the job of government to educate people so that they become fully virtuous, to develop fully their human capabilities—and then to let them rule. This is, of course, a very different idea, fully compatible with Stoic universalism and the Stoic insistence on the equal humanity of all human beings.

Now I believe that in Aristotle you find a mixture of these two conceptions. There are large numbers of people, particularly the natural slaves and women, who are indeed taken to be by nature incapable of virtue, and therefore also incapable of rule. Thus far, his conception has a Platonic flavor. On the other hand, in Book VII of the *Politics* he defines the best political arrangement as that arrangement “in accordance with which anyone whatsoever might do best and live a flourishing life.”⁷ He continues, emphasizing the need to understand what the flourishing life is, so that through the institutions of the city to be designed, and especially through its educational institutions, we can make people capable of living a flourishing life. This suggests a picture more like the Stoic view, in which we take the whole group and develop their capabilities.⁸

And in fact, Aristotle seems to agree more with the Stoics than with Plato about what natural capabilities one needs in order to become virtuous (and, therefore, to rule). In the *Nicomachean Ethics* he insists that the good human life—the life in accordance with complete virtue—is “common to many, for it is open to all who are not by nature maimed with respect to excellence, by some sort of effort and care.”⁹ And his discussions of natural impediments show that he takes them—for males at any rate—to be highly unusual. This is so because he shares with the Stoics the view that it is practical reason we look for in judging questions of citizenship and rule, not scientific theoretical reasoning. Given the presence of the basic capability to learn to do practical reasoning, the city has a duty to educate the person, developing that ability. In book ten, chapter nine of the *Nicomachean Ethics*, Aristotle also suggests that each individual child should get the care and teaching it needs if it is to become fully capable: that is how Aristotle defends a central role for the family in education, saying that parents know the individuality of their

7. ARISTOTLE, *POLITICS* bk. VII, ch. 2, 1324a23-5.

8. Not all Stoics were on this account republicans since they varied in their views about how important *political* activity was in the rational self-government of a human life.

9. ARISTOTLE, *NICOMACHEAN ETHICS* bk. I, ch. 9, 1099b18-20.

own children best. Here, then, we see a perfectionist rather than an elitist argument. And one must add that the oligarchic form of elitism, in which privilege is conferred by wealth or birth, would be profoundly antithetical to the whole course of Aristotle's thought about money and birth. For he holds consistently that such "external goods" are of no worth in their own right, but are simply tools.

Aristotle's perfectionism has implications for the structure of the city. For example, he shows himself to be very critical of Spartan institutions in which poor people who are unable to pay a subscription are thereby debarred from the "common meals," an important part of civic social functioning—and then, as a consequence of failing to perform that function, are debarred from citizenship. He claims that this puts things the wrong way round. Aristotle would grant that if you can't take part in the common meals, you can't have full virtuous activity as a citizen. But what should be done, he holds, is to make sure that all people *can* take part in the common meals, and to ensure that nobody is too poor to join in. In his own ideal city (following to some extent a Cretan precedent), Aristotle insists that fully half of the city's property should be owned in common, in order to subsidize the participation of all people in the common meals. Here he is clearly a perfectionist, not an elitist. Again, he does hold that people need some private property in order to manifest and develop certain virtues. But, here again, his solution is not to say, "let's look and see who's got the property and then put them in charge." His solution, in the ideal city, is that property should be given out to the citizens in an equitable way, and, moreover, that even privately held property should remain "common in use"—that is to say, any people who are really in need are entitled to help themselves to some of your crops. Again, this is perfectionism, not elitism; and it is about as far from oligarchic elitism as a political view can get.

III. THE EDUCATION OF THE PASSIONS

What is it for a citizen to be in the grip of a passion such as grief or fear or love or anger? And what obstacles does this pose for virtuous citizenship? This subject comes up in several of the papers, most evidently, perhaps, in the paper of Professor Pangle.¹⁰ We need, however, to ask carefully what the various parts of the classical tradition itself thought about this question. In particular, are the passions thought to be mindless and undiscerning? And, second, are the passions thought to be natural, so that once a person is in their grip, this grip can never be

10. Pangle, *supra* note 2, at 168-71.

completely loosened? The importance of these questions for arguments such as Professor Pangle's is evident. For a large part of certain anti-democratic arguments made in the name of classical antiquity is that "the many" are by nature in the grip of certain passions, in particular the fear of death, in such a way that complete virtue is permanently out of reach. This being their nature, they should be ruled; and they must be kept in line by another sort of fear, namely the fear of divine punishment. All of this presupposes affirmative answers to our two questions. And what we must ask is, is that how the philosophers of Greece and Rome would have seen the matter?

Interestingly enough, this is one of the few things on which almost all major parts of this tradition agree. For Plato, Aristotle, Epicureans both Greek and Roman, and most Stoics (including all the great original Greek Stoics, and the most influential of the Roman thinkers, Seneca and Epictetus), the passions—grief, love, pity, fear, anger, and their various species and relatives—are in a most important respect unlike bodily feelings like hunger and thirst. For, unlike those appetites, they are not blind animal forces reaching out for satisfaction no matter what the subject thinks. They are based on judgments or beliefs, in particular on complex evaluative beliefs about what is worthwhile and what is not, what is valuable and what is not. These beliefs are at the very least the necessary conditions of the passions. (Some take them to be sufficient conditions, and the dominant Stoic position holds that the passions just are identical with the beliefs or judgments.) So in order to have fear, or grief, or anger, you must have a whole battery of beliefs: for example, beliefs about what is dangerous and what is not, what is worth getting upset about and what is not, what losses are serious and what are not. These beliefs, furthermore, are taken to be not natural but based on social teaching. This entire tradition consistently holds that people do not come into the world aggressive or angry or frightened or in love, or even grateful. People come into the world with animal appetites, but not with these complex passions; it is socialization that produces the complex that is the passion. If one were to read just one work in which this is set out with particular clarity, one might read Seneca's *On Anger*, where he vehemently and repeatedly argues for the artificial and social character of anger, against views that hold anger to be a part of human nature. (These views must have existed, or argument would not have been needed against them; but they do not seem to have been philosophical views. Even the dissident position of Posidonius, who does posit a separate irrational part of the soul, does not amount to the claim that anger is innate.)

