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# Aristotelian Phronêsis, the Discourse of Human Rights, and Contemporary Global Practice

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## **Aristotelian *Phronêsis*, the Discourse of Human Rights, and Contemporary Global Practice**

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August, 2013

(A version of this paper was presented at a conference on Practical Wisdom and Globalizing Practice held in November 2012 at Sun Yat-sen University, Guangzhou, China. For questions and comments I thank my fellow conferees and especially the conference organizer, Prof. Xu Changfu of the SYSU Philosophy Department.)

In this paper, I will outline some fundamental differences between the evaluative and explanatory language of Aristotelian practical reason based on his empirical psychological theory of individual human development, on the one hand, and the 20th and 21st century discourse of human rights based on a transcendent principle of universal human dignity on the other. To what extent are these two types of political discourse compatible in *today's* globalizing world? To the extent that they are not compatible, which should be preferred? My answer is that they are compatible but only if the Aristotelian framework is treated as more fundamental, and the rights-and-dignity perspective is understood as a potentially good political solution, for the time being, in the contemporary context of global politics.

Since the adoption of the UN's *Universal Declaration of Human Rights* of 1948 the belief that a commitment to human rights should be the core of everyone's (and every culture's) normative perspective on world politics has become very widespread and is by now embedded in a wide variety of international and regional institutions and treaties. And yet even as the influence of the idea of universal human rights has spread across the globe, at the same time the attempt to articulate a non-religious or non-sectarian philosophical justification for the doctrine of universal human rights, usually involving an assertion of equal "dignity" as a characteristic of all human beings, has not been as successful. Some critics have argued that this failure to persuasively justify the international human rights "regime" suggests that the global politics of

human rights is simply an assertion of provincial Western norms.<sup>1</sup> I will argue that the contemporary articulations of human rights indeed rest on a neo-Kantian (and hence post-Christian) Western (and hence modern<sup>2</sup>) philosophical foundation.<sup>3</sup> As a result, I argue that it

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<sup>1</sup> The post-1948 human rights regime was understood by its founders as a bulwark against totalitarian or other forms of injustice, and some now see it as, potentially, an obstacle to the hegemony of global capital. For a philosophically and politically informed account of the controversies surrounding the meaning of the UDHR from the time of its writing to the present, see Glendon 2001. On the other hand, critics of the human rights regime worry that it is an ideological strategy, conscious or not, for the advancement of global capital and the states allied with it. The most prominent version of this critique is the post-Marxist account of Hardt and Negri 2002, criticized by Habermas 2006, pp. 187-188. See also the essays by Brown 2004 and Wallach 2005, who argue that the entrenchment of rights language as theoretically foundational is an obstacle to the realization of the highest aspirations of strong democracy and “progressive” politics. A milder and reformist but still telling line of critique is that the doctrine of human rights, not in essence but as sometimes currently understood, is a deceptively alluring vehicle for the imposition of European political culture on the rest of the world. See Mutua 2002. A similarly reformist critique of contemporary human rights doctrine is proposed in several of the essays in Bauer and Bell 1999. Other noteworthy recent attempts aim at rescuing human rights talk from its links to Western individualism and capitalism by reconceiving human rights on the basis of a picture of humanity as characterized by certain basic weaknesses as well as by unique dignity. See Butler 2004 and 2010 (“There are ways of framing that will bring the human into view in its frailty and precariousness, that will allow us to stand for the value and dignity of human life...” 2010: 77) and Meister 2011. My own political position is in the camp of those theorists trying to re-situate rights talk rather than replace it, but my (Aristotelian) orientation is quite different from modernist and post-modernist accounts. For an attempt to combine Kantian agency and dignity with an Aristotelian view of human vulnerability, see Nussbaum 2011: 127: “What makes Aristotle of continuing centrality for political thought is the way in which he coupled an understanding of choice and its importance with an understanding of human vulnerability.”

<sup>2</sup> By the “West” I mean the cultural world that historically emerges from and is the secular successor to European Christendom. Both medieval “Christendom” and the modern “West” attempt to appropriate Plato and Aristotle for their own ends, usually treating them as venerable points of departure to be overcome by newer and truer teachings of later theology and philosophy. My argument is that this is a serious mistake, and that the great usefulness of Plato and Aristotle is as an open-ended challenge to prevailing views.

<sup>3</sup> I think Michael Rosen’s empirical claim about the meaning and significance of *dignity* in contemporary world politics is accurate (2012:1-2): “Dignity is central to modern human rights discourse, the closest that we have to an internationally accepted framework for the normative regulation of political life, and it is embedded in numerous constitutions, international conventions, and declarations.” My critique of the concept of dignity and the metaphysical dualism that supports it draws on two recent excellent “pro-dignity” books by Rosen and by George Kateb (2011). Both Kateb and Rosen stress the weight of the Kantian understanding of dignity (*Würde*) in contemporary political discourse and practice, and both stress the centrality of the element of *autonomy*, as opposed to natural *heteronomy*, in the Kantian version of dignity. Kateb is worth quoting at length on this: “In the idea of human dignity to recognize oneself as sharing in a common humanity with every human being is the primordial component of individual identity. Its positive center, however, is the belief in one’s uniqueness together with the uniqueness of every human being. Analogously, the dignity of the human species lies in its uniqueness in a world of species. I am what no one else is, while not existentially superior to anyone else; we human beings belong to a species that is what no other species is; it is the highest species on earth—so far. . . . Only the human species is, in the most important existential respects, a break with nature and significantly not natural. It is unique among species in not being only natural. Of course, if the species breaks with nature, so must

makes sense, philosophically, to consider as an alternative to human rights talk Aristotle's (pre-Christian and pre-Western) normative focus on practical reason (*phronêsis*), backed up theoretically by a revised version of his idea of the possibilities and problems of human development, those which are implicit in biologically inherited, species-specific, human nature.

As an initial clarification of the difference between the two frameworks or lenses, we might say that Aristotle's position is a non-reductive naturalism that rests on an analogy between the human good the idea of physical or bodily health that underlies the practice of medicine, although determining the human good, universally and in context, is always much more difficult than determining physical or bodily health. The human rights framework, by contrast, rests on the premise of the essential and uniquely human transcendence of mere animal nature, the transcendence, in Kantian—and also Hegelian and Marxian—terms, from the Realm of Necessity into the Realm of Freedom.<sup>4</sup> One major advantage of the Aristotelian alternative is that it is much more open to responses from a variety of communities than is human rights discourse. Finally, I raise the question of whether Aristotelian naturalism, properly understood, might even provide the starting point for a more satisfying and more inclusive philosophical justification for the contemporary politics of universal human rights than any neo-Kantian appeal to the all too parochial standard of human dignity.

The aim of my essay, then, is to argue that there is something wrong with the currently dominant paradigm in international political theory, and to suggest the desirability of considering a new and explicitly Aristotelian paradigm or framework to contest and to complement (but not to drive out) our theoretical status quo. But first I need to say a word about terms. When we

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every individual member of it" (2011:17). Kateb's work is especially valuable because, unlike other dignity and rights theorists, he acknowledges the character of his Kantian dualism and the problems, both explanatory and normative, that it raises.

