

ABSTRACT

Rhetoric, Reason, and the Problem of Rule:
Aristotle and J.S. Mill on Speech and Politics

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This dissertation examines the relation between reason, public speech, and rule in the thought of J.S. Mill and Aristotle. It argues that both Mill and Aristotle present alternatives to typical liberal theories of speech that distinguish private “moral” languages from non-moral public discourse based on artificially-constructed principles of “public reason.” Theories of “public reason” aim to disconnect reason from the human good in order to provide the individual with authority to pursue his own good freely while constructing rational political order. The result of such theories is a distortion of the purposes and meaning of human rationality. This dissertation argues that, in contrast to other modern liberal thinkers, Mill is inegalitarian in assuming a distinction between the wise “few” and the unwise “many.” His liberal theory takes its bearings from this outlook that affirms the possibility for the rational discovery of moral truth rather than the artificial rationality that characterizes other liberalisms. Mill’s argument for freedom of speech, which encourages public discourse about questions of morality, is a reflection of this distinction. Mill thus provides a richer and more satisfying account of human reason

and its capacities that other liberals do. Mill denies that his inegalitarianism leads to a hierarchical and illiberal political order only because the life of the wisest does not entail the activity of ruling inasmuch as ruling is a burdensome task directed to the good of another rather than the ruler's own good. In contrast to Mill, Aristotle affirms the intrinsic worth of *political* rule for the ruler and denies that political rule should be reduced to an instrument exercised in accordance with technical expertise. While ascribing such dignity to politics complicates any answer to the central questions that arise in political life – “who should rule?,” for example – it generates a perpetual need for speech and thought about the common good and justice that makes humans inseparably political and rational beings. Aristotle thus defends rhetoric as the language necessary to represent and communicate the ambiguous truths of politics and human action and as the highest manifestation of political rule.

Rhetoric, Reason, and the Problem of Rule:
Aristotle and J.S. Mill on Speech and Politics

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A Dissertation

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Submitted to the Graduate Faculty of
Baylor University in Partial Fulfillment of the
Requirements for the Degree
of
Doctor of Philosophy

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May 2012

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ABBREVIATIONS

<i>NE</i>	<i>Nicomachean Ethics</i>
<i>P</i>	<i>Politics</i>
<i>R</i>	<i>The Art of Rhetoric</i>
<i>OL</i>	<i>On Liberty</i>
<i>U</i>	<i>Utilitarianism</i>
<i>L</i>	<i>The Logic of the Moral Sciences</i>

ACKNOWLEDGEMENTS

I have to begin by offering my deepest appreciation to my teacher and committee chair, Professor Mary Nichols. I consider it one of the greatest fortunes of my life to have been her student. Both through her astonishing and wonderful insights into political philosophy that she generously shares and her nearly infinite patience in reviewing, editing, and commenting on my own work throughout my time at Baylor, she has vastly improved this work. Professor Nichols has always taught the goodness of friendship and shown it through her deeds, and the best parts of this work are due in large part to her friendship.

I am also grateful to my other teachers, Professors David Nichols, Dwight Allman, and David Clinton, both for their numerous contributions to me as a teacher and scholar and for their insightful commentary on this particular work. I also am thankful to Professor Michael Foley, who generously agreed to read and also provided helpful comments on the work. I also owe thanks to my friends, Patrick Cain, Mary Mathie, and Matt Dinan, who read and provided valuable suggestions on portions of this work and who gave encouragement throughout the process of writing.

To my parents, Gene and Edie, I owe my first education, who daily taught their children, through word and deed, the things that matter most of all. Without them, I never would have had the character or ability to pursue this project or my scholarly education. To my in-laws, Scott and Jennifer, I owe appreciation for their support and encouragement throughout the process. To my children, Andrew, Anna-Kathryn, and

Ava, I owe thanks, without whom my life would be a much poorer thing and who show the worth of life's difficulties and pleasures.

To my wife, Lindsay, I owe the greatest gratitude. Her love and her wit, her friendship and her wisdom, has taught me more than anything else and has improved my soul. She has given birth to three children vastly more beautiful than the one I have generated here, and I am infinitely grateful for the life we share. She has sustained me through every aspect of writing this work, and she lovingly shares and has shared all the pains and joys that go with all my endeavors.

CHAPTER ONE

Introduction

Liberalism was invented because of doubts about the worth of public speech and public judgments about good and evil, and these in turn because of doubts about the existence of a human good that could provide rational support for judgments about good and evil. In this respect, liberalism originates in a fundamental critique of rhetoric. Rhetoric is, as it was originally construed (by Aristotle, for example) as an art of speaking about good and bad, noble and base, just and unjust, through which it would persuade listeners to particular judgments and courses of action. Rhetoric thus carries to the public square what liberalism would rather leave in the deepest recesses of the mind and as far as possible from public discourse.

While pre-modern critics of rhetoric existed,¹ the liberal critique of rhetoric is distinctive in resolving the problems of public discourse by relegating judgments of good and bad to the individual alone as sovereign judge of his own good.² What liberalism does not answer, however, is whether the individual, any individual at all, is truly the best judge of his own good. On the one hand, the sovereignty accorded to the individual affirms that the individual is the best judge, for no one has a greater interest in one's own good than oneself. Individual rights are an affirmation of the legitimacy of human

¹ Plato, *Phaedrus*; *Gorgias* 464b-467a.

² In contrast, Socrates' critique of rhetoric points to an art of the soul that would adapt speeches to the souls of individuals. Hence, Socrates is not the enemy of rhetoric he is sometimes portrayed as, although as Nichols notes, Socrates' true "art of rhetoric" as it is presented in the *Phaedrus* is decidedly "private" in character and hence is not a defense of public speech as is Aristotle's. "Aristotle's Defense of Rhetoric," *The Journal of Politics*, no. 49 (1987): 658-661.

selfishness. On the other hand, there is nothing more self-evident to liberal thinkers, or a principle more commonly accepted by them, than that disinterested and abstracted judgment, in which the subject judging can treat that which is to be evaluated as an “object,” is superior to interested judgment. Judging in one’s own case is the cause of the corruption of judgment, for the private passions and desires are necessarily involved and they do nothing but distort judgment.³ Liberal government exists and justifies itself ultimately as the instrument to protect the rights of individuals to judge for themselves what their good is and how to acquire it, but the premise of liberalism is that no one is very good at judging what is good.

In a more general way, this particular quandary for liberalism is a reflection of the contradictory conceptions of reason that liberalism presupposes. On the one hand, liberalism is a child of the Enlightenment and assumes that reason can be the sole compass and guide for human life, and consequently that the authorities of past as they are found in common opinion should be abandoned as mere superstition or irrational dogmatism. But liberalism equally originates, not in a belief in reason’s power, but in a fundamental critique of it, by pointing out reason’s weaknesses and defects and, above all, its incapacity to discover and articulate what is good for us and our fellow citizens.⁴

Discrediting tradition ultimately required discrediting reason as well. In this way,

³ Thomas Hobbes, *Leviathan* (Indianapolis: Hackett Publishing, 1994), 98, 111; John Locke, *Two Treatises of Government*; James Madison, *The Federalist Papers* (New York: Penguin Books, 1999), 74.

⁴ This division is the result of what William Galston has identified as two different “concepts” or strands of contemporary liberalism, one originating in the Enlightenment, which glorifies choice and autonomy, and the other in the Reformation, which understands liberal neutrality as an effort to accommodate diverse religious doctrines and practices in the wake of the fragmentation of Christianity in the Reformation, but does not privilege “autonomy” above other values. (“Two Concepts of Liberalism,” *Ethics*, no. 105 [1995]: 516-534). One can understand the development in John Rawls from an early Kantian-based liberalism in *A Theory of Justice*, which privileged liberal autonomy, to his later “political liberalism” in *Political Liberalism* and *Justice as Fairness*, which aims to articulate liberal doctrine to address and accommodate moral and religious diversity in a neutral way and thus without reliance on the moral or metaphysical presuppositions of Kantianism.

liberalism frees the individual and his desires from the guidance of any authority outside of himself. The downside of this project is that it casts into doubt whether we are and can be our own guides. The liberal disowning of a human good must deny the legitimacy and justice of ruling others, but it is strategy that is bound to cast into doubt the goodness, expedience, and the very possibility of self-rule as well.⁵ The ground of equal self-rule is laid only by making dubitable the proposition that we are indeed capable of ruling ourselves and achieving our own good through our own rule.

Liberalism, however, does not ultimately deny that wisdom or knowledge is a claim to rule, it merely denies the existence of such wisdom in individuals or that such wisdom is natural to any human being.⁶ In this way, liberalism preserves for itself a foundation on which to rebuild a basis for rule in the reconstruction of human reason and science. Hence by means of a “social contract” liberals reformed and reasserted the authority of the rationality it attacked. As such, the fundamental problem of liberal contractualism is the relation between “consent,” the only legitimate basis for rule, and the authority of “reason,” as the only basis for rule. What is “reasonable” must be consented to, and what is consented to must be reasonable. The effect of this duality is to obscure whether there is in fact any distinction between reason and consent. On the one hand, what is rational simply becomes what can gain universal consensus, and thus the rational is reduced to the lowest common denominator shared by human beings, the body, and the auxiliary desires for self-preservation, wealth, health, pleasure and freedom from

⁵ Thomas Hobbes, in many respects the founder of liberalism or the founder of the foundations of liberalism, also denies the possibility of self-rule and thus is not a typical liberal, and hence the necessity for an absolute sovereign to rule us in our name. See *Leviathan*, 96-97, 109. We might wonder whether Hobbes is simply more consistent and systematic in the application of his premises to the realities of politics than other liberals.

⁶ Hobbes allows that “science” would make human beings unequal in intellectual capacities, but contends that only fallible prudence, which time equally bestows on all, is natural. See *Leviathan*, 74.

pain and so on. On the other hand, a more common alternative in contemporary liberal thought, recasts consent, true consent, as only that which is agreed to by a perfectly rational, morally free person (always an impersonal abstraction), who chooses rules of action without regard to their consequences for himself – as legislator who abstracts and distances himself from his own good and his desire for it.⁷ Liberal reason is in different ways (and often times in the same thinkers) “calculative” technical rationality in service of our selfishness, the end it presumes, and anti-calculative disinterestedness, which abstracts from all ends as such.

Liberalism, therefore, has been handed down to us doubly as the rule of law, the rule of impartial reason, and as the political arrangement and system created to protect individual rights and thus private judgment. Liberalism honors both perfect selfishness as manifested in its elevation of rights, and also its opposite, the disinterestedness and impartiality of law; it affirms the dignity of the private individual to do as he wishes and also the dignity of the individual who, as lawmaker, transcends all particular and private interests. The project of liberalism thus could not be completed until Kant found the transcendental self that existed above and beyond human particularity – any ends, or judgment of ends and means, were no longer important as a moral consideration. Since human dignity and freedom were manifested in being a non-particular being without any specific attachments or interests, as an “unencumbered self” or a “self prior to ends,”⁸ we could liberate ourselves from a direct concern for the good and still conceive of ourselves as fundamentally self-ruling and self-directed beings.

⁷ John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1973), 222.

⁸ See Michael Sandel, “The Procedural Republic and the Unencumbered Self,” *Political Theory*, no. 12 (1984): 81-96.

The current attempt in political discourse to replace the notion of individual “rights” with individual “autonomy” speaks to the power of the Kantian project,⁹ even if it is misapplied, for it aims to put together the selfless, impersonal formalism of the rule of law and the selfishness involved in individual rights. Liberal autonomy transforms the exercise of individual rights, initially characterized by liberals as acts of discretion opposed to and distinct from law and governed by subjective desire,¹⁰ into acts of lawmaking, acts whereby the subject is presumed to be separate from the things legislated as an objective, purely rational and free definer of good and evil. As autonomous beings, there is no longer any moral need to judge whether individuals are doing what was best for them, and hence we can simply respect them for being who they are—beings that express their autonomy however they choose. So construed, moral autonomy liberates us from considering whether self-rule is good, and whether we have the capacity to understand and judge what is good for ourselves and others and choose correctly.

To think that our ends can be chosen autonomously, i.e. disinterestedly and impartially, assumes that one is also uninterested in them, that one can treat them as objects separate from ourselves, and thus leaving unclear whether they have any essential relation to our own good. To elevate free, autonomous choice as the highest thing and as the ultimate source of the valuable, one is forced to wonder how it could ever make any difference what is chosen through autonomy. The adulation of human autonomy has the effect of inducing a fundamental indifference to the exercise of the rights of others, an indifference salutary for liberal order and its aim to remove the most powerful motives to

⁹ See *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 505 U.S. 833 (1992); *Lawrence v. Texas*, 539 U.S. 558 (2003).

¹⁰ See Hobbes, 79-80.

interfere with the individual liberty; but it is troubling for it comes at the price of having to question whether our own exercise of rights and freedom can have any meaning, whether we can say it is good rather than its opposite. It protects our judgment and our self-rule, but so construed the consequences of our own judgments and rule have no moral significance. The liberal project thus leads us to the problem that perhaps nothing we do in particular, in time, has or can have any great significance for ourselves or others. The possibilities for actual moral achievements are swallowed by the valorization of “moral freedom.”

The origins of liberalism in a distrust of speech about good and evil in the public realm, and the presuppositions about the nature and structure of human reason, contain these troubling difficulties for preserving the possibility of self-rule. I wish to suggest that these difficulties make it necessary to examine alternatives to the liberal reconstruction of reason, both what it rejected, the thought of Aristotle, and one with which it is more comfortable, the thought of John Stuart Mill. Mill and Aristotle, in spite of their differences, share the concern that there is an essential connection speech and political life.

Admittedly, Mill will seem an odd choice to provide critical reflections on liberal reason, for he is by many appearances firmly ensconced in the project of liberalism and the promotion of liberal doctrine. There are, however, features of Mill’s thought that are distinctive, two of which are worth mentioning for they point to the limits of understanding Mill as liberal autonomist and the consequences this has for the nature of public discourse. First, Mill denies that civil society is or should be understood as resting on a contract or covenant by which rights and duties are precisely articulated and

determined by the free and equally rational beings that make civil society. Second, Mill is the greatest defender of the freedom of speech, who promoted the public expression and consideration of moral and religious opinions. Both of these aspects of Mill's liberal thought point to the fact that Mill's understanding of the relation of the individual to political community is different from liberalism as it is usually construed.

The rejection of the contractual bases of politics and the defense of free speech are related in an essential way. The social contract is necessary to establish principles or an order or principles necessary to provide a public conception of reason that must be relied upon to make public argument and thus to distinguish valid from invalid, reasonable from unreasonable, arguments and justifications for actions and policies. By necessity, contractual liberalism gives boundaries to public speech, either by establishing a unitary organ of "public reason," such as Hobbes' sovereign who takes on the role of sole public judge of good and evil, or by establishing a hierarchy of principles and premises to which all public arguments must ultimately defer and to which all judgment must refer, as in Rawls (this is not to say that they are always enforced, at least through coercion). In rejecting contractual politics, Mill does not join liberalism in the artificial reconstruction of reason for the sake of making speech and public discourse fit for liberal society. Hence, Mill's defense of freedom of speech is similarly a walking back, if not a full-blown rejection, of the liberal aim to found civil society on the exclusion of religious and/or moral opinions from the public realm.

Mill substitutes contractualism with utilitarianism as the ground for liberal society. I shall begin this dissertation in Chapter One by briefly addressing his work *Utilitarianism* and the defense of the Principle of Utility he provides in that work. At

first glance, the work would seem to affirm that Mill conceived human rationality in a way wholly consistent with liberal autonomy –as the application of universal rules to particulars, which as such requires perfect disregard for one’s own good in order that one can be declared “moral.” Indeed, the Principle of Utility would seem to be in the same vein as liberal conceptions of public reason that demands that all action or all public action be justified before the tribunal of this universally-applicable rule. And yet, since Mill’s “rule” is consequentialist, the rule must be oriented toward a notion of the good, but this notion of the good he derives from purely selfish desire –pleasure. Hence, Mill seems to be forced to distinguish the human good from human morality, a distinction that would dissolve his utilitarianism and reduce him to the Kantianism that he purportedly opposes. This contradiction in Mill’s account of utilitarianism points the way, I argue, to the fullest understanding of his liberalism as he presents it in *On Liberty*.

Mill is often assumed to be the principal promoter of liberal autonomy, of the valorization of “choice” and the view that choosing objects renders those objects valuable and worthy of respect by others,¹¹ but I dispute this claim in Chapter Two. Mill does defend individuality and a liberal order formed with view to individuality, but as I shall argue, it is of decidedly different character than that of more typical liberal theories. For Mill, it is because nature makes human beings so different and distinct, with diverse capacities for acting and suffering, a diversity of ways of life is necessary for the greatest possible flourishing of each. But Mill does not, for that reason, assume that there is no best way of life, or that this diversity renders all ways of life, each appropriate to each, as of basically equal worth. Instead, Mill affirms that each should be left to pursue his own

¹¹ See John Gray, *Mill on Liberty: A Defence* (London: Routledge and Kegan Paul, 1983); Galston, 521; Stephen G. Salkever, *Finding the Mean* (Princeton: Princeton University Press, 1994), 264.

good in his own way, because most will not be able to live the best way of life and demanding that they do so is an unreasonable expectation.

Hence, Mill's liberalism is fundamentally non-egalitarian, but Mill attempts to avoid the necessity of an aristocratic hierarchy that might arise from this moral inequality among human beings. Mill is aiming to have a richer understanding of the good that allows us to honor and admire the distinctive nobility of those who are truly best and, moreover, declare them best, and thus avoid the relativism to which liberalism is often prone, but without limiting the freedom of rest of humanity. Hence, Mill preserves the capacity for making actual judgments of ends and purposes as good and bad, better and worse, noble and base, and thus does allow but one that does not threaten the liberal commitment to *equal* freedom for the individual to make such judgments for himself and not be coerced into doing what is best.

All of this is merely to say that a notion of virtue or excellence remains firmly ensconced in Mill's thought. Hence, Mill's liberalism is also distinctive in being oriented to and by an ancient understanding of ethical life and it is an attempt to restore a conception of ancient morality, a fact usually ignored by his contemporary followers.¹² In the face of modern moral thought that suppressed the moral perspective of the ancients, a suppression that led in his view to the weakening of human individuality, and thereby human greatness, Mill asserts the continuing relevance of the ancients and their understanding of virtue as good for the individual who possesses it.

While Mill does provide some justification for diverse ways of life that liberalism aims to protect, Mill's solution only further obscures the question of rule and authority –

¹² For the only work that has taken seriously Mill's concern for the ancients, see Robert Devigne, *Reforming Liberalism: J.S. Mill's Use of Ancient, Religious, Liberal, and Romantic Moralities* (New Haven: Yale University Press, 2006).

both its foundation and its purpose. Mill assumes a rigid distinction between the many and few, a distinction that provides the very basis for equal freedom. But he ultimately admits that the many need guidance from those with superior wisdom in order to be improved. Liberty is intended to promote ends and purposes – the improvement of the individual to whatever extent this is possible– and is justified in relation to a good that is higher than liberty itself. But Mill’s admission of superior wisdom threatens the liberal order directed to the flourishing of the individual Mill purports to promote. Ultimately, as I shall argue, Mill grounds his liberalism by taking refuge in a notion of the best way of life that abstracts from politics by denying that political rule is a constitutive activity of the good life.

Mill’s thought is instructive, but ultimately incomplete, for he only further obscures and utterly fails to answer the question of how liberalism justifies political order and hence the relation between the individual and the political community. Contractual liberals provide a more thorough basis for rule – who or what should rule – even as they do so by collapsing the distinction between reason and consent, of the authority of reason and the denial of all authorities outside of ourselves. Mill avoids this problem, for example, by denying that civil society is founded on a contract, hence on rational consent, but as such provides no account of the foundation of politics and hence leaves behind no principle of rule in his wake.

In the second part of this dissertation, I turn to Aristotle, the thinker that liberalism explicitly rejected and to which liberalism explicitly opposed itself. The Aristotelian understanding of politics, as it is usually construed in the scholarship, provides a striking and useful contrast to liberal contractualism. Rule is justified in a less

contradictory way inasmuch as political life is directed to the human good. People can claim to rule because they can claim that they are best at promoting what is best for each and for the city, and can thus be judged on such a basis. Rulers can justify themselves and their authority, and thus those with the wisdom and ability to achieve the good should rule those who cannot do it on their own.

As I shall argue, however, the connection of the human good to rule and authority in Aristotle's thought is more complex than this typical presentation of Aristotelian political thought. In three separate chapters, I take up Aristotle's three practical works – the *Nicomachean Ethics*, the *Politics*, and the *Rhetoric* respectively – with view to demonstrating that Aristotle questions the absolute authority of wisdom or knowledge and, more importantly, why Aristotle questions it. The common concern of all three chapters is the relation of politics to art (*technē*), on the one hand, and to law, on the other hand, as it arises in these three works. For the ancients, the authority of the craftsman provided a paradigm for just rule. The rule of wisdom was the most just form of rule for it was rule directed to the benefit of the ruled, the practice of giving to each what is good for them or appropriate for them. The rule of law, in contrast, was a second-best alternative to the wisdom of the craftsman, a practical necessity that arises from the problems of the rarity of active wisdom to rule in the present.

In Chapter Three, I take up the *Ethics* and the relation of inquiry of that work – what is the human good – to politics, one that requires a different conception of rule than the paradigm of art can provide, because political rule or statesmanship cannot be construed as *for the sake* of the good – a means to the good – and this because what is good for human beings is manifested in the practice of politics itself. Aristotle's

statesman is directed to promoting virtue and human excellence in the citizens who are ruled. The quandary that arises, however, is that statesmanship is also the fullest manifestation of human excellence itself. Education, therefore, is absolutely essential to political life for Aristotle, and not merely because the legitimacy and authority of politics rests on promoting the best life and thus that rulers must rule with view to moral education. Rather, since politics and rule is directed to the good and are essential to the good, the highest goal of politics is political activity that must be regenerated in those who are ruled. The highest function of politics as the education in virtue, therefore, must consist in the teaching of politics.

In Chapter Four, I argue that the priority of statesmanship in Aristotle's thought, for its comprehension of the human good as such, necessitates the centrality of the regime and consequently the priority of the regime to law and to art, two forms of rule that do not fully represent the rule characteristic of regimes. Law attempts to abstract from the problem of rule by placing authority beyond all human beings and art because it reduces rule to an instrument that justifies itself only by its capacity to produce a good beyond the exercise of its activity, as the good of another. Both are attempts to escape the problems of statesmanship by dissolving any need for it, but since statesmanship has independent worth, this is not possible. The account of politics presented in the *Ethics* and the *Politics* ultimately point to the *Rhetoric*, because rhetoric, often criticized for its power to unseat the authority of the expert and the authority of law, is the sign and limit of the authority of art and law, but one that Aristotle's teaching on statesmanship and the regime ultimately embraces. In different ways, law and art simplify and distort the full complexity of the human good and its manifold forms. The positive worth of rhetoric as

Aristotle articulates it in the *Rhetoric* lies ultimately in its being the manner of articulating the human good – the advantageous, just, and noble – in its fullest complexity, a complexity of the good manifest above in the life of politics itself.

The liberal abandonment of rhetoric in order to found politics on what it regarded as a more rational foundation is coeval with the elevation of both the rule of law and the rule of art, and these result in the impoverishment of public discourse and ultimately the impoverishment of human morality and action. Liberalism must transform reason into a fully formalistic capacity that disregards, to some extent at least, ends and goods. On the other hand, it has also turned rationality into an instrument, like art, directed to satisfying all of our particular desires, most paradigmatically in the embrace of liberal democracy with modern technological science. Both of these alternatives to rhetoric, therefore, have the danger of reducing the capacity to reason about the good and narrow the more comprehensive moral perspective that rhetoric reflects and preserves.

CHAPTER TWO

Mill's Utilitarianism and Modern Morality

Introduction

John Stuart Mill's *On Liberty* is a classic statement of the liberal mind. It is a work explicitly devoted to structuring a liberal society based on and directed to preserving and promoting the "sovereignty" of the individual over his body and mind, one that leaves individuals free to pursue their own good as they see fit within the limits set by freedom of other sovereign individuals. Mill's liberalism is nevertheless quite distinctive, and its peculiarity is first revealed by what is absent from the work. Liberalism was from the beginning wedded to the notion that civil society and the consequent duties that belong to individuals who live in civil society are derivative of a social contract. Such a notion of the origins of the political community presumes the priority of the individual to the political community, and therefore understands the political community as existing for the sake the individual, and hence politics as instrumental to the private good of the individual contractors. But one will search in vain for any notion of rights belonging to individuals, or a "state of nature" or an "original position," and Mill explicitly rejects the notion that society is and can be conceived as resting on a social contract.

Mill thus leaves the relation of the individual to the political community quite indefinite in his liberal teaching. He does not even try to give an account of why we live in political communities, and thus the moral basis of political life is quite obscure. He instead claims that his liberal political teaching is entirely derived from "an appeal to

utility,” although “utility in the largest sense, grounded on the permanent interests of man as a progressive being” (*OL* 14). With this in mind, I begin, not with *On Liberty*, but with a brief exposition of his earlier work, *Utilitarianism*, which presents his defense of the Principle of Utility, the principle that action can be judged good to the extent that it produces the greatest happiness for the greatest number.

In this work, Mill’s presents the task of moral philosophy as the articulation of moral rules and principles, and the highest practical thought as the working out of the conception of the good that would provide the purpose and aim to which moral rules are directed. This understanding of the purposes of moral philosophy is quite different from that of classical thought, in which rules are given a secondary place to considerations of the best life as a standard, but not a rule, for judging actions.¹ A close examination of *Utilitarianism* shows that Mill’s utilitarianism is characterized by a tension between the ancient understanding of ethical life as guided by the pursuit of the good life and the modern conception of morality as structured by disinterested application of and obedience to a universal law. In this, it reveals the underlying tension in Mill’s thought between the sovereignty of the individual and the political community for the sake of which rules are sovereign. The difficulties in Mill’s presentation of the Principle of Utility point back to the ancient understanding of moral life, which Mill takes up more explicitly in *On Liberty*.

Rules and the Good in Mill’s Utilitarianism

¹ Even as careful a reader and commentator as Stephen Salkever has deduced from Mill’s understanding of rule-morality that Mill had no interest in restoring anything of ancient life or thought, see *Finding the Mean: Theory and Practice in Aristotelian Political Philosophy* (Princeton: Princeton University Press, 1990), 106-110.

For the past century, academic moral philosophy has centered on the debate between Utilitarianism and Kantianism, or the debate between consequentialist morality and deontological morality. There are of course significant differences between these schools of thought, but in their modern variants what they share is more fundamental than their differences. As Mill, who himself was one of the first to present moral philosophy as divided into these two opposing camps, notes at the opening of *Utilitarianism*, both intuitionists (Kantians) and utilitarians agree that “the morality of an individual action is not a question of direct perception, but of the application of law to an individual case” (*U* 2).² Mill thus explains the project of *Utilitarianism* on the following grounds:

Though in science the particular truths precede the general theory, the contrary *might be expected* to be the case with a practical art, such as morals or legislation. All action is for the sake of some end, and rules of action, *it seems natural to suppose*, must take their whole character and color from the end to which they are subservient. When we engage in a pursuit, a clear and precise conception of what we are pursuing *would seem to be the first thing we need*, instead of the last we are to look forward to. A test of right and wrong must be the means, *one would think*, of ascertaining what is right and wrong [in particular circumstances], and not a consequence of already having ascertained it. (*U* 2, my italics)

Although this argument of Mill provides an apparently self-evident justification for rule-morality – that particular actions are and must be deducible from universals – we can nevertheless note that it is hardly stated with conviction. Every step of the argument describing this simplistic relation of the general rule to the particular situation and the necessity of “a test of right and wrong” contains a qualifier (“it *might* be expected,” “it *seems* natural to suppose,” “would *seem* to be the first thing we need,” “one *would*

² All parenthetical references to Mill’s texts are represented as follows: *U*=*Utilitarianism*, edited, with an introduction by George Sher, 2nd ed. (Indianapolis: Hackett, 2001); *OL*=*On Liberty*, with *The Subjection of Women* and *Chapters on Socialism*, ed. Stefan Collini (Cambridge: Cambridge University Press, 2003); *L*=*The Logic of the Moral Sciences*, with an introduction by A.J. Ayer (London: Gerald Duckworth & Co., 1987).

think”). As important as this argument is to the stated aim of the entire work, and as self-evident as Mill makes this out to be, it is strange that Mill hedges so much. It points to the obvious problem with the argument. Mill acknowledges that the search for a “clear and precise conception” of the good (from which the “test of right and wrong” is derived) is a pursuit. And if it is a “pursuit,” indeed the most important of all pursuits—for its success will guide all other pursuits and stamp them as moral—it must be possible without a clear and precise conception of the end and its derivative rule.

Mill’s formulation would present less of a difficulty if he were an intuitionist and thought moral laws were imprinted on the heart *a priori*, or a conscience that would provide the sanction for disobey this moral law, but Mill unequivocally rejects this understanding of moral law (U 2-5). His writing of *Utilitarianism* is itself premised on such a rejection. If human beings intuit what is good and what the rules are, there would be no need to argue about what the good is or what the moral rules are. Mill’s work would be a superfluous and purposeless exercise. On the other hand, if we do not have the rules *a priori*, the act of writing (or at least the thinking through) *Utilitarianism* would seem sub-rational, inasmuch as it is an activity that takes place without the precise conception of the good at which it aims. How could we even know that rules or “tests” are useful or the best means for attaining the good, unless we know what the good is and that the achievement of the good is amenable to legal application? Mill’s own argument that there are moral rules to be discovered or apprehended presents a problem for Mill’s own activity of thinking, arguing, and writing about the good, because it requires that its object be both present and not present before any search for rules begins.

This problem of the origins of moral rules parallels another problem with Mill's utilitarian morality. Mill claims that all human beings seek and desire their own happiness and this is the proof that happiness, which in utilitarian fashion he reduces to "pleasure," is the human *telos* or end. From this, however, Mill derives the absolute moral rule that all actions are moral *only* insofar as they increase the happiness of the greatest number or, more generally, insofar as they serve the general utility, the greatest good for the greatest number. There is a dramatic leap from the individual pursuit of the good to the demand that all pursue the good of others or the common good, even at the expense of their own good or happiness. Mill claims that "the rules of action...must take their whole character and color from the ends to which they are subservient" (*U* 2). It nevertheless seems that living by the Principle of Utility requires subjecting the individual pursuit of the good to absolute obedience to a "rule of action" that is supposed to be only "a means" to the good. The entire teleological conception of action and thought, which aims at the good and provides the "consequentialist" content of the Principle of Utility, must be subordinated to following the Principle. The pursuit of the "collective good," understood as the maximization of pleasure that disregards one's own pleasure, must become the end, in which case the good as pleasure is cast entirely in doubt.

These problems bring to light that even as Mill connects his understanding of morality to an essentially teleological understanding of action, the teaching of *Utilitarianism* reveals a tension between the pursuit of one's own good and acting disinterestedly according to a universal first principle. Although a discussion of the entirety of *Utilitarianism* goes beyond my immediate purpose, we can see this

problematic paradox at the heart of *Utilitarianism* in the two most important parts of the essay—in Mill’s definition of “utilitarianism” in Chapter Two and in his “proof” for the Principle of Utility in Chapter Four.

Pleasure and the Good

At the opening of Chapter Two, Mill presents himself as proponent of a particular view of the good or the *summum bonum*—the hedonist or utilitarian view that pleasure alone is good, and all other things desirable only as a means to pleasure (*U* 7). Mill begins, therefore, by raising the classical objection against the hedonism or utilitarianism of Epicurus and Bentham; namely, that in assuming that there is no better or nobler end for human beings than pleasure, hedonism is “a doctrine worthy only of swine” (*U* 7). Mill does not offer any substantial objection to this characterization of all the hedonist doctrines that came before him and describes his intent in *Utilitarianism* as a reformation of hedonism or utilitarianism as it has traditionally been construed. If pleasure itself is the good, there is no reason to count human beings as distinctive, inasmuch as all animate beings partake in pleasure. As Mill would have it, the problem with traditional hedonists is that they did not recognize that one could maintain the hedonist doctrine that pleasure alone is good and everything else a means to pleasure, while also maintaining that there are higher and lower, noble and animal, kinds of pleasures.³

Hedonists thus defended themselves inadequately against the charge that they are instituting an inhuman city of pigs by claiming that pleasures of human beings—the moral and intellectual pleasures—are different only in terms of their quantity:

³ For critiques of this controversial thesis from the standpoint of analytical philosophy, see G.E. Moore, “Critique of Mill’s *Utilitarianism*,” In *Mill’s Utilitarianism: Text and Criticism* (Belmont, CA: Wadsworth Publishing, 1969), 95-109; and F.H. Bradley, “Pleasure for Pleasure’s Sake,” In *Mill’s Utilitarianism: Text and Criticism* (Belmont, CA: Wadsworth Publishing, 1969), 133-143.

Utilitarian writers in general have placed the superiority of mental over bodily pleasures chiefly in the greater permanency, safety, uncostliness, etc. – that is, in their circumstantial advantages rather than their intrinsic nature. And on all these points utilitarians have fully proved their case; but they might have taken the other, and as it may be called, higher ground with entire consistency. It is quite compatible with the principle of utility to recognize the fact that some kinds of pleasure are more desirable and more valuable than others. (*U* 8)

Mill does not, however, think the hedonists have “fully proved their case” that mental pleasures are absolutely superior in terms of their “circumstantial advantages” or their quantitative superiority. Only a few lines later, Mill proceeds to argue that “a being with higher faculties requires more to make him happy, is capable probably of more acute suffering, and [is] certainly accessible to it at more points, than one of an inferior type.” As opposed to the traditional hedonist argument that the pleasures of thinking that human beings are capable of are simply more intensely satisfying or longer lasting than those of beasts, he claims that “it is an indisputable fact that the being whose capacities of enjoyment are low has the greatest chance of having them fully satisfied.” This is the result of the fact that “the capacity for noble feelings is in most natures a very tender plant, easily killed” (*U* 9-10). Mill must depart from hedonists in understanding the pleasures he deems to be “intrinsically” higher are thus not at all easier, more secure, or more permanent than the lower animal or bodily ones, at least for human beings who are constituted by higher and lower elements. In fact, it is now deemed by Mill to be an “indisputable” fact that the pleasures particular to higher beings are more vulnerable and fragile.

Mill’s argument is a more radical departure from traditional hedonism as he proceeds to explain the method by which to distinguish higher and lower pleasure. Mill first explains that we can establish the existence of “higher” and “lower” species or kinds

of pleasure when individuals experienced in intellectual/moral pleasures and bodily/“animal” pleasures always choose the former over the latter.⁴ But since there is no reason why this preference would not simply be a function of what traditional hedonists claimed to be the quantity, intensity, or circumstantial advantage of pleasure derived from higher pursuits, Mill must go further in his argument. To show that pleasures differ in kind and not just in quantity and can therefore be ranked as higher and lower, Mill has to show that the superior kinds are chosen even when painful or when “attended with a greater amount of discontent.” To distinguish higher and lower activities, Mill argues that “higher” activities are chosen even when ending in dissatisfaction, displeasure, or discontent; if they were wholly satisfying one could not establish that such a hierarchy of intrinsically good things exists. Mill leads us to the odd conclusion that the highest “pleasures” are the least satisfying and least satiable.

It is precisely the choice of higher pleasures in spite of these disadvantages that is, for Mill, the ultimate proof that such distinctions between the high and low exist in fact. Mill’s famous claim that it is better to be Socrates dissatisfied than a fool satisfied is in every respect antithetical to traditional hedonism, which denied that the life of Socrates is intrinsically more choice-worthy than the life of a fool. As Bentham famously claimed, “quantity of pleasure being equal, pushpin is as good as poetry.” While Bentham is open to the charge of vulgarity, he is not a completely stupid man, and his claim follows with perfect logic from the hedonist principle that pleasure is the only thing desirable as an

⁴ Mill’s defense of higher and lower pleasures presents serious problems for understanding Mill as having no conception of human nature or as thinking human beings are determined by changing historical or social circumstances. For this suggestion that Mill is simply an historicist who finds no permanent, non-historical, and non-contingent features of human being, see Clark W. Bouton, “John Stuart Mill: On Liberty and History,” *The Western Political Quarterly* 18 (1969): 569-578. For a critique of the historicist interpretation of Mill’s thought, see Harry M. Clor, “Mill and the Millians on Liberty and Moral Character,” *The Review of Politics* 17 (1985): 3-26.

end, the view of the good that Mill also claims to hold and to defend. If pleasure is *the* good, the only thing truly desirable and the sole reason particular things are desirable (i.e. as means to pleasure), there is some single thing in common between all particular pleasures that is desirable as good, in which case it cannot be divided into higher and lower kinds. Different activities or things would be desirable to different degrees only inasmuch as they partake in or include this one thing; they could differ by quantity of pleasure but not by quality. There could be only one quality of importance—pleasure itself. Similarly, “better” and “worse,” or “higher” and “lower,” are terms relative to good and bad and the high and the low. If the good is identical to pleasure, there could be no bad pleasures or worse pleasures only worse activities or objects that do not produce *enough* pleasure relative to others. This would again bring us to the necessity of ranking activities or objects only on account of the permanence, or easiness, or security of pleasure, as the traditional utilitarians have done. Thus Mill’s argument that pleasures differ in kind requires that the pleasant is not determinative of or the cause the *desirable*, but by its being higher or (as he comes to call it) “nobler,” in which case his position cannot simply be hedonism.

Mill is well aware of this implication of his argument. If those who are experienced are the only credible judges, Mill has sided with the judgment of anti-hedonists and their judgment that pleasure is not the good over the judgment of hedonists that pleasure is the good (*U* 8). Those whom Mill credits with knowing and as being capable of judging have rejected hedonism as the source of their motivations. By asserting that the “higher faculties” are less capable of producing satisfaction, Mill denies the very possibility of a philosophic hedonism. Hedonists violate their hedonistic “rule”

every time they philosophize, or every time they act as a human being acts and think about their good. When critics of hedonist philosophers claim that their doctrine is worthy of swine, they are not merely insulting these hedonists, they are denying that hedonist philosophers can live as human beings and honestly and self-consciously believe such a teaching.

Mill has thus failed to answer the most essential and important question of the work— what happiness is?—except to assert but ultimately qualify the hedonist opinion that it is the life of pleasure. The answer to the question, as Mill poses it, depends on desire, or more specifically, on what it is that we desire in particular when we desire happiness. The problem is that humans desire different things. What Socrates desires is not what the fool does, and thus the question is not what is desired but how we determine what is *rightly* desired. Mill addresses this problem in Chapter Two by appealing to those experienced in different things as judges of their pleasures, and by arguing that their desires establish the highest things. In this way, Mill distinguishes higher and lower things into a hierarchy of kinds or wholes, which in turn means that the human good cannot simply be equated with hedonism—the “clear and precise conception of the good”—of the Principle of Utility.