What all this means is that in a community with good educational institutions, we can ensure it that only the appropriate passions will be felt, and in the appropriate context. Indeed, the central task for philosophical education, as both Stoics and Epicureans see it, is to perform a "therapy" of the passions by reasoned argument. Because of their account of the nature of the passions, they could, and did, hold that philosophy was the art that could bring to the individual, and to the state, freedom from the corruptions of anger, the corrosions of fear, and the delusions of erotic love.

For the classical thinkers, therefore, the problem mentioned in Professor Pangle's paper does not and cannot arise. For it is not possible to hold that most people are in the sway of certain passions and will never be otherwise. Reason can "cure" them; and reason is for everyone. If in a certain city we encounter bad passions, we conclude—as Seneca does again and again about the Rome of his day—that there has been a failure of teaching and of reason. The solution lies not in scaring people or in keeping them down, but in educating them better, so that they take charge of themselves. Rightly understood, a good person is not a controlled person, but a deeply harmonious person, a person whose passions have been thoroughly educated and made precise in connection with the correct conception of what matters. Being virtuous is a struggle only if one has first been poorly educated; and even then the struggle is cognitive, a struggle of memory and imagination and reasoning, not of will. Struggling well calls for more and not less autonomy, more and not less reasoning. (Seneca tells the reader of *On Anger* how at the end of each day he sits by himself thinking over his acts and thoughts, and comparing these with the norms he is trying to achieve—criticizing himself for being insulted too easily, reminding himself that one's position at the table is of no importance, and so forth.)¹¹ All this is important to remember when we ask the question whether the majority of people in a given republic can be virtuous, and what it takes to make them virtuous. The conclusion that the classical tradition draws, with remarkable unanimity, is that education is the most essential and urgent task of a regime in which one wants to have people ruling virtuously; and, properly performed, education is sufficient, and sufficient for everyone. This education is not a mindless habituation, but consists of the critical scrutiny of beliefs and judgments. For the Hellenistic thinkers it was natural to call this education philosophy.

11. SENECA, *ON ANGER*, bk. III, 36.

IV. COMMENTS ON THE PAPERS

It is difficult to weave together all the strands of these complex arguments. So I am going to make remarks about each of the papers that will be designed to bring out some of the central themes of the conference; and then I'll conclude by talking about one issue that is raised, in various ways, by all the papers.

A. *Sunstein*

I am in considerable agreement with Professor Sunstein's paper,¹² and I also admire his arguments. I would simply like to support his statements about the social shaping of preferences by describing some experiences I have had in working on defining the quality of life for developing countries. (This work is part of an ongoing project at the World Institute for Development Economics Research in Helsinki.) When you look away from a relatively prosperous country like ours to a country such as India, where nutrition and health care are pressing problems for a great part of the population, you see even more clearly than you do in the United States the extent to which people's revealed preferences are unreliable indicators of anything one would want to accept as a good quality of life for those people. In particular, one finds statistics showing that women's perception of their own physical health diverges significantly from what an independent medical examination would report. Long-standing traditions of inequity in the distribution of food within the family, supported by deeply held traditional beliefs that women ought to have less than men in times of scarcity, lead to a situation in which women will report that they are doing well physically, even when medical examinations show that they are suffering diseases of deficiency. If this happens even in the case of physical health, where people's preferences are usually thought to be fairly reliable, things are far more murky where other important goods, such as education, are in question. Typically when government takes a poll, asking whether women want more education than they currently have, they will get the answer that women are pleased enough with the *status quo*. But common sense will dictate skepticism. It seems obvious that the women may not have been encouraged, or even able, to think clearly about the issue. They may have little sense of the alternatives that more education might open to them; and they may be afraid to choose a nontraditional course. They have, as things are, a vested interest in not incurring their husbands' displeasure.

12. Sunstein, *Republicanism and the Preference Problem*, 66 CHI.-KENT L. REV. 181 (1990).

But the amazing thing, when one thinks of this common-sense reply, is how rarely such replies are even entertained by economists and policy-makers working in developing countries. The measuring standards devised by economists are all too often totally insensitive to such philosophical (and common-sense) questions. I think that one should see how radical Professor Sunstein's remarks really are within that context; and one should be aware of how very deeply the revealed preference approaches he criticizes shape public policy, especially where the developing countries are in question.

I can also add that—although Sunstein's paper does not explicitly mention the classical tradition—there is in fact rich material along these lines in the classical tradition, with which he could well connect his arguments. As I said in my earlier remarks on the passions, the various ancient traditions all seem to agree that passions—and, we can now add, preferences more generally—are formed by social teaching. This means that unless one is sure that one is dealing with a just society and a fully adequate educational system, one cannot take the preferences of the society's people as good evidence for what is really valuable for them, or truly needed in order that they should live well. In the Epicurean tradition you find detailed argument concerning how preferences for foods of certain sorts, preferences in the area of power, status, and money, and even preferences in the area of sex and erotic love, are all socially formed, rather than natural. Platonists, Aristotelians, and Stoics make related arguments. This means that the good community has a task to perform: it should shape preferences, to a certain extent, in connection with some determinate conception of the good. The difficult challenge, both for the ancient thinkers themselves and especially for any modern liberal who wants to develop their ideas on this point, is to say how far that can go, and how determinate that conception can be, without being incompatible with the amount of freedom of choice and pluralism one wants to have in a society. (And this amount is no doubt greater for contemporary liberals than for many of the ancient thinkers.) Certainly some thinkers, for example T.H. Green and Ernest Barker, who sympathize with the ancient traditions up to this point, believe that the degree of preference-shaping permitted by the ancient thinkers entails unacceptably high costs in the area of freedom. Barker objected to the manipulative treatment of the young, and held that one had to introduce more room for spontaneity in the educational process, if one was going to get an acceptable result. This is one of the central issues we need to address in thinking about the results of this conference. Up to a certain point, obviously, one must shape the preferences of children during the educational process. But

what can we say to the person who claims, with Green and Barker, that this is incompatible with human freedom? In answering, we must be careful not to use the term "freedom" loosely, but to spell out precisely the different types of freedom we believe citizens should enjoy; and then we must ask at what point in the child's development such freedoms become a good thing.