<sup>4</sup> For Kant, we have two "natures": "Nature has endowed us with two distinct abilities for two distinct purposes, namely that of man as an animal species and that of man as a moral species." *Conjectures on the Beginning of Human History*, *PW* (H. Reiss ed., Nisbet trans.), 228n. I have learned much from Velkley's (2002) account of this dualist turn in modern Western philosophizing

speak of “paradigms”, or “imaginaries”, or “prejudices”, or “cultures”, we seek to identify those often unself-conscious presuppositions that define the limits of discourse within a given community. The problem with all these terms is that they misleadingly suggest a false concreteness and coherence to those often changeable and overlapping collections of presuppositions, turning an unstable aggregate of beliefs and opinions into a discourse-structuring agent, something like an Hegelian *Zeitgeist*. This is especially true of the word “culture,” but it is also true of “paradigm.” So from this point on, I propose to substitute for these totalizing terms Aristotle’s word *endoxa*, which refers to the prevailing opinions about fundamental matters within a community, opinions that can be examined in terms of their accuracy and fruitfulness as guides to understanding and acting in the world.<sup>5</sup> I will argue that the current NeoKantian theoretical *endoxa* have two serious flaws as guides of this kind: they assume the necessity of theoretical precision as the normative core of political philosophy, and they assume the truth of a sort of metaphysical dualism that contrasts human freedom with natural necessity.<sup>6</sup> My proposal for an Aristotelian alternative is intended to incorporate the current *endoxa* within a broader, more open, and possibly more accurate framework for practical philosophy; I aim at reorientation rather than wholesale replacement, at “saving” the *endoxa* or “phenomena,”<sup>7</sup> rather than replacing them. And while the basis for my proposal is my

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<sup>5</sup> The Aristotelian equivalent for “culture” or “paradigm” is the “*endoxa*,” the leading opinions that shape the thought and action of a particular society. “The *endoxa* are opinions about how things seem that are held by all or by the many or by the wise--that is, by all the wise, or by the many among them, or by the most notable (*gnôrimoi*) and endoxic (*endoxoi*, most famous) of them.” *Topics* 100b21ff. The fact that Aristotle identifies a belief as respected does not imply that he finds it true, or even respectable; nevertheless, it is clear that he regards some such opinions as indispensable for both political life and philosophic inquiry.

<sup>6</sup> Kant, *GMM*, 60 (Gregor trans): “Philosophy must therefore assume that no true contradiction will be found between freedom and natural necessity in the very same human actions, for it cannot give up the concept of nature any more than that of freedom.”

<sup>7</sup> When Aristotle speaks of “saving the phenomena” (as at *NE* 7.1, 1145b2-7), he explicitly refers to the *endoxa*, and not to any perceptions or events that might underlie them. His goal is to preserve as many of these authoritative opinions as can be preserved without endorsing serious endoxic mistakes about the way the world is.

interpretation of Aristotle as a non-dogmatic and non-reductionist<sup>8</sup> naturalist, similar proposals have been developed on independent grounds by a number of recent philosophical critics of modern practical philosophy.<sup>9</sup>

My thesis is that the best way to make sense of the emerging modern human rights regime is via a pre-modern theory, Aristotle's theory of natural questions, an approach that focuses on the problems Aristotle thinks, on the basis of his empirical understanding of human psychology, human beings must solve in order to live choiceworthy lives.<sup>10</sup> I will make the case for Aristotle by contrasting the position I attribute to him with some versions of NeoKantianism that currently prevail in the area of rights theory.

One of the most plausible and careful of them is offered by Seyla Benhabib. In *Dignity in Adversity: Human Rights in Troubled Times* (2011), Benhabib seeks to articulate a discourse-theoretic justification for a plausible and effective doctrine of human rights. Her position is Kantian, but it cannot rely on a Kantian two-world metaphysic. What then is the basis or ground for her discourse-theoretic claims about the basic principles of human rights she wishes to defend, namely, Habermasian communicative freedom, the right to have rights (an Arendtian expression, but given a cosmopolitan meaning Arendt rejects), democratic iterations, and

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<sup>8</sup> Strictly speaking, it is more accurate to say that Aristotle's naturalism is not *exclusively* reductionist. For him, understanding a living organism requires two distinct accounts: one setting out the necessitating conditions of the organism's activity and the other providing an account of a good way of life for that organism. The first account is reductionist, the second teleological, and neither, by itself, is sufficient for a comprehensive understanding the organism in question.

<sup>9</sup> Prominent examples include McDowell 1996, MacIntyre 1999, Murdoch 1993, Scott 1999, Sen 1999, Strauss 1953, Wong 2006, and Appiah 2008. Wong's *Natural Moralities: A Defense of Pluralistic Relativism* is a good example of an Aristotelian naturalism in ethics and politics without any particular explicit reliance on Aristotle. Wong presents his own position as "relativist," a term I would not associate with Aristotle's naturalism. But the meaning Wong gives to his naturalism is perfectly Aristotelian: "A naturalistic approach to morality . . . will support both the denial of a single true morality *and* the existence of significant limits on the plurality of true moralities" (p. xiv, my italics). This is an apt way of stating the core of an Aristotelian ethics and politics of natural questions. A similarly apt statement, bringing out especially the plurality of human goods, is Leo Strauss's: "There is a universally valid hierarchy of ends, but there are no universally valid rules of action. . . . one has to consider not only which of the various competing objectives is higher in rank but also which is most urgent in the circumstances." Strauss 1953: 162.

<sup>10</sup> See Salkever 2000 and 2002.

jurisgenerativity? Her answer is that universal human rights cannot be based on any facts about human nature, which she would reject as “metaphysical,” but rather on a sort of experience: her theory “*presupposes the egalitarian experiences of modernity*. I am not maintaining [she says], in some Hegelian fashion, that these views are the necessary end products of the course of history. Rather they are contestable, fraught, and fragile experiences through which the standpoint of “generalized other,” as extending to all humanity becomes a practical possibility but certainly not a political actuality” (69-70, my italics). She goes on to say that “[s]uch reciprocal recognition of each other as beings who have the right to have rights involves political struggles, social movements, and learning processes within and across classes, genders, ethnic groups and religious faiths. Universalism does not consist in an essence or human nature that we are all said to have or to possess, but rather in experiences of establishing commonality across diversity, conflict, divide, and struggle. Universalism is an aspiration, a moral goal to strive for; it is not a fact, a description of the way the world is” (70). Finally, she states what she sees as the clear methodological superiority of her approach to justification: “Let me emphasize how this justification of human rights through a discourse-theoretic account of communicative freedom differs from others. In the first place, the justification of human rights is viewed as a dialogic practice and *is not mired in the metaphysics of natural rights theories*” (70, my italics).

The problem is that the basis for Benhabib’s argument here is not, however, a set of experiences, as she claims, but rather a particular and contestable *interpretation* of those experiences, an interpretation different in content but similar in form and function to John Rawls’ account of the meaning of modern Western liberal and constitutional democracy (for example, his foundational acceptance of “the two moral powers” as historical givens), an interpretation influenced by her Kantian philosophical lenses, lenses that highlight the emergence over time of universal human equality and moral freedom as the central achievements of human

history (as in Kant's "Idea for a Universal History with a Cosmopolitan Purpose"<sup>11</sup>). The lesson here may be that if an interpretation of experience is repeated often enough it is easy to mistake the interpretation for the experience itself. This erasure of the difference between experience and interpretation calls to mind Yack's 1999 diagnosis of the "fetishism of modernity."