The disparity between hedonism and the intrinsically higher and lower “modes of existence” outlined by Mill in Chapter Two becomes evident when we turn to Chapter Four of *Utilitarianism*. Here Mill claims to provide a “proof” for the Principle of Utility, the principle that all actions are right or wrong only inasmuch as they promote or obstruct the greatest happiness of the greatest number. He claims that evidence that the end of all practice is happiness is found in human desire: “The sole evidence it is possible to

produce that anything is desirable is that people do actually desire it. If the end which the utilitarian doctrine proposes to itself were not, in theory and in practice, acknowledged to be an end, nothing could ever convince any person that it was so. No reason can be given why the general happiness is desirable, except that each person, so far as he believes it to be attainable, desires his own happiness” (*U* 35). While others argued that happiness is the human good (Aristotle, for example), the conclusion of Mill’s argument, which is that the happiness of the greater number is the human good, is more problematic. Namely, why would our individual desire for happiness lead necessarily or even probably to the desire for the general happiness? The Principle of Utility radicalizes this problem by making the “sole” first principle of conduct the pursuit of the general happiness alone, thus denying the legitimacy of pursuing our own happiness or our own good.⁵

A very different story about the good emerges in Mill’s utilitarian account of virtue in Chapter Four from that of Chapter Two, where Mill, as we have seen, implies an Aristotelian or classical understanding of human beings as naturally constituted by higher and lower elements, what we share with lower animals and what is peculiar to human beings. It is true that Mill seems to save hedonism from the charge that it is base and perverse, when he concludes that utilitarianism does not regard virtue as desired merely as a means to pleasure, but rather suggests that virtue can *become* desired in itself and praises this desire. “The desire of virtue is not as universal,” he writes, “but it is as authentic a fact as the desire of happiness” (*U* 36). If virtue is desired in itself, however, we are once again led to the result that happiness, understood as pleasure, is not the only

⁵ This same movement from the individual pursuit of the good to the pursuit of the happiness of the whole is apparent in Aristotle’s *Nicomachean Ethics*. See Michael Davis, *The Soul of the Greeks* (Chicago: University of Chicago Press, 2011). It is not unproblematic for Aristotle’s ethics, but it much more problematic for Mill, who wishes for a simple and precise general rule for answering all moral questions, something Aristotle repeatedly eschews.

intrinsically desirable thing. It may be a good – only a fool would deny that pleasure is some kind of good – but not for that reason *the* good or the highest good.

Mill nevertheless holds back from this assessment by simply denying that virtue is “*originally* or naturally [desired]” (*U* 37). Original or natural desire – spontaneous, uneducated, and un-habituated desire – determines what the human good is or what is truly or rightly desirable by nature. Nature or human nature is the standard Mill asserts, although nature is simply understood as what is spontaneous rather than, as implied in Chapter Two, how humans are constituted into a distinct whole differentiated from animals. From this understanding of nature, he compares and contrasts the love of virtue to the desire of money, fame, and power, insofar they are all originally or naturally only desired as means to pleasure are equally produced by habit (*U* 37). They are alike in that they all become pleasant in themselves as “parts” of an individual’s happiness because pleasure becomes “associated” with virtue or money or honor through habit. Thus some might come to desire virtue for its own sake; others might come to desire money or honor for its own sake. Mill draws out the implication with shocking clarity when he asserts that the *only* difference between virtue as an end and money, fame, and power as ends is that the latter three “render the individual noxious to the other members of the society to which he belongs” (*U* 38). There is no intrinsic superiority of virtue to vice for the individual, and virtue is good only because it is political virtue or the virtue of the utilitarian citizen.

This utilitarian view of virtue has lost the higher ground Mill provided when insisting on better and worse pleasures and tracing the former to the higher faculties and their rule over the lower. Mill’s final argument that only pleasure is desirable thus

appeals to the “authority” of the one who is not experienced in virtue or is not virtuous. For this person, virtue can only be desired if someone (i.e., a parent or legislator) makes it pleasant to be virtuous or makes it painful to be vicious (*U* 40). Mill’s argument moves from defining what is choice-worthy according to the desires of the competent judge, who knows the intrinsic desirability of each activity by experience, to the desires of one wholly inexperienced in what Mill originally claimed was “higher” or “better.” It is a movement from the highest to the lowest common denominator, from the mature to the immature, from the desire produced by experience to spontaneous desire. This parallels the movement from understanding what is best for human beings as the exercise of the highest capacities or parts of one’s natural constitution to understanding it as a simple fact of “the will” as produced by habit, which in turn is produced by mere manipulations of pleasure and pain (*U* 39-40) for the sake of its usefulness in living in society with others. What is universally desired from birth becomes what is truly desirable, and thus all other things human beings desire are truly desirable only insofar as they become connected to this original desire. The utilitarian view of virtue disregards any distinctions between the high and the low, or the noble and the base, *in the human soul*.

Some have concluded that Mill’s references to a hierarchy of good things based on what human beings are as distinct from other animals and his language of quality as distinct from quantity simply constitutes a rhetoric intended to rescue utilitarianism from the charge of vulgarity.⁶ From this perspective, Mill is aiming to make utilitarian doctrine more acceptable and more popular to readers inclined to distinguish the noble from the base. If pleasure is unequivocally the good, there can ultimately be no

⁶ See Ernest Sosa, “Mill’s *Utilitarianism*,” In *Mill’s Utilitarianism: Text and Criticism* (Belmont, CA: Wadsworth Press, 1969), 154-172.

differentiation between higher and lower activities or modes of life; Bentham and all the other hedonists are right that quality is irrelevant for hedonism. Indeed, one can take Mill's alternative accounts of virtue as evidence for such a reading. Whereas Mill appears to be ennobling utilitarianism through an essentially classical view of what is good for the human as human (in Chapter Two), to "prove" the hedonistic content of the Principle of Utility Mill reverts to a leveling materialism or a complete skepticism about what is better and worse for a human being and measures human excellence solely a social and political standard.

Mill nevertheless concludes this proof of the Principle of Utility by casually leaving the question of whether he has proven the Principle of Utility and its hedonist grounds to the "thoughtful reader" (*U* 40). The thoughtful reader might suppose that Mill has not proven entirely consistent in his presentation of utilitarianism. Even more important than this, the thoughtful reader will see that Mill, even if he has proved that pleasure is that at which human beings should aim, he has by no means proved or even attempted to prove the Principle of Utility or how one establishes an obligatory or normative rule of conduct from the observation that pleasure-seeking is spontaneous and thus "good."⁷ Mill does not even attempt to offer a case for his generalization to altruism or to the good of others from the particular individual pursuit of pleasure. The "pleasure" content of the Principle of Utility, derived from the spontaneous and uneducated pursuit of pleasure, is in conflict with the notion that the pleasure of others is desirable and thus the end of all action. There is no reason why the fact of pleasure-seeking should not

⁷ Classical hedonism did not have an understanding of justice or morality, as hedonists thought justice existed only by convention, but this was a direct consequence of the view that pleasure alone is good in itself. See Leo Strauss' accounts of Epicurean "apolitical hedonism," and its consequent denial of natural right, and of Hobbes' problematic attempt to create "political hedonism" in *Natural Right and History* (Chicago: University of Chicago Press, 1956), 109-119, 165-202.

simply issue in a counsel to pursue one's own pleasure rather than its near-opposite and obligatory rule to serve the general utility or the common good. The Principle of Utility looks to be a paradoxical altruistic egoism or egoistic altruism; from the extreme standard of natural, vulgar selfishness or hedonism emerges a moral doctrine that is nearly opposite in its altruism, and hence a disregard for one's own happiness.

All in all, if the Principle of Utility is to be (as Mill originally describes it) the means to the good, it must subordinate pleasure as the human good to a superior end of beneficence or the good of another. But this would then mean that pleasure is not the natural end at all, and thus it would deprive the rule of Utility of its content, of the good at which it aims. If, on the other hand, altruism is the human good or end, and that which perfects the human soul, Mill would be compelled to show that *it* is what is spontaneously desired, before education and habituation come into play, but Mill claims only that altruism is a human capacity that must be cultivated by education and habituation (*U* 31). As a universalistic and hedonist rule-morality, Mill's utilitarianism rejects the notion that the good for oneself should be pursued, even as it relies on a conception of the *individual* good to provide content to its rule. If it did not assume pleasure as happiness, however, it would offer form without content and thus become useless for guiding practice. In this, it imposes or wills a universal first principle incapable of explaining or justifying its pursuit of that first principle, and it requires a rejection of the end or *telos* that is supposed to provide the content of the rule.

This supplanting of the pursuit of good by a self-denying will to universalize or to be "moral" in a Kantian sense constitutes a rejection of one's particularity—one's self, desires, and interests. Hence, the Principle of Utility devolves into a kind of Kantian

moral duty manifested in the disregard for one's own happiness, and thus into a rejection of teleological and consequentialist ethics that utilitarianism purports to serve and preserve. We can note Mill's irony here by looking back to his introduction and his one mention of Kant:

This remarkable man [Kant], whose system of thought will long remain one of the landmarks in the history of philosophical speculation, does, in the treatise in question, lay down a universal first principle as the origin and ground of moral obligation; it is this: "So act that the rule on which thou actest would admit of being adopted as a law by all rational beings." But when he begins to deduce from this precept any of the actual duties of morality, he fails, almost grotesquely, to show that there would any contradiction, any logical (not to say physical) impossibility, in the adoption by all rational beings of the most outrageously immoral rules of conduct. All he shows is that the *consequences* of their universal adoption would be such as no one would choose to incur. (U 4, Mill's emphasis).

Mill's critique of Kantianism is essentially that it cannot escape utilitarianism, if morality is to be law-bound. The Categorical Imperative has no content, a content which can only be provided by looking to happiness or the human good. Kant's theory provides the origins of duty or obedience to rules, but completely neglects the particular content of that duty. In sum, Kant's moral teaching offers no real basis for practice, even as it is supposed to be the grounds for *practical* judgment. But Utilitarianism is simply the mirror image of Kantianism. Utilitarianism supposedly provides content to the rule, but Mill's analysis leads to the point that this content (pleasure) undermines the origins or grounds of moral duty. It is by no means an accident that the classical hedonists claimed that right and justice, and hence morality, existed merely by convention rather than nature. Utilitarianism and Kantianism need each other in such a way that they seem to refute each other.

We are left, however, with the most important question—does Mill think his arguments to be sufficient or, in contrast, does he intend to show us these problems?⁸

The latter is suggested by his teaching on Christ in *Utilitarianism*. Arguing that utilitarian morality requires individuals to be altruistic and self-denying in adjudicating between their own happiness and that of others, he appeals to the teachings of Christ: “In the golden rule of Jesus of Nazareth, we read the complete spirit of the ethics of utility. ‘To do as you would be done by,’ and ‘to love your neighbor as yourself,’ constitute the ideal perfection of utilitarian morality” (*U* 17). Morality understood as the self-forgetting application of rules to particulars has its origins in Christianity. In *On Liberty*, Mill provides a similar view of Christ as the teacher of “self-denial,” but to very different effect. In the midst of denying that any moral doctrine is complete, final, and unquestionable, he criticizes one argument in particular—the view that Christ’s teachings constitute the whole truth on the question of morality: “[Christ’s teachings] contain, and were meant to contain, only a part of the truth” (*OL* 51). Here Mill comes close to a tacit admission that the whole of utilitarian morality is not the whole of moral or ethical life as such, as he appears to be critiquing even his own utilitarian doctrine in *On Liberty*.⁹

⁸ Commentators who notice problems in Mill’s thought often credit them to weaknesses in his reasoning or to biographical developments in his thought. For the former, see Berlin, “John Stuart Mill and the Ends of Life.” For the latter, see Himmelfarb, *On Liberty and Liberalism*. The few exceptions to the conventional view of Mill’s writing understand him to consciously employ a “rhetoric” with a purely political and social, rather than any philosophical, purpose. See Joseph Hamburger, *John Stuart Mill on Liberty and Control*, 55-86; and Linda C. Raeder, *John Stuart Mill and the Religion of Humanity*.

⁹ It is the search for moral truth that makes the freedom of discussion and thought so necessary for Mill. It would be unnecessary if Mill thought utilitarianism constituted the whole truth of moral life. For an attempt to maintain that Mill is a true-believer in utilitarianism with his argument for free speech, see Raeder, *John Stuart Mill and the Religion of Humanity*. Raeder understands Mill to use the freedom of speech as the means to be rid of a lingering and discredited Christian theology.

Conclusion

A closer examination of Mill's rejection of Christian morality in *On Liberty* suggests why utilitarian morality is insufficient and incomplete. Mill recognizes a problem with the subordination of the pursuit of the good to a moralistic, disinterested other-directedness that the Principle of Utility effects. The part of morality that Mill thinks is excluded when Christian morality is thought to constitute the whole of morality, I shall argue, is that of the pagan ancients. It is the moral perspective that Mill aims to recover through his libertarianism. On Mill's account, the ancients understood ethical life to be manifested in "the energetic Pursuit of Good" rather than the obedience and submission to law.¹⁰ The moral system erected on the Principle of Utility, in contrast, is manifested in perfect submission to the universal utilitarian law and thus exhibits a peculiarly Christian spirit of obedience. It holds the individual pursuit of the good to be fundamentally amoral, inasmuch as it cannot be wholly disinterested or impartial, one which as such demoralizes the pursuit of human excellence.

¹⁰ This tension within Mill's moral philosophy between nobility and altruism reduplicates a similar tension in Aristotle's account of the ethical virtues in the *Nicomachean Ethics*. In Book IV of the *Nicomachean Ethics*, Aristotle claims that the virtue *megalopsuchia*—"great-souledness"—is complete virtue or the whole of virtue, and in Book V, he claims that justice is complete virtue, but complete virtue *with view to others*, which is also the strict and absolute obedience to law. For an erudite account of this tension in the thought of Aristotle, see Susan Collins, *Aristotle and the Rediscovery of Citizenship* (New York: Cambridge University Press, 2006), 41-90.

CHAPTER THREE

Liberalism, Knowledge, and Diversity

Introduction

I shall argue in this chapter that Mill reveals that liberalism is an inadequate way to understand the relation of the individual to society, because it does not account for speech and thus that liberalism attempts to avoid the central question of the proper relation of reason to politics. The argument for the freedom of speech, which rests on the inseparability of thought and discussion, shows the inherent difficulty of the public-private distinction upon which liberalism rests, or more generally, the principle of individual sovereignty that Mill asserts. If an individual is independent in his thought, discussion or expression of thought becomes unnecessary; but if an individual's thinking is dependent on others, this dependency undermines the human individuality that rests at the heart of liberalism. Mill has often been criticized for assuming a now discredited Enlightenment posture of political rationalism, in which he sees no tension between thought and practice – thinking will necessarily benefit society.¹ To the contrary, Mill's argument for the freedom of speech reveals a tension between the individual and society, hence between thought and practice, even as he obscures this tension by his teaching of historical progress. This tension is resolved by Mill only by articulating what he regards as a classical or "Greek" posture towards moral life, one that makes the perfection of the

¹ Harvey C. Mansfield, Jr., *Manliness* (New Haven: Yale University Press, 2006), 185-194; Clor, "Mill and Millians on Liberty and Moral Character," *The Review of Politics* 17 (1985): 3-26; Willmoore Kendall, "The 'Open Society' and its Fallacies," *The American Political Science Review* 54 (1960): 972-979.

individual its aim and the worth of society and politics dependent on the cultivation of great and noble human beings.

Liberalism and the Dilemma of Free Speech

The traditional interpretation of Mill's thought has understood his political and moral thought as constituted by the contradictory elements of utilitarianism and liberalism, put together by Mill's eclectic, but rather confused and divided, mind.² According to this view, Mill's liberalism presumes a diversity of good ways of life, while utilitarianism presumes a *Summum Bonum* that would destroy the foundation of liberalism and the individuality that liberalism protects. Others, however, have tried to show Mill's liberalism and utilitarianism to be consistent.³ This latter interpretation, best represented in the work of John Gray, has required reading Mill, as we have, as rejecting in a fundamental way the hedonist core of Bentham's utilitarianism, for utilitarianism provides a notion of a universal, rather than a plural, good by which to judge, measure, and, most importantly, direct actions. In place of this, Gray presents Mill's utilitarian doctrine as accepting an Aristotelian posture towards moral life, not only by understanding happiness as the human end, but also by understanding happiness as defined, not by pleasurable states of mind, but by the kinds of activities that make up our life. In this sense, it is utilitarian only insofar as any consequentialist or teleological (i.e. non-Kantian) moral thought can be understood as "utilitarian."

² Isaiah Berlin, "John Stuart Mill and the Ends of Life," *J.S. Mill On Liberty in Focus*, Eds. John Gray and G.W. Smith, (London and New York: Routledge, 1991), 131-161. For different formulations of the divided mind thesis, see C.L Ten and Gertrude Himmelfarb,

³ John Gray, *Mill on Liberty: A Defence* (Routledge and Kegan Paul, 1983).

While rejecting hedonism or the notion that pleasure is the *Summum Bonum*, this view keeps the egalitarianism of Benthamistic utilitarianism. This would of course be necessary for any truly liberal political theory, as liberalism advertises itself as neutral to different conceptions of the good, none of which it judges to be superior. Accordingly, Gray sees Mill as articulating a theory that insists on leaving individuals completely free to express their own particular “individuality.” Contending that choice is the necessary component to goodness of the activities that define our lives as good, Gray insists that for Mill, the only “essential” characteristic of human beings is their “radical indefiniteness.”⁴ Everything is open to human choice. Human *being* is thus a paradoxical term, because what is human is completely open-ended and ultimately indefinable; we cannot say what it is.⁵

While this existentialist understanding of the plasticity of human beings may provide grounds for equal freedom for individuals to develop themselves however they wish, it also makes any such judgment about “higher” and “lower” activities baseless.⁶

⁴ Gray does say that there can be higher and lower forms of individuality, but this claim that what is “human” is indefinite, removes any such grounds for judgments of higher and lower.

⁵ This is a slight exaggeration, as Gray has to address the indubitable fact that Mill claims that human beings have “permanent interests.” He interprets these interests, however, very narrowly as physical security and such.

⁶ Mill does praise freedom for individuals to develop “in all directions,” but Gray does not seem to see that this praise of freedom is relative to a specific *critique* of modernity:

When the opinions of masses of merely average men are everywhere becoming the dominant power, the counterpoise and corrective to that tendency would be the more pronounced individuality of those who stand on the higher eminences of thought. It is in these circumstances most especially, that exceptional individuals, instead of being deterred, should be encouraged in acting differentially from the mass. In other times there was no advantage in their doing so, unless they acted not only differently, but better.

Thus, the central disagreement we have with Gray is that he accepts the progressivism Mill lays out in the introductory chapter, while we contend that Mill undercuts this through the rest of *On Liberty*. It is worth noting that Gray eventually came to doubt the adequacy and truth of Mill’s “philosophy of history,” which he admits is central to connecting utilitarianism and individuality. See “Mill’s Liberalism and Liberalism’s

Thus, even as Mill at certain places, including *Utilitarianism*, criticizes what he calls “miserable individuality,” Gray’s interpretation would make it impossible to put any such adjectives on “individuality.” Whereas, Mill says that “individuality” is an “element” of human well-being, Gray makes individuality the whole of human well-being. Thus, the same difficulty with “higher” and “lower” in a hedonist doctrine is present in Gray’s individualist interpretation. If individuality were the human end (inasmuch as there is a human end), individuality could not be differentiated into better and worse kinds.⁷ If not all “individualities” are created equal, there must be some standard higher than individuality by which to distinguish them.

Gray’s interpretation raises the question of the function and purpose of speech in Mill’s liberalism. Insofar as Mill presents a final teaching on human happiness (that everyone’s happiness is different), what is speech supposed to do for us now? The relativism implied in this understanding of autonomy undercuts the relation of language to a reason that discovers universals common to all human beings as well as the good peculiar to all individuals. Does Mill understand the freedom of speech as contemporary “postmodern” liberals do, in which speech becomes nothing but the medium of “expression” and self-creativity, rather than medium for the discovery and representation of a truth?⁸ The autonomy interpretation ultimately presents a difficulty with

Posterity,” *The Journal of Ethics* 4 (2000): 137-165. He does not seem to see, however, that Mill reveals his own doubts about it as well.

⁷ On this point, see Harry M. Clor, “Mill and the Millians on Liberty and Moral Character,” *Review of Politics* 17 (1985): 3-26.

⁸ For one such postmodern account of the purpose of the freedom of speech, see Edwin C. Baker, *Human Liberty and Freedom of Speech* (New York: Oxford University Press, 1989). Baker makes Mill, and Mill’s “outdated” concern for truth, his principal object of criticism.

understanding the purposes of speech in Mill's political teaching, and thus the purposes of free speech in the liberal theory he articulates.

This dilemma that arises for this understanding of Mill shows, more generally, the problem of the relation of the liberal tradition to speech and thus the freedom of speech that has become inseparable from liberalism. However much liberal theorists claim the mantle of reasonability and assume that reason is the only valid source of authority, liberalism rests on denying the power of reason to discover in any certain way what is good for man, and the public-private distinction that liberals attempt to employ is founded on this more-or-less skeptical ground. It is perhaps for this reason that some of the most important liberal theorists did not ascribe the freedom of speech a prime place in their political theories, and certainly did not make the claims that Mill makes about the freedom of speech and its relation to truth.⁹ There are at least tinges of misology—a distrust and hatred of speech—at the heart of liberal political theory, inasmuch as it asserts a severely diminished potential of speech to reveal and communicate truths. Privacy and freedom of conscience are essential to liberalism, but it is less clear that there is anything that connects these to speech and the expression of thought in any essential way.

It is of course the case that *On Liberty* seems to be Mill's peculiar articulation of the traditional liberal project of structuring a pluralistic society composed of members who hold different and incompatible moral and political doctrines. He claims that the purpose of *On Liberty* is "to assert one very simple principle, as entitled to govern

⁹ Locke, for example, never seriously discusses the freedom of speech. Hobbes was entirely against it, and was quite clear about the necessity of the sovereign, the institution of "public reason," to regulate public doctrines. Even some of the great American defenders of freedom of speech, such as James Madison, were distrustful of moral and religious opinion, even as they created institutions to control its negative effects indirectly rather than give government the power to regulate them. For an account of latter, see Martin Diamond, "Ethics and Politics," in *The Moral Foundations of the American Republic*, ed. Robert Horwitz, (Charlottesville: University Press of Virginia, 1990), 75-108.

absolutely the dealings of society with the individual in the way of compulsion and control” (13). This principle is that one may interfere with an individual’s liberty only in order “to prevent harm to others” and thus “the only part of the conduct of any one, for which he is amenable to society, is that which concerns others...[and] over himself, over his own body and mind, the individual is sovereign” (13). This distinction between conduct involving others and conduct involving only oneself is thereby meant to provide “the freedom...of pursuing [one’s] own good in [one’s] own way” (16). No public orthodoxy about what is good is necessary in the liberal society based on this principle, and no one will be coerced or obstructed in their liberty because we believe it is for their good.

While “the liberty of thought and discussion” seems to be but a part of the larger liberal thesis and purpose of the work to assert individual sovereignty, this appearance is quite deceiving. In order to preserve individual sovereignty, Mill’s harm principle prohibits both “physical force in the form of legal penalties” and “the moral coercion [that comes from] public opinion.” The mere speech of others has such a profound power and influence over the individual and an entire category of speech—moral opinion or, more specifically, praise and blame—must be suppressed to protect, preserve, and promote the sovereignty of the individual. The community is not only to be limited in what it can do to individuals, but also in what it can say about them.¹⁰ Mill wishes to liberate the individual from shame as well as actual coercion.

The project of liberal autonomy is problematized by recognizing such a coercive power in speech and opinion. Speech thus understood renders individuals dependent on

¹⁰ Alan Ryan, “John Stuart Mill’s Art of Living,” *J.S. Mill On Liberty in Focus*, Eds. John Gray and G.W. Smith, (London and New York: Routledge, 1991), 162-168.

and capable of being formed, molded, and, therefore, dependent on something outside of themselves. That our souls can be “enslaved” by opinion presents a problem for the public-private distinction on which Mill’s liberalism rests and the autonomous individuality that Mill is grounding this distinction upon. Mill’s sovereign individual is hardly self-contained, but instead very much lives in the opinions of others and to this extent is not perfectly sovereign and independent.

This is not the only indication that there is an uneasy relationship between the freedom of speech and the liberal doctrine of *On Liberty*. Mill comes very close to explicitly admitting a tension between them when he lists the particular liberties that issue from the distinction between things that “concern others and things that concern only the individual.” He writes, “The liberty of expressing and publishing opinions may seem to fall under a different principle, since it belongs to that part of the conduct of an individual which concerns other people; but, being almost of as much importance as the liberty of thought itself, and resting in great part on the same reason, it is practically inseparable from it” (15). If Mill means by this that thought is incapable of being free unless we are free to express or publicize our thought, we have to wonder how “absolute” the harm principle can be, as this collapses to a considerable extent the distinction between what “concerns” oneself and what “concerns” others. The inseparability of thought and the expression of thought in speech makes it clear that the individual is not, for Mill, separable and wholly individuated from others, even in his thought, and the realm of things that are purely his own concern is therefore dramatically narrowed. Thought is thus not something that can be circumscribed by a private sphere to be left to the complete control of the individual, because thought is dependent on speech, on the

giving of accounts. Mill identifies a necessity both to put forth our thoughts and to listen to others. An individual's thought requires discussion and hence necessarily "concerns" others. On Mill's principle, therefore, the authority of the individual does not extend to his own thought. If it could, speech would be superfluous and therefore a freedom of speech would be as well. Paradoxically, the necessity for freedom of speech depends on a lack of freedom, a lack of independence, of the mind.

This understanding of the connection between human thought and society as Mill presents it is confirmed when Mill gives the grounds of his argument for the freedom of thought and discussion. Denying that "an opinion [is] a personal possession," Mill claims that "the peculiar evil of silencing the expression of an opinion is, that it is robbing the human race; posterity as well as existing generations; those who dissent from the opinion, still more than those who hold it" (20). It is on the harm of silencing an expression for humanity, and paradoxically for those who wish to suppress it, that his defense rests. The defense of freedom of speech is thus quite paternalistic, and is intended in part to prevent people from harming themselves, and this because speech is "other-concerning" for Mill. Although Mill identifies a principle of individual sovereignty over both body and mind, the freedom of speech seems at odds with this principle, insofar as the mind is connected to speech and speech to the concerns of others.¹¹

¹¹ One thus wonders whether Mill provides any support at all for a freedom of conscience. For example, why does the evil involved in censorship only extend to censorship from public authority or society and not self-censorship? If the State and society should be denied discretion in deciding what opinions should be heard on the grounds that the expression of any opinion is a great good for humanity as a whole, why does he leave individuals with discretion to decide what opinions they will express publicly? By insisting that opinion is essentially a common, rather than a private, possession, the argument implies a "duty" rather than any "liberty" to express them.

Theory, Practice, and the Limits of Reason

Mill, therefore, presents his argument for the freedom of speech, not on the basis of a freedom of conscience or on the basis of individual sovereignty, but on the grounds that its consequences for humanity are all good. As he states at the opening of his chapter on the liberty of thought and discussion, the peculiar evil of silencing an opinion is that it is robbing humanity and, most of all, harming those who disagree with the opinion, even more than the one silenced. If the disfavored opinion is true and popular opinion is false, Mill tells us, we are “deprived of the opportunity of exchanging error for truth.” And if the disfavored opinion is false, we lose “the clearer perception and livelier impression of truth, produced by its collision with error.” Mill develops these two hypotheses into the succinct argument that “we can never be sure that the opinion we are endeavoring to stifle is false; and if we were sure, stifling it would be an evil still.”

Mill separates two distinct branches of argument based on each of these hypotheses. Taking up the first hypothesis that we can never be sure an opinion is true or false, Mill rests the condemnation of all silencing of discussion on what he calls a “common argument.” This argument is that, even as those who desire to suppress an opinion deny its truth, they are not infallible, and thus they have “no authority to decide the question for all mankind, and exclude every other person from the means of judging.” Accordingly, to silence an opinion because they are certain of its falsity is “to assume that *their* certainty is the same thing as *absolute* certainty.” Thus, all silencing of discussion is “an assumption of infallibility,” and this assumption is to be condemned.

This “common argument” from human fallibility is powerful only inasmuch as it does not require us to assume anything to be true, for that would be to assume infallibility. But the argument nevertheless presupposes much. First, Mill assumes that the silencing of an opinion and thus restricting the liberty of a person to speak as he wants can only be justified if the authority silencing individuals possesses perfect, superhuman wisdom. But why is it necessary to conclude, as this argument does, that “*all* silencing of discussion is an assumption of infallibility?” Is it not possible that some silencing of discussion rests on a more moderate, and more plausible, claim that some people are *better* at judging than others?

If Mill taught that self-rule was a natural right or if he thought that good judgment was equally distributed among mankind, Mill could provide a refuge for the individual to rule himself, but Mill quite explicitly rejects both. He denies the existence of natural or abstract individual rights (*OL* 14), and further makes the right to self-rule wholly conditional on the progress of individuals. This is reflected in that he justifies ruling “barbarians” despotically, so long as it is rule aimed at their good (*OL* 13-14). Good rule is, for Mill, distinct from self-rule and, more importantly, good rule is to be preferred to self-rule. Individual liberty is justifiable only insofar as it serves the higher purpose of promoting the individual’s good. In justifying the despotisms of “Charlemagne” and “Akbar,” he suggests that some human beings (even if imperfect) are justified in ruling others because these despots promote the good of those they rule better than they can promote it themselves. Nevertheless, this very argument insists on the need for perfect judgment for acting to silence disfavored opinion.

Mill's condemnation of authority further rests on the assumption that all opinions, all doctrines, originate in fallible human beings. In this, the appearance of complete neutrality and openness on Mill's part requires denying and not taking seriously, for example, the claim as to the infallibility of Scripture and the possibility of Divine Revelation. And yet, to be closed to such claims repeats what is supposedly condemned by the argument—assuming that any opinion we oppose is false, not taking seriously the claims of others to speak the truth. This “common argument” is thus quite paradoxical, resting on the fundamental need and desirability of leaving all things open to questioning, but it is incapable of questioning itself or showing its own partiality.¹²

There is a more obvious difficulty with the argument than the ones we have discussed thus far. Namely, having discredited all authorities known to human beings (including their “solitary reason”), we must wonder how Mill expects us to make any judgments and thus to act at all. Mill indicates this in an objection that he brings against his argument, which claims that there is “no greater assumption of infallibility in forbidding the propagation of error than other things which are done by public authority on its own judgment and responsibility” (*OL* 21). Doing good things for ourselves and others requires action, and action requires judgments that rest on our opinions. “If we are never to act on our opinion, because those opinions may be wrong, we should leave all our interests uncared for, and all our duties unperformed.” On this account, the grounds of Mill's objection to the act of silencing an opinion would thus apply to any action

¹² That Mill may be well aware of these problems with the argument is indicated by the fact that Mill claims that the argument is “the common argument” against the silencing of opinion. After making this appeal, he goes on to attack common opinion, along with the solitary judgment of individuals, as unreliable sources of authority by pointing to the immense diversity and disagreement of opinion in the world and throughout in human history (*OL* 21).

whatsoever and would thus deny the legitimacy of any action at all or that some actions are more choiceworthy than others. To act rationally we must “assume our opinion to be true for the guidance of our own conduct,” lest all of our actions be equally arbitrary and meaningless. The danger of freedom of speech is not that it allows false opinions to go unchecked, but rather the rational foundation of the freedom of speech threatens the very significance of our own deeds.

Mill defends his own argument against the objection by asserting that the only basis for trusting our opinions to be correct is to open ourselves to everything that can be said against us—that is, we must submit ourselves to the complete liberty of others to contradict and refute our opinions (OL 22-23). Thus, although Mill begins by questioning the credibility and trustworthiness of the individual—this is why there is a need to be open to questioning in the first place—his response returns to individual judgment the responsibility for deciding when, if, and how one has been refuted by another. But if we cannot trust our own opinions to be true on the grounds that our judgment is so fallible, on what basis do we judge the examination and questioning of our own opinions and those of our opponents? The *need* to be open to refutation is inversely related to the goodness and power of our own judgment, but to meet this need we must assume that very power and goodness. In order to uncover this dilemma we must judge whether Mill truly refutes the defense of censorship that he brings up and knocks down or whether he only appears to. We will have to judge, but with what capacity will we do so?

Mill’s argument begins from radical doubt in the natural capacity to understand and know, and in this he takes his bearings from Cartesian skepticism. But unlike

Descartes, who claimed to have discovered a foundation for knowledge in the certainty of his own existence, Mill gives us no such relief from our fallibility and doubt. By denying the power of our own reason and by insisting that we remain aware of our imperfection in order to be open to the opinions of others, he has opened a chasm between, rather than reconciled, thought and action. The denial of any claim to authoritative knowledge or right opinion—of any orthodoxy—is the first principle of the freedom of speech, yet it is a first principle that, rather than providing a foundation upon which to reason, sweeps away all our certainty and all grounds for assuming that we can judge rightly. Thus, for all we know, according to Mill’s argument, we might just as easily be exchanging a truth for a falsehood. Nothing necessitates that truth will prevail rather than the false. This “opportunity” to exchange a false opinion for a true opinion is just as much an opportunity to exchange a true opinion for a false one. Nothing makes it necessary or even likely that, when presented with numerous alternative accounts of our lives, we will judge rightly between them.

With this problem in view, however, Mill introduces the idea of progress into the argument. Having thrown us into a world where there appears to be no solid ground for any judgments, there is a need for something else to make the freedom of discussion useful and productive of good for mankind. According to Mill, therefore, we must assume there is “a preponderance of rational opinions and rational conduct,” and if there is not this preponderance, “human affairs are, and have always been, in an almost desperate state.” This preponderance of rationality must be due to something other than “the inherent force of human understanding,” inasmuch as “on every matter not self-evident, there are ninety-nine persons totally incapable of judging it, for one who is

capable.” And according to Mill, “[T]he capacity of the hundredth is only comparative, for the majority of the eminent men of every past generation held many opinions now known to be erroneous, and did or approved things which no one will now justify.” Thus, if there is a preponderance of rationality, this is due to the fact that “[human beings] are capable of rectifying [their] mistakes, by discussion and experience.” But this is not through experience alone, Mill says, “as there must be discussion to show how experience is to be interpreted.” Thus, even as wrong opinions and actions yield to facts and arguments, “facts and arguments, to produce any effect on the mind, must be brought before it.”

The problematic skepticism of the argument that Mill originally developed appears to be resolved through the progressive improvement of the human mind through historical experience. But if this is the case, we are left with a fundamental quandary. If, as Mill presumes here (he does not make an argument for it), there is a “preponderance” of rational opinion and conduct in modern life, why would we need to be corrected further? Moreover, how can he presume such a preponderance of rationality, when he has also argued that the diversity of opinion in the world demonstrates the inadequacy of our opinions and the need to question them? Thus, in a significant way, Mill contends that “human affairs” would be in a “most desperate state” if we did not presume this preponderance, but presuming this preponderance puts the entire grounds of his argument at risk. In sum, Mill first tells his readers that they have no basis for assuming their opinions and judgments are correct; he now praises them for the reasonableness of their opinions and deeds. Mill thus displays the dilemma of his view of modernity. If we accept his praise of our opinions, we plume ourselves for our superiority and run the risk

of a complacency that would foreclose an awareness of our ignorance; if we accept his criticism of opinion we have nothing other than assertion for assuming progress and, therewith, that the consequences of the freedom of speech will be good.

This tension is, in fact, implied in the progressive argument he presents. As Mill would have us believe, what we think and say is not simply a product of our temporal or historical context, inasmuch as understanding history or experience requires that we interpret and speak about it. For this reason, speech needs to be protected from suppression because “very few facts are able to tell their own story, without comments to bring out their meaning” (*OL* 23). Truth is not disclosed to all through common experience; most things are not made evident through experience alone. Yet, because facts do not speak for themselves, we must speak for them, which in turn will entail disagreement. (If we all say the same things about them, there would be no need to speak about them at all; all would understand without the aid of speech.) But this also means that we will be presented with alternative understandings of our experience and existence, and we would have to decide between them or judge them. If experience does not determine human understanding (and, as Mill knows, the connection of speech and understanding would be lost if it did), and if history is not driven by a rational process distinct from individual reason, history seems to add little that will get us beyond the original, skeptical basis for freedom of speech. Thus, once again, having denied human beings the capacity to judge opinions and arguments well, Mill nevertheless makes it necessary to judge speeches and arguments.

Is there any way in Mill’s view to see past the horns of this dilemma? As Mill suggests, good judgment is not inherent in being human, because all matters that are not

“self-evident” can be judged only by the few. This distinction between “the many” and “the few” would be an admission of the need for the multitude to trust in authority, which would thereby deny his argument that authorities need to be distrusted. Mill avoids this obvious implication by claiming the judgment of the few is only “comparatively” better, because “a majority” of the eminent men of the past said and did things that “no one” now believes to be correct. By saying this, however, he also implies that a “minority” of the eminent of men of the past would have had better judgment. Lacking the advantaged historical standpoint that we moderns have acquired, the fewest of the few men of the past exercised better judgment. There is thus entirely better and worse judgment in the world, however rare the former may be.¹³ Mill will indeed later identify such superior judgment, one that makes it necessary for the Many to rely on the authority of the Few for their improvement even as he provides no account of how the unwise many can distinguish real wisdom from the appearance of wisdom.

Light is shed on Mill’s purpose by a shift he makes in his original argument. Mill ultimately concedes that those who desire to silence an opinion already believe it is false and are thus not open to the possibility of its truth, and thus Mill only claims that the fallible and imperfect human capacities of reasoning should leave “others the means of judging.” Beginning with the extravagant claim that those who dissent from the disfavored opinion are the greatest beneficiaries of prohibiting any persecution of the opinion, as they can simply exchange their false opinions for true ones, the argument turns into an argument about the justness of the equal right of all people to judge for themselves, but an equal right founded not on the power of reason but its impotence.

¹³ For a similar interpretation of Mill’s “rhetoric of progress,” see Richard B. Friedman, “A New Exploration of Mill’s Essay *On Liberty*,” *Mill and the Moral Character of Liberalism*, ed. Eldon J. Eisenach (University Park, PA: Pennsylvania State University, 1998):273-300.

Mill quite seamlessly turns the argument from a purely consequentialist one about the progressive enlightenment of humanity through the liberation of opinion to an argument about the equal right of all men to judge because of the lack of any infallible wisdom in the world. It turns into an argument about rule as opposed to advantageousness or utility. In all of this, Mill is muting the tension here between the needs of thought and the needs of politics. Mill thus claims to show us the means by which we can have the certainty in the opinions on which we act (complete liberty to have it refuted), but he has to dissolve the grounds for improvement, the very reason this would be useful, by discrediting the capacities of human reason to judge and therefore remain open to others. The foundation for free speech is a denial that anybody has a certain foundation for anything he asserts, but this sweeps away all certainty of the utility of free speech.

This difficulty is further revealed in the next objection to freedom of speech Mill raises concerning the possibility of salutary opinions, when Mill's discussion again obscures the conflict between reason and political life. First, he claims that the judgment to silence an opinion because it might be harmful is relying on the same "assumption of infallibility" as silencing an opinion we believe is untrue. "There is the same need of an infallible judge of opinions to decide an opinion to be noxious, as to decide it to be false" (*OL* 26). Mill first claimed that the freedom of speech does nothing to prevent moral action, based on our judgments of good and evil, but we can never judge whether an opinion is good or evil, good or bad for us. Any such judgment must be bracketed and set aside irrespective of its truth. The skepticism, the doubt in our own capacities to understand, which provides this foundation for free speech, ultimately overtakes the notion that free speech is *necessarily* good for us and our communities.

On Mill's account, we are only justified in acting if we begin from and ground all of our choices on the results of discussion. "Discussion" can be an adequate replacement for certain knowledge. Unlike our having certain and infallible knowledge from which to deduce our judgments, discussion takes place in time; it is an action of some kind. We thus would arrive at the beginning of action only after we have begun acting. We should act on our judgments only after the most complete discussion, which requires complete openness and liberty of opinion. But since discussion can never be entirely complete (on account of our limited capacities), Mill discloses that this particular kind of judgment—a judgment about the nature of particular opinions or teachings—must always remain tentative and thus never be acted upon. In a very important way, this means that opinions themselves can never be judged for their usefulness, even if we have gone as far as we can in the process of discussion. Mill thus limits our judgments of good and evil or rather the extent to which we can act on such judgments.