I believe that the Stoic tradition has a promising approach to these issues. For the Stoics stress that if education is well done, we will have, in the end of the day, people who are capable of surveying the available conceptions of the good and producing good arguments for their own conception. They will also be able to revise and alter their conception in the light of new arguments. By placing the accent on the eventual ability to consider, to argue, and to choose, the Stoics hope to defend a certain amount of preference-shaping in the early stages of education.

B. Solum

Again, I find many points of agreements here. I think Professor Solum was very effective in his argument that it is wrong to assume, when characterizing the classical tradition, a simple dichotomy between the public and the private; that in most of the classical tradition there is a more complicated situation, since the human being is regarded as a being by nature social, a being whose deepest personal interests are at the same time also social. I also like Solum's discussion of inclusiveness, and his remarks about the need to extend classical models in the direction of greater inclusiveness. I would like, however, to answer the question he raised for me (in discussion) on this point. He asked me how much inclusiveness there really is in Aristotle, given that not only the natural slaves and women, who are all supposed to be by nature incapable, but workers, resident aliens, and farmers as well, are excluded from citizenship.

This, I think, is a very tricky problem in Aristotle's text—and, no doubt, in his life as well, since he was one of the resident aliens he discusses, cut off by accident of birth from all important civic functions and forbidden to own property. Aristotle does, on the one hand, say that the best political arrangement is the one "in accordance with which anyone whatsoever might do well and live a flourishing life."¹³ On the other hand, that "anyone whatsoever" clearly leaves out a large number of people, like women and natural slaves. He does not indicate there that it leaves out males of normal ability; and yet when you see the whole pic-

13. ARISTOTLE, POLITICS, bk. VII, ch. 2, 1324a23-5.

ture laid out, you find that the workers—not because of their abilities but because of the contingencies of their way of life, which lacks leisure—are left out. The same is true for farmers, manual laborers, and resident aliens. What is the story here? Why these exclusions? He does once rather wistfully say that it would be nice if some of these jobs could be done either by natural slaves or by “foreigners from neighboring regions”¹⁴—presumably because then the city would not be failing in its task toward any of the people who actually fall under its domain of responsibility. And there is, in another passage, a suggestive remark about mythical automata.¹⁵ (This material has been well discussed by William James Booth in some recent forthcoming writings that I like very much.)¹⁶

But it is a tough problem for any thinker who places, as Aristotle does, such a great emphasis on leisure. One might well start to confront this problem in the way that Professor Solum suggests: by saying that what we really have to rule out is a life that prevents people from developing their rational capabilities. This would include a life in which people, throughout their life, perform a monotonous and grinding form of labor that is incompatible with their getting the sort of education they need to function as citizens. One can perhaps rule this bad form of life out in ways that stop short of creating Aristotle’s situation, where, in order to give that education to some people, you have to keep other groups of basically able people in permanent subservience. It would be a challenge to see what sort of educational policy, and what guarantee of support for the poor, would be necessary in order to achieve that kind of result. I believe that some of the Scandinavian social democracies have in fact thought well about this problem. And I believe you do see there a situation in which, whatever labor one eventually does, one is protected up to a certain age, so that one is able to take advantage of the education that is offered. (One can add that systems of public child care protect the opportunities of parents to continue their education.)

Professor Solum also asked me how inclusive the Stoics really were. It is perfectly true that the Roman Stoics did not extend political participation to women and slaves. The Greek Stoics clearly wished to do this (and, really, to do away with the class and gender distinctions that created these categories). In the Roman case, the Stoics are obviously limited by what they can actually say and what they can actually hope to

14. *Id.* at bk. VII, ch. 9, 1329a26.

15. *Id.* at bk. I, ch. 4, 1253b33-1254a1.

16. Some of this material is now published in Booth, *The New Household Economy*, AM. POL. SCI. REV. 85 (1991) 59-75.

accomplish. Thus, Musonius' proposal for the equal education of women does not suggest that they should perform political functions, but suggests, instead, that the same human virtues can be exercised in the management of the house. In general, Roman Stoics tend not to treat political participation as an important good, and necessary for a fully good human life. Instead they insist that virtue can be developed inside oneself, in whatever sphere of life one happens to have. And here, in the really important matter of virtue, they most explicitly included all human beings, regardless of gender, class, or nation.

On one further point from Solum's paper, I am rather nervous about the idea that the excluded have virtues of their own just because of the excluded and oppressed way of life they have led.¹⁷ I would be happier if he had said that they have a kind of *knowledge*, a kind of *experience* which is highly relevant to good political deliberation, and which more privileged people may not have. But that there should actually be virtues of exclusion, I find an alarming idea; and it would be interesting to know what those virtues might be. I think, in this connection, of the wonderful passage in Aristotle's *Rhetoric* where he talks about the damage that is done to the characters of people who are persistently disappointed and excluded. They can lose, he claims, many of the major virtues, because they become incapable of trust or hope. This, to me, is more persuasive than the idea that exclusion generates new virtues.