Whatever its shortcomings, the prevalence and power (or in McCarthy's phrase "discursive weight") of NeoKantianism in contemporary human rights theory is hardly surprising, since Kant is the theorist who most sharply outlines and argues for the emergence of a human rights regime not unlike the one we now see around us. Nevertheless, my argument will be that an Aristotelian approach is superior to a Kantian one in several respects: it yields a more plausible psychological picture of what human rights claims are; it rests on a more accurate account of what politics needs from philosophy or theory; and it is less ethnocentric and more open to philosophical discussion with non-European traditions.

With respect to defining humanity, an Aristotelian approach would treat the establishment of human rights standards as a potentially valuable political act designed to further the opportunities for well-lived individual lives, rather than, as for the NeoKantian, an expression of a commitment to an abstract (or, if not abstract, distinctly Christian or Stoic) conception of human dignity.<sup>12</sup> Kantian dignity attaches to human beings not because of the quality of the lives we lead but as a result of our unique power of giving reasons and acting according to them. As

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<sup>11</sup> Mara (forthcoming) presents an excellent and fruitful juxtaposition of this essay with another Greek theorist, Thucydides.

<sup>12</sup> "The Kantian turn in contemporary political theory is characterized by a principled reliance on the idea of human dignity as underpinning notions of autonomy, individual rights, and egalitarian politics. Proponents and critics of this branch of liberal political theory view the notion of human dignity in axiomatic terms as the modern successor of honor" (Livingston and Soroko 2007: 494). They conclude their discussion of Kant's reflections on the tension between positional honor and strict justice in *Metaphysics of Morals* (in his argument that the state should perhaps mitigate just punishment in the case of certain "honor killings") by noting that Kant's hesitation shows his awareness of the need not to apply the norm of universal dignity in the same way in all contexts and cases: "what Kant bumps up against here, and what he tries to systematize out of existence, is the narrowness of a strictly formal understanding of human dignity. Dignity, while a deontic concept, also has an irreducible interpretive element to it whereby what counts as respect or disrespect will always be, within some confines, a matter of contextualized judgment and deliberation" (499-500).



Charles Taylor (1994: 57) says, “Dignity is associated less with any particular understanding of the good life, such that someone’s departure from this would detract from his or her own dignity, than with the power to consider and espouse for oneself some view or other.” The trouble with dignity is that it is too formal and substance-begging to stand on its own and hence too easily filled with ideas from the existing endoxa, including endoxic interpretations of shared historical experiences.

By contrast, Aristotle’s theoretical frame is an explicit and empirical view of human flourishing: as such, it is open to criticism in the light of experience. At the same time (quite intentionally on Aristotle’s part) it is never conclusive or precise enough to be stated as an action-guiding rule or principle. Perhaps the most important difference between the Aristotelian and Kantian frameworks discussed here is their central disagreement over how to mark the essential difference between human beings and other creatures: Aristotle’s *prohairesis* and Kant’s conception of dignity. Briefly, *prohairesis* is the activity that combines thinking and feeling in a uniquely human way (*NE* 6, 1139b4-5), such that to be a human being is to act *kata tēn prohairesin* (*Pol* 3, 1280a31-34); *but* this prohairetic (or thoughtfully chosen) life can involve acting in vicious as well as virtuous ways. For Aristotle, the fact that we are maturely and actively thoughtful in arranging our life does not guarantee that we will do it well. All good human lives are prohairetic, but not all prohairetic lives are good—*NE* 7 (1148a13-17; 1149b31-1150a8; 1150a16-30; 1151a5-7) makes this abundantly clear, in asserting that *both* virtue and vice are prohairetic dispositions, i.e., thoughtfully chosen psychic states. This makes our lives uniquely problematic, and requires continual thought about ways to address this difficulty.<sup>13</sup> For

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<sup>13</sup> Jill Frank’s formulation is especially clear: “Prohairetic activity is, thus, characteristically human activity insofar as it discloses the character, the soul, and thereby the nature of the one who acts, specifically by revealing the degree to which, in the actions he undertakes, the actor is using the capacity for logos he possesses by virtue of being human” (Frank 2005: 34). The Greek word *prohairesis* takes on a very different and quite unAristotelian meaning—that of an unequivocally desirable and infallible universalizing transcendence of local custom and law, something much more like a Kantian rational will, in Epictetus (see Stephens 2007 and Sorabji 2007) and in Martin Heidegger (see Weidenfeld 2011). An

Aristotle, there are various activities that can help us—family and political life, virtue friendships, and the practice of philosophy<sup>14</sup>, understood as the life-long desire to discover the causes of things—but none of these are sure things. Concerning the relationship between theory and practice, the Aristotelian sees philosophy’s role as that of supplying an orientation or a set of questions for practice rather than a justification or foundational underpinning for it.

Finally, the basic terms of the Aristotelian approach, terms designed to clarify the complexity of the problem of human happiness, are much easier to extend across cultural lines than are the central terms of the NeoKantian rights-theoretical approach. A surprising twist to the advantages of an Aristotelian approach, I will argue, is that it relies on an explicit and non-foundationalist metaphysics or *theory of being* instead of attempting, as do NeoKantians such as Rawls, Benhabib, and Habermas, to exclude explicit metaphysical claims from the discourse of practical philosophy. Aristotle himself refers to this subject, which he discusses most thoroughly in his book we call the *Metaphysics* (literally, the *After* [or *Behind*]-*the-Natural-Sciences*) as “first philosophy.” We might also call this theorizing about being *ontology*, but that expression in contemporary (often Heideggerian) philosophic usage tends to privilege the human as the central element of being (see, for example, Butler 2010: 168, n. 2), something Aristotle’s theory of being

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interesting bridge between Aristotle and Epictetus on *prohairesis* is the use of the term by late fourth century Attic orators, such as Demosthenes and Aeschines, who use it to mean something like Aristotle’s term *hexis*, that relatively stable ethical attitude toward the world that is a mature individual’s moral virtue or moral vice. For discussion of Aristotle’s and the orators use of *prohairesis*, see Allen 2006, though her discussion of Aristotle’s *prohairesis* focuses on the *Rhetoric*, and treats the orators usage as closer to Aristotle’s than I think it is, at least if we consider Aristotle’s use of *prohairesis* in the *NE*.

<sup>14</sup> Aristotle uses the term “philosophy” in an interesting variety of ways, but the two main ones are these: “first philosophy,” the steady focus on the unchanging things described in *NE* 10 and *Politics* 7; and the drive to know not only “what is” (*to ti*) but also the “cause of what is” (*to dia ti*) (*Eudemian Ethics* 1, 1216b-1217a). This latter notion of a philosophic life is much less rarified (and much more Platonic) than the life of *theôria* depicted in *Pol* 7 and *NE* 10. The *EE* 1 passage implies that the philosophic drive for causal knowledge can be applied to any sort of object we want to understand—politics, or education, or biology, or music and art generally.

explicitly rejects. I prefer “metaphysical”<sup>15</sup> simply because most of the contemporary philosophizing about rights that I criticize in this paper takes for granted that it is a very good thing for political theory or philosophy to be post-metaphysical. I deny this; simply put, my claim is that we inevitably presuppose one or another theory of being whenever we theorize about anything (or any being), and that we are better off when we become aware and self-critical of the theory of being that animates our political theorizing. Metaphysics understood in the Aristotelian way helps open discussion of political principles, by bringing out the issue of what any political practice or practical philosophy implies and presupposes about the character of human being in itself and in relation to other beings. Eliminating metaphysics tends too often to turn the problem of human development into a dogmatic assertion about the uniquely transcendent quality of human being.