Perhaps because of this difficulty, Mill attempts to place the argument on a firmer foundation by claiming that falsehoods and lies can never be salutary. Only true belief can be useful, a doctrine Mill derives from authority. He writes, "In the opinion, not of bad men, but of the best men, no belief which is contrary to truth can be really useful" (*OL* 25-26). Mill seems to have forgotten that, at the beginning of the chapter, he told us that the expression and belief of false opinion is a great advantage for mankind and the absence of it as extremely disadvantageous. False opinion is thus quite useful, and the authoritative opinion that the false cannot be useful to which Mill now appeals seems useful to Mill in responding to those who claim otherwise, but not exactly true. Mill's arguments against the protection of salutary opinions thus point in very different

directions. The first suggests that we do not have the capacity to judge either the truth or the goodness of an opinion for our society, because we do not possess a perspective from which to make infallible judgments; but the second implies that such judgment is something that we very much need, since the truth is necessary. Hence, while acknowledging that truth is the most needed thing, Mill also posits that our capacities are insufficient to meet this need. To give the appearance that politics and wisdom *must* be joined for the sake of politics, he must also say that politics needs answers rather than questions and questioning. What Mill would need is a science or knowledge, not the freedom of speech which is premised on denying the certainty of claims to know.

To the person concerned with acting well, Mill insists that he can simply exchange false opinion for true opinion and hence act better. Not only does Mill leave little reason for the optimism that most can simply trade their own opinions for a better model, the position requires that positive assertions and opinions prevail rather than negative and skeptical ones.¹⁴ Mill's argument, because of its utilitarian orientation, privileges declarative sentences, as when we all come to recognize the positive truths we can then order our lives and act appropriately. Thought is justified, not as the highest thing in a human being, but by its consequences, by its usefulness for humanity; the true is subordinated to other ends of life as a means to them.¹⁵ Since questions cannot be

¹⁴ It is quite often claimed that Mill's argument for freedom of speech is an extreme departure from a more "conservative" argument he makes in his essay on Coleridge, where he argues that all social life and unity rests upon an agreement about fundamental principles. According to Mill, if these fundamental principles are "habitually questioned," society is in fact in the midst of civil war. The privileging of positive assertions, as opposed to questioning, in the argument of *On Liberty* suggests that it is not quite the departure from his earlier thought that is assumed.

¹⁵ For the opposite argument that Mill subordinates everything to "the search for truth," see Willmoore Kendall, "The 'Open Society' and Its Fallacies," *The American Political Science Review* 54 (1960): 972-979.

considered “true” or “false” like opinions and assertions, where do questions and thus the activity of philosophy fit into the argument and how exactly are they useful?

Mill moves from these arguments against the suppression of any opinion to a discussion of historical examples that counsel against silencing any opinion because we believe it to be immoral or impious or untrue. Mill refers to the executions of Socrates and Christ as the paradigmatic evils incurred through persecution, and the reasons for not punishing perceived impieties and heresies. Both were great benefactors and teachers of virtue and have come to be recognized as such in the Western tradition, and their executions have left a stain on Western history. According to Mill, Christ’s execution was and is regarded by “mankind” as one of the most lamentable moments in Western history, even more lamentable than the execution of Socrates. The life of Christ was so perfect that “the subsequent eighteen centuries have done homage to him *as the Almighty in person*” (*OL* 28). Even as Christ was the most “religious” and least “impious” human being to live, he was put to death as an impious blasphemer.

But how is it possible for any Christian, we who do “homage to him as the Almighty in person,” to think Christ’s death to be a completely “lamentable transaction?” In Christ’s crucifixion lies his historical significance as the Redeemer of humanity. In lamenting the death of Christ as a mistake that should not have happened, Mill is clearly denying either Christ’s wisdom, in failing to understand that he should not have been crucified, or Christ’s power, in failing to prevent his own execution. The implicit consequence of Mill’s argument is that, if there had existed freedom of speech in the Roman world, Christ would not have been crucified. In lamenting Christ’s execution as a “blasphemer,” he is committing his own blasphemy (and persuading others to accept this

same blasphemy) against Christ by denying his divinity, even as it appears to be a praise of Christ. Mill, who claims that we have paid homage to Christ because we thought him the Almighty in person, is thus denying the central truth of Christianity. If we pay him homage at all, it is not for the fact that he was divine.

Mill's account of Socrates' trial and execution is similarly distorted. The "memorable collision" between Socrates and Athens, ending in the conviction and execution of Socrates, represents the great danger and evil of persecuting any opinions at all, as Mill would have it. According to the opinion "handed down to us by those who knew him best knew him and the age," Socrates was the most virtuous man in a city and age "abounding in individual greatness...while we know him as the head and prototype of all subsequent teachers of virtue." In spite of his virtue and his teaching of virtue, he was put to death for impiety and immorality—the former for denying the city's gods and the latter for "corrupting the youth" through his "doctrines and instructions." "The tribunal," Mill claims, "honestly found him guilty of these charges."

Mill's reminding us of the trial and death of Socrates appears to be the characteristic Enlightenment rationalism that denies any real or abiding tension in the relation between the thinker and his society. Society can learn from the mistakes of the past and thus overcome the contradiction between thought and practiced symbolized by Athens executing Socrates. And yet, the work is intended to convince us to question the opinions that we merely receive from our own "world," from what is simply given to us on the authority of another. But Mill explicitly appeals to the traditions and opinions of "our" world in his account of Socrates. According to the opinion "handed down to us by those who best knew him and the age," Socrates was the most virtuous man, while "we

know him as the head and prototype of all subsequent teachers of virtue.” Mill describes a man famous for subverting opinion by appealing to a dogmatic opinion and judgment about who Socrates was.

Mill’s guiding us to the *Apology*,¹⁶ the only time in the entire work that Mill refers the reader to a different text, exposes the difficulty with these commonplace assumptions about Socrates. First, in obvious disagreement with “our” understanding of him, Socrates disclaims that he is a teacher of virtue or a teacher of any doctrines at all. Socrates claims rather that his only wisdom is his awareness of his own ignorance. By remaining silent about Socrates’ self-understanding as he presents it in his defense speech, Mill allows the opinions we have received about him to carry the day. Similarly problematic is Mill’s claim that Socrates’ condemnation and execution were the result of the fact that the jury “honestly” found him guilty of the official charges of impiety and immorality. Socrates himself gives a very different account of why he was brought to trial and why he would be convicted. According to Socrates, it was his questioning and refuting of those “reputed to be wise” that got him into trouble with the city. It was, on Socrates’ account, their reaction to being questioned and shown that they did not know what they thought they knew that got him executed, not a mere honest mistake or misunderstanding of Socrates. Mill suppresses the fact that people do not like to be refuted, that they love their own opinions more than the truth. According to Socrates, it was not any doctrine that led to his being “hated” by the city, but his annoying way of life. It was not any

¹⁶ I have assumed that Mill means Plato’s *Apology of Socrates*, which might be unwarranted. That Mill does not specify which *Apology*, however, only makes clearer the point that there are diverse accounts of Socrates and his life. This might also be emphasized by the fact that Mill refers only to the singular “accuser” and refers only to the “official charges” against Socrates. In contradistinction, Socrates refers to two distinct kinds of accusers – the first of which was the poet Aristophanes, whose account of Socrates in his comedy, *Clouds*, is hardly in agreement with the judgment of Socrates’ “age,” that he was the most virtuous man in it.

“philosophy” as a body of doctrines or beliefs, but his philosophizing that was the problem.

If this were his only reference to Socrates in *On Liberty*, we might be satisfied with thinking that Mill is oblivious to these difficulties in his account of Socrates. But Mill praises Socrates again later, and the understanding of Socrates is quite different from the one proffered here in his first account. According to Mill, it was not any of his doctrines or teachings, but his “dialectics,” that were most important about Socrates’ life. The dialectics were a “negative discussion of the great questions of philosophy and life, directed with consummate skill to the purpose of convincing anyone who had merely adopted the commonplaces of received opinion, that he did not understand the subject” (OL45). Mill further complains that moderns have “lost” the “Socratic dialectics,” because we disparage “negative logic which points out difficulties in theory and errors in practice” (OL 46). Moderns are as in love with their own wisdom as the Athenians were. Mill’s first account uses conventional wisdom – the received opinion about Socrates—that we understand Socrates better than the Athenians did, who failed to see his moral and intellectual greatness—to warn against conventional wisdom and received opinion. Putting these two accounts together, in accepting the view of Socrates as “a teacher of virtue” found guilty for his “doctrines and instructions,” we have misunderstood Socrates’ way of life and the meaning of philosophy. In pointing us to the *Apology*, which is Socrates’ account of himself, his life, and his problematic relationship with the city, Mill calls into question his optimistic presentation of the relation between free speech and political life.

It is not clear what conclusion we should draw from Mill's distorted account of Socrates and Christ, who are now revered by all or at least by most of Mill's audience. Mill only avoids addressing the real difficulty of what should be done about false doctrines and pernicious people. Is he suggesting that no doctrine or opinion is ever harmful to the listener? If so, this would seem to mean either that the propagation of false doctrine is not bad for a society that believes it, or that false doctrines will not be propagated at all. But if falsehood is not bad for society, the stated purpose of the freedom of speech as the acquisition of truth would be lost entirely. Neither does Mill hold that only truth can be propagated, but quite the opposite. After giving us these examples of the ancient mistakes, Mill turns to another objection to his argument against persecution for opinion, which is made by Samuel Johnson. Johnson argued that the persecutors of Christianity were not in the wrong, because truth must pass through persecution and, if it is true, it will survive persecution. Mill's responds:

The dictum that truth always triumphs over persecution, is one of those pleasant falsehoods which men repeat one after another till they pass into commonplaces...It is a piece of idle sentimentality that truth, merely as truth, has any inherent power denied to error, of prevailing against the dungeon and the stake. Men are not more zealous for truth than they often are for error, and a sufficient application of legal or even of social penalties will generally succeed in stopping the propagation of either. The real advantage which truth has, consists in this, that when an opinion is true, it may be extinguished once, twice, or many times, but in the course of ages there will generally be found persons to rediscover it, until some one of its reappearances falls on a time when from favourable circumstances it escapes persecutions until it has made such headway as to withstand all subsequent attempts to suppress it. (30-31).

Mill follows this assertion with a list of instances in which reformations of Christianity were stifled by persecution and he ends with the declaration that "no reasonable person can doubt that Christianity might have been extirpated in the Roman Empire" (*OL* 31).

There are, thus, on Mill's account, some things we need not doubt, and one of these things we can know without doubt is that there is neither Divine providence nor necessary progress in human history—that human beings can extirpate Truth, at least for a time. Mill is asserting that the opinions we hold and the reasons we hold them are all-too-human; we can be sure that we do not receive truth from a higher authority at work in human affairs.

Mill nevertheless appears to share some agreement with Johnson and the popular opinion that truth has an advantage over error, insofar as it (rather than error) is capable of being continually rediscovered.¹⁷ If the truth has even this advantage over the false, Johnson's argument is not as absurd as Mill lets on, as persecution remains a viable test for sifting out the true from the false. Yet if Mill once against questions the truth of Christianity, as he did when lamenting the Crucifixion, there is irony in his appeal to Christianity as his example of how truth is extirpated but continually rediscovered. Whatever advantage Mill's argument gives to truth and its capacity to be continually rediscovered, his underlying denial of the truth of Christianity shows that he thinks this is true of error as well. Originally, Mill made the utility of free speech for society doubtful by casting doubt on the power of human reason to simply exchange false opinion for knowledge; he makes it doubtful here by denying that human beings even desire to know, as "people are not more zealous for truth than they often are for error."

These tensions reflect a fundamental paradox at the heart of his argument, which involves the extent to which human beings are rational, both in their capacities and in

¹⁷ This denial of the inherent superiority of truth over falsehood is where Mill's argument for the freedom of speech is in fundamental disagreement with the other great defense of freedom of speech, John Milton's argument in *Aeropagitica*. See George Anastaplo, *Reflections on the Freedom of Speech and the First Amendment* (Lexington, KY: University Press of Kentucky, 2007), 80-81.

their desires. If they have the capacities and desire to acquire the truth – a perfect rationality – free speech is unnecessary. If they do not, the freedom of speech becomes a qualified good capable of producing both good and bad. Mill must assume a dogmatism that asserts the superiority of modern opinions, and subsequently deny that ours are any better than anyone else's. The argument insists on the supremacy of reason and the superiority of living reasonably, but this ultimately depends on reason not being supreme. More deeply, if we really could be autonomous in our rationality, we would not need anyone else to help us reason to the truth, nor would we need to test our thoughts by subjecting them to discussion with others. The insufficiency of our thought that renders free discussion necessary also makes the reliance on discussion politically and socially problematic.

Teaching, Learning, and Autonomy

To argue for the goodness of truth is not novel. But Mill argues also for the goodness of false opinions. Mill not only holds that we are benefited by discussion and debate if our opponent's argument is true and our own is false, so we can exchange our false opinion for a true one, but that even if the opinion we desire to suppress is completely false and our own opinion completely true, it is still harmful to us to silence it. Hence, even if a received opinion is true, Mill says, "if it is not fully, frequently, and fearlessly discussed, it will be held as dead dogma, not a living truth" (*OL* 37). Mill begins this branch of argument with a practical counsel to teachers that if pupils do not know the grounds of their opinions, they will not be able to make a defense against even the most superficial objections to them. To believe anything firmly and thus to possess true faith, one must know why it should be believed. We must have reasons for our

beliefs, and human beings are fundamentally rational creatures, so constituted to believe something only when they know why. Moreover, even if opinions accepted on mere authority are prevented from being questioned or challenged, in which case we need not defend our beliefs and therefore know their grounds, “[t]his is no way for a rational person to hold the truth... Truth, thus held, is but one superstition the more, accidentally clinging to words which enunciate the truth” (*OL* 37). What it means to be rational or to become a “rational person” is to learn the grounds of one’s own opinions.

It is not immediately clear, however, why this understanding of human rationality would result in a need for the freedom of speech. According to an “enemy of free discussion” that Mill brings into the dispute, there is nothing that prevents a pupil from being *taught* the grounds of his own opinions. A person can learn geometrical theorems *and* their demonstrations without hearing either disputed. Mill does not disagree completely, but instead argues that there is a fundamental difference between the issues of mathematics and the issues of human life: “When we turn to subjects infinitely more complicated [than mathematics and physics], to morals, religion, politics, social relations, and business of life, three-fourths of the arguments for every disputed opinion consist in dispelling the appearances which favour some opinion different from it.” Mill’s argument echoes an older Aristotelian teaching that eschews assuming that the “human things” can be examined in the same manner and with the same precision as mathematical objects. It also presents a grand departure from traditional contractual liberalism and its variants. Whereas contractual liberals asserted the need to determine the precise extent of government and relegated the rest of opinions to private life, the freedom of speech as Mill

presents it is intended to re-introduce moral and political controversy into public life and thus walk back the liberal project of privatizing moral opinion.

Mill goes even further, claiming that it is not enough that a student “hear the arguments of adversaries from his own teachers, presented as they state them, and accompanied by what they offer as refutations,” as this does not “do justice to the arguments, or bring them into real contact with his own mind. He must be able to hear them from persons who actually believe them.” Actual dialogue between believers of opposed doctrines is necessary for learning the grounds of any doctrine. Having initially declared that all persons must learn and know the grounds of their beliefs, without which the first person to come along with “the slightest semblance of an argument” will cause him to reject his belief rashly, Mill now claims, that the grounds or first principles of a belief *cannot* be learned except through opposition. We thus reach an impasse: the opposition through which we gain conviction for our beliefs (through rationally apprehending their grounds) is the same path through which we lose our convictions. The same thing produces very different things in human beings, both belief and disbelief. Mill comes to the brink of indicating that the human soul is almost entirely unintelligible.¹⁸

And even more of a quandary arises for this conception of human rationality. If all of our beliefs depend on knowing “why,” our questioning would either go onto infinity (in which case we could never stop and simply believe), or we arrive at a final

¹⁸ The following passage from Mill’s *The Subjection of Women* offers a very different understanding of conviction than the hyper-rationalized one Mill originally offered here:

So long as an opinion is strongly rooted in the feelings, it gains rather than loses in stability by having a preponderating weight of argument against it. For if it were accepted as a result of argument, the refutation of the argument might shake the solidity of the conviction; but when it rests solely in the feeling, the worse it fares in argumentative contest, the more persuaded its adherents are that their feeling must have some deeper ground, which the arguments do not reach.

indisputable ground to all things. In the latter case, however, all of our opinions could be demonstrably deduced and thus “taught” to others without the need for discussion or dialogic exchange, just as in geometry. Mill’s initial description of conviction—that it rests entirely on knowing why we believe—is thus a simplification, although one that Mill proceeds to correct with his more complex account of human things the relation of understanding to human life.

Mill’s teaching on conviction is ultimately a teaching on the relation of morality and rationality. The collision of true and false opinion is the path to rational apprehension of the grounds of the teachings we follow, and the only means by which to secure belief, and belief is the source of moral action that will be diminished without it. More deeply, however, the need to know the grounds of our opinions, not in order to secure our convictions in them, but because human beings are fundamentally rational, and being rational entails knowing the grounds of our opinions, and hence understanding the grounds of our opinions is the highest action, it is what we ought to do. But in this Mill has seemingly gotten the buggy before the horse, as he himself demonstrates through his own procedure in defining human rationality. Mill never asks why we are rational or defends why rationality is manifested in knowledge of the grounds of our beliefs. He instead asks and ultimately asserts what it *means* to be rational – that a rational person is one who knows for himself the grounds of the doctrines he believes.

Mill thus initially appeared to collapse human rationality into human morality by demanding that one “ought” to know the grounds of one’s own opinions as constitutive of that rationality. Only if the meaning of what is said were obvious could one begin with asking why, and not by asking what is meant or what is intended in a doctrine. If we do

not need to ask about what a speech means, we could then first, as disinterested subjects, apply our minds to asking what reasons we have for preferring one doctrine to another. Mill holds quite the opposite: “The fact, however, is, that not only the grounds of the opinion are forgotten in absence of discussion, but too often the meaning of the opinion itself. The words which convey it, cease to suggest ideas, or suggest only a small portion of those they were originally employed to communicate” (*OL* 41). Those who merely receive a teaching and never hear it disputed repeat the words “without [their] ever being realized in the imagination, the feelings, or the understanding.” Hence, a living belief is a belief in which the “feelings” are attached to the words and in which our conduct is guided by it, thus requiring an internalization of the words rather than their objectification. Mill thus objects to understanding words and doctrines as external to us, as objects. Coming to apprehend the meaning of a belief entails believing it, because it requires personal experience with the belief.

Mill thus provides a deeper, but also a more problematic, reason for the necessity to listen to our opponents express and defend their own opinions rather than hearing them through another. One can only understand the meaning of teachings by “forcing the mind to take them in,” by having a living conviction about them, by attaching our feelings to the words. The reason it does not do “justice” to the arguments of our adversaries for our own teachers to speak for them would seem to mean that our teachers cannot understand the arguments of our adversaries, because understanding begins in or is simultaneous with belief. How, then, can we evaluate the grounds for a belief without believing it? And yet the inadequacy or “injustice” that our own teachers do to the arguments of their opponents suggests that these same attachments and beliefs mean that impartiality or

objectivity is impossible from within belief. If understanding meaning comes from within, the objective evaluation of the grounds of a belief that would come from a detached spectator is an illusion.

The ideal of self-sufficient reasoning that Mill initially presents as the definition of what we *should* be assumes that individuals can simply listen to alternative accounts from some objective and disinterested perspective. If reason is self-sufficient, however, and we do not need to begin with the partial perspectives entailed in opinions, we would have the capacity to look at the world and ourselves simply by virtue of our own minds, unmediated by accounts of the world about it. Speech belies the notion that we can merely “think” for and by ourselves, that we are autonomous and independent creatures. Learning is inseparable from *personal* experience, of experiencing our lives as believers of something, and this experience can never simply become an object in speech that all can perceive clearly without experience.

Mill’s argument, then, is intended to promote real conviction in human beings, because conviction in our beliefs is an essential aspect of human understanding. The path to real conviction, to living belief, is nevertheless a painful one, for it consists in coming to recognize that what we thought we knew we did not really know. Mill thus comes close to endorsing a tragic teaching that one learns through suffering. He concludes the argument by claiming that “all languages and literatures are full of general observations on life, both as to what it is, and how to conduct oneself in it.” Everybody knows these sayings and repeats them, but they are ultimately received as truisms, and “most people first truly learn the meaning, when experience, generally of a painful kind, has made it a reality to him...the meaning of which, if he had ever before felt as he does now, would

have saved him from the calamity” (*OL* 44). If it is through painful experience that we come to understand the meaning of a traditional saying that we have merely inherited, this also means that we learn retrospectively after suffering and recognizing our errors. Hence, the originators of doctrines and their immediate followers have, for Mill, a superior understanding of the meaning of what they say, because they struggle and suffer for them. On Mill’s account, however, hearing something argued pro and con by people who believe and understand the opinions they express is a partial substitute for learning through suffering—that is, after the calamity that could be avoided if we could understand or recognize before we perform some atrocious deed (*OL* 44). He nevertheless concludes that “there are many truths of which the full meaning *cannot* be realized, until personal experience has brought it home” (*OL* 44). Mill of course would not be able to tell us what these “many truths” are, nor will anyone else, which means that we will never be able to gain an entirely objective, impartial perspective on our lives. Our understanding will be partial, and thus error and suffering are unavoidable.

The tragic nature of Mill’s defense of the freedom of speech becomes explicit as he closes out his account, but it was anticipated in his argument from the beginning, inasmuch as Mill must hold that both truth and falsehood are good for humanity. Opposite things are thus both beneficial, and the good is fundamentally divided against itself. Mill thus observes: “As mankind improve, the number of doctrines which are no longer disputed or doubted will be constantly on the increase” (*OL* 45). Nevertheless, “though this gradual narrowing of the bounds of diversity of opinion is necessary in both senses of the term, being at once inevitable and indispensable, we are not therefore obliged to conclude that all its consequences must be beneficial” (*OL* 45). The universal

recognition of the truth thus contains a tragic consequence for humanity, or as Mill says with some understatement “no trifling drawback” that will be experienced in its achievement, namely the loss of what he has elsewhere indicated is an indispensable aid to the “intelligent and living apprehension of the truth.” Indeed from Mill’s perspective, it is the loss of a fundamental aspect of our humanity and rationality.

On the other hand, Mill’s own work calls into question whether this tragic result of unanimity in truth is “inevitable.” If it were, his argument for free speech is rather superfluous, as human agency, choice, and intention appear to be resolved into the ground of History and fatalism. But, even more, on what basis can Mill possibly claim that progress to unanimity in truth is inevitable? Mill would have to have knowledge of the whole, of the end of history, to so conclude. Yet, if Mill possesses such knowledge, he should be telling us about it, not arguing for free speech that rests on awareness of our ignorance, or by demanding that we recognize that “our certainty” is not “absolute certainty.” But if the completion of history is already here, speech itself becomes utterly unnecessary and superfluous. Mill thus must hold that history has an end and completion, but also that we are not cognizant of it, in which case he cannot say that there is necessarily a completion, a bringing together of all parts into a seamless whole.

Mill’s observation that the gradual narrowing of the diversity of opinion is indispensable is even more problematic than its inevitability. If the universal recognition of truth were truly “indispensable” for life, how could our thinking and acting to bring it about take place without it? The universal recognition of truth must be the end to be achieved in time, but if it is necessary, how can we begin

anything at all, how can it be achieved by us? Our thinking and acting would be purposeless and meaningless in this most significant way. On the other hand, if thinking and acting were possible without that recognition of truth that occurs in time, then this recognition would be *dispensable* in this significant way. What, then, is the purpose of our thinking and acting? If these observations about Mill's statement concerning the inevitability and indispensability of the universal recognition of the truth have weight, Mill has completed his argument. But if so, everything he has said prior to its completion has been made a waste of words, and must ultimately rely on an agency that has nothing to do with any particular human being.

But according to Mill, "it still remains to speak of one of the principal causes which make diversity of opinion advantageous, and will continue to do so until mankind shall have entered a stage of intellectual advancement which at present seems at an incalculable distance." After acknowledging that he has already discussed the advantage that received opinion may be false and some other true as well as the advantage that meeting error will lead to a clearer apprehension of true opinion, he moves to a "commoner case": "when the conflicting doctrines, instead of being one true and the other false, share the truth between them; and the nonconforming opinion is needed to supply the remainder of truth, of which the received opinion embodies only a part." Whereas Mill's earlier discussions showed that both true and false opinions are good, and thus implied that the freedom of speech cannot be good for all, his new argument appears more optimistic because it entails the *partial* truth of most opinions we hold. The contention that the

antagonisms in political life are essentially rational, because both sides contain portions of truth, even as it also entails that both sides are mixed with falsehood. Opinions assume the part to be the whole, but this will necessarily entail conflict. If conflict is eradicated, learning is eradicated along with it. Social peace and the elimination of opposition and suffering spell the end of learning and apprehending the truth; truth can only be grasped through one-sided, partial assertions – that is, by way of opinions about things.

Mill's arguments thus remain troubling for political life. He acknowledges that "the tendency of all opinions to become sectarian is not cured by the freest discussion." If the tendency of the freest discussion is more and more disagreement, from where would the progress towards unanimity he promised come? As his argument nears the end, we see Mill claiming that "the freest discussion" produces "violent conflict" of opinion, not progress towards the universal recognition of truth. For Mill, it is not on "the impassioned partisan" that this conflict "works its salutary effect," but on "the calmer and more disinterested bystander." Thus, even as Mill claims that "there is always hope when people are forced to listen to both sides," this hope he articulates is for the few observers of politics rather than for politics itself. Mill thus suggests that conflict and disagreement is eradicated in liberating opinion, but not for partisans, and not for humanity through history, but only those who can observe their controversies disinterestedly. Unbeknownst to the partisans, they are benefactors for those who can listen as disinterested spectators. The good of political harmony and social wholeness is lost for the sake of something that is more important to Mill.

Mill's concern is not so much the protection of the thinker from the persecution of the city for something he might say, but rather the protection of the life of thought from the homogenization of human perspectives that would make learning impossible. Mill has thought through the conditions of the life of thought, and the freedom of speech is intended to preserve the conditions needed for philosophic thinking, conditions that are not amenable to perfect social unity. Political life is a scene of sectarianism and moral factionalism. Human thought is inseparably linked to opinion, which means it is inseparably linked to political life where the opinions, and therefore conflicts, arise. The community of partisans will be the benefactors in bringing to the public square their most deeply felt convictions, and the life of thought is therefore invigorated and sustained by political division.

Ancient Character, Modern Progress, and Liberty

At the heart of Mill's account of the freedom of speech is a contradiction, one reflected in the doubleness of the argument. The freedom of speech is beneficial for mankind, because it will lead in time to the perfection of knowledge, a knowledge we need to order our lives and communities in the most beneficial way possible. But Mill ends the freedom of speech by appealing to the good of disagreements and conflicts as they arise in political society. The standard of unanimity in truth as progress, therefore, proved to be an ideal with significant drawbacks, not the least of which is that dispute is necessary for seeking the truth, for learning. Hence, Mill continues *On Liberty* in chapter three by defending diversity, which becomes an unabashed critique of modernity for its conformity and unanimity.

The distinctive feature of Mill's account of individuality in Chapter Three of *On Liberty* is the appeal to Pagan morality of "self-assertion" for the purpose of correcting the "self-denial" of Christian morality that construes human desires as an affront to the will of God. This appeal to the Greeks stands out in *On Liberty* prominently because the argument of the work is initially premised on an assertion of historical progress that indicates a clear preference for and superiority of modernity. Mill's introduction to *On Liberty* begins with an historical account of the progressive growth of liberty, expanding from the Greeks and Romans to his present day and context (*OL* 5-11). More importantly, Mill grounds the aim of his work of expanding individual liberty on a progressive view of history. The stated intent of the work is "to assert one very simple principle, entitled to govern absolutely" that denies any authority to restrict the liberty of an individual to do as he wishes except to prevent harms to oneself or others. But Mill immediately qualifies the application of his "Harm Principle," because liberty "has no application to any state of things anterior to the time when mankind have become capable of being improved by free and equal discussion." In fact, Mill declares that "despotism is a legitimate mode of government in dealing with barbarians, provided the end be their improvement" (*OL* 13). Liberty as Mill has defined it is not a universal or permanent good, Improvement is preferable to self-rule and freedom, and freedom is ultimately subordinate to the ends it serves, the improvement of human character. In this respect, Mill is thoroughly utilitarian inasmuch as the goodness of the means is determined by the goodness of the end to be achieved.

This distinction between barbarian and free societies quickly turns into a distinction between ancient and modern ones. In Mill's account, on the grounds that the

city had an interest in the “whole bodily and mental discipline of every one of its citizens,” the ancient commonwealths and ancient political philosophers approved of regulating “every part of private conduct by public authority.” Mill nevertheless excuses these invasions into private life in ancient times, because the small republics were surrounded by enemies who posed a constant existential threat to the polis. The ancients had good reason to limit private liberty in order to maintain a necessary social discipline. In modernity, however, things are decidedly different. The modern liberal nation-state appears to be superior to the ancient *polis*, insofar as it provides the grounds for individual liberty through the Lockean distinction between temporal and spiritual authority and, institutionally, through the large, more stable political communities.

But even in this introductory chapter, Mill’s progressivism is made problematic. He ends his discussion of the historical progress of liberty on a sour note, by claiming that the “tyranny of the majority” is becoming *the* problem for modern life. By tyranny of the majority, he does not mean the tyranny of the democratic State, but rather the “tyranny of Society” over the individual, the “tyranny of prevailing feeling and opinion.” This, he claims, is a worse kind of tyranny than physical tyranny or tyranny of the state, because it is “enslaving of the soul itself...[and] compel[s] all characters to fashion themselves upon the model of its own [character]” (*OL* 8). And his account of the superiority of modern liberalism to the ancient republic ends by claiming that modern liberalism, founded on the distinction between temporal and spiritual authority, has released “religion” as the primary force in moral and ethical formation. Mill further asserts that this religious spirit has not been eroded by the atheism of “modern reformers who have placed themselves in strongest opposition to the religions of the past” (*OL* 17);

and he points particularly to the aim of Auguste Comte to establish by “spiritual,” rather than legal, means “a despotism of society over the individual, surpassing anything contemplated in the political ideal of the most rigid disciplinarian among the ancient philosophers” (*OL* 17). Modern reformers are simply continuing Christian moralism through different means, means more problematic because less perceptible.

The problem of social tyranny he aims to address would not be a problem at all for Mill if he assumed that the only kind of coercion or control was physical and legal, which could be circumscribed through constitutional checks and institutional arrangements to protect the individual from public intrusion into the details of private life. Rather, as we have seen, his new liberalism was intended to proscribe, not only the use of force and penalties, but even social disapprobation or as Mill calls it, “moral coercion.” The very idea that “social” tyranny exists, which is not constituted by laws or physical force, is problematic for his initial claim of the progress of reason. If as Mill maintains, human beings have become more rational, why does social tyranny exist and how is “the tyranny of prevailing opinion” at all possible among rational human beings? If humans are self-sufficient in their rationality and no longer need authoritative guides to assist them in forming their own opinions, the tyranny of public opinion should be entirely resistible.

Mill’s understanding of the tyranny of the majority appropriates the language and the spirit of Alexis de Tocqueville’s critique of democracy and his characterization of the “tyranny of the majority over thought.” According to Tocqueville, the reason majority opinion is such a powerful force in forming opinions in democracies rests on the fact that the democratic premise is Cartesian philosophical method; that is, the belief in the power

and ability of one's own private reason in arriving at truth, and the consequent denial of a need for traditional authority.¹⁹ Maintaining that external guidance is nevertheless always necessary, Tocqueville points out that in democracy the opinion of the majority becomes the authoritative source of right and wrong. Democrats flatter themselves into thinking they are capable of complete and equal rationality, but in fact they ultimately rely on the opinions of the majority rather than religious and traditional authorities of the past to form their opinions, the result being a stultifying conformism and mediocrity.²⁰ These similar positions of Mill and Tocqueville in regards to the characterization of the "tyranny of the majority," or the tyranny over mind and soul, are one indication of the problematic character of the complacency of moderns due to their superior rationality.

Hence, the account of liberty for modern life is fundamentally transformed through the rest of *On Liberty*. As his argument moves along, Mill's doctrine of progress is eroded and the central feature of *On Liberty* becomes a critique of modernity, not from the standpoint of a progressive future, but with view to a superior past. The ambivalence of his progressivism peaks in his defense of "individuality" in the third chapter of *On Liberty*, which becomes an unqualified critique of modern life. Whereas Mill initially asserted that liberty is necessarily good in modernity because man has progressed in his institutions and his reason (in his ability to improve himself through "free and equal discussion"), Mill provides a very different basis for liberty – that Western history is, in a fundamental way, a decline from its Greek origins:

¹⁹ Alexis de Tocqueville, *Democracy in America*, Trans. Stephen D. Grant, (Indianapolis: Hackett Publishing, 2000), 170-174.

²⁰ *Ibid.*, 175-178.

In sober truth, whatever homage may be professed, or even paid, to real *or supposed* mental superiority, the general tendency of things throughout the world is to render mediocrity the ascendant power among mankind. In ancient history, in the middle ages, *and in diminishing degree through the long transition from feudalism to the present time*, the individual was a power in himself; and if he had either great talents or a high social position, he was a considerable power. (OL 66, my emphasis).

This problem of the ascendancy of mediocrity and the decline of individual capacities in modern life and character, as opposed to the progress of reason, becomes the grounds of the argument for freedom of action and thought in *On Liberty*. Liberty is ultimately a means to recover individuality from this decline, not an abstract right of individuals acquired on account of their acquisition of rationality. Mill's argument for liberty is not derived from human equality or democracy, but rests on a praise of ancient life and a blame of moderns for diminishing the role of individuality that characterized ancient practice.

Whereas Mill initially presented the liberal exclusion of law from private life as a great progressive movement in Western history, Mill presents it more ambiguously in

Chapter Three:

In some early states of society, these forces [of strong individual natures] might be, and were, too much ahead of the power which society then possessed of disciplining and controlling them. There has been a time when the element of spontaneity and individuality was in excess, and the social principle had a hard struggle with it...To overcome this difficulty, law and discipline, like the Popes struggling against the Emperors, asserted power over the whole man, claiming to control all his life in order to control his character...But society has now fairly got the better of individuality; and the danger which threatens human nature is not the excess, but the deficiency of personal impulses and preferences. (OL 61).

The absence of need in modernity for “law and discipline,” rather than a sign of the superior rationality of modern men, is a sign of an excess of mediocrity and a loss of the “personal impulses and preferences,” of the great passions and desires, that, for Mill, are

the source of the highest and noblest actions of mankind. Mill's analysis thus again indicates a way in which modern life is decline from earlier times. The reason ancient philosophers imagined a central role for moral education by the regime was due, not to the fact that ancient men were merely barbaric or irrational, but because the strength of ancient individuality had to be moderated and tempered by law.

Modern liberalism for Mill rests on the distinction between temporal and spiritual authority, the latter of which does not come under the authority of government. But Mill's analysis paradoxically indicates that its precondition is the absence of psychological grounds for the proper use of liberty – the flourishing of strong natures and the great desires that give them form. The reason the mental and bodily discipline of law is unnecessary in modernity is that men do not see acting differently from others as good, and thus simply conform themselves to the opinions or customs of mass society. The liberal recession of law from private life was not a progress but is rather coeval with the dominance of public opinion and the influence it exercises on the individual. Modern liberalism, therefore, grounds itself on the fact that the more dangerous desires of individuals have been crushed and extirpated. Mill's view of history is not progressive in the sense of improvement, but in the sense of moving to a state of no-return in which all of individuality is destroyed. Once individuality becomes undesirable by all, there will be no one to resist the socializing tendency to ignoble mediocrity and conformity. It is indeed Mill's version of "the last men."

Mill's argument for liberty is thus at times so unqualified that it seems to forbid any social disapproval of individual expression. But the reason for this is not because Mill is a relativist and thinks everyone's choice of life is equally desirable or deserves

equal respect. Rather, he thought the modern world tends to stifle thought and action, in spite of its leaving unregulated many aspects of life regulated in the ancient world. The informal and imperceptible pressure from modern society produces conformity greater than that of law. Mill first presents liberty as holding no danger to the social fabric because individuals are now capable of improving themselves through the power of their own reason and do not need authoritative opinions to guide them. That social tyranny is the real danger of modernity deflates that pride of modernity. Mill's liberalism is restorative rather than progressive. It does not rest on an assumption of progress, but on an assumption that the past was in many respects superior to the present. Progress, in this respect, entails for Mill restoring the moral perspective of a superior past.

The source of Western decline, one that resulted in an inferior modern man, is, for Mill, to be found in Christianity. Chapter Three of *Liberty* and its critique of modernity is a continuance of what begins with a critique of Christianity in Chapter Two. At the end of his defense of free speech and heretical opinion Mill claims that free speech is necessary because opinions "always or for the most part" contain only a part of the truth, and he raises what seems to be a random objection that Christian morality is the whole truth in regards to morality. Mill rejects this claim and spends several pages describing just how one-sided and incomplete Christian morality is.

It is quite clear from his posthumously published works that Mill rejected Christianity. Scholars who have addressed Mill's view of Christianity have argued that what Mill hated about Christianity was its sanction of eternal punishment and reward. This undoubtedly constitutes one element of this critique of Christian morality in *On Liberty*, as Mill claims that the Christian doctrine of eternal reward and punishment

“[falls] far below the best of the ancients, and [does] what lies in it to give to human morality an essentially selfish character” (*OL* 50). On this view, although Mill accepted and idealized the essentially altruistic and egalitarian content of Christ’s teachings (for example, in *Utilitarianism*), it was not altruistic enough. Some have thus found Mill to be one of the principal founders of the modern Left and claim that he foreshadowed their wishes for an atheistic version of Christian benevolence, charity, justice, and equality or, more generally, their desire to preserve Christian morality without Christian theology.²¹ Insofar as this assessment is correct, Mill is *the* prime example of what Nietzsche thought was the problem with modern moral philosophy—the attempt to preserve Christian morality without a Christian God.

But this critique of Christian morality for its “selfish” sanction of eternal reward or punishment is certainly not the entirety of Mill’s critique. The substantive part of his critique has much more to do with the content of Christian morality than its sanction:

Christian morality has all the characters of a reaction; it is, in great part, a protest against Paganism. Its ideal is negative rather than positive; passive rather than active; Innocence rather than Nobleness; Abstinence from Evil, rather than energetic Pursuit of Good...It is essentially a doctrine of passive obedience. (*OL* 50-51).²²

The core of Christian morality is obedience and ascetic self-denial, and Mill thus contends that it is a vulgar “half-morality.” He thus asserts (although he provides no evidence for it) that Christ’s teachings were spoken to the particular audience of the ancient world and, according to Mill, were intended as a corrective of the extremes of

²¹ For this argument see Hamburger’s *On Liberty and Control*, 42-53.

²² One cannot help but note how similar this is to Nietzsche’s critique of morality, particularly Christian morality, in his “Attempt at a Self-Criticism” in *The Birth of Tragedy*: “Christianity was from the beginning, essentially and fundamentally, life’s nausea and disgust with life, merely concealed behind, masked by, dressed up as, faith in ‘another’ or ‘better’ life. Hatred of ‘the world,’ condemnations of the passions, fear of beauty and sensuality, a beyond invented to slander this life.”

Greek and Roman moral teaching and was not intended as complete teaching to replace or supplant ancient individuality. More generally, Mill's critique of Christian morality is not first that it is selfish, but that it attempts to replace or overcome the pursuit of individual excellence with humility and obedience to law.