C. Galston

I admire Galston's paper for its fascinating historical work. Being no historian, I won't attempt to comment on that. But I believe—to return to my earlier general remark—that an issue exists between Galston and me about how the various classical thinkers stand in relation to the distinction I drew between the elitist conception of the rule of the virtuous and the perfectionist conception. The elitist conception, to summarize again, is the idea that we identify a few people who have natural capabilities that are different from everyone else's, and then make them rule. The perfectionist conception, on the other hand, embodies the idea that we take people, all of whom are presumed to have some set of basic human capabilities for virtue, and view it as our task to train all of them for virtue—and, having trained them, to put them in charge.

Now as that description shows, the two conceptions are not entirely distinct, in that both of them insist that you have to have a certain set of natural capabilities in order to be a candidate for rule. Both conceptions

17. Solum, *Virtues and Voices*, 67 CHI.-KENT L. REV. 111, 131-32 (1990).

also insist that the political community has a duty to educate those able people so that they can rule. But the big differences are in which abilities are required, and how many human beings are taken to have them. In the Platonic conception, since being fully virtuous requires, among other things, the ability to pursue years of advanced mathematical work and work in the sciences, only a very small number of people will turn out to have natural ability for that kind of rule. This conception, then, is certainly the elitist one—although, of course, it is entirely different from familiar oligarchic elitisms of wealth and birth. Where the virtues of public life are concerned, most other ancient thinkers—including Aristotle, the Epicureans, and the Stoics—focus instead on a more broadly distributed set of abilities, especially on the basic ability to achieve moral virtue and practical wisdom, given a certain effort, training, and care. These thinkers therefore conclude that the task of education is very inclusive. One will leave out the people who are, as Aristotle puts it, “by nature maimed with respect to excellence”¹⁸—that is, in his view, the natural slaves and the women—though Stoics vehemently dispute that. Then you still get a very broad duty to educate all the people who have these basic abilities.

So Galston’s category of the gentleman¹⁹ who is singled out from others because of his inequality of gifts is not, I think, a category in the major ancient philosophers at all. For Plato it is not a gentleman, but someone of tremendous mathematical and scientific ability, who will be the focus of attention. In Aristotle and the Stoics, it is whoever has the basic abilities to become virtuous. Both insist that differences of nature do not play a large role here. Most males, at any rate—and, for the Stoics, both males and females—are taken to have the basic abilities, and then the job is to give them the right training. So I think the analogous contemporary questions are, what are the basic abilities required for citizenship, and how would we ascertain that these are present? The potential for abuse in determining the presence of basic human abilities has, throughout history, been shown to be enormously high. The idea that we can devise some form of test to separate those who are intelligent enough to be citizens from other human beings has had a long and inglorious history. So it seems best to follow the Stoics and to proceed on the assumption that every human child is capable—unless one encounters insuperable obstacles (for example, in the form of mental handicaps so severe

18. ARISTOTLE, *NICOMACHEAN ETHICS*, bk. I, ch. 9, 1099b18-20.

19. See Galston, *The Use and Abuse of the Classics in American Constitutionalism*, 66 CHI.-KENT LAW REV. 47, 60-61 (1990).

as to make communication and teaching altogether impossible) over a long period of time.

One more point about Galston's claims. Galston says that the more inclusive way of life that we have now is better for women, better for the disenfranchised minorities, but worse for the gentleman.²⁰ I think it is interesting to ask why it should be thought to be worse for the gentleman. Of what goods is this gentleman being deprived, in order to make this way of life better for other people? One important point from the ancient tradition needs to be brought in here. Where both Aristotle and the Stoics are concerned, money beyond a certain bare minimum does not make for a better life; indeed, more money often makes for a worse life, since it leads to a focusing of attention on merely instrumental things. I believe that this is true: money is simply a tool, and more is not always, and beyond a certain level not often, better. A more egalitarian situation such as the one Galston describes is worse for the gentleman with respect to amount of money; but that is not really worse with respect to virtue, so long as everyone has enough to function and has access to education. Indeed, it may actually be better.

In what way, then, is the more inclusive regime worse for the gentleman? Perhaps it is worse with respect to leisure. Well, perhaps. But then, as I have already said, the kind of leisure one really needs for virtue is a leisure to get a certain level of education. And this can be captured in a reasonably egalitarian way, through a guarantee to all of access to higher education, and through certain restrictions on labor practices. So it is not at all clear that the modern analogues of Galston's gentleman, whoever they are, do worse in the contemporary United States, with respect to leisure. Indeed, I suspect that we strike a better balance between leisure and productive work than did, say, the nineteenth century Russian aristocracy; and we are able to use the leisure we have more productively.

Perhaps the more inclusive regime is worse, however, with respect to political power. For Galston seems to imagine the non-inclusive regime as one in which the gentleman's hereditary wealth and class membership confer a special title to rule. That was not Aristotle's view, but it is a view defended by some ancient oligarchic thinkers; so it is worth examining and worth asking whether those gentlemen are really better off, with respect to the picture of the good human life that I have been discussing. It seems to me that they are not. In the Aristotelian picture I am trying to articulate, all human beings need some degree of political

20. *Id.* at 65.

participation in order to live well; but this, we must assume, is present for the gentleman as for others in the inclusive regime. Aristotle believed that both stability and justice would be served best by making actual exercise of office a rotating matter, so that citizens would take turns in "ruling and being ruled."²¹ He certainly would not have thought lifelong exercise of political power a good thing: both because it prevents the pursuit of other important activities, and because it would create a situation of instability and injustice that would be worse for everyone. But perhaps Galston does not envisage such an extreme asymmetry: perhaps he imagines only that certain influential posts will be more readily given to the wealthy. Still, I doubt whether this makes that person's life better. To be rewarded for a morally irrelevant characteristic is likely to prove morally corrupting. And the power that the gentleman is imagined as holding, even if it does not overburden him and disqualify him from other important pursuits, is not regarded—by Aristotle or the Stoics—as an intrinsically good thing in any case. It is rather like money, something that is useful up to a point, but only insofar as it contributes to virtue. So if the gentleman does better with respect to power, the argument remains to be made, and I find it hard to imagine what sort of argument it would be.