To be sure, Kant does not claim to *know* that human progress toward rational perfection is necessary or even possible,<sup>16</sup> and thus he stops short of asserting the eventual union of the real and the ideal and of the universal and the individual (Hegel and Marx do not stop short of this), but he does nevertheless believe there is substantial empirical evidence that such progress is actually occurring, especially in Europe. He also thinks that the loss of faith in such progress would be reason for unbearable sadness about humanity.<sup>17</sup> This view is shared by Nietzsche: without hope in the possibility of the overman, a figure who surpasses humanity as a self-

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<sup>15</sup> For an accessible and illuminating discussion of what to call Aristotle’s theorizing about being(s) in the *Metaphysics*, see Aryeh Kosman (2013), Chapter 1. Kosman, for good Aristotelian reasons of his own, prefers the term “ontology.”

<sup>16</sup> Thomas McCarthy’s admirably precise formulation of Kant’s project is especially useful in emphasizing its dualism: “The bridge between nature and freedom is, then, human history, in which raw human nature is gradually cultivated to the point at which the realization of a moral world in nature/history becomes not a certainty but a rational hope” (2009: 55).

<sup>17</sup> “For what is the use of lauding and holding up for contemplation the glory and wisdom of creation in the non-rational sphere of nature, if the history of mankind, the very part of this great display of supreme wisdom which contains the purpose of all the rest, is to remain a constant reproach to everything else? Such a spectacle would force us to turn away in revulsion, and, by making us despair of ever finding any completed rational aim behind it, would reduce us only to hoping for it in some other world.” “Idea for A Universal History,” in Reiss, ed., *Kant: Political Writings*, p. 53.

generating creative force, human life ceases to be worth living. Without the possibility of any such this-worldly redemption for humanity, Kant believes, nothing is left but revulsion and despair about the human prospect. If Progress is dead, secular practical philosophy loses much of its reason for being.<sup>18</sup> For Kant, philosophy transcends religion and is thus not dependent on any special revelation, but nonetheless it is no surprise to him that the best philosophy comes from Christian lands, since he is convinced that Christianity prepares the way for true philosophy, by surpassing in purity and clarity the moral precepts of other religions.<sup>19</sup>

### Metaphysics: Aristotelian Pluralism and Kantian Dualism

I have stressed the extent to which the Kantian and NeoKantian approaches derive from Protestant Christian religious beliefs. My intention in dwelling on this is not to discredit their claims to universality thereby; every universal claim begins from some particular endoxic context, and there is no universal and neutral place to begin our thoughts about universals. My point is rather that by not taking their Christian origins seriously and critically enough, NeoKantians tend to overlook three central premises of their orientation: 1) The belief that nature is a system of externally caused motion, a system in which no action is free or self-caused; 2) The belief that human beings are the sole beings who can escape from the realm of nature into a realm of morality and autonomy, a possibility that uniquely entitles us to dignity and respect; and 3) The belief that history is not a random collection of events, but at least potentially a narrative of irreversible progress, not of individuals but of the human species as a whole, *from* the dependence of the realm of nature *to* the freedom embodied in the realm of morals and politics. These three propositions—that nature is a closed system of matter in law-like motion, that

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<sup>18</sup> Nussbaum (1997:42-43) believes that Kant's dignity-based cosmopolitanism is separable from his tentative hope for transcendental progress. I disagree, but the question is surely an open one.

<sup>19</sup> "A greater treatment of moral ideas—which was made necessary by the extremely pure moral law of our religion—sharpened reason for dealing with this [divine] object, through the interest that this treatment compelled people to take in this object." *Critique of Pure Reason*, Part 2, Section 2 (Hackett; Pluhar trans.), p. 745.

human beings are the beings uniquely able to escape this system and become free and creative, and that human history, culminating in the unique *experience* of modernity or postmodernity<sup>20</sup>, is the record of this progress from animal slavery to human independence—form the unexamined metaphysical foundation for the NeoKantian rights theorist. The problem is not that the propositions are metaphysical claims about the character of being, since some such claims are inevitable once we begin to think universally about practical questions. Making metaphysical claims is something I think we do and *have to do* from the moment we refuse to accept as beyond criticism the stories told about action by our particular laws and conventions. The problem is, rather, that the metaphysical premises of NeoKantian practical philosophy remain systematically unexamined, as if there were no plausible and available alternatives to them. What if they happen to be false and misleading?

Good contemporary theory needs to keep that question open, and the only way it can do so is by appealing to a political philosophy distinct from its Kantian roots. That is, I contend,

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<sup>20</sup> For the leading NeoKantian rights theorists, such as Rawls, Habermas, and Benhabib, the experience of modernity—or, rather, their interpretation of that experience—is all the theoretical basis we need. McCarthy is particularly clear about this. McCarthy (2009: 222-223; italics in text) rejects the plausibility of any inquiry that goes beyond the conceptual and discursive limits imposed by the endoxic presuppositions of Western modernity. He argues that political philosophy must rule out pre-Enlightenment pictures of the world, not because they are false, but “because they have lost and continue to lose their discursive weight.” As for postmodernism, he says this: “To begin with, the reflexivity of modern cultures has meant that modernization has been accompanied from the start by critiques of modernization. Romanticism and Marxism, Nietzsche and Weber, Gandhi and Fanon, are as integral to the discourse of modernity as the dominant ideologies they opposed. Precisely the claimed universality of that discourse leaves it *semantically and pragmatically open* to dissent and criticism from subordinated and excluded others. For this reason, modernity need not—indeed cannot—be left behind for some putative postmodernity; but it can be continually transformed from within. In the present connection, it is significant that the late twentieth century saw the rise of a global discourse of modernity in which postcolonial thinkers have played an increasingly important, critical and transformative role.” He goes on to say that “there is little chance of radically different modernities arising and surviving in the world we live in. On the other hand, there is not only the possibility but also the reality of *multiple modernities*”(223). See Taylor (2004) on the possibility of “multiple modernities,” but see also Yack (2005), arguing that Taylor’s “multiple modernities seem like little more than local variations on a single pattern.”

where Aristotle (and *not* NeoAristotelianism,<sup>21</sup> and, *a fortiori*, not “virtue ethics”<sup>22</sup>) comes in. For Aristotle (on my understanding): 1) “Nature” is a collection<sup>23</sup> of many kinds of “natures,” and each of the various natural kinds must be understood in terms of the end or *telos* that is internal and specific to it, as well as in terms of the law-like forces that share in determining the life of each individual natural being.<sup>24</sup> 2) All individual members of living species, including plants as well as animals, are to some degree self-moving, and not simply matter in law-like motion. The implication of this is that human beings, in our freedom, do not transcend animality, but only extend and develop features that are present in other living things (though not in the non-living elements from which all organisms are composed). There is no scientific basis for asserting a qualitative difference between humans and other mortals, and hence no basis for a claim of special human dignity.<sup>25</sup> As opposed to Aristotle, for Rousseau, Kant, Hegel, Marx, and even Nietzsche, human beings are the uniquely “perfectible” beings. For Aristotle, humans are unique among animals in our capacity for bringing about great good *and* great harm to ourselves (*Politics* 1.2). This means that we are the uniquely *problematic* animals, in several ways the most complex and interesting, but our complexity and diversity gives us no special title to dignity or

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<sup>21</sup> My position is Aristotelian rather than *NeoAristotelian* because I adopt, provisionally (and Aristotle seems to me to be as explicitly provisional about the status of his own metaphysical claims as Plato), Aristotle’s metaphysical background for Aristotelian practical philosophy.