Mill's call for a revival of ancient character, of self-assertion, and of the energetic pursuit of good indicates just how far Mill's thought is, in contrast to some more recent interpretations, from secularized Christianity. It constitutes a rejection of the modern attempts to turn all individuals into altruistic "species beings" that finds the dignity of individuals in a common or universal humanity beyond all particular desires, goals, and achievements. All the egalitarian progressives from Kant to Comte to Marx saw such a turn as necessary to constitute the highest moral and political order, in which all the individual's interests and projects are rejected in favor of conformity to a general or universal will, one that promotes an essentially egalitarian order.

Mill's *On Liberty* offers a striking contrast to this: "It is not by wearing down into uniformity all that is individual in themselves, but by cultivating it and calling it forth, within the limits imposed by the rights and interests of others, that human beings become a noble and beautiful object of contemplation" (*OL* 63). Mill's liberalism is, in this important respect, a rejection of the unencumbered self so associated with liberalism, which identifies what is universally human, not in their ends and desires, but in their power to abstract and free themselves from such ends and desires. On Mill's account, universal obedience and the rejection of one's particularity in which such obedience is manifested degrades the species itself. The modern rejection of "ethics," which orients itself according to ancient virtue that perfects the individual character, and the

ascendancy of Christian morality which orients itself around submission to rules or laws and thus the suppression of particularity, leads to this weakening. Superior and nobler individuals alone, who make themselves “beautiful object[s] of contemplation,” are most “useful” because they ennoble humanity itself, “making the race infinitely better worth belonging to” (*OL* 63).²³

The implications of Mill’s argument in *On Liberty* are thus at odds with the universalistic and democratic character of utilitarianism. They are nevertheless evident both in his initial insistence on higher and lower pleasures in *Utilitarianism*, one which would serve the pleasure of those capable of the highest pleasures, and even more explicitly in the final formulation of his utilitarian doctrine in his *The Logic of the Moral Sciences*:

The cultivation of an ideal nobleness of will and conduct should be to individual human being an end, to which the specific pursuit either of their own happiness or that of others...should, in any case of conflict, give way. But I hold that the very question, what constitutes this elevation of character, is itself to be decided by reference to happiness as the standard. The character itself should be, to the individual, a paramount end, simply because the existence of this ideal nobleness of character, or of a nearer approach to it, in any abundance, would go further than all things else towards making human life happy, both in the comparatively humble sense of pleasure and freedom from pain, and *in the higher meaning of rendering life, not what it now is almost universally, puerile and insignificant*, but such as human beings with highly developed faculties can care to have. (*L* 143, my emphasis).

In this “noble” interpretation of the Principle of Utility, the individual pursuit of excellence is made fully consistent with utilitarian principle by making noble virtue *always* “beneficial” for all, even if painful or unpleasant. Human life itself is so “puerile

²³ Raeder takes this passage as evidence that Mill truly is a utilitarian rather than a liberal. *Religion of Humanity*, 265-266. If he is, it is certainly not the Benthamite utilitarianism she attributes to Mill. It is not the production of pleasure but the beautiful or noble that “benefits” mankind, and thus it can only be considered a benefit in the most indirect way.

and insignificant” for Mill that only nobility can redeem it and render it valuable. This teaching on the preference of noble character and will over pleasure or happiness for oneself or others is justified as “useful” and utilitarian only because in absence of this nobility, human life and thus the life of the community are insignificant. In the last analysis, Mill’s argument for liberty is neither progressive nor democratic. Mill’s call for liberty ultimately has a non-egalitarian foundation.

Politics and Inequality

Harvey Mansfield has suggested that Mill’s worship of “self-assertion,” nobility, and human greatness is inconsistent because in the end his liberalism denies the right of the better to assert their right to rule those who are worse.²⁴ Mill provides every ground for the rule of the better over the worse, but is too weak-willed to assert the implication and conclusion of his argument. Mill lacks the self-assertion he purports to honor, and instead produces a liberal compromise: the best will not rule so long as they are not ruled by those who are inferior.

Mill’s argument, however, is more complicated than Mansfield suggests. It is not evident that Mill denies the right of a superior to rule an inferior. As we have seen, he allows for the despotic rule over “barbarians,” so long as the rule is directed to the good of the ruled. Freedom is appropriate for those who have progressed enough to be improved by “free and equal discussion,” and is inappropriate to any state of society that has not so progressed. Mill does make an argument against the rule of the best and the equal freedom both for the geniuses and average human beings, but that argument is two-fold: “I am not countenancing the sort of ‘hero worship’ which applauds the strong man of genius of forcibly seizing on the government of the world and making it do his bidding

²⁴ Harvey C. Mansfield, Jr., *Manliness* (New Haven: Yale University Press, 2006), 186.

in spite of itself...The power of compelling others into it, is not only inconsistent with the freedom and development of all the rest, but corrupting of the strong man himself” (*OL* 68). Universal freedom, rather than freedom of the best or their rule over others, is indeed the dictum of liberal society, but freedom does serve the purpose of the development of character, and liberty has a purpose beyond liberty.

The argument for this universal individual liberty that Mill unfolds rests on one fundamental fact. He does not presume human equality, or that the things that make humans alike and have in common are more important than what makes them distinct, but rather quite the opposite. Nature makes human beings differently, and human nature is, for Mill, not a common humanity that all share, but the diversity of nature. Nature distributes capacities and desires differently to such an extent that each individual must live his own way of life, one suited to his own potential. It is especially important nevertheless to give such liberty to those who are best endowed by nature. He writes, “To say that one person’s desires and feelings are stronger and more various than those of another, is merely to say that he has more of the raw material of human nature, and is therefore capable, perhaps of more evil, but certainly of more good” (*OL* 60). Nature gives unequal potential to human beings, and modern democracy and its consequent “despotism of custom,” has attempted to crush this inequality by understanding the highest morality in terms of self-denial, as a rejection and mastering of human desire, the desire that distinguishes human beings one from another and renders them unequal.

Mill’s proposal for universal human freedom is grounded on this diversity and inequality in nature that makes freedom from custom necessary, because custom is universal. Mill writes, “A man cannot get a coat or a pair of boots to fit him, unless they

are either made to measure, or he has a whole warehouse to choose from: and is it easier to fit him with a life or a coat?" Since human nature for Mill is the "raw material" of the desires that are distributed unequally to human beings, Mill argues for a necessity of different ways of life appropriate to each. Thus, "if a person possesses a tolerable amount of common sense and experience, his own mode of laying out his existence is best, not because it is best in itself, but because it is his own mode" (*OL* 68). This, moreover, is due to the fact that "different persons also require different conditions for their spiritual development; and can no more exist healthily in the same moral, than all the variety of plants can in the same physical, atmosphere and climate" (*OL* 69). In spite of this diversity, nothing prevents us from asserting that an oak tree is more beautiful than a weed, nor does Mill pretend to level the distinctions between human beings. Some human beings have the potential to become heroic geniuses, but most do not. Mill is able to say that all should be equal in their right to live as they wish precisely because he assumes that nature has made the distinctions within the human race rather rigidly. Mill does not deny, therefore, a best way of life, but the best way of life as such cannot be a universal model, precisely because the nature of the "average man" prevents him from living the mode of life that is best simply. The best way of life cannot be a social or political goal as mandated by law and custom, because it is not "best" *for* all even as it is the best *of* all. Mill's in-egalitarian hero-worship is, therefore, the very basis for the principle of equal freedom for each to live as they wish and see appropriate, and hence for his liberal society. From this perspective, Mansfield is correct that Mill rejects the claim that a notion of moral superiority provides a claim to rule others, although it grows

quite logically from how Mill understands the nature of moral superiority rather than Mill's liberal unmanliness.

The need for diverse ways of life because human beings are different and distinct may be a powerful argument for freedom, but one basic question remains for Mill. Why does this diversity not culminate in an art of the soul, the authority of the judgment of the expert as to what is best for each? We all have different bodies, but nevertheless go to doctors and trainers for guidance. Shoes are fitted to our feet by a shoemaker, and not all types of plants can survive in the same climate, but a botanist, not the plants, would seem to know what climate is best for each plant? Why does this not necessitate an expert in fitting modes of life to the appropriate souls?

In the end, Mill's criticism of modern democracy suggests precisely such a need for an expert. He writes that "no Democracy or numerous Aristocracy ever did or could arise above mediocrity except by following the counsels of the more highly instructed or gifted Few or One." Mill's disdain for democratic mediocrity leads him to conclude that "the honor and glory of the average man is that he is capable of following the initiative [of the One or Few]; that he can respond internally to wise and noble things, and be led to them with his eyes open" (*OL* 66). The moral progress of the Many, therefore, does in the end require a knower to which they will defer and be persuaded by if they are as rational as they can be. Furthermore, since an individual's "civility" for Mill is identical to the capacity for improvement by free discussion, by their rationality, and the many are not capable of self-improvement and need the guidance of those who are wiser than they are, Mill's implication is quite stark. The "civility" of the many is conditioned entirely on their consent to the rule and guidance of those who are wise and noble. Failing

obedience to the wise and noble, Mill has undermined any ground for denying the right of the “One or Few” to rule the many “despotically.” If the many do not obey and follow those superior to them in wisdom, they cannot be considered “civilized,” and barbarians can be ruled so long as the rule is benevolent. It is only through willing consent to the rule of those who know better that the many can claim a right not to be ruled by force. Failing such obedience, Mill leads us to no other conclusion than that the many deserve to be ruled, and it is for their own good to be ruled by someone more capable of improving them.

Mill may deny that moral superiority is a claim to rule those who are morally inferior, but he is much less clear as to whether superior wisdom does not provide a just claim to authority. One may be tempted to think, therefore, that Mill was covertly attempting to create an aristocracy in the midst of modern democracy. Mill has nevertheless denied that ruling another has anything to do with living the best life, and the best will live the best whether they rule or not, whether the many listen to them and obey them or not. Hence, the best can flourish in liberal society in spite of the limits it places on their claims to rule. Benevolent rule directed to the good of the ruled is the only rule Mill saw as just, even for the “barbarians” incapable of ruling themselves. Hence, rule is, as Mill conceives it, essentially instrumental and no part of the nobility Mill wished to promote. The benefaction of the great men to society, and the social worth of freedom, lies not in ruling the many, but in imbuing the human race with value by making themselves “beautiful objects of contemplation” and thus by “rendering human life” valuable. In this way, Mill is able to justify the selfish pursuit of virtue with social utility, as society has no moral worth in absence of the great men that emerge from

it. The selfish pursuit of virtue and the perfection of character is thus the greatest benefaction to humanity.

CHAPTER FOUR

The Good of Politics in the *Nicomachean Ethics*

Introduction

In the previous chapters I have argued that Mill is peculiar among liberal theorists inasmuch as he orients his political teaching in a very explicit way with view to ancient life. Mill does not deny that political teaching should be directed with view to the good life, and Mill's liberal order is directed the cultivation of it. In this he departs from other liberal theories which eschew such judgments and have thereby attempted to undermine any form of political theorizing that is directed to any notion of the human good. Mill disentangles his aristocratic outlook from an aristocratic, and thereby illiberal, political order by denying the goodness of rule for the one who rules. It is a reflection on the content of the best life that leads to Mill's liberalism. Mill denies the naturalness of rule by denying its goodness for the ruler, by rejecting rule as essential to the good life that his liberal theory aims at cultivating. In this Mill's mode of theorizing is not as antithetical to ancient political philosophy as that of other modern thinkers. The perfection of the individual is raised above the common good as an end (it becomes the common good itself), but rule is at least not a constitutive part of the noble life – the great will be happy whether the many listen to them or not. Mill's partial embrace of the ancients and partial rejection of modernity is a bridge back to what I argue is a fuller, richer, and more adequate presentation of the difficulties and promises of rule and politics in the practical works of Aristotle, which the final three chapters will consider.

In spite of some similarities, Mill's political thought is, without doubt, very far from Aristotle's thought. Nowhere is this more evident than the place Aristotle accords to politics in *Nicomachean Ethics*. Where Mill rejects the connection of political activity to the good life or happiness, or morality in general, a cursory look at the *Ethics* makes clear that Aristotle does not share his outlook. In the beginning chapters of Book I, Aristotle asserts that the highest architectonic capacity is *politikē*, the political art or political science, which has the human good as its end. He describes the "inquiry" undertaken in the *Nicomachean Ethics* about this good as "some sort of *politikē*," and presents the political life as a plausible candidate to be the best life. The work ends by identifying the highest goal of politics and law as the education through which citizens become good. Hence the *Ethics* turns out to be part of a larger whole that is completed only by the analysis of the *polis* and regimes he provides in the *Politics*. From beginning to the end, politics is central to the account of the good provided in the *Ethics* as the authority through which the human good is attained and preserved.

Nevertheless, Aristotle's "official" answer to the question of the work – what is happiness – accords the life constituted by the deeds of ethical virtue only a secondary and inferior happiness to that of the life of contemplation (*theōria*), the latter of which has no essential connection to political community and which is superior because of its independence from other human beings. The purported final teaching on happiness seems to demote political life understood as the statesman's life in a similar manner as does Mill, and many commentators on the *Ethics* have so understood this to be the case.¹

¹ Several commentators on Aristotle's *Ethics* and *Politics* have aimed at raising doubts on Aristotle's understanding of human being as political by reference to this teaching. Hence, even as Aristotle later claims in the *Politics* that the virtue of the good man and the good citizen are coincident in the ruler in the best regime, Susan Collins (*Aristotle and the Rediscovery of Citizenship*, 128) and Robert

Their doing so, however, requires relegating politics for Aristotle to its role simply as an instrument, an *art* directed to the good, therefore a good that is not implied in this activity itself but relative to something else, something better than it is. The *Ethics* is a working out of the proposition that politics is a way of life with integrity on its own, good in its own practice and whole, but also an art whose worth is measured in relation to what it produces, that is, the good for another.

Aristotle's Introduction to Politics and the Good

Aristotle opens the *Ethics* by noting that “every art and every inquiry, and similarly every action and choice seem to aim at some good,” but from this undeniable observation of the direction of actions to goods, Aristotle arrives at the more problematic conclusion that it is “beautifully said” that the good is that at which all things aim. Instead of fleshing out what this might mean, Aristotle indicates that there is a diversity of human actions or *praxeis*, all of which aim at different ends. Initially, Aristotle reduces the diversity of ends to two general types. For some, the end is in the activity (*energeia*) itself and for others the end is a product (*ergon*) beyond the activity, some activities are means and some are for themselves. To reconcile the multiplicity of ends with the single end at which all things aim, Aristotle explains that in “many cases” different arts, sciences, and actions are ordered into wholes through ruling or

Bartlett (“Aristotle’s Science of the Best Regime,” *American Political Science Review*, no. 88 (1994):148) refer back to this teaching of the *Ethics* to show Aristotle is ironic in claiming this. Salkever (*Finding the Mean*, 180) and Thomas W. Smith (*Revaluing Ethics* (Albany: State University of New York Press, 2001)) follow a similar course of disputing the intrinsic goodness of political life on account of the declared superiority of contemplative activity, although with view to establishing Aristotle’s teaching about the nature of politics as fully consistent with liberalism. My own argument is much closer to Mary P. Nichols, “Aristotle’s Science of the Best Regime,” *American Political Science Review*, no. 89 (1995): 152-155 and “Both Friends and Truth Are Dear,” in *Natural Right and Political Philosophy* (South Bend: University of Notre Dame Press, 2012); Ronna Burger, *Aristotle’s Dialogue with Socrates*, (Chicago: University of Chicago Press, 2008); Michael Davis, *The Soul of the Greeks* (Chicago: University of Chicago Press, 2011), all of whom raise serious questions about the adequacy of the teaching about god-like contemplation.

architectonic capacities. The art of bridle-making has its “end” in bridles, but it is ruled by the art of horsemanship inasmuch horsemanship uses bridles, the art of horsemanship in turn falls under the general’s art inasmuch as the general uses skilled horsemen to achieve his own end of victory in battle. Aristotle concludes, therefore, that the ends of the ruling arts are superior to those that are ruled by them, because the latter are for the sake of the former inasmuch as they and their ends are used by the latter.

It is certainly plausible that in many cases our activities are ordered in this way. Some things human beings do and some things we wish to have can only be understood as instruments for other things. This ordering does nevertheless present a difficulty for arts in relation to their own ends. Although arts, such as Aristotle has mentioned, can be understood as a kind of activity whose end is in a work beyond their practice, nothing necessitates that the end is a purely instrumental good. The activity of providing a painful medical treatment is not good for its own sake, but its end of health may certainly be. But with Aristotle’s introduction of architectonic arts, arts initially understood as for the good of those they rule and guide, are directed to a good beyond those they rule. The rule of arts is justified inasmuch as produces what is good for the ruled, but the architectonic art directs the activity of arts beyond the good of the ruled and to the end of the architectonic art. The doctor claims to direct his activities to the benefit of his sick patient by healing him, but he is really serving the purposes of the city by preparing him for battle and the defense of the city.

Aristotle makes explicit this problem, concluding that this same architectonic structure holds even in cases where the activity is done for its own sake, where it does not

even have an end product.² Architectonic arts as Aristotle has modeled them impose an end on the activities and products subordinate to them that those who practice the subordinate art do not accept or do not know.³ The function of architectonic ordering is to transform ends into means, even if these goods are understood by their practitioners as for their own sake whether as activities or ends of activities.

Aristotle's awareness of the problems involved in this architectonic model of rule is quite evident. He begins again in chapter two by rearticulating the argument about the good, this time with reference to human desire or wish: "If there is an end of action which we desire for its own sake, an end which determines all our other desires; if, in other words, we do not make all of our choices for the sake of something else – for in this way the process will go to infinity – then obviously this end will be the good, that is, the highest good" (1094a17-22).⁴ This turn to "our" desire places the hierarchy in the individual's soul that was originally presented externally through the example of the ordering of *technai* in the city. The opening two chapters therefore point in two different directions. The highest good in the case of the architectonic ordering of human actions has no essential connection to "us" or anyone's good in particular, while a need for a

² Michael Davis suggests that this movement is a consequence of understanding happiness as a single highest good, in which case even when we do things for their own sake, they must be interpreted as "for" happiness and therefore instrumental (*The Soul of the Greeks*, 64).

³ See also Burger, *Aristotle's Dialogue with Socrates*, 15; and Davis, *The Soul of the Greeks*, 62-63.

⁴ Translations from Aristotle's *Nicomachean Ethics*, *Politics*, and *Rhetoric* are my own, although I have heavily consulted the translations of Martin Ostwald, *Nicomachean Ethics* (Upper Saddle River, NJ: Prentice Hall, 1962) and H. Rackham, *Nicomachean Ethics* (Loeb Classical Library) (Cambridge: Harvard University Press, 1934); Carnes Lord, *Politics* (Chicago: University of Chicago Press, 1984), and H. Rackham, *Politics* (Loeb Classical Library) (Cambridge: Harvard University Press, 1932); Joe Sachs, *Plato: Gorgias and Aristotle: Rhetoric* (Newburyport, MA: Focus Publishing, 2008) and J.H. Freese, *Art of Rhetoric* (Loeb Classical Library) (Cambridge: Harvard University Press, 1926). I have used the Greek text in the Loeb editions of all three texts. All parenthetical references of Aristotle's texts are represented as follows: NE=*Nicomachean Ethics*; P=*Politics*; R=*Rhetoric*.

final good in reference to human desire is inseparable from “our” desire and thus from the soul of the individual.

With the connection of our desire to the good in hand Aristotle turns to the question of the purpose of the *Ethics*, beginning with a simple question – is knowledge of this good as revealed in the structure of human desire important for our lives inasmuch as it provides a target at which to aim in deciding what to do and not to do? The question is not as rhetorical as it appears at first to be. The first definition of the good Aristotle provided at the opening of the *Ethics*—“that at which all things aim”—a teaching that would preclude the need of any such practical and useful knowledge. By nature, we and all other things, aim at the highest good, a definition of the highest good that presupposes a perfectly end-directed cosmos of which we are a part and one in which we do our part. What, then, is such knowledge good for? That we desire knowledge of the good, which on that definition would be purposeless, indicates the problem of that initial definition. The desire to know the highest good is directed to an end beyond this single highest end. Either this knowledge is necessary in some way to show us the object at which to aim (all things, irrational things for example, would not aim at it), or this pursuit of knowledge is a completely superfluous, non-teleological activity (and again, not all activities would aim at the good).

The question of the usefulness of knowledge implied here is indicated when Aristotle suggests a need to determine in outline what this good is and the science (*epistēmē*) or capacity (*dunamis*) to which this good belongs. These two tasks of the *Ethics* go hand in hand. The *Ethics* would be the origin of the *art* of the good, inasmuch the end of the inquiry would be the knowledge “in outline” that is characteristic of the

craftsman or technician of the good.⁵ If there is an architectonic art or science that corresponds to the highest good, knowledge of this good becomes a matter of expertise. But inasmuch as this holds true, knowledge of the good would not be necessary each one of us to possess, precisely because it is an art directed to our good. An invalid needs no knowledge of health or medical treatments and only needs to obey the doctor's prescriptions to be benefited (cf. *NE* 1105b13-16; 1143b31-32). We might avoid a long and complicated account of the human good by listening to and obeying one who knows and has such wisdom. The ordering of human actions by means of an art presumes that knowledge of the final good is peculiar to someone and thereby not necessary as a target for "us."

Politics or the political capacity (*politikē*) is first introduced as this "greatest" architectonic capacity to which the highest good belongs. *Politikē* is the highest capacity as it determines which sciences (*epistēmai*) will exist in cities, who will study them, and to what extent; and also that the most honored arts, like generalship, household management, and rhetoric come under the authority of politics. "Since this science (*epistēmē*) uses the rest of the sciences, and since, moreover, it legislates what people are to do and not do, its end seems to comprehend the ends of the other sciences. *Therefore*, the end of politics is the human good" (*NE* 1094b4-7). The human good as the end of politics is in this way derived from the fact that *politikē* is absolute ruler—it rules all things and is never ruled. In the hierarchy of sciences and actions, its end must be highest because the architectonic art is itself the highest and most comprehensive

⁵ The thesis that the *Ethics* is for the sake of potential legislators and thereby understood as directed to the formation of a *technē*, the legislative art, rather than for the listener's goodness, is presented by Richard Bodeus, *The Political Dimensions of Aristotle's Ethics* (Albany: State University of New York Press, 1993).

capacity inasmuch as it rules and directs all other sciences and capacities. The perfection of the end of politics, as the human good itself, is derived from it being at the top of the hierarchical order. If one knows the hierarchy, one can know the highest end, because it is the end that belongs to the highest ruling art.

Aristotle does not leave it at this and immediately proceeds to derive the architectonic order from a ranking of ends. The human good is the end of politics because, “even if the good is the same for the individual and the city, the good of the city is the greater (*meizon*) and more perfect thing (*teleioteron*) both to attain and preserve. The attainment of the good for an individual alone is satisfying, but [to attain it] for a tribe or city is nobler and more divine” (*NE* 1094b8-9). Because the political capacity serves and produces the highest good—the good of the city—it is the highest capacity.

These two derivations of the human good and its relation to the political capacity again point us in different directions. In the former, the highest good is understood as such because of its association with the most comprehensive of teleological capacities, but in the latter the hierarchy of rulers and ruled itself is a result of a ranking of ends that precedes the ordering of capacities. The hierarchy of rule structures the hierarchy of ends in the first case, and in the second case, the highest end structures the hierarchy of rule. Aristotle has reproduced on the level of the city a version of the problem of whether the sacred is sacred because it is loved by the gods, or whether the gods love the sacred because it is sacred. Is the city’s good highest, because it is ruled by the highest capacity, *politikē*, or does *politikē* rule because the city’s end is highest? Do all things aim at the highest good because it is good, or is the highest good highest because all things aim at it?

This initial account of politics reveals the problem of whether the ruler is determinative of the end or the end is determinative of the ruler, the priority of ruler or the end of the rule. Whether the end or the producer of that end is better therefore becomes a question. This tension makes Aristotle's elevation of the good of the city above that of any individual more ambiguous than it appears. The comparative adjectives "greater" (*meizon*) and "more perfect" (*teleioteron*) Aristotle uses here can also be adverbs. Thus they could be describing, not the city's good, but the activity of attaining and preserving it (e.g. "It is greater and more perfect to attain and preserve the good of the city [than to attain and preserve the good of the individual]" (*NE* 1094b8-9). In the precise moment where Aristotle elevates the good of the city as the perfect good, Aristotle makes it equivocal whether the more perfect thing is the city's good itself or the activity of a statesman who produces this good, who is as such the cause of the city's good. How can rule be for the sake of something, which as such establishes it as higher and better (it is the end), but how can the better end be dependent on and therefore ruled by another?

Aristotle's initial account of the city's good and its relation to one who brings it about indicates that *politikē* has two different goods. It produces the city's good, but it can be understood as itself a choice-worthy way of life and thus to have integrity in its own activity.⁶ Virtue or excellence is the highest aim of politics, and politics is an educative capacity to make others good and law-abiding. But is the end the virtue of

⁶ Collins argues that the complexity of virtue arises from its two functions of being for the perfection of the individual (the noble), but also useful for the common good of the city (the just) (*Aristotle and the Rediscovery of Citizenship*, 76-77). My own argument differs from Collins in that I suggest that the question about virtue is not so much the problem of the ends to which it is directed, but rather the problem of to whom virtue belongs. In so doing, I am able to argue that there is a more complete version of human excellence that comprehends the noble and just, which is manifested in the activity of politics or statesmanship.

citizens who are ruled or that of the ruler who rules citizens? Politics is thus first presented as an art or *technē*, directed to a good beyond its activity – that of the city. But in a few chapters Aristotle will reintroduce the “political life” (*politikos bios*) as a way of life and as a plausible candidate for the best life. Politics appears as *the* paradigmatic activity that is for the sake of something else and for its own sake, but Aristotle allows us to consider the possibility that its intrinsic desirability is to be found in bringing about its product – the good for the city – that it is “more beautiful” and “more divine” than any other good.

The complexity of *politikē* is made even more evident in that Aristotle ends these introductory remarks by characterizing “the inquiry” as “some sort of *politikē*” (1094b11). Aristotle distinguished “art” from “inquiry” in the first line of the *Ethics* as diverse activities with diverse ends, but politics is now somehow both. To possess the art or science to which the human good belongs would require understanding what this good is. On the other hand, an inquiry, which pursues knowledge, would be superfluous if one knew already. Inquiries presuppose that one does not know what exactly this end is. The task Aristotle sets for himself in the *Nicomachean Ethics* strangely identifies the end of politics as the human good before he inquires into that good. Aristotle appears to have reached the end before he begins. Or, rather, his beginning (his inquiry) makes the end he set forth at the beginning an open question.

Instead of proceeding along the path of the inquiry, Aristotle digresses in chapters three and four to discuss the inquiry itself. Aristotle raises the difficulty of determining the proper relation of beginnings to ends, and rule to the goods ruled. *Politikē* examines the just and the noble things, and these admit of such “wandering and disagreement” that

“it seems as if they exist only by convention (*nomos*) rather than nature (*phusis*)” (*NE* 1094b15-16). Similarly, good things admit of going different ways, inasmuch as evil can come from good things, for example, death from courage or ruin from wealth. With the variability of the subject-matter in mind, Aristotle reminds us that “one having been educated” examines something to the extent that the nature of the subject matter admits.

If this is the appropriate beginning of any inquiry, we must nevertheless know about what it is we are inquiring into before we ask anything about it. If we do not know anything about it, we cannot know what to ask. But Aristotle’s argument is more difficult to accept, as we must know from the beginning, apparently, how far we can go in examining and articulating the ends of the inquiry and thus have the limits of the inquiry set down from the beginning. It means seeing the end before we get there, in making the end one’s starting point.

Aristotle implies precisely this about *politikē* when this discussion of method turns into a discussion of the proper audience of the *Ethics*. The youth are summarily dismissed as improper listeners and for two reasons (there are almost always two reasons). Since a person judges “beautifully” that which he knows (*gnōskei*), a good judge of something particular is one who has been educated in it, and a good judge simply (*haplōs*) is one who has been educated in everything. The youth have no experience (*apeiron*) of the actions of life, and thus cannot be an appropriate listener to *politikē*, as “the accounts come from and are about them.” And yet, if one must have been educated beforehand (Aristotle emphasizes this problem by using the perfect participle *pepaideuomenon* – “having been educated”), which means one already knows, what precisely is the use of reading the *Ethics* for this experienced knower? This

quandary only makes the second reason for excluding the youth rather strange. The youth follow their emotions and do not listen to *logos*, and since “the end of the investigation is not knowledge (*gnōsis*) but action (*praxis*),” listening to the *Ethics* is not helpful to them. If those capable of judging well the account of *praxis* are those who know, and further that such knowledge is for the sake of *praxis*, Aristotle’s activity of teaching is rather useless.

The first few chapters of the *Ethics* bring to light the tension between the beginning and the end, one that seems to rest at the heart of politics. The authority of *politikē* is derived from the fact that politics rules, from the fact that it is itself purely architectonic, and the architectonic authority of politics is derived from the end it artfully produces. *Politikē* itself is the art that is the end to be produced through the inquiry, but *politikē* is also the inquiry from which the knowledge specific to that art or capacity comes about. *Politikē* as an art is the source of the city’s good and is directed to it, but it is also an end in itself for the statesman who generates the city’s good. Finally, the proper listener of politics is one who already knows, who already possesses what is to be achieved by means of the *Ethics*.⁷

Hence, even as Aristotle concludes his remarks about the need for experience by claiming that the appropriate audience and the nature of the inquiry has been discussed “sufficiently,” and therefore completed, he digresses once again in chapter four to discuss the nature of the inquiry and the fitting audience to this inquiry. The reason for this, Aristotle says, is that one must be aware of whether accounts are leading to or from first principles (*archai*), a problem Aristotle traces to Plato. Leading to first principles or

⁷ As Burger notes, “The *Ethics* presents itself from the start as a work for nobody” (*Aristotle’s Dialogue with Socrates*, 8).

beginnings means that the first principles are the end, and also that one begins somewhere other than first principles. It is the nature of inquiries to reverse the relation of ends to their beginnings as they appear in action. Aristotle's first account identified knowledge as the end, but the capacity to judge well what is said requires knowledge from the start. For this reason, Aristotle says, participation in the political inquiry requires that one has been raised well in "just and noble things," one's upbringing providing something "known to us" that can serve as a beginning for the inquiry. *Politikē* looks into the just and noble things, but one must apparently have some kind of knowledge of these things from the start.

Aristotle continues by addressing one who "neither has nor can acquire" a beginning from which to start, and who has seemingly been dismissed as an inappropriate audience in the inquiry into the good life, with a teaching from Hesiod:

Best of all is he who can think out all things himself;
 He too is good who is persuaded by one who speaks well;
 He who neither thinks for himself nor puts to heart what he hears
 from another is a useless man (*anēr*).⁸

In the process of searching for the human good, Aristotle, through Hesiod, seems to have given it in outline here in this typology – what is best is thinking out all things oneself. The Hesiodic teaching seems to map perfectly with Aristotle's suggestions in the last book of the *Ethics*. In identifying the one who thinks "by" or "for himself" as best from this beginning, Aristotle preempts the end of the inquiry into what is the best life – the

⁸ Aristide Tessitore's influential interpretation of the *Ethics* – that its many seeming contradictions can be explained by reference to dual audiences (the habituated gentlemen and the philosopher) – begins from Aristotle's use of Hesiod's typology, and this typology provides the most conclusive evidence for his interpretation. (*Reading Aristotle's Ethics* [Albany: State University of New York Press, 1996], 1). However, Tessitore never analyzes the passage itself, which indicates that there is and can be only one real audience – the second-best, as the best and the worst cannot be taught, the former because he has no need for it and the latter, because he is unteachable.

self-sufficient life of contemplation. And in identifying the proper listener, the one capable of being benefited from the *Ethics* as one who is habituated in the just and noble things, Aristotle appears to anticipate his conclusion that the life of action constitutes a second-best and second-best because it is dependent on others. In the third place, by identifying the useless man as one incapable of listening to the words of another or to think for himself, it would seem to point to the conclusion of the *Ethics* as the beginning of politics, because of the need for law to force “the many” to do what they cannot be persuaded to do.

Aristotle quotes only part of Hesiod’s teaching, and he drops one line from the Hesiodic teaching. After declaring best he who thinks out all things for himself, Hesiod writes that this person’s activity consists in “showing to himself (*phrassamenon*)”⁹ the things both later and in the end—which will be better” (294). Hesiod characterizes the best as those who think “for themselves” in both connotations, both in that they figure all things out for themselves and therefore have no need for teachers but also in that teaching what they know appears as no part of their activity. They show “to themselves,” not to others. Hesiod’s best are perfectly self-contained and self-sufficient beings. Hesiod thus leaves no place for himself and his activity in his typology, nor for that matter does Aristotle. The teaching does not explain the teacher. The second-best may be a person who obeys one who speaks well, but the one who speaks well is the unaccounted remainder in this hierarchy of human types.

⁹ Evelyn-White translates the first line as “That man is altogether best who considers all things for himself and marks what will be better both after and in the end.” Davis translates the latter half as “pointing out the things both after and in the end – which will be better.” *The Soul of the Greeks*, 66. I translate the participle *phrassamenon* as the reflexive “showing to himself,” because it is in middle voice implying that the subject is the actor, but that he acts upon himself or for his own sake. It is “selfish” in every connotation of that term.

Hesiod's teaching seems a case of irony in which what he says falls short of what he does. This irony underlies the quandary we have seen in Aristotle's presentation of his own task. If the knowledge of the good sought after is for the sake of "practice alone," the practice that is the result of the *Ethics* would seem to include the task of teaching it to others, to be the *Ethics* itself. The *Ethics* is not merely an account of the good for a human being, but is the activity in which that good is manifested most fully. The problem of teaching thus becomes an explicit problem in the concluding chapter of the *Ethics*, where Aristotle criticizes the statesmen for not speaking about *politikē* or teaching it to another, for only acting. But if *politikē* is knowledge of this human good, their silence about their own capacity might be due to their understanding their knowledge as for the sake of "practice alone" – as fully instrumental

Eudaimonia, Self-Knowledge, and the Life of Politics

When Aristotle returns to practicing the inquiry from a discussion of the inquiry, politics is presented not as an art or *technē* that is good in relation to what it produces but as a way of life that can, along with the life of enjoyment and the theoretical life, plausibly claim to be the best life and to constitute happiness (*NE* 1095b13-18). Aristotle immediately dismisses the claim of the many that pleasure is the good as suitable only for cattle, and he reserves his discussion of the theoretical life until later. The political life thus becomes the central focus of the inquiry, an inquiry that Aristotle claimed is itself *politikē*. The "active" and "cultivated" identify the political life as the human good, because they understand the good of political life to be honor and, furthermore, honor to be the good.¹⁰ Aristotle's disagreement with the active and cultivated is not merely that

¹⁰ Salkever. ("Teaching the Questions." *The Review of Politics* [2007]: 200) argues that, for Aristotle, politics is "the life of the serious male devoted to honor," which presupposes what Aristotle

they identify honor with the good, but that they incorrectly identify honor as the specific end of political life. Whereas the activity and ends of the other kinds of life seem obvious, the political life appears to be something that cannot only be judged as better or worse, what politics is must become an object of inquiry.

In misidentifying honor as the good belonging to politics, Aristotle makes clear the imperfect self-knowledge of the “active” and “cultivated” honor-seeker. They seem not to know what kind of life they are living. Honor, which the active men present as the good of political life, proves to be an inadequate good, and for two reasons. First, it is dependent on those conferring it, which means it can easily be taken from us, “whereas we think the good is a man’s own which cannot easily be taken from him.” Second, we desire honor for sake of confirming our goodness, which is why we do not desire to be honored indiscriminately, but rather by both those who are prudent and by those who know us, and, moreover, we desire to be honored on account of our own virtue. Hence, Aristotle concludes that “it is clear that, according to [the honor-seekers], virtue is better” (1095b31), and that virtue appears more like the “end of politics.” But Aristotle takes this even further, arguing that virtue, like honor, seems an imperfect and incomplete end. One can possess virtue even if one sleeps throughout life and if one undergoes the greatest of misfortunes and the greatest suffering, and no one can honestly conclude that such a life can be a happy.

Although the practice of honor-seeking refers to virtue as something better than honor, the revelation of the incompleteness of virtue is in a specific way found in honor-seeking itself. Honor is for the sake of confirming our goodness and becoming aware of

explicitly denies. Aristotle’s question is not whether politics is the best life, but what is politics? What distinguishes the political life from the life of pleasure and the life of contemplation is that it is not obvious what its end or its proper activity is.

our own virtue, not exactly for the sake of virtue itself, not as means are related to an end, for example. Sleep is the paradigmatic condition in which we are blind to ourselves and cannot recognize ourselves as good or evil. That one cannot be happy sleeping one's life away, no matter how good or virtuous one's character might be, is therefore disclosed in the experience of honor-seeking. Aiming at the confirmation or awareness of our goodness manifests the incompleteness of virtue itself, as the awareness of virtue adds to virtue's goodness.¹¹ In all, the desire for honor by those active human beings points to virtue as its basis and that from which it is derived, which establishes virtue as higher than honor, but the desire for honor also points beyond virtue precisely because it points to virtue. In establishing what is highest or higher or at least higher than itself, it also establishes it as incomplete. The desire to know the good made problematic the idea that all things aimed at the good, as aiming at knowledge of this good seemed to be precluded by it. The desire to know ourselves as good through honor means that being or having the good is not good enough.

The disqualification of honor as the highest good or as happiness further complicates the outline of happiness Aristotle will provide in chapter seven. Honor lacks perfection in being dependent on others, those conferring it, and it is related to something higher. Hence, when Aristotle provides his own account of the highest good, the highest good must be something that is not for the sake of something else and it must be something independent or self-sufficient (*NE* 1097a-1097b). But these two different

¹¹ For this reason, the *megalopsuchos* of Book IV, the person who is good and knows it, will turn out to be a contradiction. He is the consummate man of action and tends towards inaction and slowness, and defined both by his concern of great honors and also his contempt of honors. Inasmuch as he is good and knows it, he has no need of action nor of honor, both of which are measures of our goodness that reflect uncertainty of our goodness.

ways of characterizing happiness – the most perfect end and the self-sufficient end – are in tension. The former understands everything we do as for the sake of this highest good, as useful for it, and it thus connects what we do as necessary to but distinct from this end. In being the perfectly useless end and related to nothing higher, and the most perfect because all particular goods are ultimately desired for its sake and it never for anything else, it becomes the neediest end of all, dependent on every subordinate activity construed as an instrument for happiness. It is never subordinate to other things, but it is the only good that is completely dependent on others. The self-sufficiency of this good is called into question by criteria of that good and its relation to other goods.

Aristotle thus clarifies what he means by a self-sufficient or independent life. It is “not by reference to the ‘self’ alone,” nor is it meant to apply to “someone who lives his life alone, but to one who lives with parents, children, wife, friends, and fellow citizens, for a human being is by nature political.”¹² Aristotle settles on a definition of self-sufficiency as “that which taken by itself makes life desirable and deficient in nothing” (1097b15). Happiness as self-sufficient in this way cannot be one good among others, Aristotle reasons, because if one adds a good that by itself might be inferior to it, a greater good comes from it.