Furthermore, I would argue that in some crucial respects Galston's gentleman does better in an egalitarian regime than in an oligarchic one. For "doing better," if we are talking about the classical tradition, must not be understood in a narrow way, as concerned only with command over resources; it must be understood to introduce a full notion of human functioning. And I would argue that having relations of equality and mutuality with one's fellow citizens—and with the members of one's household—is a very important constituent of "doing well" in this more inclusive sense. To use Aristotelian terminology, the sort of civic friendship that can exist in a hierarchical society is very limited; the more equal way (as Aristotle said, defending the inclusion of the poor in the common meals) is both more expedient and more just. Both friendship and justice are ends in themselves. Therefore it seems to me that there is no doubt that the gentleman does better in an egalitarian regime.

D. Pangle

I was impressed with Pangle's oral discussion of the contrast between classical conceptions and modern rights-based conceptions. In particular, I was very interested in his comment that if Aristotle were

21. ARISTOTLE, *POLITICS*, bk. VII, ch. 14, 1332b25-7, 1332b41-1333a16.

alive today, he would choose to incorporate a notion of rights in his city. I actually said something very like this in a recent paper called *Aristotelian Social Democracy*.²² But I did not expect to find Professor Pangle agreeing with me on this point. I think the interesting question that remains is, what is there in the ancient tradition, if anything, that anticipates a notion of rights? What reasons might Professor Pangle and I have to believe that Aristotle might approve and welcome a notion of rights? I think there are some indications that do point in this direction. In particular, there is a notion, both in Aristotle and in the Stoics, that human capabilities exert a claim on the lawgiver. That is, if you have a person on your hands who is a citizen with the basic capabilities to become virtuous, this exerts a claim on the lawgiver that those abilities should be developed. This is not equivalent to a notion of rights, obviously; but it does give the city a set of duties that sometimes come out in more or less the same way. (One might, for example, through such a line of argument conclude that all citizens should be educated, should have political participation, and should be allowed to pursue various important human functions without interference or impediment.) In Aristotle there is also a notion of the separateness of choice of each individual. In criticizing Plato's ideal city, he certainly insists that the citizens, each and every one of them, must choose to endorse the regime as separate units, not as an organic whole. In this way, insisting that each one should choose separately and not simply go along with the authority of some wise ruler, he again incorporates into his theory some elements of a notion of rights. But there is in Aristotle no sustained and general discussion of the limits of government interference into people's personal choice, movement, speech, and associations. This, from the point of view of anyone interested in a notion of rights, is a glaring gap. Something of this sort would have to be incorporated into classical conception if it was going to be at all acceptable as a basis for a contemporary political conception.

I have several other observations regarding Professor Pangle's claims. Since in his oral remarks, he made a very interesting set of observations about public rhetoric, I want to speak to those. Does the classical conception of politics require, as Professor Pangle alleges, a use of rhetoric for the purposes of some sort of "deception" of the majority? I think there were actually two ideas in what Professor Pangle said. One is the idea that actual deceiving and lying is required. But he also said that

22. Nussbaum, *Aristotelian Social Democracy*, in *LIBERALISM AND THE GOOD* 203 (R.B. Douglass, G. Mara, and H. Richardson, eds. 1990).

a kind of vivid and colorful use of language, an arresting and emotive use of language, was essential in order to draw people in and to get them energized in the search for the good life. Now I would say that the second idea is a very pervasive and powerful feature of many classical conceptions. And on this subject I myself think we would be well advised today to turn to the Epicureans and Stoics, because they think about this issue of rhetoric in great detail. In these traditions a wealth of discussion exists about the proper literary form for a philosophy that is going to be practical, improving people's lives. This discussion is of tremendous importance for us, because political philosophy today, even though it usually intends, in some sense, to be practical, is for the most part written in such a way that it cannot be practical, cannot engage the hearts and minds of nonspecialists. I would agree strongly with Professor Pangle that we need to turn back to ancient traditions of thought about philosophical rhetoric to ask how we ourselves might be public philosophers, speaking to people around the world in a way that will engage them in the search for truth. And I would add that if we understand the emotive use of language as the ancient thinkers understood it, appeals to emotion need not be irrational any more than appeals to belief and judgment need be irrational. In appealing to emotion, we are appealing to especially deeply rooted judgments about what is worthwhile. These judgments may be unreliable, just as beliefs may be unreliable. But if social institutions are not altogether corrupt, there is reason to hope that emotions will contain an accurate record of a citizen's deepest attachments and commitments, commitments that can frequently get lost in the bustle of daily life, and also in the sophistications of intellectual and technical argumentation. So there is reason to think that appealing to emotions might conduce to good reasoning, rather than the reverse.