<sup>22</sup> See Nussbaum’s (1999) critique of contemporary virtue ethics.

<sup>23</sup> That is, nature is not, for Aristotle an all-embracing Being from which we can take our bearings in the world. His pluralist metaphysics is, I believe, shared by Plato, who is committed, provisionally, in Paul Stern’s apt phrase, to “the irreducibly heterogeneous nature of things” (2008: 40, n.21). But this metaphysical pluralism is *not* by any means a principle generally adopted by “the ancients”—on this point, Plato and Aristotle are sharply opposed to Heraclitus and Parmenides, as well as to Epictetus and to Stoicism generally. Strauss (1953:122) identifies such metaphysical pluralism as “Socratic,” holding it is found in both Plato’s and Xenophon’s Socrates: “Socrates deviated from his predecessors by identifying the science of the whole, or of everything that is, with the understanding of ‘what each of the beings is.’”

<sup>24</sup> Or, at any rate, of each *sublunary* natural being. Celestial beings, for Aristotle, live and move according to different principles, although the same idea of causation applies in both the sublunary and celestial worlds. For discussion, see Andrea Falcon 2005.

<sup>25</sup> This interpretation of Aristotle is argued for by Sorabji 1993, and by Osborne 2007, especially chs. 4 and 5. For the mainstream of modern philosophy from Hobbes and Descartes through Kant, Hegel, and beyond, animals are machines. The question that remains is whether humans are animals and hence also machines (as for Hobbes), or transcend mere animality and hence are not machines (as for Kant and Hegel). Aristotle’s empirical and provisional metaphysics rejects both options, holding that humans are one particularly complex variety of animal.

respect.<sup>26</sup> 3) The history of human life is not and cannot be a narrative of human progress toward freedom and reason. Nor is there any Golden Age in the past. On the whole, Aristotle clearly believes that human beings are better off in his time than they were in the remote past. But the human problem, the problem of how to live a good life given our various biologically inherited drives and social contexts, is one that must be solved in different ways by and for each individual and group of individuals. The future cannot redeem us.

Aristotle connects his metaphysical reflections to questions of ethics and politics via the following empirical question: In what way are human beings distinct from other living beings, from other teleologically organized natural wholes or kinds? The answer to this question does not yield natural laws, either causal (in the modern “Humean” sense of causality) or normative. Instead, it points out the problems that we, as human beings, typically have to solve in order to live successful (or eudaimonic) human lives. The notion of a “successful” life (or a good life) is not uniquely applicable to humans, since it only continues the idea that holds true for every living species: what a living thing is is in part revealed by the distinction between a healthy and an unhealthy, a successful and an unsuccessful life for that species.

Humans are, for Aristotle, the uniquely problematic animal. This is not at all the same as saying we are the uniquely self-creating or “as yet indeterminate” (*noch nicht festgestellte*) or incomplete (p, *BGE* 62) animals. What “problematic” means from an Aristotelian perspective is that we typically and uniquely experience a variety of biologically inherited motives and desires or drives, sometimes clashing, in ways that can at least partially be explained by evolution and natural selection. Among these biologically inherited motives and drives are pleonexia (or the boundless desire for instrumental goods), kin preference, group or culture

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<sup>26</sup> See David Wong’s (2011) critique of Rawls on “the Aristotelian principle.”

preference, pseudospeciation,<sup>27</sup> the desire for honor and for what Appadurai (2006) calls a “predatory identity,” and a desire to understand ourselves and the cosmos around us (*Metaphysics*, first sentence). These are all potentials for desiring and acting that need to be developed, repressed, and coordinated in the context of each particular life—something that is less true for other animals, and not at all true for more perfect and simple beings like fixed stars and unmoved movers. Far from prescribing rules for living the good life, Aristotle insists that there is no one single answer to the question of what is the best life or the best regime for every individual and every community.<sup>28</sup> I have developed this framework with reference to Aristotle, but the position itself can be developed without relying on Aristotle or any other Greek philosopher. At its core, Aristotle’s position here is an attempt to avoid two mistaken beliefs. The first is the idea that practical judgments about what is good for individuals or for political communities in particular contexts can be deduced from theoretical principles, principles that are either descriptive of human nature or in some way self-evident. Principles like his claim that we are political animals or that we need friends to live well are not meant to be taken as self-evidently true, but make sense only in the light of his teleologically causal account of the human need to develop our capacity for living a good or virtuous prohairesis life. Such a life *is* the human good, but that good cannot serve as a self-evident principle because the Aristotelian theoretical account of this natural human good is both intentionally imprecise and so variegated that it cannot be expressed as a single coherent rule or model. The second mistake, in a way the opposite of the first, is to hold that our practical judgments cannot be criticized in terms of universal standards. Aristotle’s third way here is that the guidance theory gives to practice

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<sup>27</sup> Pseudospeciation: Erik Erikson’s term for the false belief that human beings who are very different from us must not be human at all; this belief, though false, seems to be one to which we humans are pervasively susceptible.

<sup>28</sup> This is the argument he makes in *NE* V.7, 1134b-1135a: “With us humans, though presumably not with the gods, what is best by nature varies from place to place; still, for each human being and for each place, there is one way of life and one regime that is best by nature and not only by convention.”



consists in supplying a question or a mode of problematization rather than either a rule or no help at all: What is the naturally best human solution possible under the circumstances, the judgment that embodies the best possible balance of human goods and so best serves the cause of the prohairesis life? In effect, this is the Aristotelian candidate for avoiding the horns of Bernstein's bad relativism versus abstract universalism dilemma, the Aristotelian metaphysical ground for ethics and politics.<sup>29</sup>

### Evaluating the Two Frameworks

Let me summarize briefly the difficulties, as I see them, with the modern Western (and increasingly global) theoretical endoxa. They involve the implicit and unexamined acceptance of the following presuppositions and habits of mind:

1) It treats nature in a narrowly constricted way. Kant tells us that the realm of nature is the great antithesis to the realm of rational autonomy and human dignity. For him, nature is a "heteronomy of efficient causality" (*GMM*, *Ak.* 4:446; Gregor trans. 52)—there is neither agency, nor ends or norms to be found in nature, and hence the necessity of discovering some conceptual or existential place distinct from nature for human beings to exercise and exhibit our characteristic autonomy and agency. Kant's reasons for describing nature in this way are not accepted by NeoKantian theory, but that view of nature is implicit in contemporary rights talk.

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<sup>29</sup> Richard Bernstein (2006) argues that Aristotle's often repeated but rarely understood warning against demanding excessive precision in practical philosophy is useful as a cure for the modern tendency to embrace either an excessively abstract universalism or a relativism that presents itself as the only alternative to a caricature of abstract universalist foundationalism. Aristotle's non-dogmatic naturalism, but contrast, by contrast, is similar to that of Wong 2006, McDowell 1996, MacIntyre 1999, and Iris Murdoch: "I offer frankly a sketch of metaphysical theory, a kind of inconclusive non-dogmatic naturalism, which has the circularity of definition characteristic of such theories. . . In any case, the sketch which I have offered, a footnote in a great and familiar philosophical tradition, must be judged by its power to connect, to illuminate, to explain, and to make new and fruitful places for reflection" (1970: 44-45). The non-dogmatic naturalist tradition with which Murdoch identifies is the one articulated most clearly, for her, by Plato. (For a similar view, see Stern on McDowell's "naturalized Platonism" [2008: 209,n.33].) Murdoch opposes her own self-described Platonic tradition to the one that animates Western post-Kantian moral philosophy, whether, in her terms, existentialist or British analytic.