The highest good can be understood either as that particular end that is never a means to anything, the highest good among goods, or as the comprehension of all good

¹² This is a similar claim to one made in Book I of the *Politics*, that a human being is a political animal because we have *logos*. Salkever points to the passage from the *Politics* to explain that human being is more rational than political, and politics is a means through which we are rational, and that rationality is primary over and above politics. “Aristotle’s position is that we are political animals *because* we are rational animals....Our rationality explains us (not predictively or in terms of motives or conduct, but teleologically), whereas our political character does not, at least not to the same degree” (*Finding the Mean*). Salkever makes no mention of the similar passage in the *Ethics*, where it is precisely our “political character” that defines what the human good is and thus how one could reason about and define it. Aristotle is less one-sided on this question than Salkever suggests.

things as such. Inasmuch as the latter is the case, no single activity, god-like contemplation for example, is happiness unless of course nothing else is good at all, as something can be added to this single activity to make it better. Understanding the self-sufficiency of happiness in this manner casts doubt on the understanding that the apolitical life of contemplation is happiness or qualifies the finality of that teaching. When Aristotle subsequently ranks ethical virtue as a secondary kind of happiness that is distinct from contemplative activity at the end of the *Ethics*, he implicitly denies that contemplative activity is self-sufficient in this sense. It is defined by being distinct from action, in which case either the only good activity is contemplation and it comprehends all good things (it must partake in action) or contemplation is partial and lacks self-sufficiency and therefore cannot be counted as happiness or *eudaimonia* itself.¹³

Aristotle suggests that calling the good a perfect end and calling it self-sufficient is uncontroversial, but the fact that no one disagrees with these criteria indicates a tension within individuals themselves when they call happiness both final and self-sufficient. From here, Aristotle proceeds to determine only “in outline” what kind of activity would be final and self-sufficient. The procedure for determining “in outline” what happiness is entails looking for what work or function is “fitting” to a human being, and Aristotle immediately excludes having life and perception as these belong to plants and animals as well. What belongs to human beings, Aristotle concludes, is “some practice of one having reason (*logos*).” Some type of rational activity is the human work, but this definition of the human work is complicated by what reason or *logos* is for a human

¹³ Hence, the activity of god is at once exclusively a contemplative one wholly unconcerned with *praxis* (1178b8-15), which in imitating purportedly makes us god-like, but it also appears that the god rewards those who imitate their activity and love what they love (1179a24-30), an act of reciprocation. See also the debate between Nichols (“Aristotle’s Science of the Best Regime,” 154) and Bartlett (“Response,” 157-158) on this question in particular.

being. Human reason is not a seamless whole but rather divides into a part “having [reason] and thinking” and another that “obeys reason” or is “persuaded” by reason.

Aristotle leaves unmentioned whether simple life and sensation are excluded because they are activities belonging also to beings *lower* than human or whether they are not specific and *peculiar* to human beings alone. The division within human *logos*, moreover, seems to divide in accordance with this ambiguity. Human beings are the only being in the world capable of being persuaded by speech, and our actions can be “rational” in a way that those of a perfectly rational and purely thinking being cannot. Dogs, trees, and the movement of planets do not obey correct reason as do humans. We are not, however, the only being that thinks or has mind or thought. Thought may be highest in us, and it may be the perfectly useless activity desired only for its own sake, but it does not distinguish us as a species different from others.

Later, the activity of thinking will be declared “higher” than action primarily because the god thinks. The highest being is a thinker rather than a doer. But to understand thought as highest in this manner is to establish it in accordance with a hierarchy of different beings that precedes the determination of the end belonging to each being in that hierarchy. Contemplation is the highest and most perfect activity because the most perfect being is contemplative. The hierarchical order is not determined or caused by the goodness or perfection of the activity, but rather the perfection is determined by the hierarchy itself. In other words, the god is not divine because he thinks, but rather thinking is divine because it is what the god does. To aim to measure human beings by this standard of the divine in us, therefore, requires neglecting what *human* being is as a distinctive part of the whole – we both think and obey reason – and is

an attempt to measure the human by what is highest simply irrespective of what it is that is peculiarly our own. For other beings, this controversy does not arise, for their function is more determinate. The human function is less determinate because of this duality of human reason. We are, for the same reason, the only being that wonders about our good and our place in the whole.

This problem was apparent in Aristotle's identification of *politikē* as the highest architectonic capacity or science. On the one hand, the end of politics was declared to be the highest because politics is that which orders and rules all things and exists at the top of a hierarchy, that is, because nothing is higher than it. On the other hand, the authority of politics as the supreme architectonic capacity or science arises on account of its end, the city's good (or achieving the city's good), which is highest beyond *politikē* itself. The end of *politikē* was called "the human good" and the city's good was declared as a "more divine" thing than that of an individual, which would apply to the one practicing the art himself.

Hence, while Aristotle earlier noted the triviality of the common agreement in naming the highest good *eudaimonia*, the name itself reveals much about what human beings divine about their good, and further the problematic place in the whole that a human being and thereby the human work and human good occupy. *Eudaimonia* is derived from the noun *daimōn*, a being that is neither god nor human, but somehow in between. Naming the good *eudaimonia* would seem to be the activity of bringing together what is highest and what is peculiar to human beings, or of doing what is highest in us without dissolving our specific place in the whole. It is a problem derived from the

structure and duality of reason itself, and Aristotle's account of excellence in the first half of the *Ethics* has this problem at its center.

Politics, Art, and Virtue

The Hesiodic typology from chapter four ranked human beings according to whether they think for themselves or listen to another who speaks well, and the initial Aristotelian account of human *logos* follows the Hesiodic division, but internalizes the division in the soul, making it common to human beings as such. All human beings partake in or have some capacity for thinking “for themselves” and they also have the capacity to obey reason. What Hesiod presents as the basis for inequality and a human ranking, Aristotle presents as definitive of the human being as such. Aristotle closes Book I with an account of the soul, an account for the sake of the listener of *politikē* and to the extent that is necessary for a *politikos*, whose artful activity is directed to making citizens good and law-abiding rather than for the sake of knowledge of the soul itself. The soul is divided into a rational and non-rational part, the former of which divides into a part that has reason “in itself,” and an appetitive part that is rational inasmuch as it listens to reason, “like a son listens to his father.” Virtue is therefore divided into intellectual and ethical virtue as the excellence of these different parts of *logos* respectively.

The problem with this account is that just as Hesiod's typology failed to account for the one who speaks well, Aristotle never says what part of this rational soul gives commands to the part that listens and obeys, and thus how the “rational part” that is not reason itself is related to reason itself.¹⁴ In his second account of the soul at the opening of Book VI's account of the intellectual virtues, therefore, Aristotle will have to make

¹⁴ This is pointed out by Davis, *The Soul of the Greeks*.

another division to account for the origin of “correct reason” (*orthos logos*) in the soul that tells the appetitive part of the soul what to do and how to act.

Aristotle introduced the soul by suggesting that it is the understanding of the soul appropriate for a statesman (*politikos*), whose function has been identified as the art of the soul, and that it was an account derived from the *exoterikoi logoi* – literally, the “external speeches.” The soul structure presented is necessary for politics in a way. Instead of “correct reason” being something inside the soul, the soul is directed outward in such a way as to provide a place for “correct reason” to emanate from an educator, from politics itself or from law. Book II as such will provide a general analysis of virtue in which art, a kind of rule and rational authority that is external to what is ruled, becomes central to understanding what virtue is and how it arises. The general account of ethical virtue provided in Book II is modeled on the paradigm of arts.

Reiterating the distinction between virtues of thought (*dianoia*) and virtues of character (*ēthos*) derived from Aristotle’s account of the soul and the division of the *logos*, Aristotle expands on this distinction at the beginning of Book II by describing the distinct origins of ethical and intellectual virtue. Intellectual virtue arises from teaching (and requires experience and time), while ethical virtue arises from habit. Aristotle establishes an etymological relation between the word *ēthikē* and *ethos* to support his argument, pointing out that “ethical virtue...is formed by habit (*ethos*), and its name *ēthikē* is therefore derived, by slight variation, from *ethos*” (NE 1103a17-18).¹⁵ Interestingly, Aristotle does not derive the noun *ēthos*, or “character,” from the noun *ethos*, or habit, but the adjective *ēthikē*. Greek words with *ikē*-endings are almost

¹⁵ According to Liddell and Scott, Aristotle apparently invented, or is at least the first Greek author to use, the adjective *ēthikē*.

always, especially in Aristotle's lexicon, substantive adjectives referring specifically to sciences and arts. *Politikē*, for example, is the art or science of the regimes (*politeiai*), *physikē* the science of nature (*physis*), and so on. As a normal adjective *ēthikē* means "ethical," which could be applied to any number of things, but it also means "the ethical art."

Aristotle's language makes clear from the beginning that the relation of virtue to art is thematic to Book II's general account of virtue. Thus, even as Aristotle began with a distinction between intellectual and ethical virtue in accordance with their manner of generation (teaching and habit, respectively), he proceeds to discuss the origins of art, an intellectual virtue, and ethical virtue as almost identical. Having hypothesized that the ethical virtues originate in habit, he concludes that no one is virtuous by nature, "for nothing which exists by nature can be changed by habit." Nor is virtue a natural capacity or potential akin to sight, because sight is also not acquired by seeing many times, but rather the capacity is necessary before we see. Instead, the virtues, "as with other arts," are acquired first by doing. We become carpenters by building houses, and similarly we become just by doing just things, moderate by doing moderate things, and so on. Aristotle takes legislators as the sign of this origin of virtue, who "make (*poiounsin*) citizens good by instilling habits in them, which is the aim of every legislator." If nature was more determinate and we became good or bad by nature, the legislator's endeavor would be pointless. His activity of making good citizens by instilling the right habits is the affirmative evidence that ethical virtue is like art in being neither a capacity nor natural. Aristotle will later make it questionable whether lawgivers have done this and whether law makes us good, but the assumption is the "sign" of virtue's habitual origins.

Aristotle continues by noting, again as with “other arts,” that the same things that produce excellence can also destroy it. Through building houses, one becomes a good or bad carpenter, and similarly by acting one can become vicious as well as virtuous. The same actions, therefore, can generate opposites, and if this were not so, “there would be no need for teachers, but everybody would be born as either good or bad” (*NE* 1103b13). Art, therefore, seems to originate in habitual acting, and virtue seems to involve teachers who initially guide the generation of virtue.

Having brought together art and virtue in the first chapter, Aristotle attempts to distinguish virtue from art in chapter two by denying that universals can adequately account for virtue, because of the variability of the subject matter of action. But it immediately turns out that universals are problematic for arts as well as for the virtues. Aristotle writes that “matters of action and advantage come under no art that can be transmitted through precepts, and the agent needs to see the actions suitable to each occasion, just as in the art of medicine and the art of navigation” (*NE* 1104a8-9). At first, it seems that it would be art’s abstraction from particulars and its concern with universals that makes it distinct, but this is not borne out by his account here. The need for particular judgments of particulars clearly holds with respect to arts as well, which, in being directed to particular goods, also require the craftsman to determine what is suitable on each occasion. Arts, like actions, are practiced always in particulars and universals can never determine in each case how one should administer the art or how one should act. What this understanding of the knowledge of particulars seems to threaten is one particular art – the legislator’s endeavor of “producing” good citizens through laws or universals. His activity is that of production or *poiēsis*, the activity

associated with *technē*, but the universality of law threatens to dissolve its artfulness in relation to its end, which as an art must be a particular. From the beginning, therefore, Aristotle makes doubtful whether one can understand law as the cause of good citizens.

In modern moral philosophy, correct or moral action has usually been understood in relation to law, and the correct action in each case as something derivative of a universal principle. Aristotle rejects this perspective of the absolute authority of the rule of law so familiar to moderns, and his subsequent account of pleasure in relation to virtue and good action indicates why.¹⁶ Inasmuch as one feels pleasure in doing virtuous deeds, it is a “sign” that we have virtuous dispositions. If we are pleased by virtuous actions and pained by vicious ones, we are virtuously disposed (*NE* 1104b). Doing something repeatedly and becoming familiar with it eventually makes acts pleasant that are not initially pleasant and even painful. One’s own actions, or rather those that come from one’s own character, are those done pleasantly as those belonging to the character produced through habituation.

But Aristotle concludes his argument for the centrality of pleasure and pain to the investigation of virtue by recalling a saying of Heraclitus to the effect that pleasure is more difficult to resist than anger. Both virtue and art are concerned with what is more difficult, since, Aristotle reasons, what is more difficult is a greater achievement when one succeeds. “For this reason,” Aristotle says, “pleasure and pain are necessarily the concern both of virtue and *politikē*” (*NE* 1105a10-11). Honoring what is achieved through difficulty therefore presents its own difficulty for understanding the relation of pleasure and pain to virtue that Aristotle first outlined. To be pleased when doing

¹⁶ For an excellent and informative account of the distinction between “rule morality” and “agent morality,” see Salkever, *Finding the Mean*, 105-122.

virtuous things is the sign of a virtuous disposition, and the aim of moral education is to make the performance of virtuous acts pleasant. On the other hand, the achievement of perfect virtue in which we take pleasure in virtuous deeds diminishes the achievement of those particular deeds. Although it is clear that the manner in which an act arises or comes about, not merely the act itself, distinguishes virtuous acts from ones that are not, the precise manner of its origination is not so simple to determine. It must be pleasant and nevertheless involve our own efforts. Virtue must be concerned with “pleasure and pain,” but it cannot as such be hedonistic in being directed to pleasure or by pleasure alone, nor can pleasure alone be a sign of its actualization.

The issue of difficulty introduced here becomes thematic to the *Ethics* as a whole, and Aristotle returns repeatedly to the difficulty and rareness of something as one standard for its worth. It is a hard thing to be good, Aristotle claims, because “to do all of this to the right person, to the right extent, for the right reason, and in the right way is no longer something easy that anyone can do. It is for this reason that acting well is rare, praiseworthy, and noble” (*NE* 1109a27-29). The difficulty of childbirth will establish the mother as the greater friend of her children, because we love more what we have done or made through our own effort – “Birth involves a greater effort on the mother’s part, and she knows more clearly that the child is hers. The same would apply to benefactors.” Aristotle here associates the two characteristics of birthing children– knowing what is one’s own and difficulty in bringing it about. What we do through effort becomes more our own than what can be done spontaneously and without pain.

The lack of simplicity of virtue that makes it impossible for universal rules to explain what a virtuous action and what acting well are becomes more evident in that

Aristotle has made virtue appear as necessary at the beginning, as a necessary cause itself of a virtuous action (an action is not done virtuously unless performed in the manner a virtuous person would do it), but also the repetition of virtuous action as a cause of virtue itself. Aristotle seems to have produced a tautology, inasmuch as the origin of a virtuous action is dependent on the character of the agent, but that the character of the agent arises from doing things in the manner of a virtuous person. Aristotle thus turns next to an objection to his account of the origin of ethical virtue and its relation to virtue itself. If one does just and moderate deeds, as the objection goes, one is already just or moderate, just as if one writes or plays music one possesses the art of writing or the art of music (*NE* 1105a18-20).

Aristotle questions the validity of this objection first by denying that this is true of the arts. It is possible for anyone to play a beautiful piece on the piano if one has a teacher prompting one's playing and telling a student what keys to play, for example, but one is not therefore a pianist, even if the song is beautiful. One will be a musician and have the art of music only if one plays music in accordance with one's own artful skill. It is the same with virtuous action, inasmuch as no one does virtuous things without doing them in the manner that a virtuous person would do them. A beautiful song may be the end of the musical art, but one cannot simply look to the end, but also to its origins.

But Aristotle immediately unravels the identity of art and virtue, claiming that excellence in art and virtue are dissimilar inasmuch as a craftsman's excellence is judged by the product he makes. Art is, in the end, judged by its end, and its end is in the thing made. In regard to the virtues, however, the action that someone performs is not a virtuous one if the agent does not also have certain characteristics when performing it.

He must know what he is doing, he must choose the act, and choose it for its own sake, and the act must come from a “firm and unchangeable character” (*NE* 1105a33-34). Excellent action can be called excellent only if it is generated in a particular way and by a particular person, but the manner of the generation of the products of arts is apparently unimportant, where the end-product alone matters. This distinction between art and virtue, therefore, would correspond to the distinction among ends made in the first paragraph of the *Ethics*, ones in which the *ergon* is the activity itself and one that has its *ergon* in an end beyond the activity respectively.

Aristotle again proceeds to qualify this differentiation of art and virtue in the next sentence, concluding that the difference between art and virtue is that the latter requires knowledge in the agent, the artisan, while knowledge is of “little or no importance” in virtue, while the choice and character are everything. One must look to its beginnings in the characteristic of the craftsman as well, to the cause as well as the effect, because the character of the effect depends on its manner of production. The fundamental distinction between art and virtue rests finally on a distinction as to whether knowledge is necessary or unnecessary. It is essential for art but Aristotle has made it apparently superfluous for virtue.

Aristotle concludes, therefore, that one must perform acts of virtue to become virtuous, and this means performing them “in the manner” of one who is just or moderate would do. From this understanding of the need for action, Aristotle criticizes “the many” who, instead of acting and performing the deeds of virtue that will make them good, “take refuge in speeches,” and think they are “philosophizing” and will become good in this way, analogizing the multitude to a sick patient who listens to a doctor’s

prescriptions but does not do anything the doctor prescribes (*NE* 1105b10-16).

Aristotle's analogy suggests, not that knowledge is unnecessary, but it is not a characteristic necessary for the agent of virtuous deeds. Denying that knowledge of virtue, or talking about virtue, is good for its own sake preserves the integrity of ethical virtue from the threat of reducing it to intellectual virtue. Knowledge may still be necessary, but one need merely listen to right reason and the prescriptions of the doctor, the doctor of the soul in this case, to act well. Virtue must be rational, but only indirectly so or only in accordance with a rational standard that can be provided by an external source of reason.

Having answered the objection and established that virtue is generated by doing virtuous deeds and not by talking about virtue or even knowing what it is, Aristotle proceeds with the famous definition of virtue. He determines that it is a characteristic or disposition (*hexis*), rather than an emotion or capacity, but what kind of characteristic it is presents a greater question. Every virtue makes good the thing itself of which it is the virtue and causes it to perform its task well. With this, Aristotle provides his explanation with reference to a mathematical formula – the arithmetical mean. If for example, ten is many, and six is few, the median is that which is equidistant between the many and few, eight. This holds universally, Aristotle says, but virtue is not an objective mean or the product of a mathematical operation. It is instead the mean relative to us, which as such does not hold universally.

Arts become the paradigm he uses to explain this kind of mean. A trained wrestler would be given an amount of food neither too much nor too little, the mean, but this amount of food for the trained wrestler will be too much for the beginning wrestler.

This analogy of physical training to virtue is not without its difficulties. A trainer would for sure be foolish to treat all of those under his care in the same way, put them on the same dietary or exercise regime, for example. The regimen that is neither too much nor too little will be different depending on the individual under the trainer's care (*NE* 1106b1). But in the case of the arts, the expert or excellent wrestler is nevertheless the aim of his work. The analogy to art does not explain why virtue itself must be a mean relative to each different person, or why there is not one standard of excellence by which to judge all particular deeds. It does explain why the generation or production of virtue would require the judgment of particulars in each case. A mean that is relative to each would be relative to us only if excellence consisted in the act of generating virtue, as a deed of some kind of art.

Hence, Aristotle re-describes virtue as the activity of “aiming at the mean,” which all but collapses virtue into the activity Aristotle ascribes to the good craftsman, the one who aims at the mean. Aristotle has to remind us immediately that he is speaking about “*ēthikē*, which is concerned with actions and emotions, in which one can have an “excess or deficiency or a mean” (*NE* 1106b). Virtue is both the mean and is some activity of aiming at this mean. How it can be both is the difficulty of virtue. It reintroduces the problem of politics, which is conceived as an excellence belonging to the statesman and as an excellence of citizens produced by the rule of the statesman. Politics' end is virtue always in two ways, as the practice of virtue and production of virtue in citizens, as action and as art. Politics is *ēthikē* understood as ethical virtue and *ēthikē* understood as the art of virtue.

For ethical virtue to require no characteristic of knowledge in the soul of the virtuous person, the function that will eventually be ascribed to prudence must be given to some art. We can now see that the soul structure appropriate to the listener of *politikē*, one that left absent any account of what in the soul commands the appetitive part, is one that makes a place for the art of the soul that is politics. Art is prudence externalized inasmuch as it tells the ruled what to do in the particular circumstance, as the voice of “correct reason,” like a doctor prescribes what a patient should do.

Aristotle’s subsequent account of choice and voluntariness at the opening of Book III and prior to his account of the particular ethical virtues in Books III-V shed light on what is behind this identification of virtue with an art. A virtuous action arises, Aristotle originally argued to distinguish virtue from art, if the action is chosen on account of itself. But when he gets to his discussion of choice and voluntariness at the beginning of Book III, he notes that chosen acts are distinct from simply voluntary acts inasmuch as they are result of prior deliberation, “for choice involves reason and thought” (*NE* 1112a17). Reason and thought are teleological and directed to ends, and thus the difficulty is that deliberate or chosen action entails turning those actions into means, as we cannot deliberate about ends. “We lay down the end,” Aristotle now says, “and then consider in what manner and by what means it can be realized” (*NE* 1112b14-15). In accordance with this, Aristotle models all deliberation at this point on certain kinds of *technai*, all of which presuppose ends, health in medicine, for example, and deliberate about how to bring them about. As such, the craftsman’s activity itself must be understood as instrumental to the end, but the good in itself belongs to the end, what is ruled by the art.

Deliberation would be endless and thereby futile, and the decision made on the basis of deliberation arbitrary, if one did not have some standard by which one could decide between alternative courses of action. This means in turn that those ends, for the sake of which we choose things, cannot be the result of choice. Arbitrary and thoughtless choice is not really choice, but this initial account of deliberation entails that thinking and reasoning about what must be done diminishes the goodness or the perfection of each and everything we do, as the actions are things done for the sake of something else beyond the action. This results inasmuch as actions become less than an end (*telos*), and thereby imperfect. The good at which we aim must always be something down the line and later in time, a good which we presuppose beforehand, and our own activities are always a step behind. Choice and its precedent deliberation allow us to be the cause of our acts and responsible for them – they can clearly be our own – but they seem to diminish the worth of these actions. The good and one's own are not easily brought together, as practical thought makes practice less perfect.

The difficulty present in this account of choice becomes apparent in the two perfect virtues described his account of the particular virtues in Books III-V. The great-souled man (*megalopsuchos*) who is willing to perform only the greatest of actions, whose character is defined by the rejection of the useful for the noble, seems incapable of any action at all and tends towards slowness and inactivity. The need to make our actions perfect or noble (and perfectly useless) makes it impossible to choose such actions. The perfection of virtue in justice, in contrast, consists in perfect law-abidingness, in which the law determines and commands what people must do and not do. The acts of virtue are determined by a standard distinct from the deliberation of any particular citizen. One

need not think¹⁷ or deliberate about an action if a lawgiver has already determined everything to be done. Law places “right reason” at a salutary distance from the agent in order to retain the wholeness of those actions that teleological and deliberative reasoning makes partial by relating them to things higher than themselves. In commanding some things and forbidding others, law eliminates particular alternatives which are necessary for choice. In eliminating a need for deliberation, it is ultimately the law and the prior deliberation that produced law that must be understood as the cause of actions, but the action is whole nevertheless for the doer, inasmuch as it involves no calculation.

Aristotle makes clear the inadequacy of this understanding of justice and virtue by the end of Book V, which leads to a new account of the soul in Book VI. He introduces equity and the equitable (*epieikeia*) at the end of Book V as that kind of justice that corrects the mistake due to law’s generality, which as such requires deliberation about particulars that cannot be done through law, in spite of the comprehensiveness of law. He further denies the claim made by some that “it does not take much wisdom to know what is just, because it is not difficult to understand lawful things.” In contrast, Aristotle holds, “these things [lawful things] are not just except incidentally...to know how an act must be performed and how a distribution must be made in order to be just is a harder task than to know what makes healthiness” (*NE* 1137a). It is the aim of law to make virtuous acts something common, inasmuch as they are demanded of all citizens, as well as something easy by providing the standard of right reason to be obeyed in its

¹⁷ The acts of particular justice, distributive justice and corrective justice, that Aristotle defines in Book V might seem to represent a qualification to this inasmuch as they are particular acts that are geometrical and arithmetical operations and thus involve thought. But it is precisely that they are mathematical operations that they do not involve any *deliberation* about particulars. Aristotle contends that we do not deliberate about mathematical objects. The account of particular justice, which is part of complete justice as law-abidingness, is more evidence that law is an attempt to escape deliberation.

enactments. Law attempts as such to reduce the particular to an instance of the universal, which Aristotle insists is not possible. Acting justly is more like being a doctor endeavoring to produce health in a particular circumstance than obeying the universal of law.

Arts are, in their essence, directed to the advantage of another. In this way, the rule of wisdom characteristic of the craftsman is reconciled with consent of the governed. It is not that being wise entails “merit” to rule, but it is nevertheless the most advantageous kind of rule and the best means for the achievement of ends. It is advantageous for the ruled to be ruled by one who knows. Art is the way to avoid the problems of justice, but it does not explain why anyone would practice such arts, why a ruler would wish to rule. Although justice is practiced like arts in being directed to another’s good, arts are inherently non-reciprocal. The ruler, Aristotle notes, acts justly and does not take more than his share, “and his labor, therefore, is for the benefit of another, and for this reason justice is called ‘another’s good’” and “consequently, he must be given some reward, which consists in honor and privilege” (*NE* 1134b). But rewarding this labor for the sake of another’s good is itself an act of justice in distributing according to merit, and this act would require yet another to reward it, and so on. The attempt to establish justice would go to infinity. There would seem to be no identifiable end or completion to justice understood as an art, and one would be forever attempting to requite good for good.

In his account of the intellectual virtues in Book VI of the *Ethics*, therefore, Aristotle introduces a strict distinction between art and action— *technē* and *praxis*. Art and action are similarly concerned with things that do not exist by necessity and are

capable of being otherwise. Thus neither constitutes science or knowledge (*epistēmē*), whose objects are only those things that cannot be generated or perish – they are necessary and eternal. Art and action operate in the same sphere and work in the context of things that “hold for the most part.” For Aristotle, however, action has a higher dignity than art because it is an activity that is desirable in itself, whereas art is directed to a product made that is separate from the activity of making it. Art is productive and therefore exists for the sake of its products (*erga*). The fundamental distinction between arts and action is that the former are a kind of benefaction, directed (inasmuch as they are artful) to the advantage of something aside from itself.¹⁸ To “act well” or “do well” (*eupraxia*), Aristotle claims, is good in itself (*NE* 1140b6), while art is not because it is directed to the creation of products. Action is different from art in being self-contained rather than relational. In Aristotle’s first account of deliberation in Book III, all deliberation was modeled on that of arts, which presupposed ends and turned the actions that resulted from deliberation into means to those ends. For virtuous deeds to be ends required a separation of “right reason” from the agent of those deeds. Art became so fundamental to acting in order to make knowledge and deliberation unnecessary for the virtuous person in order to preserve the integrity of the action.

In Book VI, however, Aristotle provides a new account of the soul, one which divides the thinking part of the soul into two – a scientific and calculative part – in which the latter provides an internal source of right reason. Art is thereby contrasted to the higher intellectual virtue of prudence (*phronēsis*), the deliberative capacity that determines the good action in the particular circumstance. It is higher because it is that

¹⁸ See also the dispute between Thrasymachus and Socrates in Book I of the *Republic*, which turns on the distinction between mastery and art. Plato, *Republic* 338a-347a.

deliberative capacity that is presented as reconciling deliberation and the goodness of the actions that originate in deliberation.

Very shortly after Aristotle provides this division between making and doing, *poiēsis* and *praxis*, however, he provides an account of prudence and its relation to *politikē*, the “political art” or “political science,” a capacity possessed by a statesman (*politikos*). It is a discussion that makes the distinction between art and action/prudence more problematic than he indicated originally. According to Aristotle, prudence and *politikē* are the same characteristic, but their “being” is different (*NE* 1141b23-30). Aristotle thus identifies two different kinds of *politikē*, one which is “supreme and comprehensive,” which is the legislative art (*nomothetikē*), and another kind that usually is named *politikē* and deals with particulars, and thereby with action and deliberation. Aristotle insists at first that both are properly called *politikē*.

But holding both together as forms of *politikē* proves difficult, as Aristotle indicates when he moves to discuss whether prudence means knowing what is good for oneself alone or entails a capacity to look after the good of others as well. While prudence itself is related to taking excellent care of one’s own interests, Aristotle identifies three other forms of prudence that go beyond self-interested prudence. These are household management (*oikonomia*), legislation (*nomothesia*), and *politikē*, and *politikē* divides into a deliberative and a judicial capacity (*NE* 1141b35). In the matter of a few sentences, then, Aristotle insists that the legislative art is properly called *politikē* and that legislating is a different prudential capacity from *politikē*. Aristotle points here to a tension between the deliberative/judicial and legislative functions of politics, the one close to, the other distant from, particulars.

The problem with the relation between particulars and universals hinted at in Aristotle's account of the intellectual virtues and *politikē* recurs at the end of the *Ethics* in his most thorough discussion of *politikē* in the *Ethics*. It is discussion that leads to the introduction of the *Politics*, but one that seems at first to ignore the specific understanding of *politikē* as a form of action or prudence. In spite of the fact that Aristotle has purportedly established the solitary theoretical life as better than the life of practice, he turns in this last chapter to remind once again of the practical nature of the investigation and that the knowledge of the human good is for sake of becoming good. The practical question of how we become good is the question of this chapter of the *Ethics* and the question of the entire book.

Aristotle first takes up the possibility that speeches make us good, something that he has already denied throughout the *Ethics*: "If speeches (*logoi*) alone were self-sufficient to make us good (*epieikēs*), they would justly 'reap many and great rewards,' as Theognis says, and we would have to provide them" (*NE* 1179b4-6). Aristotle leaves it unclear, however, whether the speeches would need to be provided by us or whether we would have to provide the rewards to the one who provides such a speech. This ambiguity is a reflection on the entire closing argument of the *Ethics*. The chapter begins with this consideration of how "we" can become good, but it glides into a discussion of how to make others good. This is not accidental, as it is reflection on Aristotle's deeds. As a writer on the good, he would apparently know what the good is. And if this is so, what exactly is the end and good for the speaker in providing a speech about or teaching the good?

Aristotle denies that speeches alone make us good, although he never claims that they are unnecessary. If they were not at all necessary for achieving our good, we might think, the *Ethics* would be pointless and a totally useless work. In fact, he denies that habituation alone makes us good when he describes it as necessary to prepare the soul to listen to reason, and hence serves to cultivate souls capable of listening to reason. As such, he turns to our nurture and to the need to be raised under good laws that habituate us to be pleased and pained in the right way and with the right things. Unless one “happened” (*tuxein*) to be correctly trained under good laws from youth up, Aristotle concludes, it is difficult to become good. But being good is, as Aristotle has suggested throughout the *Ethics*, a difficult thing, and has also suggested that its difficulty constitutes one standard for its worth. If anyone could do it, it would not be virtue exactly. Law is necessary to make the generation of virtue easy or easier. Law is thus problematic from the beginning. In any case, because fathers or any individual do not have the compulsion that law does, law is needed. Law has the power of “necessity,” “being a speech (*logos*) derived from some sort of prudence and thought.” In contrast, people hate “human beings” who oppose their desires, even if they do so correctly. The law appears to be more than human; it compels by seeming to be necessity. The advantage and power of law resides, not in its physical force, but in its impersonality. The universality of its commands and the illusoriness of the ruler make the education it provides citizens less hateful.

But Aristotle does not, as we might expect, exhort his audience to seize the reins of power and rewrite the laws of cities to provide this education neglected by most lawgivers. Instead, he offers what is first presented as a second-best alternative. Each

person should attempt to bring his children and friends to virtue. And in fact, there are advantages to this private education over whatever education law can provide. There is natural affection within the household that provides “paternal words” with more authority than those of law. Law invokes fear, but not love, and love is superior when it comes to education. In addition, private education is better than a general one, as each pupil gets what he needs.

All others arts in fact operate in this manner. A doctor or a boxing coach gives private attention to his patients or pupils, as the particulars can be worked out in more detail and with more precision. Every art is constituted by knowledge of universals (*NE* 1180b15), by certain standards and rules that it can teach to another or write in a book, but ultimately every art is directed to particulars, to the health of a particular human being in its care. This means that the rules of arts are bent, altered, or suspended by the doctor who is present in order to fit them to the diverse particulars. The conjoining of the universal and the particular in other arts is thus provided by the actual presence and active intelligence of the craftsman in the present. A *technē* is not a *technē* without a technician, who is essential to the art in being the source of what is produced through art.

In spite of this recognition of particularity and diversity in human life, Aristotle points to a need for universals, and thus to political science and the universals of the science. And, thus, “if laws make us good” (*NE* 1180b26) one should learn the universals of the legislative art. But Aristotle has, through his account of the superiority of a private education, made it questionable whether it is law that makes us good. Law is too universal, and no doctor or other craftsman could simply apply universal rules to each circumstance. Art is not the rule of rules, but the rule of the artisan who is superior to the

rules he uses or dispenses with for the sake of the one he rules. The account of arts and their relation to law indicates the fundamental difficulty in identifying the legislative art as *politikē*. Inasmuch as the legislative art is an art properly speaking, it is doubly-universal. It must possess universal principles to be a genuine art (i.e. an account of regimes to which laws are molded), ones that guide how it makes or produces law for particular cities, but the legislator's particular product is law, which is itself a universal.

Politics or the political art is unique in that it divides the universal and particular that other arts put together by the presence of the craftsman. One thus gets two distinct forms of *politikē*, one which is legislative and universal, the other of which is “judicial” and “deliberative” and directed to particulars, the legislator who legislates and the statesman who acts, Madison and Lincoln. If we were to understand politics as an art like any other it would lead to two problematic alternatives for those ruled by law. One could treat the law, not as a universal rule that governs and serves the advantage of particular individuals and thus is adjusted to the advantage of those ruled by it (as universals of health are directed to the health of the particular person), but as a particular product to which *politikē* as an art is ultimately directed. Aristotle thus says that “in a way, laws are the products of *politikē*”(NE 11801a30) rather than the “good citizens” that he originally identified as its product (NE 1103b3; 1180a30-34). The legislator legislates for the sake of law itself and attempts to make citizens law-abiding, not for their own sake, but for the sake of law.

But conversely, we can rid ourselves of law and substitute for it the direct rule of active intelligence, as in any other art in which the active presence of the craftsman is essential to its rule. The laws would be the universals, but universals as art uses and

qualifies them when necessary for the good of the particular thing to which the art is directed. The former would be an absolute and rigid rule of law that ignores the advantages produced by the laws for those ruled under law; the latter would be a kingship superior to and beyond law, and the complete subordination of individuals to the best man, although for the advantage of the ruled (inasmuch as it is not simply tyrannical). One or the other would be required to unify the rules of art with the particulars to which arts are directed.

This duality of politics reflects the difficulty with *politikē* Aristotle discovers when he turns to the final question of the *Ethics* – from whom can we learn the political art (*NE* 1130b30)? He finds that the political art is not like any other art, because in every other art, the same people who practice the art also teach it to others. In politics, those who practice politics have never spoken or written about their art, while those who profess to teach it (the Sophists) do not act. We thus get another problematic alternative, but this time in relation to the craftsman himself. This split repeats the incongruity between particular action and universal rules at the heart of Aristotle's understanding of statesmanship, and ultimately of understanding statesmanship as directed to the good for the statesman (prudential action) and statesmanship as good for those (or what) he rules (art).

The Sophists suggest that rhetoric is identical to or superior to *politikē* only by denying the existence of a legislative art. Inasmuch as they think that legislating is easy by simply choosing the best laws that can be applied by anyone for any city, an act that requires no understanding, the *legislator* becomes unnecessary. There is apparently no need to adapt and form laws to particular cities, to make any judgment about particulars,

nor does one need any skill to legislate. The best laws must be best in every case. The relation between speeches and particular deeds, therefore, is insignificant for the Sophists and universals are everything. Since actions are always particulars, the Sophist's inaction is apparently due to attributing perfection to the laws and thus a universal application.

The problem with the statesmen is not only in what they have failed to say, but also in what they have failed to do – they have failed to reproduce their capacity in another, which all other arts are capable of. Aristotle writes, “One would expect that they would have done so, if they had been able; for they could not have left anything better for their cities, nor is there anything they would rather choose *for themselves* or those dearest to them, than a capacity of this kind.” If the legislative art is *politikē*, however, we might think that good laws would be the best thing that could be left to the city, as for example the Spartan legislator supposedly did in making a place for education. But on this account, it is not the laws of the legislator, but their own capacity that is the best and the most choiceworthy thing.

This claim as to choice-worthiness of *politikē* is surprising and casts further doubt on the adequacy of the final teaching that *eudaimonia* is god-like contemplation abstracted from the concerns of politics and friendship. *Politikē* turns out to be a comprehensive good – best for the city, best for one's friends, and best for oneself. And if this is so, what it means to make others good or to do what is best for one's friends, to be the benefactor, is deepened. It would appear that good legislation is not the highest product of politics, but rather the political capacity itself is its end. The fact that those who practice politics did not choose it for those dearest to them is evidence for the fact that they did not in fact choose it for themselves. This is so only because the *telos* of

politics appears to be nothing less than politics itself. The other arts can be transmitted by those who practice what they know, but bequeathing it to another is not essential to its practice. One can be doctor even if one has no students, although the doctor must have patients, because health is the good of the doctor.

The practice and teaching of *politikē* are inseparable, because the statesman understands his own life as best *and* claims that he is giving what is best to the city and his friends, that he is benefactor, that political action is good in itself and for another – that it is prudential action complete in itself and that it is instrumental for the good of another. If being good means being a statesman or a *politikos*, and being a statesman or practicing *politikē* consists in making others good or benefitting them, making others good would be identical to making others statesmen or *politikoi*. The two ends of politics – the good of another and one’s own good – are brought together in *teaching* politics, and teaching politics as such becomes the fundamental activity of politics itself. The different alternatives in the Hesiodic teaching and ranking of human types of Book I pointed to the final teaching of contemplation as best and action as second-best. Both appeared common in being essentially silent (one thinks and the other listens). Neither characterizes Aristotle’s own activity of speaking about the good in this way and neither appears as the activity of *logos*. The *Ethics* ends, therefore, with a different alternative, a more comprehensive understanding politics, and an understanding of politics that necessitates another speech about politics, the *Politics* itself.

This is of course only an outline that must be filled in, as Aristotle himself say. It does not explain what it is that one might teach and do as a statesman or a citizen, how this activity is related to law and to deliberation. In all, it does not tell us what *politikē* is.

For this, Aristotle leads us to the *Politics* and, as I shall argue, what arises from this is a turn to rhetoric as a kind of rule that requires law but questions its absoluteness. The *Politics* develops the understanding of “political rule” – ruling and being ruled – that avoids the alternatives of rule understood as mastery and rule understood as *technē*, and one which as such comprehends the good of the statesman.

CHAPTER FIVE

Aristotle on the Regimes and the Desire to Rule

Introduction

Aristotle ends the *Ethics* by elevating the legislative art as *politikē* itself, but the legislative art turned out to be paradoxical in making its particular product a universal that ignored that arts are directed to particulars on account of human diversity. And yet, this paradoxical legislative art reflects the problem of the city as it appears in Aristotle's examination of the city in Book III of the *Politics*. The city is at once constituted by dissimilar persons (*P* 1277a5) who make the contributions necessary for the city's existence and similar persons (*P* 1287a12) that gives the city an identity and integrity that reflects what the city honors as good. Reconciling these two requirements of a city points initially to the necessity of an art, or rather an artisan capable of measuring the different contributions to the city and distribute rule justly. And yet, the rule of art is monarchical rule, and monarchy appears to destroy the city itself, for it is not political rule – ruling and being ruled – and thus undermines the similarity of those who share in the city. The city needs precisely what destroys it and renders it no city at all.