All of this, obviously, is distinct from a deceptive use of language. For the Hellenistic philosophers this distinction was extremely important. They never thought that you could do people good by lying to them; the purpose of colorful speech was to cut through the false tissue of social life and to show people the depths of themselves. Lucretius compares his words to the lucid beams of the sunlight which, by their truth and clarity, will dispel the shadows of ignorant superstition. Stoics use similar images. Does any ancient philosopher advocate public lying by the philosopher? Aristotle does not, so far as I can see. It is indeed true that Plato's Socrates, in the *Republic*, does in a limited range of cases defend a deceptive use of language: in the case of the famous "noble lie," which will convince citizens (and rulers too, if possible), that their class distinctions are rooted in nature, and in related areas connected with re-

production (459CD);²³ one more passage defends a limited use of lies to enemies and, under certain related circumstances, to citizens (389BC).²⁴ But on the whole the *Republic* condemns lying; the stories told to the young are to be purified of the suggestion that gods or heroes have motives for lying, and they are to be censored to remove the lies that, as currently told, they contain (377 B ff.).²⁵ Professor Pangle oddly mentions 377B as a passage defending lying.²⁶ On the contrary, the passage actually defends the practice of removing lies. Nor is the metaphor of the Cave a "lie," as he seems to think. As for his references to the *Protagoras*,²⁷ they are most peculiar. For surely the dialogue as a whole causes Protagoras to look ridiculous, so it is rash to ascribe to Plato any view announced early on by Protagoras. As for Socrates' reading of the poem by Simonides, how can we possibly know whether the reading is deceptive or truthful, since the poem is preserved only in Plato's text, and cannot be independently assessed? In the *Laws*, Plato makes the text of the *Laws* itself a required piece of reading for the citizens. This is a remarkable fact about the *Laws*: that exactly what the interlocutors say to one another, including their disputes and uncertainties, is what the citizens are supposed to get to know. Far from lying to them, Plato even exposes the tentative and searching character of his legislative thought.²⁸ In the *Phaedrus*, there is a sustained attack on a rhetoric that is not linked up with knowledge of the truth. The dialogue defends language that is beautiful, moving, and powerful; but, nonetheless, all of this is in the service of revealing truth.

I conclude, then, that aside from the carefully limited exceptions in the *Republic* (far more limited than Professor Pangle seems to believe, and necessary in order to found the city and to sustain it from assault), we do not find in the ancient philosophers a call for public deception. In fact, we see a repeated and consistent repudiation of the use of deception in public life, and many attacks on political and sophistical practitioners of deception.

Does the classical ancient regime require a role for religion that maintains citizens in their place by fear? This is alleged in Professor Pan-

23. See Pangle, *Comments on Cass Sunstein's "Republicanism and the Preference Problem,"* 66 CHI.-KENT L. REV. 205, 208 n.15 (1990).

24. *Id.*

25. See Pangle's contrasting discussion, *id.*

26. *Id.*

27. *Id.*

28. 660D-664B, to which Pangle refers, *id.*, insists repeatedly on the *truth* of what will be told to the citizens, worrying only about the problem of persuasion: truth is mentioned at 660E, 662B, 663C, 664B; the lawgiver will "dissipate our darkness," and the Stranger remarks that "I find it even more certain that these truths are beyond question than that Crete is an island."

gle's paper: for example, by his reference to the essential role of "super-human punitive authority,"²⁹ and by his insistence on "fear of divine as well as human punishment."³⁰ Again, I think that on the whole the classical philosophers break very sharply with popular beliefs about the role of fear in public religion. It is certainly true that the average citizen of fifth and fourth-century B.C. Athens feared the gods, and that behavior was in part motivated by fear. But most of the classical philosophers think that this is a defect in popular religion. Plato's *Republic* goes to great lengths to establish that in the ideal city citizens would not be afraid of the gods; indeed, they would not conceive of the gods as beings that would take an interest in intervening in our world by helping or hurting us. Much of his criticism of the poets is based on this point. Of course, this idea is carried much further in Epicureanism, whose central mission is to dispel the idea that divinity punishes or favors us. Fear of a religious sort is taken to be one of the chief sources of moral and political evil—of many murders, thefts, and even wars. In Stoicism you do find a strong role for religion in the whole of human life: but (as I mentioned earlier) it is a heavily rationalized religion, which really is tantamount to pursuing a reasoned understanding of the structure of the universe. Aristotle conspicuously says little about religion in his ethical and political writings. His entire long list of the virtues does not include piety, which would certainly have figured on conventional lists, even much shorter ones. This omission is clearly significant. The role of religion in the ideal city seems to be mainly confined to civic public festivals—such as the tragic festivals, perhaps. One certainly finds no mention of punitiveness in anything he says in discussing festivals. Indeed, given the plurality of cults that were around in the ancient Greek world, it is very interesting that Aristotle does not even mention which gods the citizens would worship. He says nothing to suggest that they would not be completely free to follow the cult of Dionysus, or the Eleusinian Mysteries, or whatever else they might wish to follow. (And of course these two cults were enormous sources of hope, rather than fear, promising some sort of extension of one's personal existence.) Aristotle is simply silent about such choices. What he wants citizens to fear—in addition to the reasonable fear any human being will have of his or her own death—is dishonor and bad action. And if good and virtuous action were chosen out of fear of the gods, rather than through aversion to the bad and love of the good, it would not count as a virtuous action, according to his definition. Virtue

29. Pangle, *supra* note 2, at 162.

30. *Id.* at 166.

must be loved and chosen for its own sake; and he thinks this a reasonable goal for a program of civic education.

The answer that Professor Pangle now makes to me, in his reply to Sunstein, seems completely to miss the issue. For, as anyone who has read this discussion can see, I do not in any way deny that the classical philosophers attach great importance to religion. Of course they do—even the Epicureans were not atheists. But Pangle's claim was that the majority must be kept in line by *fear* of divine *punishment*; and in his text this is contrasted with the kind of virtuous behavior that would be produced by reasoning and understanding. My point was that there is, on the whole, a marked avoidance of the punitive and irrational aspect of popular religion in the religious thought of the philosophers. And the counter-arguments he brings forward now do nothing, I think, to change the picture. Of course the Stoics insist on the importance of providence. But they insist in the strongest possible terms that this providence is rational, and is accessible to the reason of each human being, in principle if not in fact. Proper religious education consists of striving as hard as possible to attain that rational understanding. Since the Stoics insist that a good human being will not feel fear of any sort, they could hardly base religious education on fear; and they certainly did not do so. Nor, moreover, did they simply teach that god punishes vice and rewards virtue—as Pangle suggests with his phrase “their insistence on the providential sanctions or support for virtue.”³¹ They insisted, instead, that virtue is sufficient unto itself for good life; it neither needs nor regularly gets rewards from the gods. Whatever happens in the universe is for the good of the whole: but this is far from implying that the good will be rewarded and the wicked will be punished. The whole force of the appeal to providence in Stoic moral education is to dissuade people from looking for reward and punishment in such a self-interested and simple manner.