2) As a result, human rights theory treats humans as the uniquely transcendent animals. Human beings are the only creatures capable of transcending the otherwise “heteronomous” realm of nature thus understood. We alone are singular, autonomous, and creative beings. We are thus uniquely entitled to equal rights or to dignity and moral worth.

3) Since our transcendence is understood as an emergent phenomenon, progressive history is taken to be a necessary element of a meaningful human life. Human history is a coherent and essentially progressive narrative. The future will redeem the suffering of the past. A kind of perfection is a plausible outcome. Or, at the very least, if there is no such thing as progress or the possibility of progress, either toward autonomy (Kant, Hegel, Marx) or toward the reduction of suffering (Mill), individual human life may well turn out to be meaningless. The belief in human dignity gives us an ideal to strive for and live up to, rather than a problem to solve (as with Aristotle’s *phronêsis* and *prohairesis*). It is not impossible to think of dignity as an inspiring end in itself, independent of any controversial metaphysical or religious foundation. By itself it might provide the basis for a kind of global civil religion.<sup>30</sup> But is that advantage itself a problem: by embracing the idea of progress, does modern Western philosophy abandon the pursuit of truth as its fundamental reason for being?

4) As for method, the belief that all rational philosophic discourse must be systematic.<sup>31</sup> And one element of systematicity is that it must aim at certainty and finality. The goal should be to aim at

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<sup>30</sup> See George Washington’s “Farewell Address” on the need for simple and transcendent religious ideals to inspire civility, even if those ideals have no clear ground in nature as we experience it.

<sup>31</sup> Charles Taylor (1989: 76-77) calls this “a tendency to breathtaking systematization in modern moral philosophy. Utilitarianism and Kantianism organize everything around one basic reason. And as so often happens in such cases the notion becomes accredited among proponents of these theories that the nature of moral reasoning is such that we ought to be able to unify our moral views around a single base. John Rawls, following J.S. Mill, rejects what he describes as the “intuitionist” view, which is precisely a view that allows for a plurality of such basic criteria. But to see how far this is from being an essential feature of moral thinking we have only to look at Aristotle’s ethical theory. Aristotle sees us pursuing a number of goods, and our conduct as exhibiting a number of different virtues. We can speak of a single “complete good” (*teleion agathon*) because our condition is such that the disparate goods we seek have to be coherently combined in a single life, and in their right proportions. But the good life as a whole doesn’t stand to the partial goods as a basic reason.”

answering questions, once and for all, rather than provoking further inquiry. This is as true for Kant as it is for Hobbes: “[A]nyone who announces a system of philosophy as his own work says in effect that before this philosophy there was none at all. For if he were willing to admit that there had been another (and a true one), there would then be two different and true philosophies on the same subject, which is self-contradictory” (*Metaphysic of Morals*, Part I, Preface).

5) In ethics and politics, the belief that equal freedom is the fundamental human desideratum, the elevation of freedom to the status of ultimate value, and the rejection of the possibility of any plausible claim about universal human goods.<sup>32</sup> We should contrast this with the Aristotelian view of freedom as one human good among several, and his stress on developing human virtues rather than achieving freedom. Note that this does not imply that Aristotle should be treated as a modern virtue ethicist, since his focus is on how to think about human goods, human flourishing, and human psychological development, and not on how we should act in particular contexts: that should, for him, be the work of *phronêsis* rather than any theory, his own included.

6) The inclination to view the state as the major threat to human rights, and the concomitant underestimation of the extent to which private individuals and entities threaten human rights in ways that the state has a duty to prevent and remedy. West 2011 makes a similar critique of modern conceptions of the reasons for insisting on the rule of law. See Ignatieff 2001 on the modern state as *both* the major enemy to human rights *and* the major support for human rights.

7) The presence of a residual Christianity in modern rights talk. There is a tendency among NeoKantian rights theorists, including Rawls, Benhabib, and Habermas, to treat the modern vocabulary of human rights as a secularization of a moral doctrine that emerged first as an element of Protestant Christianity. This belief limits the possibility of conversation outside of

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<sup>32</sup> Taylor is also helpful here (1989: 489): “The very claim not to be oriented by a notion of the good is one which seems to me to be incredible, for reasons outlined in the first part of this book. But it also reflects that the underlying ideal is some variant of that most invisible, because it is the most pervasive, of all modern goods, unconstrained freedom.”

what was once Christendom—all other sets of endoxa have to scramble to come up with equivalents for Christian or post-Christian dignity.

To be sure, there are at least three major objections that the Aristotelian approach I favor must contend with: 1) That Aristotle’s metaphysics rests on a discredited or simply mistaken theory of being; 2) That Aristotle’s metaphysics is essentially undemocratic in its implications; and 3) That Aristotelian theorizing cannot respond to the distinctly modern events and experiences that shape the human world as we know it. My argument is that the first two objections are misleading, while the third is valid and important, but does not lessen the need for Aristotelian theorizing as one element of our approach to understanding the world. I will take up this third objection in the last section of the paper, “Aristotle Or Kant?,” where I argue against the idea that we somehow must choose between Aristotle and Kant as guides to practical reason and political choice.

How *accurate* as a theory of being is Aristotle’s metaphysical account? Does it rely on an inaccurate and outmoded view of the cosmos?<sup>33</sup> Leo Strauss, while speaking of Socrates, gives a capsule summary of what I take to be the skeptical (that is, framed for the purpose of generating inquiry) rather than dogmatic character of Aristotle’s metaphysics:

“Socrates was so far from being committed to a specific cosmology that his knowledge was knowledge of ignorance. Knowledge of ignorance is not ignorance. It is knowledge of the elusive character of truth, of the whole. Socrates, then, viewed man in the light of the mysterious character of the whole. He held therefore that we are more familiar with the situation of man than with the ultimate causes of that situation. We may also say he viewed man in the light of the unchangeable ideas, i.e., of the fundamental and permanent problems” (Strauss 1959:38-39; see also my 1990: 46-53).

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<sup>33</sup> I argue for this way of understanding Aristotle’s metaphysics in *Finding the Mean*, 46-53. See MacIntyre’s initial rejection of Aristotle’s biology in *After Virtue* as “metaphysical” (in a pejorative sense) and his later emphatic correction of that rejection in *Rational Dependent Animals*: “In *After Virtue* I had attempted to give an account of the place of the virtues, understood as Aristotle had understood them . . . while making that account independent of what I called Aristotle’s ‘metaphysical biology.’ Although there is indeed good reason to repudiate important elements in Aristotle’s biology, I now judge that I was in error in supposing an ethics independent of biology to be possible” (1999: x). He now asserts that Aristotle matters to ethics “because no philosopher has taken human animality more seriously” (1999: 5).