As some have seen it, therefore, in spite of the fact that Book III is in many respects the most political book in the *Politics*, affirming, for example, that the good man is a political ruler, Book III leads ultimately to apolitical form of rule – the rule of wisdom or art in the form of kingship that Aristotle characterizes as “household management” over the city and hence reveals the limits of political life and the

impossibility of ever fulfilling the goals of political life.¹ As I shall argue, in contrast, the different regimes reflect the diversity of the city, but what underlies the city as such is something common to all regimes. Each regime manifests the desire to rule, and understand contributions to the city's existence and preservation in light of the good of ruling. The problems for the city and regime as presented in Book III arise from the desirability of political rule, which as such eschews the rule of art that reduces the activity of ruling to an instrument purely for the achievement of advantages beyond the act of ruling. The problem of the city, and therefore of politics, only arise if politics is understood as good for its own sake.

Citizenship and the Rule of the City

Book III of the *Politics* takes up what is “almost the first question” for one investigating regime – what is the city? The city's identity is disputed in practice, Aristotle notes, some people arguing that the city performed some action and others that it was not the city but the oligarchy or tyrant, the regime or ruling authority in the city. The question “what is the city?,” however, is only *almost* the first question, because the city is a composite whole. Because the city is a “multitude of citizens,” the parts share a name, the first investigation undertaken is not of the city but rather of “who ought to be called the citizen and what the citizen is.”

Aristotle derives his definition of the citizen by looking into the way the citizen is spoken of, and by finding “the [notion of] citizen that fits best with all those who are called citizens” (*P* 1275a32). By identifying the specific characteristic shared in common

¹ See, for example, Bartlett (“Aristotle's Science of the Best Regime,” 146-149) and Collins (*Aristotle and the Rediscovery of Citizenship*, 144-145). As Thomas Lindsay argues, “The theoretically best political arrangement [the rule of the god-like man], bereft of equality and law, is in truth not political, ‘The God-Like Man Versus the Best Laws: Politics and Religion in Aristotle's ‘Politics,’” *The Review of Politics* 53 (1991), 494.

by all who are called citizens in all regimes, Aristotle sifts out a definition of the “citizen simply” through a process of elimination. This specific characteristic is not to be found in inhabiting a particular place or engaging in lawsuits and adjudication, or any standard of the citizen offered by any particular regime (virtuous, wealthy, etc.), but by participation in rule (*archē*). No city has ever failed to call those who share in rule its citizens. In spite of the differences that distinguish the regimes, all regimes speak in one voice in identifying the ruler as citizen. Distinguished according to who is a ruler (*P* 1275b3), each regime manifests the good it honors and the purpose it pursues, and thus what each understands the city itself to be for. The ruler defines the good according to the opinion of each regime by what the ruler in that regime is— the kind of person the ruler is. The end (*telos*) to which each regime is directed is manifested in the rule (or “beginning,” *archē*), of the city.

Aristotle concludes this definition almost from where he began by identifying the city as a multitude of citizens, but he adds a complication that proves to be a difficulty for regimes. The city is not only a multitude of citizens, but such a multitude of citizens “adequate with view to a self-sufficient life, to speak simply” (*P* 1275b17-20). As the most comprehensive and highest community in which human being engage, the city must be a self-sufficient whole, lest there be a more comprehensive community than the city. It is not clear, however, that the rulers, who constitute the regime, make the city self-sufficient. It is a problem that becomes evident in Aristotle’s later account of the division of the regimes, when regimes are distinguished first by whether the many, few, or one is authoritative. The conspicuously missing alternative is the regime of “all” makes clear that rulers do not constitute the whole, but only a part, of the city. In using a specific

characteristic of individuals as a claim to rule, the similarity of rulers stands in contradistinction to the need for the diverse contributions of different kinds of people, which are necessary to make the city self-sufficient.

Aristotle asks two other questions concerning the citizen that sheds light on this initial problem, first whether the virtue of the citizen is the same as the virtue of the good man or not and whether the true citizen is only one for whom it is open to participate in office, the latter of which Aristotle seems to have already answered. Its reemergence as a question is the result of Aristotle's attempt to find a place for the "good man" (*anēr*) in the city as a citizen. Since the citizen according to Aristotle's definition is one who participates in rule and shares in the regime through this participation, one would assume that the virtue of the citizen would be to rule well, inasmuch this is the defining work and characteristic of the citizen. But Aristotle instead provides an account of the citizen's virtue through an analogy of citizens to sailors on a ship. "Sailor" is a general class that contains a multiplicity of individuals performing dissimilar tasks, joined together by a common task (*ergon*) – the preservation of the ship in its voyage (*P* 1267b20-26). A rower, pilot, and lookout are all sailors in spite of their dissimilarity on account of the division of labor, since all are parts of the whole on account of the shared purpose among all sailors. "Similarly," Aristotle argues, "although citizens are dissimilar, preservation of the community is their task, and [this] community is the regime" (*P* 1276b27). Those who participate in this community, which is the regime, are citizens of the regime, and the citizens of a regime direct their activities to the end of the community, the preservation of the community itself.

Understanding “citizen” as a general class that gathers together a multitude of human types and tasks necessitates that the virtue of the citizen cannot be *identical* to that of the “good man,” because the virtue of the good man is “single and complete.” All regimes have citizens, and an excellent citizen as citizen can exist in all of these regimes. Since the citizen’s virtue is relative to each regime, the multiplicity of regimes dictates a variety of excellences that can be called the virtue of the citizen. Aristotle arrives at this same conclusion of the multiplicity of citizen virtue through his definition of the best regime. Since the best regime is a city, not all who are citizens can be excellent persons, because every city is composed of dissimilar people, and hence not all citizens can be good men.

In this initial account of the best regime, what distinguishes the “virtuous city” from others is the extent to which all the citizens are excellent citizens. Aristotle claims that the virtue of the excellent citizen must be possessed by all, “for it is *necessarily* in this way that the city is excellent” (*P* 1277a1-3). The city is not virtuous by the extent that its citizens are good simply or good men or good human beings, not for example by the extent to which human virtue is promoted or rewarded, but by the extent to which its citizens are good citizens, and they are good citizens to the extent that each plays their assigned role well in the community. Better regimes are those whose citizens are more devoted to the regime and more capable of preserving it. As such, these arguments point to a distinction between the virtue of the good man and the excellent citizen. The citizen’s virtue is inclusive and general and thus describing numerous activities, while that of the good man’s is “single and complete.” One can be an excellent citizen without being a good man.

At first, one might think that the standard defining the good man is not a political standard and not derived from the regime as is the citizen's virtue, but Aristotle continues by giving an account of the specific virtue of the good man, one that is not at all distinct from politics, because he derives the good man's virtue from the virtue of the excellent ruler. The excellent ruler is good *and* prudent, and thus the good man is the excellent ruler, and the good man's virtue is of a "ruling sort" (*P* 1277a28). From this, Aristotle again draws the distinction between the good man and the excellent citizen: "If the virtue of the good ruler and the good man is the same, and if one who is ruled is also a citizen, the virtue of citizen and man would not be the same unqualifiedly, but only in the case of certain sort of citizen" (*P* 1277a21-23). In this turn of the argument, Aristotle has included the good man in citizenship by reducing ruling to one task among the multiplicity of tasks that citizens perform for the sake of the regime. The good man is a citizen, but only in the excellent city where all citizens perform their tasks well. It is in the best regime where those who rule would by definition perform their task of ruling well. The excellent ruler is the ruler of the best regime and, according to the same logic, the ruler of the best regime would be the good man. Put another way, the best regime is not best because the best man rules, the best man rules because the best man is the excellent ruler.

The regime in this account has become, therefore, the whole into which dissimilar human beings can be brought together, and the most fundamental distinction between dissimilar human beings is that some rule and others are ruled. The direction of citizenship to a shared end provides a unity of ruling and ruled parts, allowing both ruler and ruled to be citizens brought together by subordinating their tasks to an end they share

– the preservation of the regime. This account of the relation of the excellent citizen and the good man provides an account in which the good man can be understood as a citizen and thereby the extent to which the good life for a man (*anēr*) is an essentially political life exercised through ruling.

What is not evident is how this revised account of the citizen comports with the “citizen simply” as one who participates in office involving decision and deliberation. The ruler has become merely one “type” of citizen and ruling one task of citizenship of which there are many. The analogy between the citizen and the sailor renders different people the same by relating them all to a common end. One could not say that all sailors participate in the function of ruling involving “decision and deliberation,” only the pilot does.² In defining the citizen in accordance with participation in the end of preserving and continuing the regime, citizens are divided hierarchically into ruler and ruled and yet remain equal and similar to the extent that even rulers remain parts of the whole. This revised understanding of the citizen, therefore, is an attempt to make the ruler one part of the city, and reconcile the rule of a part of the city with the city’s wholeness as the end of the ruler’s rule. It necessarily dissolves the specific connection between ruling and citizenship, and the citizen is a citizen by being oriented towards the regime’s preservation, as one who labors for the preservation of the community.

Aristotle initially countenances a view held by some that ruler and ruled will have different educations, and that there are entirely distinct educations for one ruled and one who rules, but rejects it by turning back to his original understanding of the citizen as a kind of ruler. “The capacity to rule and be ruled is praised,” he writes, “and the virtue of

² On this analogy of the regime to a ship, and the problem it presents for political rule, see Patrick Coby, “Aristotle’s Four Conceptions of Politics,” *The Western Political Quarterly* 39 (1986): 481-482.

the citizen of reputation is held to be the capacity to rule and be ruled” (*P* 1277a26-27). Hence the citizen’s virtue as comprehending all the diverse activities that make regimes sustainable is inaccurate and too imprecise. This definition, therefore, complicates the definition of the good man presented here. In the first account of the good man’s virtue relative to that of the citizen’s virtue, the good man could be a type of citizen inasmuch as his virtue was of a” ruling” type, and ruling one type of citizen’s activity. If citizenship joins ruling and being ruled as a capacity in each citizen, that view is clearly inadequate, as the good man could not be the citizen in this way: “If we regard the virtue of the good man as being of a ruling sort, while that of the citizen is both [ruling and being ruled], they would not be praiseworthy to a similar extent” (*P* 1277a28-29).³ If a good man is ruler simply, he cannot be a citizen in this sense. Citizenship is not, in the end, a class with numerous specific and distinct types, but consists in a specific, although dual-function, relative to the rule of the city. The citizen’s virtue is reciprocal, doing and undergoing, while the good man’s is single and active, and this is what distinguishes them. If ruler and ruled must learn different things and not the same things, therefore, the citizen as one who knows both how to rule and be ruled would be an impossible ideal.

This problem leads Aristotle to distinguish two kinds of rule, political rule and mastery, which are different in accordance with education of rulers and ruled and with the character of those ruled. The rule over slaves is connected to necessary things, but the ruler need not know what the slave knows, but only how to use the slave. The master preserves his freedom from necessity by becoming dependent on the slave, a dependence

³ Although it may be natural to assume that Aristotle means the good man is better, Aristotle does not say here which is more praiseworthy. There is reason to think that the comprehensiveness of the citizen’s virtue is better as Aristotle dissolves this distinction between the good man and the excellent citizen, and the good man ultimately has the knowledge both for ruling and being ruled.

that obscures the distinction between ruler and ruled in the master-slave relation.

Aristotle describes one kind of slave as a “craftsman,” but the craftsman will be the paradigm of one kind of ruler, the “altruistic” ruler who rules for the sake of the advantage of the ruled. Aristotle does not say that free persons should not learn what the slave knows, but should do so only if “he does it for himself out of some need of his own (for then it does not result in one person becoming master and another slave).” The servility of this kind of knowledge of necessary things arises not from the knowledge of objects themselves, but from its relation to the needs of another for whom one labors.

Political rule is Aristotle’s alternative to mastery, as it is rule over others that does not result in destroying the freedom and goodness of the ruled or reducing them to slaves. It is kind of rule, moreover, that must eschew perpetual or complete rule, because the political ruler learns how to rule by being ruled, like a general learns to command soldiers by being a soldier first. Because “it is not possible to rule well without being ruled,” the origins of political rule distinguish it from mastery. No one is born a political ruler.

The fundamental difference between mastery and political rule is that those who rule and are ruled politically share certain virtues, although they come in different forms for the ruler and the ruled, which Aristotle compares to the division of virtue in men and women. Courage is shared by men and women, but if a man were as courageous as a courageous woman, he would not be held to be courageous. Similarly so with the political ruler and the politically ruled, as there are different forms of justice and moderation for the ruler and the ruled.

In spite of this commonality between ruler and ruled, there remains a distinction between ruler and ruled. Prudence belongs exclusively to the ruler, Aristotle says, while

true opinion belongs to the ruled. While the citizen is a free person, it is not clear from this account that all free persons are citizens. If the virtue of free ruler and a free ruled person differ in this way, what is the virtue of the citizen, who both rules and is ruled? Political rule is a description of rule of a citizen, who has learned to rule well by being ruled, but it is not apparent that political rule is rule over the citizen understood as both ruling and being ruled.

The discussion of political rule reproduces the tension between the two understandings of participation in a regime, and the two forms of the citizen. The regime must name as citizen those without whom the city could not be a city, and the citizen is every part of the city necessary for its self-sufficiency. Since the city is a community of free persons, the regime that fails to comprehend what makes a city a city will fail to be a city as such. But it is in only one regime – democracy – that the distribution of office is based on the characteristic of freedom, and only in democracies is the citizen identical to a “free person.”

Democracies attempt this because the city would fail to be self-sufficient without such people, a fact that becomes more evident with the final question about the citizen that Aristotle takes up. “Is he only truly citizen to whom it is open to participate in office,” Aristotle asks, “or are vulgar persons also to be regarded as citizens” (*P* 1277b34-35). Inasmuch as the virtue of the citizen is the capacity to rule and be ruled in a noble manner, if those who do not participate in rule are also citizens, this definition of the citizen’s virtue would be too incomplete and would describe one particular citizen’s

virtue as the citizen's virtue as such.⁴ But if the citizen must be a participant in office, where will this "class" (*genos*) be placed in the city?

Aristotle concludes that there is perhaps nothing absurd (*atopos*) about this, but resolves it on the problematic grounds that every city has a need for some whom it cannot grant rule. Most paradigmatically, Aristotle notes, one cannot have a city without children, but children cannot share in the offices of the city and thus cannot be citizens in the same sense that a mature man is. This resolution of the problem comes at the price of severing the city from the regime, as those who are in reality citizens cannot by themselves provide the self-sufficiency of the city. Children are the limit to understanding the ruler alone as capable of making the city self-sufficient and complete. The city is more comprehensive than the regime, and every regime is a part of the city that presents itself as the city itself. The vulgar – the craftsman and laborers excluded in the best regimes– are analogous to children in this respect, performing necessary tasks for the community. In democracies, therefore, the vulgar will be citizens, because democracies do not grant rule in accordance with any standard that could exclude such people from office, and they do so as an understandable attempt to make their regime represent the city as a whole.

⁴ Collins (*Aristotle and the Rediscovery of Citizenship*, 119-146) has provided the most thorough critique of citizenship as it is described in Book III. The problems with citizenship that she uncovers, however, can all be traced to understanding Aristotle's presentation of the citizen as one who does work for the sake of the regime, the citizen-sailor analogy, as an exhaustive definition. It is not, nor is it even Aristotle's official definition. What is obscured by Collins' analysis is whether ruling is simply for the regime, or whether it is an activity that constitutes a justly merited reward for working for the regime. Hence, for Collins the identity of the good man as excellent ruler is untrue, because rule must be directed to the good of the regime, which is not for oneself and thus not free or characteristic of free persons. ("The activity of ruling looks above all to the good of another and community" [128]). Only a page later, however, she objects to the exclusion by aristocracies and oligarchies of the "vulgar" laborers and craftsman who perform necessary tasks for the regime ("By what right does such an exclusion take place? Is there not a just claim to citizenship by all who work in the political community's behalf" [129]). In this latter case, she assumes that rule is a reward for contributing to the regime, rather than a task for the sake of the regime.

The principle of equality that animates democracy aims at making those who are necessary for the city are also citizens in fact – rulers. Democratic citizens are citizens in deed and not merely in word, and those they *call* citizens will be citizens. Democracy is the most intellectually honest of the regimes, and needs not resort merely to calling those whom it needs but cannot grant rule by the name of citizen. Democracies do this nevertheless by leveling all standards of distinction, which thereby obscures what the city is for, the highest good at which it aims. While democratic regimes attempt to make the city's self-sufficiency, and hence its diversity, the same as the city's rule, they do so only at the price of understanding the city as the highest of human communities, existing for the sake of the highest things.

Aristotle's complicated account of the citizen reflects two standards of the city's wholeness – its self-sufficiency and its integrity, the first requiring dissimilar people and the latter requiring the devotion to a good it understands as highest. The first reflects the city's identity as a community, and the latter its self-understanding as a political community, the highest of human communities.

Correct Rule, Justice, and the Regimes

In Book III, Aristotle provided an account of the city as “above all” its regime, since the regime is the form of the city, and the form is what gives it a lasting identity. On this understanding, the city could be the same or different in accordance with whether the regime remained the same or not. This view presumed that the city has a number of distinct forms into which it could be adapted and remain a city, although not the same city. If the city is its regime simply, however, any standard for distinguishing regimes into better and worse forms becomes questionable. Or rather, as we have seen, the

regime itself must become the end, and better and worse regimes distinguished only by the extent to which those who labor for the regime do their work excellently for the sake of the regime's preservation. The good man is only coincidentally an excellent citizen, and this only because his work is excellence in the function of ruling, a "job" in the best regime of that description. Aristotle revealed the inadequacy of that view when it failed to explain the citizen as such as a kind of ruler or a participant in the rule of the city, and thus by the fact that regimes honor goods beyond the regime itself, which they do by granting true citizenship and rule.

When Aristotle leaves the question of the citizen behind he returns to ask what was only presupposed by the account of the citizen – whether there is only one regime or many? Answering this question, Aristotle indicates at first, requires a more direct examination of the city – the reason it is established and the kinds of rule associated with human beings and communities – an examination that would be impossible if the city were identical to the regime. One would get a number of answers to this question in accordance with the number of regimes, but no way to answer it. Aristotle begins with the naturalness of the city in accordance with the political nature of human beings, who would strive to live together even if having no need for others. Although natural inasmuch as humans are political animals by nature and would strive to live together even if they had no need at all, the city is established above all for the sake of the common advantage, and this common advantage is to live nobly as well as to live itself. The city does not merely grow from a natural necessity, but is founded with view to ends, and hence is rational to this extent, and to the same extent, the city is understood as instrumental to goods, ones which do not necessarily appear as political ends.

This common advantage of the noble life serves as the standard by which Aristotle will evaluate the regimes, which are distinguished into deviant and correct forms in accordance with the kind of rule exercised in relation to this common advantage. Aristotle claims initially that there are two kinds of rule, which recalls Aristotle's distinction between despotic and political rule as rule over slaves and free persons respectively in his account of citizenship. But whereas mastery appears again as one kind of rule, Aristotle now replaces political rule with household management as the alternative to mastery. Despotic rule of the master over the slave and household management are distinguished in accordance with their aim. The end of the rule of the master, although accidentally advantageous for the slave, is rule with view to the master's advantage; the end of household management, like the other arts, is "in itself" for the sake of the ruled, although accidentally it may be advantageous for rulers, as when a gymnastic trainer becomes the trainee or because the pilot of a ship is also a sailor, or for that matter when the "household manager" rules his own household.

It is sometimes assumed that the form of correct rule over the city is the rule characteristic of arts on account of the altruism of its rule.⁵ Aristotle at first provides this model as a standard for the distribution of offices, one which reduces ruling to be an undesirable labor for the advantage of the ruled:

Hence with respect to political offices too, when it is established in accordance with equality and similarity among citizens, they claim to merit ruling in turn. Previously, as accords with nature, they claimed to merit doing public service by turns and having someone look to their good, just as when ruling previously, they looked to his advantage. Now, however, because of the benefits to be derived from common things and rule, they wish to rule continuously, as if they were sick persons who were always made healthy by ruling.

⁵ See, for example, Barker, 309; and Rackham, 205.

On this account, correct rule over the city is simply a modification of household management, as ruling should be understood as an instrument of another's advantage. For the instrumental ruler to rule alone, therefore, would be to do him, rather than the ruled, an injustice. The establishment of justice would consist in the rotation of offices, of meriting being ruled by another that one already ruled. From this perspective, the desire for rule appears as a perversion of nature, the attempt to turn an instrument into an intrinsic good. This account of the establishment of offices "as accords with nature" serves as the alternative to understanding the good man as excellent ruler, a view that presupposed that ruling was an activity necessary for the achievement of the good for a man. Ruling, now presented as a burden one undergoes for the sake of another's good, is nothing less than a denial that the activity of ruling has any integrity of its own. The excellent ruler, the good and prudent person, is no longer the standard for the good man or the perfection of the life of a man.

As we have seen, however, the rule characteristic of the arts is not political rule, but is similar to that of the slave whose knowledge is used to labor for the sake of his master's use.⁶ Even in this most excessively anti-political account in which the activity of citizenship (ruling) is understood merely as burden, therefore, Aristotle is ambiguous. If the desire to rule is a sickness, as he says, how would "always ruling" make them healthy rather than perpetuate their sickness? And, moreover, if there are benefits to be derived from rule, which Aristotle affirms, how could rule ever be understood simply as a benefaction or the advantage of another? Aristotle thus does not carry this view of rule "in accordance with nature" forward any further, and to the contrary, the discussion of

⁶ See Collins, 129.

political justice – justice in the distribution of offices – that the account of the classification of the regimes introduces presupposes a very different perspective on the nature of rule.⁷ He does not conclude that correct regimes exercise rule that looks to the benefit of the ruled, but rather to the “common advantage.” In both modes of rule described, there is accidental benefit for both ruler and ruled, and neither represents rule “that looks to the common advantage,” the standard and end of correct rule over the political community. If rule can be directed to the advantage of the ruler or the ruled or the common advantage, the distinction between despotism and art does not provide an exhaustive description of all modes of rule (Aristotle noted that this distinction was made in the “exoteric discourses”). There would be at least three and not two modes of rule to be described, and Aristotle has already described another – political rule.

Aristotle further indicates the limits of likening correct rule to art by restating the distinction between deviant and correct regimes. Initially, Aristotle described deviant regimes as rule directed to the advantage of the rulers, but he changes the distinction. It is not merely the advantage of the rulers that make regimes deviant, but rather it is rule with view to the “private advantage” as opposed to the “common advantage.” The issue here is not the selfishness of rulers, but the partiality of the good they serve. Hence, Aristotle defines democracy, a deviant regime, here, not as rule by the many and for the sake of many, but rule in the interest of the poor; and oligarchy not rule of the wealthy and for the wealthy, or of few for the few, but rule with view to the advantage of the

⁷ William Mathie notes on this passage, “Aristotle is concerned elsewhere to question the likeness of ruling to an art. The denial of that likeness is necessary both to Aristotle’s demonstration of a variety of kinds of rule and to the power of law” (“Political and Distributive Justice in the Political Science of Aristotle,” *The Review of Politics*, no. 49 (1986): 61). See also Coby, 480-484.

wealthy. A regime in which the poor rule, but who ruled with view to the advantage of the wealthy would, by this standard, be an oligarchy.

Aristotle's classification of the regimes reveals the same problem as does the discussion of the citizen. As we saw, the citizen first appears as a participant in rule and then as a participant in the whole formed with view to an end that includes both ruler and ruled. Aristotle now similarly defines the regimes in this double-manner, first in aristocracy and then in the reexamination of democracy and oligarchy he provides in the subsequent chapter. Aristocracy is named as such, according to Aristotle, "either because the best (*aristoi*) persons are ruling or because they are ruling with view to what is best for the city and those who participate in it" (*P* 1279a35). The aristocratic regime is thus understood either as the manner of rule or as the principle on the basis of which rule is merited.⁸ In similar fashion, Aristotle turns the question from the common advantage and private advantage to the question of the ruler, when he reexamines democratic and oligarchic regimes. Initially presenting democracy as rule for the "advantage" of the poor and oligarchy as the "advantage" of the well-off, distinguished by the end pursued through ruling, he proceeds to redefine democracy and oligarchy as the "rule of the poor" and the "rule of the well-off" respectively. The defining feature of these regimes is *who* rules.

This reorientation with respect to the definition of the regimes from the purpose in ruling to the characteristic of the rulers themselves highlights the underlying tension in the meaning of good rule, a question for which Aristotle has offered two answers. Understood as analogous to the rule exercised by arts, rule is an instrumental good that is

⁸ See also Mary P. Nichols, *Citizens and Statesmen* (Savage, MD: Roman and Littlefield, 1992), 63; and Davis, *The Politics of Philosophy*, 51-52.

most usefully exercised by one who has the capacity and knowledge to rule. But regimes differ one from another in whom they *honor* by granting office, and this granting of rule is the way the city honors its benefactors and laborers. The primary dispute over the regime that emerges from the reexamination of oligarchy and democracy is not a dispute over the distribution of goods as such, but over a particular thing held in common to be good – office or rule. There is a fundamental agreement as to what is good, rule, even as the regimes differ concerning what merits the possession of rule.

Aristotle's turn to the question of who rules leads into his account of political justice, justice in the distribution of offices (*P* 1280a7-1284b35), which in turn leads to the account of kingship and the debate concerning whether it is more advantageous to be ruled by the best laws or the best man. Aristotle takes up the defining principles of oligarchy and democracy, which are equality and inequality respectively and shows the incompleteness of both. Justice is inequality, as the oligarch says, but for unequals, and it is equality, as democrats say, but for equals. On account of the fact that equality is part of justice and because they are judging in their own case, democrats assume that if they are equal in one thing—freedom—that they should be equal in all things. Similarly, because oligarchs judge in their own case and because inequality is part of justice, oligarchs think that if they are unequal in one thing – possessions – that they should be unequal in all things. The partial definitions of justice are exaggerated by oligarchs and democrats as the whole of justice.

Aristotle sets out, therefore, to examine and evaluate the claims of democracy and oligarchy. The goods that oligarchs put forward as meriting equality or inequality in all things neither exhaust all good things nor are they the highest things. If the city were for

the sake of possessions, Aristotle concludes, the argument of oligarchs would be a good one. If the city were an investment fund, for example, it would be unjust for one who invested ten times as much as another to share equally in the returns. The end of the community determines the principle of justice that governs in each community. Aristotle shows the inadequacy of the claims of the oligarchy by listing all the requirements for the community to constitute a city – economic exchange, laws to prevent suffering injustice from others, the desire and choice to live together, a shared location – but a city only becomes a city in truth and “not just a manner of speaking” if it intends to “make citizens good and just.” The highest meaning of the common advantage is noble action. “The political community must be regarded, therefore, as being for the sake of the noble actions, not for the sake of living together” (*P* 1281a2-3). With this ultimate aim of the city in view, Aristotle concludes that it is those who contribute most in “political virtue” or “virtue” share the most in the city.

Aristotle’s argument here concerning what the city is stands in tension with understanding the city as its regime. Regimes that do not distribute in accordance with virtue or ignore the claim of the virtuous to share in rule, it follows, would not make a community into a city inasmuch as virtue is above all what it means to share in the *city*. What the city is *for* is a judgment each regime makes, but not each regime does this correctly and in such a manner as to form the city in accordance with the criteria of a city’s existence. Oligarchies and democracies, neither of which, by definition, are directed to this common advantage of noble action fall short of being truly cities. The oligarchs, in honoring wealth with rule, appear to constitute a community like an investment fund, demanding unequal returns for unequal contributions to the fund, but

not a city. This oligarchic principle of distribution would constitute just distribution only if wealth were the only good. Hence, the problem would simply be that they are prejudiced in favor of their single contribution to the city, that this is partial and lower than others, which results from judging their own things and their own goods.

The real problem with the oligarch's self-understanding goes deeper, however. The analogy of a city to an investment fund does not work out, not only because the city does not exist for the sake of wealth or living or the body alone, but because oligarchs do not really think so either. The oligarchs, because they are *olig-archs*, are presenting wealth as the standard, not for the distribution of greater returns for wealth, but for a different good altogether –rule. Even an oligarchy, it appears, does not understand the city as “for the sake of possessions.” It is not possessions that they desire, but they are rather claiming that they *merit* to rule on account of their wealth. That the city cannot be taken as an investment fund does not, therefore, derive from abstract theorizing about the city, but from the opinions already manifested in claims to rule, all of which imply the goodness of rule.

The defining principles of democracy and oligarchy are, therefore, partial inasmuch as they do not do full justice to the complex requirements for the city's existence. They both ignore the most important of all the requirements of the city, which is that the city exists most all for the sake of noble actions and virtue. And yet, precisely because virtue is that for the sake of which the city exists – the city's end or its highest end – the claim of virtue to rule is even more problematic than equating wealth with rule. When one makes virtue into a claim for something else, virtue is no longer understood as the end but is rather than subordinate to something higher than itself and, therefore, is not

the end.⁹ The end of the city, the common advantage manifest in noble deeds, would be confused with ruling itself, unless of course noble deeds are manifested in ruling and not merely the product of correct rule. This is not to say that the virtuous have no claim to rule, but virtue is not the criterion for the distribution of office as such. Virtue appears as a claim to rule first because it is necessary for good management of the city, a contribution made to the proper functioning of the city, a contribution to be rewarded with rule as all the other claims and necessary for the proper functioning of the city.

From this ambiguous discussion of the city and its ends, Aristotle moves to the question of what should be authoritative in the city, which turns on two problems related to this difficulty in notions of what just rule is. The many and wealthy merit some authority because virtue alone does not make a city a city. But ruling cannot simply be understood as an honor for something else, because ruling has a certain function and end to be achieved through rule. Aristotle proceeds through the problems of allowing the many, the wealthy, the decent, and the one best of all to possess authority in the city. If the authority of the city is left with the multitude or wealthy, and thus not on the basis of decency or virtue, they may use their authority to expropriate the property of the wealthy few or vice versa, which cannot be just because it will destroy the city, and justice is the virtue that perfects communities.

Robert Bartlett has suggested that Aristotle is merely “lowering” the standard for distributing office from the higher standard he initially provided, which made justice in distribution of rule a matter of virtue above all. According to him, Aristotle’s concern is wholly practical and directed to determining what distribution of authority will provide

⁹ The assumption, therefore, that aristocracy is the best regime, because it alone distributes rule in accordance with virtue, because the best hold office, is quite common, but Aristotle never says this.

the city greatest “civil stability” for continuing its existence, one that requires sacrificing the high “principle of adjudication” of virtue by which to judge regimes and distribute office, because that principle will arouse the jealousy of the non-virtuous many and wealthy who would be summarily deprived of office.¹⁰ But Aristotle does not make this as simple a matter as Bartlett suggests, nor does he make virtue a “principle of adjudication.” Aristotle has just argued that the city does not exist in truth when virtue is not pursued, and justice is the virtue of communities. Hence, the unjust exercise of rule by the many or the wealthy will destroy the city, not only by destabilizing the city and fomenting factionalism or disorder through bad judgment or injustice, but also inasmuch as injustice destroys the city because it fails to fulfill the criteria of a true *polis*.

The problem around which Aristotle’s examination of political justice is formed is indicative of the fact that any answer to the fundamental political question – who should rule? – is complicated by the fact that “to rule justly” has two different meanings – to exercise rule justly and to possess rule justly. Hence, only if the many and the wealthy make no contribution to the city’s good could depriving the many or wealthy of offices be just.¹¹ The question of who should rule and have authority is, in one way but not solely, dependent on answering who has the virtue and prudence to rule justly, who will exercise the function of ruling best but also who deserves to rule. If such excellence in ruling is rare, therefore, it will lead to a different problem for justice, which is that more people, who contribute to the city’s existence and preservation in some respect, will be

¹⁰ “Aristotle’s Science of the Best Regime,” *American Political Science Review*, no. 88 (1994):147.

¹¹ The key to Bartlett’s argument is presenting all the claims made to rule as some version of virtue or excellence, as if virtue were the only true contribution to the city and all goods more or less pale reflections of virtue. I see no reason to make this assumption.

deprived of office: “We say that offices are honors and when the same persons always rule the others are necessarily deprived of honors” (1281a30-31). If the few decent people in the city should rule the city, or even more extreme and “oligarchic,” the one best of all, this distribution of rule will require depriving the majority of honors. Since the many and wealthy make contributions to the city’s existence and preservation, and just distribution takes account of all the things that make the city a city, and not just virtue, it will be unjust by necessity.

Faced with this quandary of just rule, Aristotle appeals initially to the rule of law and takes the position that no human being should have authority. The rule of law is the means by which to bypass the question of the regimes, of who should rule, altogether by placing authority beyond human beings and hence outside of the city. But the rule of law requires chastening any desire to rule, in favor of being ruled by no human being. The regimes, as we have seen, are claims to rule made on the basis of goods contributed to the city, and such goods are placed into relation to the aim of ruling. Hence, Aristotle rejects this alternative, because the laws are derived from the regime and not the other way around. The regime is prior because it rests on understanding rule as essential to the good for human beings, an opinion manifest in the claims to rule and in the disputes over the regime, and the rule of law recommends itself only insofar as human beings desire to rule and dispute about who deserves to rule.

Aristotle thus has to address problem that there are a multitude of legitimate claims to rule, without an appeal to the rule of law, because the problem that the rule of law would address arises only because human beings desire to rule and put forward their goods as claims to office. Hence, justice in distributing rule must rely in cultivating in

citizens the capacity to rule well, and Aristotle provides in chapter eleven a series of arguments concerning the capacity of the many to be act prudently and justly. By appealing to the possibility of justice and prudence in the many, Aristotle resolves, in a provisional way, the problem of who should have authority in the city in such a way that the justice of their participation in rule is reconciled to the manner of their rule (*P* 1281a40-1282a40).

The problem with this arrangement is that although Aristotle recognizes this possibility of the multitude's capacity to exercise authority in a just manner and for the many joined as a whole to merit their authority, there is no necessity that all or even most multitudes will have or be capable of such virtue (*P* 1281b21). Hence, the arrangement established by "Solon and other legislators" that allows the few to have the offices and the many to choose and audit officials is an incomplete solution to the problem of the regime. Aristotle defends this arrangement because the many are improved, both morally and intellectually, when brought into a unity, even as they are individually inferior to the individual few. But Aristotle also suggests that not all multitudes are capable of being this way. Hence, Solon's arrangement requires a judgment of any particular multitude or the capacity of someone to form the multitude into a whole of this kind.¹² Someone must judge the judgment and virtue of the many, without which Solon's arrangement is an incomplete answer to the problem of just rule.

¹² See also Nichols' account of the Aristotle's "defense of the many" and the necessity for statesmanship as essential to that defense (*Citizens and Statesman*, 61-72).

Ruling and the Art of Rule

For this reason, after defending the possibility of the many's participation in the rule of the city, Aristotle starts over in chapter twelve with an account of arts and sciences in a manner reminiscent of the beginning of both the *Ethics* and *Politics*:

Since in all the sciences and arts the end is some good, it is the greatest and primary good in that which is the most authoritative of all; this is the political capacity. The political good is justice, and this is the common advantage. Justice is held by all to be a certain equality, and up to a point they agree with the discourses based on philosophy in which ethics have been discussed; for they assert that justice is a certain thing for certain persons, and should be equal for equal persons. But equality in what sort of things and inequality in what sort of things – this should not be overlooked. For this involves a problem, and political philosophy. (*P* 1282b14-24).

The problem of the just regime – the correct distribution of rule to each – is to be resolved by the most authoritative of the arts and sciences, the political capacity. But Aristotle's language here reveals the ambiguity of this capacity put forward to resolve the question of rule. Is the "political capacity" the end and good at which the most authoritative art aims, the good that belongs to the political capacity, like health does to medicine, or is it the art or science itself? The ambiguity is not accidental. The political good is justice, and justice in the distribution of rule. Hence, the political capacity is a capacity not to rule simply, but to judge and evaluate who should rule, which is as such to recognize others as just participants in rule. The capacity of the political ruler is exercised in considering what merits political rule.

Other arts partake in rule through their knowledge, but no other art considers *rule* itself and how it is to be distributed to each. That there is a kind of rule that determines who should rule is the origin of political rule, as it must understand its own rule as limited and partial, lest the question of politics – who should participate in rule? – does not exist

at all. Politics is the most authoritative art because it is the most self-reflective art, inasmuch as political capacity, as essential to its practice, entails the consideration of the political capacity, who has it, and thus the extent to which the political capacity contains limits to its own authority.

Aristotle first takes up a claim that office should be distributed in accordance with any superiority in any good thing, and rejects it by an example from the arts. It would be absurd to distribute flutes to the most beautiful or the tallest person rather than one who can use the instrument best, the one who has the art of playing the flute. Inasmuch as office is an instrument like a flute, one that has little worth beyond how it is used, the obvious result of this analogy would be that the one who has the greatest capacity to use and exercise rule well should rule. If this were the case, however, there would be little theoretical difficulty in divvying up the offices, as one could do so on the basis of skill in ruling alone. It would be just to give rule to the one who had the greatest ability to use rule well, in the same way the best flutes should be given to the best flautist. But ruling well, as Aristotle has construed it, consists essentially in determining who deserves to rule. Aristotle's further suggestion, therefore, is that the argument of superiority in any good thing presumes the "commensurability" of all goods, as if a certain amount of height could equal a certain amount of virtue or wealth. If rule were simply instrumental, however, one could avoid the problem of the incommensurability of goods altogether, and could in a law-like fashion distribute rule to those with the political capacity. Artful efficiency could be the sole standard for the distribution of rule and hence avoid the incommensurability of good things, for only one good thing – knowledge – would matter.

The political capacity is necessary, however, only because there is no possibility of any simple resolution to the problem of political justice. Hence, essential to the statesman's activity as the judge of the best regime is the recognition of goods other than ones that excellent rulers can provide. The resolution of the problem of political justice and the distribution of office involves such a "difficulty" because there is a multitude of partially just claims to rule, ones which are not always related to the function of ruling – to the capacity to bring about the advantages of rule. Hence, the superiority of judgment necessary to rule well cannot be the sole standard for divvying up offices.

The claims to rule are incommensurable precisely because rule has this doubleness – rule is both an honor and an instrument with a function. The well-born, the free, and wealthy all can justly lay claim to the "honors" of office, "for there must be both free persons and those paying an assessment, since a city cannot consist wholly of those who are poor, any more than of slaves" (*P* 1283a16-17). In addition, however, if these things are needed, so are justice and military virtue, but for a different reason. The former are relative to the contributions to the city that merit sharing in rule, the latter to the manner of exercising rule and are needed "to administer nobly" (*oikeisthai kalōs*) the affairs of city. The former are evaluations about the past and present, the latter about the future – what is just and what is advantageous. It is for this reason that political rule is, unlike mastery or art, rule only "in part," for politics cannot exist except inasmuch as it recognizes claims to rule other than knowledge or a capacity to achieve specified ends.

Aristotle proceeds, therefore, to make an abrupt division in the standard of justice, which divides into two – the city's "existence" from the "good life," to which contributions can be made that might merit sharing in office. "With view to the existence

of the city, all or at least some of these things might be held to have a correct claim in the dispute; but with view to the good life it is education and virtue above all that would have a just claim in the dispute, as was said earlier” (*P* 1283a23-25). This is the first time that virtue is presented, not as a claim to rule on the basis of the need for the good management of the city – because the virtuous will exercise their authority justly and prudently – but on the basis of desert or merit. In the earlier account to which Aristotle refers, the existence of the city was dependent on its promotion of the good life, as no city exists in truth without making education in virtue and the conditions of noble life the aim of the community. But precisely because it was the end, the city’s perfection, it could only problematically be understood as a claim to rule, as it tended to turn virtue into an instrumental good, for the sake of rule.

In spite of recognizing the greatest contributions to the good life as education and virtue, therefore, Aristotle repeats his earlier warning: “Since those who are equal in one thing alone should not have equality in everything, nor those who are unequal in a single thing inequality, all regimes of this sort are necessarily deviations” (*P* 1283a27-29). Aristotle addresses the oligarchic claim of inequality, not for the good it puts forward as deserving, but from the principle of inequality itself manifested in the oligarch’s claim. The oligarchic claim destroys itself and collapses into monarchy, whether this is based on virtue or good birth or wealth. There is always one wealthiest person among the wealthy, one best-born among the well-born, and one most virtuous person among the virtuous. At the root of oligarchic justice is monarchy, whether the superiority claimed is wealth or virtue or anything else.