As for Aristotle, he does include traditional gods, but, as I said, without any mention of fear, and as part of civic festivals. And Aristotle's own god, which Pangle now mentions, is, like the Stoic god—all reason, and without any motive at all for the rewarding and punishing of traditional gods. Aristotle's god lacks all desire, in fact, and inspires motion by its own perfection, becoming an object of love. Perhaps Professor Pangle would wish that Aristotle had written “*kinei hos phoboumene*” (“he inspires motion by being feared”) rather than “*kinei hos eromene*” (“he inspires motion by being loved”).³² But it is the latter statement

31. Pangle, *supra* note 23, at 211.

32. ARISTOTLE, *METAPHYSICS*, bk. XII, ch. 7, 1072b3-4.

that Aristotle wrote. (And even that statement surely does not imply that god "befriends and cares for"³³ certain humans: for how could a pure intellect, without desire, and completely unmoved and unmoving, engage in friendship, which Aristotle defines as a kind of mutuality in activity and desire? The passage of the *EN* to which Pangle refers cannot possibly be about Aristotle's own god, since it mentions "the gods" in the plural.) I conclude that Pangle has not established anything more than what I already agree in: that religion of a sort was an important feature of ancient philosophy. I add that in this religion fear of punishment plays a very diminished role, and that the philosophers are strongly critical of popular religion on just this point.

One further point should be made. Where Rome is concerned—and we should bear in mind that it was Rome far more than ancient Greece that provided the Founding Fathers with models for their own practice—the whole idea that the many should be kept in line by fear of the gods fell into contempt by the late Republic and the early Empire, probably because of the enormous influence of Stoic ways of thinking. Consider Livy's history of Rome, written during the reign of Augustus—not a profoundly philosophical work, but one that manifests, as does Vergil's *Aeneid*, the breadth and depth of Stoic influence in this period. Livy reports the efforts of Numa Pompilius, in the mythical early days of the Roman Monarchy, to keep his warlike population in check by inventing religious fear (and gods and ceremonies to go with it). Livy presents the whole construction as a clever set of fictions, and comments: "First of all—something most effective for a multitude that was inexperienced and, in those days, crude—he decided that the fear of the gods must be instilled in them."³⁴ Here we see the sophisticated Roman author looking down on the whole idea of subordinating the many by religious fear—as a primitive idea, fit for a mythical time, and a people different from his own. Much of this contempt for the old superstitions can surely be attributed to the rationalizing influence of Stoicism, and to its universalism. Professor Pangle might consider Numa Pompilius to be the great hero of Roman history. This was not, however, the verdict of the Roman authors to whom the eighteenth century turned for guidance.

E. Beiner

Professor Beiner's paper on inequities in distribution describes and criticizes one strand of the liberal tradition. But I do not think that the

33. Pangle, *supra* note 23, at 211.

34. LIVY, HISTORY, bk. I, ch. 19.

whole of the liberal tradition is as neutral as Professor Beiner thinks. His argument seems to me to omit a point that is fundamental in a great part of the liberal tradition, particularly the Kantian part—a point this tradition shares with Aristotle and the Stoics. The point is that satisfactions which are simply arranged for people, which are not the result of their own choice, are without ethical worth. Thus, even if one did have a definite idea of what the good for a human being is, one would be ill-advised to force it down someone else's throat. What one would do instead, if one wished another person to be able to live virtuously, would be to create or maintain, for that person, a context of choice. One must, then, include space for choice in order to have virtue at all. (Virtue, in Aristotle, is defined in terms of choice, and is a "settled disposition concerned with choice."³⁵ An action with the same apparent content that is not performed by choice is not a virtuous action.)

Now this means that one might have definite moral views about which lives are better and which worse, and still wish to leave it open to citizens to make choices in this area. Aristotle is perfectly aware that some citizens will choose bad lives; but that is the price you pay for having any genuine virtue at all. Here there is a strong alliance between Aristotle and the Kantian liberal tradition—particularly as exemplified in the work of John Rawls. Rawls, in the section on perfectionism in *A Theory of Justice*, says clearly that he thinks there are ethical distinctions to be drawn between better lives and worse lives; but since satisfactions without choice are of no worth at all, politics must preserve the space for citizens to make those choices.

On the other hand, in the liberal tradition that is developed in Rawls's Kantianism there are quite a lot of things about which citizens have no choice. Here again, there is more convergence than Professor Beiner suggests between the Aristotelian and the Rawlsian/Kantian tradition, in the sense that there is a certain kind of determinate conception of the good that is at the heart of that sort of liberalism as well. In particular, Rawls's view is that, first of all, conceptions of the good that don't make room for choice are to be ruled out in the political conception. Indeed, the political conception is based on an account of the person that focuses on what Rawls calls the "two moral powers,"³⁶ which are rather close to Aristotle's account of the capabilities for practical choice. The account also insists that (prior to the selection of the polit-

35. ARISTOTLE, *Nicomachean Ethics*, bk. II, ch. 6, 1106b36.

36. J. Rawls, *Kantian Constructivism in Moral Theory: The Dewey Lectures 1980*, 77 *J. PHIL.* 515 (1980). See also Rawls, *The Priority of Right and Ideas of the Good*, 17 *PHIL. & PUB. AFF.* 1251 (1988).

ical principles) citizens are basically sociable in nature: they have already determined that they are going to live with one another in cooperation over the course of a complete life. (This is especially clear in the Dewey Lectures.)