Because Aristotelian metaphysics is both provisional and explicit, it is less dependent on parochial assumptions about human transcendence and is for that reason more accessible and hence more open to revision and interpretation from the perspective of a variety of cultures and traditions than is a Kantian one. For Kant, what is presupposed can be summed up in his image of the starry heavens above us (the system of natural necessity) and the moral law within us (the system of rational freedom) (*Critique of Practical Reason*, “Conclusion”). In each case the existence of *law* or laws as an essential element of the basic structure of reality and of human action is taken for granted—*nature* is matter in law-like motion, a “heteronomy of efficient causality”; *freedom* or *autonomy* is obedience to a law you give yourself. By contrast, the Aristotelian premises could be stated in this way: a) There is an element of order in the cosmos—in Aristotle this takes the form of the admittedly empirical and unprovable premise that beings in our world are grouped into natures or species (*Physics* 2.1, 192b32-193a9), and b) The similarly empirical and unprovable (knowable only as a criticizable inference from experience) premise that there is a significant difference between well and badly lived human lives—that there is something in the world that corresponds to Aristotle’s Greek term *eudaimonia*. Aristotle’s framework concludes not with doctrines but with questions, descriptive and normative, that cannot be answered universally and absolutely—what is human being, what is a well-lived human life?

Thomas Nagel has recently argued that the most plausible metaphysic now is a form of teleological naturalism that rejects both materialist reductionism and reliance on a creator god to explain the cosmos:

“According to the hypothesis of natural teleology, the natural world would have a propensity to give rise to *beings of the kind that have a good*—beings for which things can be good or bad. These are all the actual and possible forms of life. They have appeared through the historical process of evolution, but part of the explanation for the existence of that process and of the possibilities on which natural selection operates would be that they bring value into the world, in a great variety of forms” (Nagel 2013: 121, my italics).

This is in effect Aristotle's account of a cosmos characterized by living ("beings of the kind that have a good") as well as and as distinct from non-living things, where life is marked by the presence of good and bad for each species or kind of being. Nagel goes on to note that such a teleology does not at all assert that there is an overriding tendency to the emergence of a singular good that perfects the cosmos as a whole. "Rather," he continues, "it would have to be a tendency to the proliferation of complex forms and the generation of multiple variations in the range of possible complex systems" (122). Nagel notes the plainly Aristotelian character of his view of the best available understanding of the cosmos, and the extent to which it requires a revision in our understanding of the meaning and adequacy of modern natural science: "This is a throwback to the Aristotelian conception of nature, banished from the scene at the birth of modern science" (66). This is not to say that an Aristotelian metaphysic must reject modern science as false; instead, the Aristotelian sees modern science as incomplete in its explanatory power when it comes to living beings and in need of teleological supplement to understand the way objective good and bad and better and worse operate in the lives of different biological species, human beings very much included. From a political and psychological perspective, the great advantage of such a conception of nature is that it licenses us to ask questions about the healthy (and not) development of every species and of every member of each species without reaching, in a Kantian or NeoKantian way, for a separate non-natural realm of morality and freedom.

But we want our metaphysic to be accurate as well as useful. Can we be certain of the truth of Aristotelian teleology? The Aristotelian answer is that we cannot—for human beings, metaphysical questions have to remain open. The best we can do is to recognize this, and to consider the plausibility as well as the usefulness of different metaphysical conceptions. Speaking of the accuracy of the developmental focus of Aristotle's teleology, Nagel says this:

“A naturalistic teleology would mean that organizational and developmental principles of this kind are an irreducible part of the natural order, and not the result of intentional or purposive influence by anyone [that is, not by a providential deity or by value-creating humanity]. I am not confident that this Aristotelian idea of teleology without intention makes sense, but I do not at the moment see why it doesn't” (93).

I agree that this is indeed the best we can say about the truth of Aristotle's underlying theory of being, but it is surely enough to convince us to take that theory seriously.

If this is the case, it becomes important to see that the Kantian premises can be encompassed by the Aristotelian framework, as plausible yet criticizable solutions to Aristotle's fundamental questions, but not vice versa. Moreover, Aristotelian eudaimonism opens the possibility of inter-cultural conversation in a way that a dualistic Kantian blend of a modern scientific reductionist orientation to nature and a post-Christian deontology does not. For example, several recent commentators have argued that the Confucian sense of human excellence and the ways to achieve it are intelligible in Aristotelian terms, in spite of clear and interesting substantive differences. This does not at all mean that Aristotle and Confucius are saying the same thing, but that it is possible for us to construct a fruitful dialogue between them, one that opens up new questions for our own theoretical reflections. May Sim's *Remastering Morals with Aristotle and Confucius* (2007) is an excellent example of this.<sup>34</sup> David Wong suggests a reason why Aristotle in his pre-Western way provides a better bridge to non-Western philosophy (at least in the case of China) than does contemporary NeoKantian moral and political philosophy. Wong comments on some shared features of Aristotelian thought and ancient Chinese thought, pointing out the opposition of both ancient approaches to that of philosophical Western modernity: “The question of how one ought to live has occupied the center of the Greek and Chinese philosophical traditions. Modern philosophy, and most especially contemporary philosophy, has largely remained silent on what is arguably the first question of philosophy and has focused on the narrower question of what one morally ought to

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<sup>34</sup> See also Yu 2007.

do or what are morally right actions” (Wong 2011: 259). The sheer narrowness of the modern theoretical endoxa produces the appearance of accuracy, borrowed from its modern scientific and modern Christian origins, while at the same time making it less likely that this appearance of accuracy will be open to challenge from the thought of other places and times.<sup>35</sup>

But is Aristotle’s metaphysical and psychological framework essentially anti-democratic, given that it does not affirm equal dignity or agency? Aristotle is not a democrat; does this make him an elitist or aristocratist? Perhaps not, perhaps he is an anti-anti-democrat, as Plato, given his harsh critique of oligarchy and of lives devoted to the pursuit of either money or honor seems to be. How might this be so?

Aristotle’s *Politics* makes it clear that he does not believe all regimes that are accurately and legitimately designated democracies are just. Nonetheless, he might believe, and his discussion of the relative merits of democracies and other regimes in the *Politics* certainly opens the possibility that, all just regimes are in some sense democracies, except in cases in which someone or some group is so superior as to merit exclusive title to rule—a situation Aristotle clearly finds more interesting as a theoretical problem than a practical possibility.<sup>36</sup> This position does not flow from or commit one to either uncritical celebration of or contempt for democracy, or for ordinary people. It does recognize that democracy, like all regimes, has characteristic tendencies to injustice, variously diagnosed as majority tyranny by Madison, Tocqueville, and J.S. Mill, and as a tendency to “predatory” identity politics by Arjun Appadurai. The problem for each democracy, from an Aristotelian point of view, is that of finding ways to educate citizens

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<sup>35</sup> A Thomas Kuhnian moment?

<sup>36</sup> “Many of those who want to craft aristocratic regimes as well [as polities] thoroughly err not only by the fact that they give more to the rich (*euporoi*), but also by misleading the people (*dêmos*). For necessarily, over time, from things falsely good there must result a true evil (*kakon*), and the aggrandizements (*pleonexiai*) of the wealthy (*plousioi*) are more ruinous to the regime (*politeia*) than those of the people (*dêmos*)” (*Politics* 4.12, 1297a7-13). For an opposed view of the significance of this passage, cf. Pangle (2013: 192), who suggests that Aristotle is speaking “acerbically” when he says that the *pleonexia* of the wealthy is more ruinous of polity (*politeia*) than the *pleonexia* of the poor.



away from such tendencies, not through direct and illiberal indoctrination but through institutional arrangements and practices that counter democracy's own worst tendencies.