Aristotle concludes, therefore, that none of the defining principles on the basis of which people claim to merit ruling and others being ruled is adequate, as they will result in disproportionate claims at the expense of all other contributions. This leads Aristotle back to the question of law and the legislator and the question of whether one should legislate with view to the advantage of the better persons or the majority in the city, the highest part of the whole or the whole. “Correctness must be taken to mean ‘in an equal spirit’: what is [enacted] in an equal spirit is correct with a view both to the common advantage of the city as a whole and to the common [advantage] of the citizens. A citizen in the common sense is one who shares in ruling and being ruled, but he differs in accordance with each regime. In the case of the best regime, he is one who is capable of and intentionally chooses being ruled and ruling with a view to the life in accordance with virtue” (*P* 1283b40-1284a). The best regime is an exclusive regime, but one that attempts to put together inequality in virtue with the equality or similarity necessary for citizenship understood as both ruling and being ruled.

The account of the man of excessive virtue and the drive towards the argument for kingship, which follows this, reveals the problem of best regime’s aim at doing this. Aristotle initially dealt with the claims of those with superior virtue to rule absolutely by appealing to the democratic summation of virtue of all others as greater than that of the few or one. But what if one existed who outshined the virtue of all others taken together? In the other regimes, there is recourse to ostracism for such a man incapable of being ruled by another, for no superiority in anything can be a claim to rule absolutely. While noting that ostracism is not perfectly just, and was usually practiced by the factional politics of deviant regimes, Aristotle writes, “It is better if the legislator constitutes the

regime from the beginning in such a way that it does not need this sort of healing; but the ‘second sailing,’ if the contingency should arise is to try to *correct* the regime in this way” (1284b17-21).¹³ Aristotle concludes nevertheless that, *in the case of the best regime* alone, if one person is this preeminent, not on the basis of strength or wealth or friends, but on the basis of “virtue and political capacity” as to be incomparable to all others, no one would think of ostracizing such a one but neither would they make any claim to rule this person. The best regime, apparently because it is best – at once rule of the best and for the best – is not correctable. The citizens of the best regime would gladly obey such a person and such a person should rule for all time because it would be unjust not to reward incomparable virtue with absolute rule (1284b23-35). It is unjust for unequals to have equal things.

Aristotle’s teaching raises suspicions for several reasons. First, Aristotle presents the kingship of the god-like man as a simple application of distributive justice – unequals should not have equal things or equals unequal things. But distributive justice must entail comparable terms and equal proportions. Hence, the proportion of virtue (A) to rule (b) in one person must equal the proportion of virtue (C) to rule (d): $A:b=C:d$. The claim to absolute rule, therefore, cancels all proportionality. There can be nothing just in relation to a being incomparable to us, just as there can be no friendship with such a being. Aristotle thus examined the democratic and oligarchic principles of justice – equality and inequality – because they presented the basic principles of justice without which justice could not exist. One must have both, an equality to establish common measure and

¹³ Kevin Cherry notes that whereas the rule of law is a “second sailing,” a second best solution, for Plato’s Eleatic Stranger, who asserted the superiority of the rule of the one wise man, the “second sailing” is a qualification of the rule of law for Aristotle. (“Aristotle and the Eleatic Stranger on the Nature and Purpose of Political Life,” *American Journal of Political Science* 52 (2008), 7.)

inequality to divide and distinguish, to distribute. Justice requires a mix of identity and difference among its participants, one that is found paradigmatically in the *polis*.

Aristotle thus claims not only that unequal virtue, but also unequal “political capacity,” is the foundation of such a claim to rule absolutely. But the good or *telos* Aristotle associated with the political capacity is the “just” understood as “the equal,” an equality that would be impossible if such a god-like man with incomparable political capacity arose in the city. A political capacity that would merit absolute and perpetual rule would dissolve the political capacity as such by rendering it purposeless and depriving it of its end and good. The political capacity is the capacity to determine who should rule, but the question of who should rule that makes the political capacity necessary would be rendered meaningless by the one who has the incomparable skill at answering the question, for this excellence renders his own claim to rule as the only claim to rule.

Furthermore, the problem of the best regime in relation to the man of excessive virtue and political capacity consists in doing precisely what Aristotle has repeatedly called unjust or only partially just— distributing all offices on the basis of superiority in a single good, of treating the highest part of the whole as the whole. The “best regime,” however, does precisely this, and the problem arises for its justice precisely because of the narrowness and partiality of its principle of justice – it distributes rule on the basis of one good, even as it is the highest good. Finally, if this “great problem” (*aporia*) arises only in the case of the best regime, how can this best regime be the best regime, if there is a better regime – the monarchical rule of the god-like man – that should replace it?

The account of this “god among humans” leads first to an investigation of whether it is advantageous to be under a king, and then ultimately to the debate over the advantages and disadvantages of being ruled by the best laws and the best man. Aristotle writes, “the beginning (*archē*) of the investigation is whether it is more advantageous to be ruled (*archesthai*) by the best laws or the best man” (*P* 1286a8-9). The advantages of being ruled simply require yielding judgments of advantage and disadvantage to another – whether it be the best laws or the best man. To have considered the question of whether it is advantageous to be ruled by either, therefore, is to exercise rule ourselves and, therefore, not to be ruled simply or absolutely. Aristotle thus calls the question of the advantages of being ruled the *archē*, the “rule” or “beginning,” of the inquiry into kingship and law. To have thought about the advantageous makes it impossible to ever be ruled simply.

At the end of the *Ethics*, Aristotle elevated *nomothetikē* – the “legislative art” – as the art of politics, which was an attempt to put together the universal and particular. The debate between partisans of the rule of the best law and those of the rule of the best man divides law and art. The advantages of having the best man rule and to be under a king is that it makes *politikē* more like the other arts, none of which simply apply the written universals to particulars, for “rule in accordance with the written rules of any art is foolish” (*P* 1286a12). A doctor would not simply follow the course of treatment prescribed by a medical textbook if the treatment failed to heal them. The active intelligence of a single person makes one capable of doing a better job working out the particulars and addressing the contingencies that arise in political life. The rule of law, in contrast, recommends itself, because it is bereft of desire, which every human soul

possesses and renders rule partisan and biased. But the rule of law is, apparently, only best in politics, and it is best in politics because, it is politics, and not in the arts, that the desires are directed:

The argument from the example from the arts may be held to be false – that it is poor thing to heal in accordance with written rules, and one should choose instead to use those who possess the art. For these do not act against reason on account of affection, but make their pay by making the sick healthy....Moreover, doctors bring in other doctors for themselves when they are sick.... the assumption being that they are unable to judge what is true both on account of judging in their own case and on account being in a state of suffering.

The judgment of the true in the case of politics, therefore, is distinctive in that it is a judgment in their own case and on account of their passions. It is analogous to doctoring only when doctors become the sick patient. What is only accidentally the case in medicine – the doctor being healed – is always and essentially the case in politics. Aristotle's preference for the rule of law over the rule of the best man turns on a practical compromise, as is often noted,¹⁴ inasmuch as desire and spiritedness pervert the judgment of human beings. But this practical compromise follows from the fact that political life is not directed to ends beyond itself, and hence the rule exercised by the statesman always entails a judgment about his own activity of ruling.

The political art is therefore not like other arts, because it is not done for the sake of money, nor is it merely instrumental or altruistic – for another – through which the passions can be abstracted from the function and reasoning. The rule of law, with its absence of desire and its impartiality, is necessary in politics and not in medicine and the other arts, precisely because politics is desirable and the desires are directed to the practice itself. Hence, law is necessary to moderate the human political nature, which,

¹⁴ See Mansfield, *Taming the Prince* (New York: Free Press, 1989), 41-43; Lindsay, 499.

founded on the desire for rule, would destroy politics if not moderated. Conversely, an absolute rule of law would be a distortion of human nature. Aristotle thus instead points out that the law is identical to the arrangement of “ruling and being ruled,” because law must rest on an underlying commonality or equality in those it rules, which therefore must eschew perpetual rule of any of its parts. Law is not, as we are accustomed to think of it, as a series of universal principles to be applied to particulars. The rule of law, therefore, is a kind of rule that establishes offices – law never rules absolutely. Instead, law educates human beings for where it cannot rule, “and hands over what remains to be judged and administered ‘by the most just decision’ of the rulers.” The perpetual rule of the best man, therefore, must be a disservice to those ruled by him, for it would require and necessitate a failure to educate those it rules.

At the close of Book III, Aristotle thus reminds the reader of his earlier argument that the good man is ruler in the best regime, now concluding that the same “education and habits” that makes one an excellent man are nearly the same as those that make one a king or statesman (*P* 1288a35-b1). If virtue is manifested in ruling, therefore, the rule of a king entails depriving the ruled of the opportunity to exercise and practice the excellence that is manifested in ruling. Kingship can be truly good for the ruled only to the extent that it is not beneficial for the king, that is, only to the extent that the king understands his rule as merely instrumental and not for its own sake. Essential to Aristotle’s understanding politics is a refusal to reduce politics to an absolute rule of law or to the rule of a wise artisan, a refusal that grows out of understanding political rule as good for its own sake.

CHAPTER SIX

Rhetoric and Politics

Introduction

In the past thirty years, contemporary philosophers and political theorists have turned to Aristotle attempting to find alternatives to the more unsettling features of modern life and modern philosophy. Although the concerns of these scholars are diverse, as are their interpretations of Aristotle's political thought, one of the most common features of the Aristotelian renaissance has been an attempt to recover an Aristotelian form of practical reasoning as an alternative to the modern reduction of judgment to technical reasoning.¹ As a general rule, to which there are some exceptions, however, scholars have neglected Aristotle's *Art of Rhetoric*. Aristotle's theory and defense of rhetoric represent a resistance to and check against the over-rationalization of political life, by refusing to reduce politics to an art (*technē*). The few who have suggested as much, however have attempted to defend a kind of reasoning that would be appropriate to citizenship,² I argue that Aristotle's defense of rhetoric grows out of his understanding of the nature and goodness of the life of statesmanship. Because rhetoric is an art of speaking about political things that resists the reduction of politics to technical reasoning, it preserves the integrity of political action.

¹ See Ronald Beiner, *Political Judgment* (Chicago: University of Chicago Press, 1983), Salkever, *Finding the Mean*, 105-163, and Bernard Yack, "Rhetoric and Public Deliberation: An Aristotelian Understanding of Political Deliberation," *Political Theory* 34 (2006): 417-438. Most recently, this argument is taken up by Brian Garsten (*Saving Persuasion* [Cambridge: Harvard University Press, 2006]), who derives from the *Rhetoric* an account of Aristotelian political judgment as an alternative to modern and contemporary theories of "justification" and "public reason" associated with liberalism.

To this end, I shall begin by looking at supposed contradictions in Aristotle's *Rhetoric*, ones which have led scholars to understand the work as incoherent or unimportant or both. In contrast, I suggest that the problems identified by the scholars point to Aristotle's understanding of rhetoric as an important, and perhaps the most important, function of statesmanship, as the art of speaking and deliberating about particular actions and their relation to the universals of law. While I understand the contradictions in the *Rhetoric* as real—they follow from the tension between reasoning and choice, and a consequent disparity between the noble and advantageous—I argue that Aristotle understands the potential of rhetoric to bridge these divergent capacities and goods and thus to provide wholeness to human life.

Aristotle initially presents rhetoric as a capacity to provide speeches about all things, a capacity that is like dialectic and unlike the other arts inasmuch as its practice and *logos* are not confined to a definite subject-matter. Rhetoric for Aristotle is also connected to politics, because like politics it concerns the good in its various and manifold forms. By associating the good with rhetoric, Aristotle indicates the extent to which the good does not exist in the way the subject-matter of other arts do, and therefore the extent to which politics or *politikē* is not, as Aristotle conceives it, a *technē*. For this reason, we must understand the art of rhetoric in order to have a full awareness of Aristotle's understanding of *politikē*. Aristotle's presentation of rhetoric confirms and rests on Aristotle's warning at the opening of the *Nicomachean Ethics* that the "the just and noble things," which *politikē* examines, admit of "wandering and disagreement," and similarly things we say are good can sometimes be harmful. Any account about them must be imprecise and must be accepted as holding "for the most part." It is no accident

that, in that context in the *Ethics*, Aristotle brings forward the “rhetorician” (*rhētorikos*) as the example of someone speaking about things that “hold for the most part,” but admit of being otherwise. The conclusions of the political art hold only for the most part, and to this extent they require rhetoric as a kind of speech that can describe particular acts of justice, nobility, and advantage. Aristotle’s art of rhetoric constitutes a reflection on *politikē* or the political art as a whole and is crucial for how Aristotle understands the activity and place of the statesman. The need for rhetoric suggests the limit on the extent to which politics can be reduced to an art, I argue, hence the extent to which it is rational. Aristotle’s teaching about rhetoric thus checks attempts to make politics completely rational. Yet for Aristotle this is a boon for the statesman inasmuch as it saves the integrity of political activity as a form of action.

Rhetoric and Expertise

A dominant strain of scholarship has understood Aristotle’s *Rhetoric* as an incoherent work, pieced together out of different lectures written at different stages in Aristotle’s intellectual development, its incoherence reflecting his changing views of the purposes of the art of rhetoric.³ The power of this interpretation is derived from what is usually seen as a fundamental contradiction between the first chapter of the *Rhetoric* and

³ This argument was first advanced by Friedrich Solmsen following the work of Werner Jaeger, who proposed reading Aristotle’s texts as reflecting the development from youthful Platonic idealism to a mature “empiricism.” See also George Kennedy, who states that “it is probably better to acknowledge frankly that chapter 1 [of the *Rhetoric*] is inconsistent with what follows” (“The Composition and Influence of Aristotle’s *Rhetoric*,” in *Essays on Aristotle’s Rhetoric* (Berkeley: University of California Press, 1996), 416. Jonathan Barnes is even more disparaging of the *Rhetoric*, contending that the *Rhetoric* lacks intellectual focus. “[The *Rhetoric* presents] fragments of three arts, and of three arts that exist quite independently of rhetoric. The sections on logic... in part overlap with what Aristotle says in the *Topics*; the sections on the emotions are linked to Aristotle’s ethical and psychological writings. Book III... shares its subject matter with the *Poetics*. Rhetoric... is a magpie, thieving a piece of [one] art and a piece of another, and then botching a nest of its own” (“Rhetoric and Poetics,” in *The Cambridge Companion to Aristotle* [Cambridge: Cambridge University Press, 1995], 263-264).

the rest of the work.⁴ Aristotle opens the *Rhetoric* first by arguing that rhetoric can be considered an artful capacity “to see” the causes by which persuasion comes about, and second by criticizing his predecessors for attempting to make their arts devoted to emotional appeal. Rather than showing the truth about the matter under consideration, his predecessors produced “arts” concerned with the arousal of emotions (*pathē*) of the audience, and this with the purpose of distracting the listener and perverting and distorting the judgment of the many in order to generate the decisions the speakers desire. As Aristotle suggests, their concern “to make (*poiein*) the listener a certain sort of way” has led them to neglect the “the enthymeme” – the rhetorical syllogism and rhetorical “demonstration” (*apodeixis*) based primarily on premises and signs that hold for the most part but are capable of being otherwise – what is likely (*eikos*).

It is not only that this arousal of the passions is morally suspect by making “that thing crooked that was to be used as a ruler” (*R* 1354a26), but it is also that the enthymeme is the “most authoritative” cause of belief (*pistis*), because all people are persuaded most strongly when something has been shown to them.⁵ A person skilled in

⁴ More recently, some have argued that there is no contradiction here, but that instead Aristotle’s predecessors erred in making rhetoric *solely* about the passions. See Arnhart, *Aristotle on Political Reasoning* (Dekalb: Northern Illinois University Press, 1983). This does not explain, however, why Aristotle says that the passions of pity and anger *distort* judgment and then explains in Book II how to evoke these passions. And second, it does not explain Aristotle’s initial claim that demonstration – *apodeixis* – is the “most authoritative” cause of belief and then subsequently that character, as distinct from demonstration, is most authoritative. Although Arnhart has ably attempted to present the *Rhetoric* as an unproblematic whole, in the end it fails to explain much about the *Rhetoric* and, even more, leads to underplaying the importance of the work for Aristotle’s understanding of action and morality and glossing over what is most interesting about the *Rhetoric*. Hence, for Arnhart, although the *Rhetoric* is apparently perfectly consistent with the teachings of the *Ethics* and *Politics*, it is nevertheless a pale imitation of those teachings and vastly inferior and eminently non-philosophic.

⁵ *Pistis* is a noun related to the verb *pisteuō*, “I believe.” Its primary meaning is “trust” and is the word the New Testament uses for “faith.” Aristotle uses it in a peculiar and technical way in the *Rhetoric*, which I translate as the “cause of belief” or “cause of trust” although much in Aristotle’s presentation would suggest that he purposefully chooses an ambiguous word. Because of the initial identification of *pistis* with demonstration, most English translations render it as “proof.” Sachs translates it as “means of persuasion.” Both of these translations, as well as my own, fail to do justice to Aristotle’s implication.

Aristotle's art of rhetoric is first presented as a certain kind of logician, an expert in enthymemes (*enthymematikos*). Among other things, this concern for manipulating the audience led his predecessors to unduly narrow the art of rhetoric to the forensic rhetoric of law-courts and litigation, in spite the fact that the rhetoric of the assembly is "nobler and more political," where the emotions play a more powerful role than in public assemblies where matters of common interest are considered and the judges were not distanced from their own interest and decide on matters that affected their own interests.⁶

As is often pointed out, however, Aristotle immediately reverses course from this essentially logical skill and the intellectual purity he demands of rhetoric, when he proceeds in chapter two to divide the causes of belief (*pisteis*) produced through a speech into three distinct forms. In part, this division of rhetorical causes of belief adds to his critique of his predecessors. Not only have they ignored the rhetorical demonstration, their devotion to making an art of emotive appeal led them to discount the extent to which the speaker's character (*ēthos*) adds to the persuasiveness of any speech. Aristotle thus finds three "causes of trust" or *pisteis*. Some trust is produced through what the speech shows about what it speaks about; some trust is produced by leading the audience into certain emotions, and some trust due to what the speaker shows about his own character through his speech (*R* 1356a1-21). It has bothered some that Aristotle has reintroduced the passionate appeal he seemed to have excluded from the art of rhetoric, and then devotes half of book II to a discussion of the passions. But an even more fundamental problem of the *Rhetoric* is presented by the cause of trust that arises from

Pistis is both the end, "trust," and that which is responsible for the end, "the cause of trust," of Aristotle's art of rhetoric.

⁶ For the significance of this argument, see Mary P. Nichols, "Aristotle's Defense of Rhetoric," *The Journal of Politics*, no. 49 (1987), 662; and Garsten, 124-129.

the speaker's character. Aristotle finds character to be "so to speak, the most authoritative cause of trust," because "we are persuaded more, and more quickly, by decent people (*epieikesi*), about all matters without exception, and completely so in matters in which there is nothing precise but rather divided opinion" (R 1356a7-10).

Paralleling this shift from the authority of the rhetorical demonstration to the authority of the speaker's character and to the inclusion of the passions in the art of rhetoric is Aristotle's introducing a connection between rhetoric and political life. When identified with demonstration of the relevant facts through enthymemes, Aristotle associated rhetoric only with dialectic. Rhetoric is dialectic's counterpart, because "it belongs to dialectic, either as a whole or some part, to look at what concerns every sort of syllogism alike" (R 1355a). Neither rhetoric nor dialectic is concerned with any particular subject and both are able to provide speeches about everything. When Aristotle analyzes the causes of belief through the speaker's character and the listener's passions, however, Aristotle characterizes rhetoric as an "outgrowth" (*parapheus*) of both dialectic and the art of politics (*politikē*), and this because politics is concerned with character. Knowing the types of regime means understanding the types of character fostered in each regime and what passions the different political types are prone to suffer as a result of being a certain kind of person with specific ends and understandings of the good.

Some scholars have seen these as outright contradictions in Aristotle's understanding of the art of rhetoric and as a shift in his view of the extent to which it is oriented rationally towards logic and argumentation. The easiest interpretive stance is to credit such contradictions to developments in Aristotle's thought. Hence, according to

such an interpretation, the first chapter was written when Aristotle was younger and under the sway of Platonic idealism, and much of the rest was written after Aristotle broke with Platonism. As such, the *Rhetoric* does not form a coherent whole and was instead pieced together from a sundry assortment of his writings on rhetoric.

Another interpretation addresses these apparent contradictions differently, suggesting that the *Rhetoric* is in fact a whole, but that its unity is provided by Aristotle's practical goals for rhetoric. According to C.D.C. Reeve, for example, the art of rhetoric Aristotle initially presents in chapter one is an "ideal" kind of rhetoric, one consisting of enthymematic demonstrations and purely factual argumentation free of reliance on sub-rational considerations of a speaker's character and emotional appeals. Aristotle's subsequent inclusion of the non-logical causes of belief (emotion and character) is a concession to political necessity. In most actual regimes the enthymeme itself is ineffective, because people in such regimes are more or less irrational and are not persuaded by argument and facts alone.⁷ They have to be manipulated or deceived into right policy and action, Reeve suggests, and this can only occur through appeals to what Aristotle himself regards as the sub-rational appeals to the speaker's character and the listener's emotions. Similarly, Carnes Lord argues that these non-logical characteristics

⁷ See Reeve, "Philosophy, Politics, and Rhetoric in Aristotle," in *Essays on Aristotle's Rhetoric* (Berkeley: University of California Press, 1996), 191-199. Reeve goes even further than this. The purely demonstrative enthymeme, what Reeve calls the "narrow enthymeme," is still an inferior form of demonstration, he argues, as it falls short of proper demonstration and will not be used at all in the best regime or well-governed cities. In the best regime, according to Reeve, each citizen is a statesman or *politikos*, and they can use proper demonstrations, the language of political science, when communicating with each other. This is connected to a different claim of Reeve's that matters of politics can be and are the subjects of a true science or *epistēmē*, and thus can belong to an expert scientist (199). Lord also suggests that there is a more precise account of political things than what is provided even in the *Politics* and *Ethics*, although he does not argue that this is available to the statesman. The *Ethics* and *Politics* too are a kind of rhetoric, but they are directed to the "gentleman." Although similar in their understandings of the purpose of the art of rhetoric, Reeve and Lord disagree as to whether the "statesman" is identical to the "philosopher."

of rhetoric are a concession to the fact that rhetoric is a necessary tool for the “gentleman” statesman to speak to the multitude. To counter the influence of vulgar demagogues in the *polis*, Lord reasons, the prudent statesman must at times engage in demagogic tactics and irrational appeals to passions and character.⁸

Although Reeve and Lord give an account of the unity of the *Rhetoric*, the consequence of this interpretation is that the intention of the *Rhetoric* is practical in the most instrumental way. Accordingly it has little philosophic importance and does not reveal any truth about human life or politics. The *Rhetoric* is essentially a handbook of rhetorical tactics necessary for successful leadership of the *demos*, and is wholly engrossed in and familiar with the inferior and vulgar opinions of the many; and in an ideal world (or in the best regime), it would be unnecessary. From this perspective, Aristotle’s purpose is to develop an art that is effective in politics but inferior to true knowledge of politics, an auxiliary skill for the *politikos*. The underlying assumption of Reeve and Lord is that rhetoric is the language an expert must employ when speaking to non-experts, those who know to those who are ignorant or corrupt or both. It is ultimately not at all dissimilar from a “rhetoric” a doctor may need to use to persuade a patient, who does not possess the doctor’s knowledge, to undergo a treatment.

Although superior to an interpretation that explains what it does not understand by reason of an author’s “biographical development,” Lord and Reeve skirt the most important question of whether political knowledge constitutes knowledge like that of any other art or science, and whether politics can simply be a *technē* or *epistēmē*. Aristotle offers several different articulations of what rhetoric’s function (*ergon*) is, but none of them support the proffered interpretation that a vulgar audience is the sole factor in

⁸ “The Intention of Aristotle’s ‘Rhetoric,’” *Hermes* 109 (1981), 336-337.

determining what rhetoric is or the manner in which a rhetorician speaks. Instead, Aristotle opens the *Rhetoric* by claiming that “rhetoric is the counterpart of dialectic, for both are concerned with things that all people discern, things which do not belong to any definite science” (*R* 1354a1-2). All people without qualification are rhetorical and dialectical beings, and thus “all people participate in both to a certain extent.” For Aristotle, rhetoric and dialectic are capacities that all possess, and while Aristotle is not simply a democratic egalitarian, rhetoric and dialectic are not, as they are for Lord and Reeve, the “languages” by which to divide the human race into the many and few, the vulgar and the instructed.

More importantly, it is not the audience and their cognitive limits alone that give the rhetorical art its structure or its purposes. Rather, limits on rhetoric arise most fundamentally from the “subject matter,” the objects to which rhetoric is directed, as they are not reducible to science or a definite body of knowledge appropriate to an expert or scientist (*R* 1358a10-30, 1359b10-15).⁹ Aristotle does write that rhetoric’s function (*ergon*) is “concerned with the things that people deliberate about *but have no arts for*, in the presence of listeners incapable of reasoning from a distant beginning (*archē*) or seeing many things together” (*R* 1357a2-4, my emphasis). This is usually taken as evidence that rhetoric is simply speech for the many, one that must therefore remain enmeshed in the language, beliefs, and opinions of a particular audience and thus is a pale imitation of rational or philosophic speech.¹⁰ It is undoubtedly true that Aristotle warns against attempting simply to transcend common opinion and hence the perspective of the

⁹ See also Nichols, “Aristotle’s Defense of Rhetoric,” 668-669.

¹⁰ See Reeve, 203.

multitude (*R* 1357a8-16). Aiming to persuade without reference to the beliefs a listener holds is a recipe for rhetorical failure. But the second clause of this final articulation of rhetoric's *ergon* must be read by Lord and Reeve in absence of the first for them to make their argument. Aristotle also makes evident that rhetoric produces accounts of the things that are intrinsically irreducible to any art or science. Rhetoric cannot simply be construed, therefore, as the manner of presenting to the less intelligent many what is or can be known scientifically or technically by the few. Rhetoric is an art of those matters that cannot be the matters of an art, and to this extent all people are part of "the many" with respect to them. Rhetoric is, therefore, not exactly an art.

What Aristotle means becomes evident when he continues this line of argument by claiming that we deliberate about actions (*praxeis*), "and one might say almost none of them exist by necessity" (*R* 1537a28). There is no art of action,¹¹ because each action is a particular, and there is no art of a particular thing, because the particular, Aristotle tells us, is "an infinite (*apeiron*) and unknowable thing" (*R* 1356b35). There is no art of Socrates' health, for example, but health in general or for a certain sort or class of things, and one can give an artful account of health and disease in general or for a certain sort, but never for the particular.

Aristotle does not mean by this that craftsmen do not deliberate about particulars or that arts are independent of and abstracted from particulars. As we have seen, arts are intimately related to particulars inasmuch as they are practical, and thus bound to the particular product as its end, one, moreover, that makes them resistant to the universality of law and allows them to serve as the alternative to it. Ultimately, no doctor *aims* to

¹¹ For the view that "poetics" is the art of action, see Michael Davis, *The Poetry of Philosophy* (Lanham, MD: Roman and Littlefield, 1992).

provide health to human beings in general, but for Socrates, Tom, Dick, or Harry. As we have seen, the incongruity of Aristotle's appeal to a legislative *art* at the end of the *Ethics* is precisely that the particular product to which the legislative art is directed – laws – are universals, and hence that the legislative art is only problematically an art because it distances the artisan, the lawmaker, from particulars.¹² In the *Politics*, the *Ethics*' sequel, the rule of the *polis* through an art is ultimately the alternative to and opposed to the rule of law. What is “intrinsic to art” – *entechnos* – is nevertheless not the particular. Art differs from mere experience in ascending to the universal causes of a being about which it is expert. It is only because the universals exist in particulars that art partakes of “science” in the strict sense. To have a *technē* means to know the universals, rules one could publish in a book and teach through speech, but inasmuch as an art is directed to a particular as its end and work, no craftsman ever simply applies universals to particulars.

In the *Ethics*, art served as the paradigm of an activity whose work (*ergon*) is beyond the *praxis* itself. In that context, it has an explicitly moral connotation as connected to the good. The practice of art is not good in itself and thus it is good for something else— art is the good of another. A doctor is good because of the health he produces and not the act of healing he performs, or because of the money earned by the doctor for providing his services. The *Rhetoric* points to the intellectual connotation of art looking beyond itself, and outside of its realm of intellectual comprehension, in directing itself to particulars that it can only comprehend in part, which as such do not fall within the knowledge contained in the art itself. The *telos* of art is *atechnos* – outside

¹² Although “law” and “legislation,” *nomos* and *nomothesia*, appear frequently in the *Politics*, the word “legislative art” – *nomothetikē* – never does.

the art, and this means that arts direct themselves outside of themselves. Every art is mixed with ignorance.

In subsequent passages in the *Rhetoric*, Aristotle compares the art of rhetoric to “all other arts,” and specifically the Aristotelian paradigm for *technē* – the medical art:

[Rhetoric’s] function is not to persuade but to see the persuasive things present in each circumstance (*hekaston*); this is how it is with all other arts as well, since the function (*ergon*) of the doctor is not to make health, but to take [the patient] as far as possible in that direction, because it is possible to provide treatment beautifully to a person incapable of attaining health. (R 1359b9-14).

Let rhetoric be the capacity to see what is capable of being persuasive in each circumstance. For this differs from the function of all other arts, because each of the others is instructive and persuasive about what belongs to it; as the doctor’s art about healthful and diseased things, and geometry about the attributes that go along with magnitudes, and arithmetic about numbers, and similarly with all the remaining arts and sciences (*epistēmai*). (R 1359b26-31).

Save rhetoric and dialectic, arts have dual but seemingly separable functions – *praxis* and *logos*. Every person who possesses the other arts is capable of teaching (and thus persuading) what they know about the specific subject-matter to another. All the other arts, therefore, have an inside and an outside that divides their intellectual and practical functions, their *logos* and *praxis*. To perform the productive function of the medical art, there is no need to teach a patient the knowledge of a doctor, while at the same time if the doctor is incapable of teaching his knowledge, he does not have the art. This is not true of rhetoric. Rhetoric is not about any genus or class or species or subject-matter, but is rather the capacity to see what is capable of being persuasive in each circumstance.¹³

¹³ These two different functions are given different treatments in *Ethics* and *Metaphysics*. In the *Ethics*, *technē* is treated as inferior to prudence, because productive and for the sake of its products, while the *Metaphysics* classifies art as superior to experience and prudence, because the former is knowledge of cause, and specifically the leisurely arts, because they are useless, but only inasmuch as knowledge is understood as non-instrumental. See also Seth Benardete, “On Wisdom and Philosophy: The First Two

It is in the relation of speech, *logos*, to the universal and particular that rhetoric and dialectic are distinguished from the other arts. All arts have an account to give about the subject-matter that belongs to it. But unlike the practice of the other arts, the practice of rhetoric produces and provides *logos* about particulars rather than generalities. Rhetoric exhorts and dissuades, praises and blames, and accuses and defends; all of these forms of *speech* are about particular people and particular actions (what Achilles did, for example). *Logos* is not that through which the rhetorician represents or signifies the things he knows – universals – but is itself the particular to which rhetoric is directed to providing. A rhetorical speech that provides a complete account of its “object” – an action it is advising or judging or praising, for example – would be one that went onto infinity. Socrates, Plato, and Aristotle themselves would be incapable of following such reasoning from its beginning point (*archē*) to its conclusion (*telos*) inasmuch as the infinite (*apeiron*) has neither a beginning point nor a conclusion.

All of this is apparent from the beginning of the *Rhetoric*, when Aristotle defends the possibility of an art of rhetoric quite obviously against the claim Socrates makes in the Plato’s *Gorgias*. There, Socrates leveled two accusations against rhetoric, first, as being a knack (*empeira*), irrational (*alogos*) in its incapacity to give an account of causes through which it performs its function, and second as aiming at the pleasure rather than the good of its addressee. Rhetoric as presented by Socrates was the “counterpart” (*antistrophos*) to cookery and disguised as the true therapeutic art of “justice,” which

Chapters of Aristotle’s *Metaphysics A*.” In *The Argument of the Action: Essays on Greek Poetry and Philosophy*. (Chicago: University of Chicago Press, 2000), 396-406.

restores the soul to its healthy condition, just as medicine does for the body.¹⁴ In contrast, Aristotle explains why rhetoric is like dialectic in being artful:

Rhetoric is the counterpart (*antistrophos*) of dialectic. For both are concerned with things that all people to some degree know, and are not confined to any definite knowledge. Hence, all people participate in both to some degree; for everyone to some extent attempts to accuse or to defend and to support or examine an argument. Most do so at random or through familiarity. But since they admit of being done both ways, it is evident that a way can be made in regard to these things. For it is possible to see (*theōrein*) the cause (*aition*) by which people succeed in their endeavors, some through chance and others through habit, and all people would immediately agree that such a thing is the work of art (R 1354a1-10).

Art is knowledge through which one can give an account of the cause of a being or what is responsible for its existence in particular. Aristotle thus here ignores the productive character and function of *technē*. As productive, and hence practical in the broadest sense, all art is “concerned with the generation of things, with contriving how something capable both of being and not being may come into existence, a thing whose beginning (*archē*) is in the maker and not in the thing made” (NE 1140a12-14). Under the rational guidance of a craftsman, things do not simply happen by chance or habit. To know what health is and what causes it is one thing; to produce health with such knowledge in a particular case is quite another, as the cause of something is altered by knowledge of what is responsible for its existence. The efficient cause of works of art is itself causal knowledge in the mind of the craftsman.

¹⁴ Socrates never explicitly connects these two critiques in the *Gorgias*, although different arguments have been advanced as to how they are connected. The first is that pleasure is not something knowable, because it is indeterminate and varies in each particular person, there being nothing common that connects pleasures – different people are pleased by different things. See David Roochnik, *Of Art and Wisdom: Plato's View of Techne* (University Park, PA: The Pennsylvania State University, 1996), 186-188. It seems more likely that they are connected by the famous Socratic knowledge-virtue-happiness thesis. A doctor, therefore, has the skill to cause disease as well as to heal a patient, but doctoring is only rational if directed to the good.

Inasmuch as the particular is not “inside the art,” the craftsman who serves as the *archē* of things that do not exist by necessity must be outside the art. Since arts are instrumental and useful, since the good to be achieved has nothing to do with knowing or being aware of its causes, the effect of art, its exterior manifestation in the product, is the standard by which it is judged. If the goodness of health were related to knowing how it came about or the goodness of shoes how they were made, the doctor and shoemaker would have to teach the knowledge of the art itself, and hence the product would have to be accompanied by knowledge of that product, hence knowledge of its causes. But *technē* is practical reasoning in its most teleological form. The sequence of events that leads to the end could fall away without any loss to its goodness and worth. We will be equally healthy whether health is the result of chance or nature or whether it is the result of rational production of the craftsman.

Rhetoric’s “object” is action, and this makes it different from other arts and its status as an art more problematic. Since we measure the worth and meaning of an action by more than the action itself, we care about the intention behind the act, what type of person the actor is, the circumstances surrounding the act (and so on) that influence the meaning of any particular act – its praiseworthiness or blameworthiness. The peculiarity of the art of rhetoric is, therefore, that in being about action, it cannot for that reason ever be a producer of action nor is action a product, lest it fail to be an action and become merely a product. It seems to be for this reason that, in spite of the fact that Aristotle initially makes rhetoric the capacity to provide speeches about “each thing,” rhetoric is limited to providing speeches about the advantageous, noble, and just and their opposites. There is not a rhetoric associated with medicine or shoemaking or dancing, but rather

with *politikē*. The rhetorical art is divided and organized into distinct forms in accordance with the distinction in these different ends, which reflect these different ways of understanding the good.

Finally, the distinctiveness of rhetoric from expertise shows up in the most obvious way. In all other arts, there is always one who acts and another that undergoes what the other does, ruler and ruled, subject and an object (*NE* 1133a12-15). In making rhetoric an art concerned with revealing and showing, and not with a producer and product, rhetoric is explicitly addressed to the judgment of the listener. Hence, Aristotle's critique of those who attempted to create an art of rhetoric before him is that they directed it to making the listener a certain sort (angry, fearful) rather than cultivating a judgment of the matter under consideration. This is only to say that they attempted to create an art that was modeled on all the other arts, in which the craftsman ruled and the subject was ruled by him. A true art of rhetoric seems to be the only art in which those who are the art's subjects are called upon to exercise their reason. Rhetoric is the only reciprocal art, and hence the only art in which the rule of the artisan is partial.

Rhetoric and Action

Rhetoric as a form of argumentation rests ultimately on what is likely – *eikos* – and the enthymeme is a rhetorical syllogism whose premises are likelihoods, a likelihood being a statement that holds for the most part but admits of being otherwise. But since rhetoric is only about things we deliberate about, and we deliberate about things that we can bring about through our actions, the rhetorical enthymeme is not about all likelihoods, but about likelihoods in the realm of action. The enthymeme holds out the possibility of a world intelligible to us, but not so knowable so as to make it impossible to

act voluntarily or through choice. A perfectly intelligible and rational world would be a completely predictable world, and a completely predictable world that unfolds precisely according to our expectations could be contemplated but not influenced by us at all. But on the other hand, if one could expect no foreseeable consequence to anything one did, each action would be *for* nothing and thus seemingly arbitrary, and thus there could be no distinction between better and worse action, and hence no morality. There is, therefore, a tension between reasoning, which aims at intelligibility, and action, which cannot be entirely intelligible lest action be reduced to effects of causes that have nothing to do with the actor. The likelihood appears as a mean between the necessary and the random, the perfectly predictable and the perfectly chancy.

But the *Rhetoric* reveals the tension and complexity of the relation between reasoning and action, theory and practice. This is what is indicated in the initial elevation of demonstration (*apodeixis*) in rhetoric and the subsequent elevation of character (*ēthos*) to which many point as evidence for the incoherence of the *Rhetoric* or its need to accommodate rhetoric to imperfect audiences. This movement of the text that seems to reveal the text's disunity is, therefore, a reflection on the problematic unity of action itself. As the *Rhetoric* unfolds, character and reasoning, and hence morality and thought, tend to be divided, and then not merely divided, but opposed. When Aristotle offers his only extended discussion of belief produced by the speaker's character, he presents virtue as distinct from prudence:

Three things are responsible for making speakers themselves be believed, because that is how many things there are, apart from demonstrative arguments, on account of which we feel trust. These are prudence (*phronēsis*), virtue

(*aretē*), and goodwill (*eunoia*).¹⁵ For people go wrong in the things they speak of or give advice about by reason of all these or of any one of them, since they either have incorrect opinions on account of imprudence, or while having correct opinions do not say what seems to be true to them on account of vice, or if they are prudent and decent but do not have goodwill (*eunoi*), it is possible that they fail to give the best advice they know how....The things on the basis of which one might appear to be prudent and morally serious need to be gathered from the distinctions that were made about the virtues. (*R* 1378a8-16).

In the way a speaker is perceived, prudence and virtue, thought and the good, are distinct and separable, and thus we can think someone is prudent but vicious, that he is a good deliberator but a bad person. Aristotle is aware of the problem he presents, as he refers the speaker back to his discussion and distinctions about the virtues to figure out how to make oneself appear *both* virtuous and prudent.