All of this limitation on available conceptions is prior to the selection of the principles of justice; and it rules out from the start all conceptions of the good that lack these features. Rawls has made it explicit in the Dewey Lectures that the priority of liberty, and the rest of the list of primary goods, are to be understood not as all-purpose means to any and every life, but rather as ways of fleshing out the somewhat determinate conception of the good that is embodied in the account of the moral powers. I think this is a very interesting move, and one that brings Rawls closer to certain elements in Aristotle and the Stoics in his account of the role of money and property in human life. Again, in a recent article about the role of ideas of the good in his theory,³⁷ Rawls not only expands further the role of the "social conditions of self-respect"—an item on the list of "primary goods" that seems especially determinate in its relation to various theories of the good—but also considers expanding the list still further, in order to add other rather Aristotelian items, such as leisure and the body's freedom from pain. So we seem to get a more and more determinate idea of the good. Now when one looks at all of this it becomes perfectly clear that it is going to rule out as inadmissible certain ways in which citizens might pursue their religious and metaphysical conceptions. There is absolutely no room for doubt about the Rushdie case: Rawls's conception would have no trouble deciding that citizens are forbidden to act in accordance with religion insofar as that would impinge on the liberty of other citizens.

How far does this bring the liberal tradition into convergence with the ancient traditions, as I have described them? This is perhaps the most subtle and urgent question raised by the juxtaposition of the ancient theories with modern liberalism—the entire question of choice, pluralism, and freedom of various types. I have argued elsewhere that in Aristotle you find not only the strong emphasis on choice, but also space for a certain amount of pluralism in concrete specification of the general conception of the good, in accordance with one's own circumstances, history, and even tastes. Aristotle always stresses that the right choice for a person is a function of that person's context. He also stresses that frequently there will be a plurality of acceptable options—that, for example, one might have a number of different friendships, all of which might fit

37. Rawls, *The Priority of Right*, *supra* note 36.

the general account of what is valuable in a friendship. How different is this from the kind of pluralism that is left open in the liberal tradition? (And recall that even the choice of religious cult seems to be left fully open in Aristotle's city, so long as civic festivals are maintained.) Interestingly enough, the main difference appears to be in the value ascribed to money. Rawls still seems to think of money as something of which it is always better to have more; and being better and worse off is defined in terms of income and wealth, rather than in terms of the capabilities to function humanly that such "tools" subserve. Aristotle, on the other hand, says that you cannot say anything about the value of income and wealth until you set them in their context as tools for human functioning, asking how much is required to make people capable of functioning in a fully human way, and what the best arrangement of property and other means will be, for that end.

I believe that it is in precisely this area that the ancient tradition offers the most valuable and productive criticisms of modern liberalism: in this idea that in order to distribute things well in society, one has to have a conception of good human functioning, because it is only in connection with human functioning and human choice that these goods have any point. It is no good at all to spread these items around, as if they had value in themselves; one has to see how they go to work in human activity, to produce a life that can be fully and genuinely good. I think the really deep question that remains is, how can one develop this in a way that gives room to the degree and type of pluralism and choice to which we are, with good reasons, attached? And, really, to what types of pluralism and choice are we with good reasons attached? I believe that there is a way to develop this Aristotelian emphasis on human functioning while protecting a certain room for pluralism. But I am aware that liberals will make serious objections to these ideas; and it will be good if the debate is long and subtle, so as to leave no dimension of it unrefined. I think that through this sort of subtle and careful debate back and forth between the Kantian/Rawlsian version of the liberal tradition and, on the other hand, the Aristotelian and Stoic emphasis on human choice and human self-development, we will get real insight into where a society like ours might choose to go in the future. *Postscript*: Since this is the record of informal remarks, claims about the content of the ancient sources are not documented in the way that would be appropriate in a scholarly article. The reader can find further exposition and defense of my positions in the following articles:

On Aristotle:

Nature, Function, and Capability: Aristotle on Political Distribution, in OXFORD STUDIES IN ANCIENT PHILOSOPHY 145 (Supp. Vol. 1988).

Non-Relative Virtues: An Aristotelian Approach, 13 MIDWEST STUD. IN PHIL. 32 (1988). An expanded version in *The Quality of Life* (M. Nussbaum & A. Sen eds. 1992).

Aristotelian Social Democracy, in LIBERALISM AND THE GOOD 203 (R.B. Douglass, G. Mara, & H. Richardson eds. 1990).

Aristotle on Human Nature and the Foundations of Ethics (J. Altham & R. Harrison eds. 1992) (forthcoming in a volume in honor of Bernard Williams).

On Hellenistic Philosophy (especially the passions):

The Stoics on the Extirpation of the Passions, 20 APEIRON 129 (1987).

Beyond Obsession and Disgust: Lucretius on the Genealogy of Love, 22 APEIRON 1 (1989).

Mortal Immortals: Lucretius on Death and the Voice of Nature, 50 PHIL. & PHENOMENOLOGICAL RES. 303 (1989).

"By Words not Arms": Lucretius on the Therapy of Anger, 23 APEIRON (1990).

Serpents in the Soul: Love and Anger in Seneca's "Medea," in PURSUITS OF REASON: ESSAYS IN HONOR OF STANLEY CAVELL (T. Cohen, P. Guyer, & H. Putnam eds. 1991) (forthcoming).

Therapeutic Arguments and Structures of Desire, in DIFFERENCES 146 (1990).

Poetry and the Passions: Two Stoic Views, in PASSIONS & PERCEPTIONS (J. Brunschwig & M. Nussbaum eds. 1992) (forthcoming).

Therapeutic Arguments: Epicurus and Aristotle, in THE NORMS OF NATURE 131 (M. Schofield & G. Striker eds. 1986).