I think Aristotle's (and Plato's) view of the central and unique virtue of democracy resonates well with this 1858 statement attributed to Abraham Lincoln: "As I would not be a slave, so I would not be a master. This expresses my idea of democracy. Whatever differs from this, to the extent of the difference, is no democracy" (Fehrenbacher 1989: 484). This striking formulation draws attention away from treating freedom as a good in itself and toward the need to reflect on what uses we should make of the leisure freedom provides us, whenever we are lucky enough to obtain it. The problem with anti-democratic oligarchs or aristocrats is that they entertain strong hopes of becoming, in effect, despotic and dynastic masters, if masters by consent rather than compulsion. They have no doubt that their claim to authority has more merit than that of the democratic mob.<sup>37</sup> Democrats, like all human beings, also wish to avoid slavery and desire mastery, but their desire for mastery is much easier to deflect because they recognize the need to work with others in order to achieve both freedom and a choiceworthy life. It is much more difficult to dissuade those who are wholly committed to the rule of the "few best" and equally to the idea that they themselves are the only conceivable aristocrats or "gentlemen."<sup>38</sup>

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<sup>37</sup> For recent discussions of Aristotle on the relative merits of oligarchy and democracy, see Jill Frank, *Democracy of Distinction*, and two essays in Tabachnick and Koivukoski, edd. 2011): Steven Skultety, "The Threat of Misguided Elites," and Leah Bradshaw, "Oligarchs and Democrats". On this and in general, my reading of Aristotle in this paper is indebted to Frank and to Collins 2006.

<sup>38</sup> I would also argue that the Kantian commitment to human dignity and to an international human rights regime resting on it is often animated, to a degree, by a fear of democratic majority tyranny rather than oligarchic despotism. Something like this fear of the inevitably illiberal tendency of democratic politics is discernible in both Kant and J. S. Mill. Robin West makes a similar point about the modern commitment to "the rule of law," a norm that, in practice and perhaps also in original intention, focuses attention on threats to the individual arising from the power of the sovereign (democratic) *state*, rather than seeing the function of law as "quintessentially the solution to the problem of private power." The latter idea of law, which West endorses, seems close to Aristotle's view of the proper work of *nomos* in human life. West 2011: 45.

Aristotle's view of the *kaloikagathoi* is much less favorable than the view people who are called such have of themselves.<sup>39</sup>

### Conclusion: Kant Or Aristotle?

In *After Virtue* (1984), Alasdair MacIntyre argued that we face a fundamental choice between an Aristotelian ethics of the virtues, and Nietzschean nihilism. But in the years since then Kant has advanced and Nietzsche receded. What, then, about the need to choose between Aristotle and Kant?

1) Choosing between the two requires us to specify what the goal of political philosophy is. If political philosophy's role is to systematize the endoxa, to reshape scattered reputable opinions into a whole with integrity of its own, to establish what is essential in the political imaginary of our age, then we must choose Kant. Aristotle is too distant from us and too intentionally imprecise to be of much use in this project. But if the goal of political philosophizing is to problematize the endoxa whose authority we too easily take for granted, and to supply a language in which prevailing opinions can be continuously examined and "saved" or rejected relative to universal norms, then we must choose Aristotle. Kant is much too close to us.

2) But why should we have to *choose* between either philosophers or conceptions of political philosophy? Why not say instead that political philosophy needs to undertake both of these projects, to tease out the potential for systematicity and integrity within the endoxa *and* to subject the endoxa to fundamental critique. The well-lived life, as Plato's Socrates asserts, requires both commitment to a particular way of life *and* the capacity to examine and challenge that commitment. Appiah applies this thought to the question of universal human rights in a distinctly Aristotelian way: "I want to defend the utility of [universal] human rights as practical

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<sup>39</sup> This is the standard Greek term for members of the upper class. Aristotle addresses the proper meaning of this term directly only in *EE* 8, where he argues, utterly counter-culturally, that the truly beautiful-and-good person will be mainly devoted to first philosophy or contemplation (*theôria*) of the unmoved mover (1249a-b).

instruments for serving human purposes, for that way we can gather, I believe, a greater consensus behind them; I am open to group legal rights—both membership and collective—but only as instruments in the service of enriching the lives and the possibilities of individuals” (Appiah 2001: 115). One can go farther than this in affirming the practical necessity, under the conditions present in practically all modern states, not only Western ones, of affirming the need for an international human rights regime, one that gives particular importance to individual rights against the state and against concentrations of private power. But this practical commitment does not imply the need to adopt as unquestionably true the metaphysical dualism, or the idea of human nature and unique human dignity, that helped bring that idea of human rights into historical actuality.<sup>40</sup> What it does imply is the value of taking both Aristotle and Kant seriously and skeptically<sup>41</sup> as guides to interpreting our own personal and political experience.

By constructing for ourselves an ongoing and unending dialogue over fundamental political questions, including questions of human development, among Kant and Aristotle and Kongzi and Zhuangzi and Nietzsche and on and on, we are most likely to find a way into the kind of metaphysical inquiry that I suggest is essential to a more thoughtful and more rigorous

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<sup>40</sup> For an argument along these lines, see Alasdair MacIntyre (2004). MacIntyre argues that it is a mistake to attempt to spell out a Confucian foundation for a universal human rights regime, because individual rights as we know and need them were developed in the West in response to three interrelated threats posed first by early modern European states: the massive and unprecedented concentration of technological and military power in the hands of the state; the overriding concern with adjusting conflicting economic and social interests; and “administrative rules and regulations whose complexity requires an expertise that is denied to most ordinary citizens” (216). He suggests that the Confucian tradition (and, presumably, others as well) would be best served by recognizing that we now live in a world calling for strong rights-based limits on “government and other bureaucracies,” and attempting to make a place for dual identity as citizens of a modern state and members of Confucian or other partial communities: “Modern political societies cannot be communities, whether Confucian or of some other kind.” While I find this persuasive, my argument is not for the establishment of MacIntyrian non-sovereign “Aristotelian” communities within the boundaries of a modern bureaucratic state. What I propose here is not some new sectarian tradition, but better theoretical education, one that finds its home not in any communal tradition but in the improved dialogic practice of liberal education in American colleges and universities.

<sup>41</sup> “Skeptical” in the Greek rather than one of the modern senses, not as a synonym for relativism or nihilism, nor as Cartesian preparation for a future enlightened dogmatism, but as a refusal to accept *any* verbal formulation, however persuasive and valuable, as putting an end to our permanent need for further inquiry and dialogue about natural questions, that is, about the questions or problems we inherit biologically as human beings.

study of global political practices and institutions. Starting with Aristotle's (as well as Plato's) metaphysics is essential here *not* because it provides a concrete foundation for deducing psychological and political truths, but precisely because it refuses to provide such a foundation. In style and content, but especially in style, Aristotle's metaphysics is explicitly provisional, dialogic, and open to possible doubts and objections in a way that Kant's—or any modern Western theory of being—is not. My point is not that Aristotle supplies us with a better guide to action than Kant and the NeoKantians. Kant is closer to us and so more directly useful in deliberating about policy options in contemporary world politics. We need Aristotle as a guide to the less pressing but more fundamental questions of how to think about what we are doing and who we are.

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