This account has baffled some commentators on the *Rhetoric*. In the *Ethics*, prudence is presented as distinct from a similar characteristic that Aristotle terms cleverness (*deinotēs*). Since the character of an individual lays down the correct aim, and the means to the end are discovered through the excellent deliberation of prudence, being prudent is not separable from having a virtuous character that sets the correct end to which prudence is directed. Similarly, being virtuous in the true sense is not possible without prudence, as virtue is manifested in making the correct choice, which is impossible without also deliberating in an excellent way – without consciously acting and choosing what is correct. Both prudence and cleverness are capacities of deliberating, but the aims and ends to which deliberation is directed are incorrect in the clever person and correct in the prudent. A *phronimos* properly speaking has by definition a virtuous character.

¹⁵ It is worth noting that *eunoia* has prefix of the adverbial good and the noun for thought. “Thinking well” of someone, thinking good things for someone, puts together thought and the good.

A very different picture of the relation of virtue and prudence emerges in the *Rhetoric*, and this initial distinction between prudence and virtue develops into an opposition between them. In his account of the characteristics of individuals due to aging, the young and the old are divided primarily in that the young “live by character, which is directed to the beautiful” and the old “live by reasoning, which is directed to the advantageous.” The young are beautiful, and the old prudent. And even more radically, at the end of the *Rhetoric*, Aristotle writes:

Character (*ēthos*) is not revealed in speaking the way one thinks, the way people write nowadays, but in the way that reflects the making of a choice: “I wanted it because that was what I chose; if I get no benefit from it, still it is the better thing.” One way is that of someone with prudence, but the other is that of a good person, for the mark of someone with prudence is seen in the pursuit of something beneficial, while that of a good person is seen in the pursuit of something beautiful. (*R* 1417a).

This tension between prudence and virtue, thought and character, sheds light on another aspect of the *Rhetoric*, the marginalization of the enthymeme in the course of the *Rhetoric*. As we have seen, the enthymeme as a rhetorical demonstration was initially presented as the “most authoritative” *pistis*, but was demoted as less “authoritative” than the character of a speaker as it was revealed in speech. Aristotle follows this by introducing the example (*paradeigma*) as an alternative form of rhetorical demonstration; he then assigns the enthymeme a greater place in forensic rhetoric, relegating it to the inferior and less noble form of rhetoric that is concerned with the private affairs of others. Aristotle does this on the grounds that forensic rhetoric is speech about the past, and the past is both “unclear” (*R* 1368a33) and “has a necessity to it” (*R* 1418a7) and both its lack of clarity and necessity makes it more open to demonstrative and causal reasoning

than deliberative rhetoric, which speaks about the open and unnecessary future that can be caused by us and thus for which we can become responsible.

Aristotle's association of the enthymeme with necessity indicates that, even as it rests on premises that are admittedly only likely, its form suggests some necessity underlying it. Demonstration always aims at the fullest possible intelligibility of its object, and hence at the discovery of an underlying necessity in the objects contemplated. Since character is manifested in choices that are made, and therefore requires freedom, this is a necessity Aristotle sees in all demonstration as such.

In two different discussions of how to reveal character through speech, however, Aristotle recommends the use of "maxims" (*gnōmai*), which are universal declarations about "what should be chosen and avoided in taking action" (R 1394a25). Maxims are the constituents of enthymemes, the premises of enthymemes, which are syllogisms about actions, and are principles of choice and avoidance. Aristotle recommends that maxims should be employed to convey character, because "the maxim reveals the universal basis of [the speaker's] choices" (R 1395b18). The means by which to make our choices known to a listener is to speak universally about matters of action. As universals held by the speaker, we think they would determine how he *would* act and what he would choose in a particular circumstance irrespective of the truth or likelihood of those universals. The listener himself could deduce the particular thing the speaker would do from the universal rules he states, and thus construct a syllogism that predicts what he would choose, and in this way what his character is.

But this view of choice would suggest that choices in the particular are made in advance on account of the universal, and to flow from the universals perfectly. Choice

would not be the beginning of action, but would always be a carrying out of what was chosen prior to the choice. Aristotle returns in Book III for a second discussion of maxims, but introduces this account by emphasizing that enthymemes cannot reveal character, because an enthymeme is a demonstration, and “a demonstration contains neither character nor a choice” (*R* 1418a15). There is a meaningful distinction between the likely and the necessary only because the unlikely happens and is possible; the likelihood is indebted to the unlikely and wedded to it – it must always be capable of being otherwise. The enthymeme treats the effects of our choices and action as likely – that things will not always unfold as we expect. But for a choice to be a true choice, the choice itself must be capable of being otherwise, lest there be no choice at all. Choice requires alternatives without which our intention is meaningless, alternatives that the enthymematic deduction from universals to particulars necessarily precludes. Admitting that what must be done may not bring about the results we intend – that the universals are imperfect – the enthymeme nevertheless says what must be done by necessity and therefore discloses what is to be done as not done by choice but as a result of a deduction from a universal.

This limit to reasoning’s capacity to manifest choice is confirmed by the account of maxims Aristotle subsequently provides. In spite of the fact that maxims are the premises of enthymematic demonstrations, he again maintains that maxims do reveal character. But instead of explaining how they reveal character, as he does in his first account because they constitute the universal basis of choice, he offers an example: “I gave it to him even knowing (*eidōs*) those words ‘Don’t trust anyone’” (*R* 1418a18-19). Here the speaker acts contrary to the maxim not to trust anyone. The example amounts to

a reversal of our expectation given what Aristotle has previously said about character-revealing purpose of maxims, but appropriately so. Aristotle's point seems to rupture the rational and syllogistic alignment of the universal and the particular. The intention revealed in a speech is manifested in making explicit that one did *not* apply the universal to the particular, that one did not act according to what was *expected* from one's *logoi*. Intentions of a speaker are conveyed through the disparity between the particular and the universal, the action and the speech that explains it, rather than the perfect containment of the particular in the universals of speech.

Aristotle introduced the persuasiveness of a speaker's character by stating that the sophisticated "arts of speeches" produced by his predecessors ignored the extent to which the decency or equitability – *epieikeia* – of a speaker is the most authoritative of the causes of trust, since we trust an equitable person (*epieikeia* literally means – "upon" or "on the basis of" (*epi*) the "likely" (*eikos*)) (R 1356a1-20). But the character of the equitable is concerned with things that are left out of the law, and is defined as "something just that is beyond (or "against," *para*) the law" hence beyond what is likely. Equitable character is manifest only as it reveals how the particular falls outside of the universal. Aristotle seems to suggest that all character is manifested in this way, through showing the partiality of the universal by showing how the particular that should be explained by the universal is not explained by it.

Since a maxim is just another name for a law, a universal about action, the account of choice and maxims presents a troubling problem for law. Obedience to law would consist in a kind of enthymematic reasoning of deducing a particular action to be performed from the universal law. Choosing in particular, on the other hand, entails

going beyond the law and not being governed by law and is inherently in tension with the authority of *nomos*. Rather than subordinate to law, rhetoric seems to arise from the fact human beings cannot live within law, insofar as the law makes them an instance of a larger class or kind of thing. It is not only that law is concerned with human things that exhibit variation, in which case the speech of law will never perfectly encompass or speak to every situation; it is also that the singularity of an action is not ever one that follows from law or from universals or even from what is likely.

Aristotle is aware of the destructive potential of such a view of action, one which if taken to an extreme would constitute the tragic dissolution of political life and law. He describes the young as living totally from character, hence with view to the beautiful, never calculating the actions they are going to take and thus as fully self-contained. And yet, it is the excesses of the noble youths that lead to the excessive calculating of the old. The young are trusting and unthinking in their philanthropy, and what occurs to the old, who are calculating because distrustful, is presented as the result of youthful optimism. Their excessive trust turns into excessive distrust, their excessive character and devotion to the noble leads to the dissolution of the noble, hence the dissolution of character. The character (*ēthos*) of the old is not to live by character. Aristotle thus does not honor the youth, but the person in his prime, who falls as a mean between the old and young and who “eliminates the excess...living not with view to what is noble or advantageous alone, but to both” (*R* 1390b1). Aristotle does not, therefore, suggest a radical choice between the noble and advantageous, but rather shows that such a radical distinction between the advantageous and noble is an artificial one, one that nevertheless reflects the fact that human beings exist in time.

Time and the Good

As we have seen, the central issue of the *Rhetoric* is the extent to which character and reasoning are persuasive, one that devolves into an apparent contradiction between two forms of the good – the advantageous and the noble. This opposition between the advantageous and noble is first brought to light in Aristotle’s differentiation of rhetoric into three kinds (*eidē*) based on three different listeners of speech (*R* 1358b). Different kinds of speech are directed to different kinds of listeners, Aristotle claims. Since one can be either a “judge” or “spectator” (*theatēs*) of a speech, and a judge of either past or future, Aristotle produces three separate kinds of rhetorical speech – forensic (*sumdikanikon*), deliberative (*sumbouleutikon*), and epideictic (*epideiktikon*) from this perspective of the listener. He further divides deliberative and forensic rhetoric according to specific political institutions, assigning each a place in assemblies and the law-courts respectively. This institutional orientation of forensic and deliberative oratory allows for the derivation of a different end (*heteros telos*) for each. The just and unjust is consigned to forensic rhetoric, the advantageous and disadvantageous to deliberative rhetoric, and the noble and base to the epideictic rhetoric.

Aristotle derives these different ends from the way rhetoric is practiced. In law-courts, a defendant might admit he caused someone harm or that something happened, but will never admit that he committed an injustice. An advisor in an assembly will often ignore whether what they are advising is just or unjust (whether it is just or unjust to enslave one’s neighbors, for example), but they will always say it is advantageous. Aristotle allows that deliberative and forensic rhetoric admit the just and advantageous into their oratory as secondary ends, but the beautiful is different. Praise disregards

whether an act was just or advantageous, considering only whether it was beautiful, and people consider it praiseworthy, hence noble, to do something in disregard for one's own advantage. People praise Achilles for coming to aid Patroclus, knowing he would die by doing so. "For him, a death of that sort was more beautiful, though living was advantageous" (R 1359a5-6). Finally, the analysis of rhetoric rests on a derivation of special times (*chronoi*) for the different forms of rhetoric. Deliberative rhetoric is always speech about the future, forensic rhetoric is about the past, and the "most authoritative" time for epideictic rhetoric is the present, because "everyone gives praise and blame in reference to present circumstances (*ta huparchonta*)" (R 1358b18).

This classification of the kinds of rhetoric rests on the analysis and divisibility of the good into the triad of advantage, nobility, and justice. The assumption in its divisibility in its form is that one can speak about the advantageous without considering the advantage of justice or the noble. The just would appear to have no intrinsic relation to the advantage of the advisee, and, more radically, that the noble seems to require a self-forgetting disregard for one's own advantage. It is *the* good as distinct from one's own good.

But the analysis of the different forms of rhetoric reveals that the advantageous and beautiful are also inseparably mixed. Ultimately, anything that is advantageous is related to something that is choiceworthy in virtue of itself alone— *the* good — and the beautiful is that which is "praised as chosen on account in itself." The beautiful looks to be the end to which the advantageous is directed, and hence the advantageous is understood in relation to the beautiful. One would not deliberate or choose an action without understanding something as for its own sake, as desire would go on to infinity

and one could never really begin anything at all. It is not even possible to speak about what is advantageous without assuming something good in itself, something that would be chosen for its own sake, and thus the desire for the *kalon*.¹⁶

Aristotle thus begins the account of the premises of deliberative rhetoric with an account of happiness, which all people pursue as good in itself and not good for anything else. Deliberative rhetoric moves from this end to find what is “traceable to us, the source (*archē*) of whose generation (*geneseōs*) is in us” (1359a40-1359b1). Deliberation is useful, because it leads to choice, choice is useful because it leads to action, and action is good because there is some end to be achieved by it. Deliberative rhetoric is an affirmation of human goal-directedness. In this respect, deliberation seems purely a means to maximize one’s advantage and hence one’s happiness and practical reasoning purely instrumental to happiness and when attained can fall away without any loss to its good.

This is a common sense teleology that practical thought presupposes, and Aristotle provides a definition of happiness and its parts, because it is necessary to do the actions (*praxeis*) that provide for happiness and for any of its parts. But the first definition of happiness, and the one that most closely approximates the definition from the *Ethics* – “acting well together with virtue” (*eupraxia meta aretēs*) – introduces an ambiguity into this simple understanding of deliberation and choice. Actions are at once the means to produce happiness and its parts and the fullest manifestation of happiness as

¹⁶ According to Davis, the noble amplifies the goodness of particular activities in order to make them seem good in themselves, but that upon reflection the beautiful wholeness of action is dissolved and rendered instrumental, because they all turn out to be *for* happiness (*The Soul of the Greeks*, 64). My account differs from Davis’, therefore, in understanding the noble in quite the opposite manner – as that which makes what is initially instrumental or for the good to be seen upon reflection to be more than instrumental. This is not to say that Davis is wrong simply, but his account is incomplete and only explains part of the function of the beautiful.

a whole. Aristotle thus begins again in chapter six with a definition of the good and advantageous simply in chapters six and then moves to the question of greater and lesser goods in chapter seven, because human beings dispute what is more and less advantageous and what is the greater good.

Initially, the *telos* is considered the greater of two goods, because all actions exist for an end, and not the end for the means (*R* 1364a3-4). But to this Aristotle adds a standard in addition to the *telos* – self-sufficiency. A good that needs nothing out of itself is better than one that is needy. There is a contradiction in these two quite reasonable ways of understanding what is good. The end is a greater good precisely to the extent that it needs other things and nothing else needs it – it is utterly useless and entails no advantage for us – because all other things can be understood as means and thus directed to the achievement of the end. But the end, because everything else is good in relation to it is neediest and most dependent of all things. The end-like and the self-sufficient character of a thing are in fact alternative understandings of what is good. The *telos* is the thing that determines the goodness of all other parts in the hierarchy, the self-sufficiency of a thing that which puts all of them together into a whole. There are two ways of understanding the good, one that places it in time by looking to it as a future end and another that abstracts it from time by placing them together at the same time.

Aristotle drives home the point when he arrives at yet another standard for measuring goods as that which is a cause (*aition*) or a beginning (*archē*), since a thing cannot exist without a cause or a beginning, and thus concludes that:

It is evident from the things that have been said that there are two ways for things to appear greater. If one thing is a beginning (*archē*) and the other is not. And if the one thing is an end (*telos*) and the other is not.

Human beings have double-vision that conversely identifies beginnings and ends as greater than each other, and we always implicitly have two standards to measure ourselves and our deeds. All rational action requires goals and is goal-directed, and precisely because of this goal, the actions that are taken as a result of reasoning are always placed in relation to something greater than they are, the purpose of the action. To justify the need for an end, for goals, we have to identify the end as a cause and a beginning that explains why we act at all. But to think or speak about action in this way – as what is needed for action – is already to understand the end as more than the end, the *telos* is necessarily also responsible for the action. Hence, the *telos* is also a cause and is responsible for a thing existing in a certain way, for it having a particular form. The end in this respect serves a purpose and exists also for the sake of something else.

One cannot have an end without a beginning or a beginning without an end. Because of the fact of time, however, one can never see the way the two are together. Looking from the beginning before the action, the end must look noble and the beginning advantageous, for the sake of the noble, a thing desired for itself and not useful. But the perspective from the end must be different, because it is indebted to and caused by something else; it is possible to understand the action and choice as good in itself, because the end is dependent and needy, hence not self-sufficient.

This duality of the good as a beginning and an end governs other contradictions in the way humans understand greater and lesser goods. Aristotle goes on to say that we are led to understand both the easy and difficult, and the scarce and plentiful, as superior to

each other. But before we do something, we cannot understand the difficult as better than the easy, because the end is presumed and we wish to find the easiest means to it. No rational person can desire to make things more difficult on himself, and desire is always the desire to have something present before us. It is only through reflection, after we have acted, that what is done through difficulty and trouble can be a source of satisfaction (R 1370b1-10). Prior to attaining something, we wish for it to be plentiful and not scarce, and easy for us and not difficult. That nature does not provide us plenty is its bounty, that life is not easy is a source of its goodness, but it is not natural or rational to desire nature to be niggardly. No one can desire to make the things we desire more difficult or painful, but we convert the painful and difficult into pleasure when we see our troubles completed.

Aristotle's discussion of deliberative rhetoric concludes with an account of regimes, which he identifies as the "greatest and most authoritative" of all things that make one capable of persuading and advising (R 1365b20-1366a22). But the regimes turn out to be a paradigmatic manifestation of this ambiguity concerning the good. Regimes are distinguished from each other in two ways – according to whom or on what basis the offices are distributed, and also according to the different ends that are manifested in the laws, habits, and customs of each regime. But in all the regimes, the end is identical to those who rule – those who share in the offices (*tas archas*) are also those who most embody the specific *telos* to which each regime ascribes. The wealthy rule in oligarchy and wealth is the end that oligarchies pursue, those who seem best rule in aristocracy and so on. Each regime is distinct in proposing a different end, and as such a different way of life formed with view to that end. But they are similar and in

agreement in measuring their good with an identical good – rule, *archē*. Regimes are the communities in which the distinction between the *archē* and the *telos*, in this case understood as rule and the good, are most obscured and, for that reason, look most authoritative. From this perspective, rhetoric must be subordinate to the regimes.

The obvious difficulty is that rule begins to look indistinguishable from the end. If this were completely the case, the result would be tyranny. Rule for the sake of rule is rule that cannot justify itself or explain itself and the reasons for its rule. Hence, Aristotle identifies the *telos* of tyranny as self-preservation in this account of the regimes. The authority of the political community is itself the end and not merely directed to ends beyond the political community, but in order to prevent the political community from becoming arbitrary use of power its rule must be understood as serving purposes that transcend ruling itself.

The need for a counselor or an advisor to be familiar with the regimes is, therefore, two-fold. Most obviously, to know what will be persuasive to someone and hence to those in authority in the city, one must understand how they conceive of what is good and what is advantageous for the achievement of that good. But there is another reason a counselor needs to know the regime's *telos*. A person's character is manifest in the kind of choices one makes, and one makes choices with a view to the end. And since "the kind of character that belongs to each is necessarily most persuasive when addressed to each," the speaker must show himself as having the same character as the regime. To be persuaded by another is to be ruled by another. That we are persuaded by those with characters like our own is a manifestation of the desire both to rule and be ruled, to be the cause and the end. The passive form of the verb "to persuade" means "to obey" –

peithomai – and yet the passive verb is indistinguishable from the reflexive middle form – “to obey oneself.” Rule through persuasion is distinct from force only to the extent that the two meanings of *peithomai* are inseparable. To be persuaded by those like us is a means through which we rule ourselves and persuade ourselves through another, to understand ourselves as both subject and object, the doer and one who undergoes what another does. That the character of the rhetorician matters in the way the character of a doctor does not is a manifestation of the political character of human beings, and the political character of human beings has its root in the refusal to be ruled simply and hence the refusal to reduce politics to an art.

Demonstration is insufficient to persuade us about ourselves and what we should do because it is fully teleological. The counselor always says he is advising what is good for the listener – the good counselor makes the listener’s good his end. His rhetoric begins with ends, which it treats as first principles and premises and deduces advice for particular actions to be directed to those ends. If human beings were merely directed to ends, however, the character of the speaker would be superfluous, and argument alone should persuade us. We are not purely self-interested and do not merely pursue our own ends. We are persuaded by others who are like us, because we desire to rule ourselves. Rhetoric is self-rule by proxy; it is to be ruled by another that can be understood as rule through ourselves as objectified in a speaker who shares our ends and hence our choices and character. That we are persuaded by those like us, therefore, is an indication that we desire to be a beginning, a first principle, and a ruler.

Praise and the Beautiful

It is in the *Rhetoric* alone of all the practical works that Aristotle provides a definition of the beautiful, *to kalon*, a fact that reflects the importance of the work. But Aristotle provides two different definitions of the beautiful. The beautiful is that which is “*praised as chosen (haireton)* on account of itself, *or that which is good and pleasant because it is good*” (*R* 1366a32). This double-definition of the beautiful is an indication of complexity of action and its temporality. The first definition relies on praise, and is therefore inseparable from speech, and the second does not rely on speech. The second definition of the beautiful is one that would apply to a beautiful painting or a beautiful song, something we can delight in without saying a word about it. Its pleasantness needs no mediation through speech. But *logos*, and therefore praise, places itself between the subject and the object, it re-presents what is not present or mediates what is not immediate. Speech is always a sign of the absence of something.

It is therefore strange for Aristotle to identify praise as about what is present, and Aristotle’s example of the praise that is given to Achilles confirms this oddity in his account. We praise Achilles, because he died beautifully “coming to the aid” of Patroclus instead of living advantageously. But Patroclus is already dead, and Achilles’ act is already completed with his death. It seems very much in the past precisely because it is a completed deed. When we praise Achilles, therefore, we do exactly what Achilles does to Patroclus, coming to the aid of Achilles after death by praising Achilles. Praise makes the act present and therefore restores it from the oblivion of the passage of time. That we speak about the praiseworthy reveals that it is not *parōn*, present. If it were present, we could simply look at the act. Praise seems inseparable from taking the cause

into account and for this reason always shows the dependence of the thing on the cause and hence its incompleteness.¹⁷ We do not praise paintings themselves, but the painter who is apart from his work of art.

In his account of deliberative rhetoric, that which is chosen is the result of deliberation, and the result of deliberation is not the end but the means to ends. No action is chosen for its own sake, but always ultimately for the sake of happiness. If we praise what is chosen as for itself, and what we choose is never for itself, praise would seem to be a way of misrepresenting the deeds that it praises. Hence, Aristotle thus does not exactly say that the beautiful is that which we praise as done for itself, as a perfect object we speak about, but rather as that which is “praised as chosen for itself.” Praise imparts the wholeness to the action that no action would actually possess, and praise is part of the beauty or is implied in the beauty. Aristotle will thus subsequently say that “praise is a speech that manifests (*emphanizōn*, literally “appears inside”) greatness of virtue.” We praise virtue because it is beautiful, but it becomes beautiful only to the extent that praise manifests its beauty, to the extent that we can say it is good.

But in another way, since we are not simply teleological, that our reasoning is teleologically structured entails that rationality itself distorts the nature of the things we choose and the reason we choose them. Only if we choose and act wholly with view to the future, and did not choose with view to how in the future we would reflect on what we are doing now, could such reasoning be a sufficient representation of human action. Aristotle thus initially relegated deliberative rhetoric to considerations of the future (*mellōn*), and reserved the present as the special time for praise. But this temporal

¹⁷ For this reason, Aristotle distinguishes praise from encomium, because praise is about *praxeis*, while encomia are about *erga* – achievements, works, or products – the end and not the beginning.

distinction between the two kinds of rhetoric breaks down in the course of that discussion of deliberative rhetoric, and Aristotle subsequently and without explanation includes the present things (*huparchonta*, not surprisingly, also means “beginnings”), alongside the future as a matter of deliberation. To think about the future is to imagine ourselves in the future, and to think about ourselves in the future will mean thinking about how we will reflect on the present once it has been done and in the past. We are both teleological and archeological beings, and only in this way are we moral beings and rhetoric is a reflection of this morality. When we arrive at our end, we can be certain we will recall it in order to put our life in a particular order, and this recalling cannot be separate from deliberation. Praise is not a form of manipulation, but is a necessary corrective to the untruthfulness of reason itself in how it initially presents the actions we choose, as a choice made totally with view to something else, because in the future we will always turn to praise or blame ourselves. The choice and action must be understood from the perspective of deliberation as advantageous (this is why excellence in deliberation, prudence, appears as un-beautiful) and beautiful from the perspective of praise.

From identifying the beautiful as what is praised for its own sake, Aristotle seems to draw the opposite teaching about virtue and the nature of its beauty. Virtue is measured by its utility, and the greatest virtues are determined to be those that are “most useful to others” – courage and justice. The perfect uselessness of the beautiful is rationalized and understood only as perfectly useful for another. (“Those choices upon which one acts not for one’s own sake”; “things someone does for his country in disregard for his own interests”; “things good by nature and not good for oneself”; “things capable of being present after one is dead rather than while one is alive, for things

present during one's life have more about them that is for one's own sake"; "all those deeds that are for the sake of others, since they are less for the sake of oneself"; "all those things that make others prosper rather than oneself" (*R* 1366b35-1367a20)). Altruism is a sign of the wholeness of the self, of self-sufficiency, and is a rejection of present need. Hence, just as actions useful for another and not for ourselves are the noblest, so the uselessness of our possessions are beautiful (*R* 1367a28). They share the common root of needlessness and self-sufficiency. The definition of virtue as the power of providing benefits for others appears as at once the most vulgar utilitarian definition but also the most beautiful, because a truly perfected human being cannot act for his own sake, for then he would be imperfect.

And yet, every attempt to make a show of our self-sufficiency indeed manifests the lack of our self-sufficiency, for our perfection is perfected by making a show of it. Hence, Aristotle proceeds to make it necessary in praise to show that the action praised was the result of choice rather than chance, to showing that the act sprung from the actor and not mere contingency (*R* 1367b22-25). Praise praises the way something began and not merely the end produced – it brings together the end and the beginning, the product and its cause, into a whole. In spite of the fact that the *Rhetoric* points out the disunity of the advantageous and noble, Aristotle ultimately identifies a common form (*koinon eidos*) for praise and advice that speak about these two goods:

Praise and advice have a common form (*koinon eidos*), since those things one might propose in giving advice become encomiums when the wording is changed, so when we have got what we ought to do, or what sort of person one ought to be, it is necessary for those who stated these things as proposals to make a change in the wording and to redirect it (or "to twist," *strephein*). For example, that one ought not to pride (*phronein mega*) oneself on things due to luck, but on things due to oneself, when worded in that way has the form of a proposal, but in the following way it is praise: "He prides himself not on things

due to luck, but on things due to himself.” So whenever you want to praise someone, see what you would propose, and whenever you want to propose something, see what you would praise. (*R* 1367b39-1368a8)

Initially, Aristotle contended that praise and advice were distinct forms of rhetoric, because praise was praise of the beautiful, and advice was counsel directed to the advantage of the listener. But Aristotle has collapsed the beautiful and the advantageous – we can advise the beautiful and praise the advisable. This common form of praise and advice points finally to the underlying unity of, rather than the tragic disparity between, the advantageous and the noble. From a later perspective, we can praise what is advantageous now, but it must take the guise of the beautiful. From a present perspective, we can recommend what is beautiful, but it must take the guise of the advantageous. The advantageous and beautiful are, in fact, different ways of viewing the same thing at different times, which is revealed in rhetoric itself and its manifold forms – in the way we speak about the good. This is only possible because we understand the good not as something to be passively received by us– the future alone would matter– but as something to be achieved by us, as due to us, the good for us is inseparable from understanding ourselves as responsible for it, as free.

Rhetoric as a whole has relations to different “times,” to the present, past, and future. In this, rhetoric is distinct from law inasmuch as the advantages of law arise from it being static and directed to the future (*R* 1354b1-17). The advantages of rhetoric arise from the multiplicity of its forms and the multiplicity of its forms from the fact that human beings exist in time. Because we exist in time, to act at all, one must put the action into a higher context, the end in the future, and this is what deliberation does in order to justify the action. The function or work of rhetoric was initially characterized by

Aristotle as concerning matters about which we deliberate but have no arts for. But deliberation is useful, not only for accruing the advantages of action, but above for establishing responsibility for them. We praise and blame our actions only to the extent that we understand ourselves as responsible for them, and that they are not the result of contingency, but we praise and blame only to the extent that we understand this responsibility, this cause, as significant in itself. The diverse forms of rhetoric – the reason why they are ultimately forms of a single capacity – is reflective of the unity of the good. The multiplicity of the ways in which we see the good, is the basis for the unity of rhetoric, for the consideration of one must inform the consideration of the other forms of speech.

That there is an art of rhetoric is simply an indication of the extent to which there can be no art of *praxis*, and there is no art of *praxis*, because an art of action would distinguish the end from the cause and sever our deeds from ourselves. Rhetoric is thus the art that resists the narrowing of the moral horizon for human beings, a narrowing that would make us fundamentally amoral creatures.

CHAPTER SEVEN

Conclusion

Mill and Aristotle both show a concern for the political character of speech, a concern that is not shared by classical liberal thinkers. Although Mill is known to be a liberal, indeed one of the greatest defenders of the freedom of speech that has become a hallmark of liberal societies, we have explored the tension in his thought between the liberal priority of the individual to the community and the good of the community. This tension is reflected most clearly in his argument for the freedom of speech. The two reasons that Mill gives for the freedom of speech—that it will lead to social and communal benefits and that individuals have the right to judge all things for themselves—are not entirely consistent, for they make different and opposed assumptions about the nature of human reason. The former assumes the power of human reason and the latter its weakness. Mill's argument is at different times thoroughly rationalistic and thoroughly skeptical about the power of reason in human life.

It is perhaps for this reason that Mill at times sound like Aristotle, above all in denying that reasoning about the human things can be reduced to the language of geometrical demonstration while still maintaining that they can be spoken about in some manner. Other modern philosophers agreed as to the difficulty involved in the attempt at articulating the good in a way sufficient to provide a foundation for action and association; but this same observation served as the root for the assertion of the priority the right or justice to the good. The principles of justice could, assuming certain pre-political conditions like a “state of nature,” be defined and established with relative

precision and without reference to anyone's private notion of the highest good. Moderns, such as Hobbes, did not attempt to deny disagreement or resolve and reduce it to unanimity, but allowed diversity in private and relied on unanimity and agreement in public life. Methodological precision remained the standard for *public* discourse for liberals. Mill's freedom of speech denies that this is an appropriate understanding of public discourse, and instead recommends and appeals to the Socratic dialectics, an *ad hoc* sort of discourse that necessarily involves other human beings and their opinions and beliefs. Mill teaches ultimately that there is no real thinking in isolation, and that one cannot therefore find truth wholly through and in oneself. In this important respect, Mill departs from his modern counterparts and registers his agreement with Aristotle and Plato. He attempts to begin, not with established or assumed first principles and deducing actions from them by following a method, but in opinions as they actually arise in politics and ascending from them as far as possible to truth.

In spite of this similarity with the ancients, Mill's more conservative critics¹ assume that Mill represents a grand departure from the ancient political philosophers and that he was, contra Plato or Aristotle, oblivious to the difficulties inherent in the project of liberating speech from all authorities and commonly-accepted rules and principles. Most especially, on their account, he was oblivious to the necessity of law, tradition, and custom and failed to see that habitual questioning and subjection of conventional opinion to unending scrutiny would dissolve the basis for political community. According to these critics, Mill naively assumed that liberty would awaken reason from its slumber and forever enlighten society with knowledge and science, thereby ushering in a progressive future of prosperity and moral perfection firmly established on fully rational beliefs. But

¹ See Kendall, 972-979 and Clor, 22.

Mill thought the complexity of morality and politics is not amenable to precise demonstration and instead requires dialogical inquiry and investigation. In this he did not assume that political society could ever be fully “rationalized” inasmuch as dialogue requires disagreement and difference. Indeed, as I have argued, Mill did not even think such a society would be wholly desirable, inasmuch as the opportunities and conditions for learning and for conviction, upon which intellectual and moral excellence rest, lie in disagreement and diversity rather than unanimity, a diversity that would be diminished by progress. The standard for “progress” is the approach to unanimity in understanding the truth, but Mill registers serious doubts about the attractiveness of such progress.

Mill thus departs from his modern counterparts above all in identifying a fundamental connection between public discourse and human excellence, and for this reason he refuses to go down the road of artificially dividing a public and political language from a private moral one. The freedom of speech as Mill articulates it is directed to the explicit goal of introducing disagreement into the public square, and this because the highest human goals are ultimately inseparable from this disagreement. Mill recognized the dangers that the other liberals sought to avoid through methodology or through institutions— the unstable politics of moral, religious, and economic sectarianism and factionalism — and rejected their solutions nevertheless.

In these respects, therefore, Mill’s argument for the freedom of speech ultimately shows the nature of his political priorities, which are more fully revealed in his argument for individuality. Unlike modern liberals, who give public precedence to the production, acquisition, and distribution of goods that are almost entirely instrumental and related to the body — those things all people think they need for pursuing their diverse, private ends

– Mill rejected that project as enervating to the human spirit. Mill instead identified politics' highest function as public discourse and the *disagreement* and, ultimately, the moral factionalism that characterizes political life. Whereas for other moderns, the endowments the individual receives from nature that distinguish him from others have little or no political or public significance, the entire political order for Mill is directed to the development of individual potential, and this purpose is ultimately inegalitarian and undemocratic. Liberty is, for Mill, liberty to be free from custom that universalizes and attempts to establish a common way of life appropriate for all people in the community. His understanding of liberty grows first out of the need for the ennobling of democracy. Freedom is above all necessary for those most capable of performing heroic acts that ennoble humanity and elevate the human species.

The political thought of Mill's friend, Alexis de Tocqueville, offers a useful contrast to Mill's. For Tocqueville, democracy, which is more just, and aristocracy, which is nobler, are the two fundamental political alternatives or social states, but Providence had ultimately decided in favor of democratic equality rather than aristocratic nobility. Mill, in contrast to Tocqueville, offers a rather extreme libertarianism because he denies that the democratization of the world is inevitable, and thinks that the march of Democracy could be walked back and resisted and human greatness as witnessed in the Greeks restored through liberty. Where other liberals decided in favor of the just over the noble or, with Tocqueville, assumed that history simply left no alternatives to a democratic regime, Mill decided in favor of the noble and denied the existence or at least the centrality of equality and attempted to construct a thoroughly inegalitarian liberalism.

In spite of his distinctiveness from other liberal thinkers, Mill nevertheless makes some crucial liberal assumptions, most importantly regarding the nature of rule. Mill thought ruling is not essential to the achievement of the good or nobility, that the exercise of power is corrupting, that the only just rule is directed to the benefit of those ruled and thus entails no intrinsic benefits for the ruler in the activity of ruling. Inasmuch as liberals assume that the good can be pursued in liberal society, where no particular person rules another in fact, the idea that the good involves ruling or participation in rule can have no place and must be implicitly excluded, and with this Mill must agree. Hence, the point of departure between Mill and Aristotle, I have argued, is this question about rule, a question that was pressing for the ancient political philosophers but one that has, under the influence of modern philosophers, been forgotten or obscured. The traditional way of construing Aristotelian politics as distinct from modern liberal politics is that for Aristotle politics is oriented toward the good, and that the fundamental division between the moderns and ancients concerns the modern rejection of the notion that there is a best way of life to be pursued. I have argued that the question of rule, whether it is essential to the human good, is just as fundamental as the question of the human good itself in understanding why ancient political thought is different from modern political thought, and why Aristotle is not a liberal.²

Aristotle's *Ethics* has this question concerning rule at its core, and the importance of *politikē* in Aristotle's inquiry into the human good in the *Ethics* is a reflection of this

².It is simply unclear why human teleology necessitates that the city is the highest human community. Indeed, Salkever shows essentially that the notion of a teleology in human nature is unavoidable, but also asserts that this in no way lends priority to the city, but rather to the prudence of the individual. Hence, Salkever's teleological Aristotle is in no way irreconcilable with liberal practice and, according to Salkever, does a better job than classical liberal theorists at explaining it. See *Finding the Mean*, 262-264.

issue. Aristotle presents *politikē* doubly as the highest art – as the producer or procurer of the human good, the good of the city– and as a way of life. But to understand the good as the end simply, also assumes that it is ruled by something else, that which produces or procures it. This contradiction is present above all in the teleological structure of arts, which rule for the sake of the ruled, and thus understand the ruled as superior inasmuch as the ruled is the end, but subordinate the ruled to the direction and authority of another. We obey the doctor because he has our health in mind, and the doctor merits ruling us only inasmuch as he subordinates his capacity to a good beyond his activity. When Aristotle asks at the opening of the *Ethics* whether “we” need knowledge of the good in order to have a target at which to aim, therefore, it is not an idle or rhetorical question, but instead raises the issue of whether each of us needs awareness of our goodness, and hence whether there can ever be an art or expertise of the good.

The final question of the *Ethics* is not, to whom do we go in order to become good through obedience to wisdom, but rather who can teach us the *art* of the good, who can teach us politics itself. Politics is the art of making others good that is good in itself, which in turn will mean that making others good entails making others capable of making others good. Education is the highest goal of politics, not as an end to be achieved in another, like health in a patient, but in the very activity of politics, which means that the activity of politics is education itself. The teacher is the teaching. (Is it surprising that the work is named after Aristotle’s father and son, Nicomachus, the educator and the educated of Aristotle? Whatever wise person titled the *Ethics* perhaps saw this as essential to the work.) All of this ultimately points to the fact that human being is political because politics comprehends the desire to be a benefactor, the beginning of

good, and the desire to be a beneficiary, the end of good. In Book I of the *Ethics*, Aristotle notes the common agreement that happiness or *eudaimonia* is “*eupraxis*”—a term that can equally mean “doing well” in a passive sense and “acting well” in an active sense.

The *Politics* is essentially the working out of the question of *political* rule as it is distinct from alternative forms of rule – art and despotism – in being essentially reciprocal and thus rule in part, activity and passivity together. Political rule implies being ruled as well, and this means that politics is always manifested in treating ourselves as an end and a beginning, a *telos* and an *archē*, at gaining advantage and being the source of advantage, beneficiary and benefactor. Hence, the fundamental dispute over the regime by democrats, oligarchs, aristocrats (and so on) presumes a fundamental agreement as to the desirability of political rule for the ruler– and therefore the reason that art does not provide the paradigm for ruling the city, but also the reason that the city is the most comprehensive community in which human beings participate.

The teaching about rule in the *Ethics* and *Politics* thus, I argued, lead to Aristotle’s account of rhetoric. Rhetoric is speech about the things we have to deliberate about, and about what cannot be encompassed in law or arts. It is the alternative to the absolute rule of law and the absolute rule of the technician, both of which are abstractions from politics. Rhetoric is, therefore, the means by which we speak about *praxis* and its complexity, a complexity that is above all present in the nature of politics. Rhetoric takes advantage of the fact that human beings understand the good doubly as both a beginning of something else in the future (it is for other things, which therefore allows us to choose them rationally) and as an end in itself, and this duality is manifest in Aristotle’s notion

of *praxis*. Aristotle's defense of rhetoric thus parallels his denial that *praxis* is a product of an art. If it were the product of an art, *praxis* as a product would be purely an end, and the activity that produces it would be purely a beginning separate from that end. Similarly, the defense of rhetoric is a denial that *praxis* is a deduction from law, as it would, like art, place the *archē* of the action outside of the actor.

Hobbes and Kant, the two principal critics of rhetoric in modernity, represent the poles of modern thought. In Hobbes we find the reduction of law to the particular will of the sovereign, whose every deed and command is identical to a law and thus dissolves the universality of law. Politics is, for Hobbes, the rule of pure art that he only accords the name of law. In Kant, the universality of law is restored from Hobbesian reductionism only by presuming the moral superiority of law and our duty to it irrespective of its particular advantages. Both Hobbes and Kant share the attempt to reduce moral life to reason in its simplest and purest manifestations, calculative or formal, and both name rhetoric as their enemy. The Hobbesian attack on rhetoric was simultaneous with a descent below politics, below opinion, the reduction of human beings to mere consequences in a continuous chain of cause and effect; the Kantian attack on rhetoric was an attempt at a perfect transcending of politics, above opinion, by identifying ourselves as *the archē*, the beginning, perfectly free and autonomous because perfectly universal beings whose existence is ultimately wholly outside of time and particularity. Aristotle's account of politics and rhetoric gives us reason to wonder whether those alternatives can ever satisfy us as human beings – what we are as a whole – and also whether they really are the only alternatives we have. That rhetoric still exists (in spite of complaints about it) and, moreover, that many of the greatest rhetoricians in human

history have been the great statesmen and leaders of liberal democracies only confirms a fact that Aristotle noticed over two millennia ago – that all people to some extent participate in rhetoric and that we are fundamentally rhetorical beings. This is so in spite of the theorists who wish otherwise.

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