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The Problem of a Democratic Ethic

Richard Schuldenfrei

According to the tradition, the Pythagoreans used to say that three kinds of people came to the Olympic Games: those who came to watch, those who came to compete, and those who came to make money. In Plato, this notion was incorporated into an elaborate theoretical notion of politics and ethics, one articulated most famously in *The Republic* (Plato 1974). In part of his political theory, Plato was very critical of democracy. I want to discuss his idea of the problems of democracy under two headings, presenting two different but related aspects of what I will call “the problem of a democratic ethic.” The first aspect is what I will call the problem of democratic aspiration; the second, I will call the problem of democratic stability.

Plato’s Theory of Character

In Plato’s hands, the Pythagorean observation became a theory of types of character, of people who were typified or characterized by their aspirations, or as Plato would have put it, by what they thought was good. Plato believed that everyone actually desired the good—what they (actually, if perhaps unknowingly) believed to be good, rather than what they desired to be that which determined their lives. And what they believed to be good was very closely connected to how they thought, so that people with different beliefs about the good were people with different ways of thinking. This theory contrasts with the more common modern view that all rational people think the same way when attempting to maximize efficiently the satisfaction of their desires—only with different desires. Their beliefs about the good and as to how the good was connected to their most important traits of character, and to those of their rulers as well, determined the character of the society and of its politics. To understand Plato’s views

on democracy, as well as about the ethical problems of democracy to be discussed here, we must hence begin with a brief overview of Plato's taxonomy of character.

Plato believed there were five basic kinds of people (Plato 1974, books 8 and 9). One was the wisdom lover. This kind of person subordinates all other interests to his interest in understanding the good. That understanding, according to Plato, goes beyond rigorous scientific/mathematical understanding; it caps scientific/mathematical understanding off with a dialectical understanding that is not based on axioms or assumptions. The result is a deeply moral understanding of the world, which according to Plato, reveals the appropriate place for each thing as well as the appropriate fulfillment of other needs a person has. It is a more scientific and rigorous understanding than our saints are normally credited with, and a more moral understanding than that of our scientists. Aristotle, Aquinas, and perhaps Einstein would be possible exemplars. If such people were to come to rule, the regime would be the best that humans could hope for.

The second type of person is the lover of honor/victory. Such people are characterized by courage, loyalty, and particular tenacity. While incapable of the highest sort of wisdom, they cling to the wisdom they are taught when young and consider it dishonorable to abandon it or the people whose lives it governs. They control their other desires on behalf of their love of honor and victory. Their virtues are the virtues that used to be associated with soldiers and athletes: team spirit, determination to win, fortitude, discipline—the sorts of qualities Vince Lombardi, the famous U.S. football coach, might have admired. A society in which they rule is not as well organized as the previous one (owing to lack of depth of understanding), but it does have the stability of firmness and the virtue of military strength.

The third sort of person, according to Plato, is the money lover. While not primarily concerned either with wisdom or with honor, this person leads an organized life in which impulses are controlled on behalf of the efficient pursuit of wealth. He does not indulge himself. He thinks in terms of efficiency, based on the calculation of profits and losses. A society in which such people rule is devoted to commerce; and Plato calls it an oligarchy.

The fourth sort of person, according to Plato, is a lover of freedom and equality—the democratic man. Like the money lover, he is not concerned with wisdom or honor; but unlike the money lover, he is not disciplined in the pursuit of money either. He regards all desires as

equal and does not discipline the frivolous (unnecessary) to favor the essential (necessary). He thinks impulsively, and he values the freedom to indulge whatever he desires. The society governed by such values, Plato calls a democratic society.

Finally, the fifth sort of person that Plato describes is the anarcho-tyrannical man. Such a man is such a lover of “freedom” that his life is lawless, and he ends up being tyrannized over. He rejects any constraints whatsoever on his passions; as a result, he is dominated by the strongest of them, say, sexual passion, drug abuse, or the like. A society composed of such people inevitably comes to be dominated by a tyrant.

The Problem of Democratic Aspiration

This taxonomy raises a problem. It is in the very nature of democracy, according to Plato, that its collective aspirations do not include either wisdom or honor. The logic of this point is clear enough. Both those aspirations, if taken on collectively, require differentiating people in terms of quality, and this is deeply at odds with equality, one of the two basic values of democracy. People who regard all their desires as equal, and have also no interest in controlling them, cannot be given as much liberty as those who can control their passions, Plato believes; hence, there would be unequal degrees of freedom.¹ In this respect, Plato would regard modern democracy as typical. It seems clear enough that in the United States, for example, neither wisdom nor honor is as highly regarded today as they have been either in other societies or, earlier on, in the United States’ own history.

And this is the first of the problems of democratic ethics that I want to discuss: Is a society that does not collectively admire wisdom or honor a society with sufficiently high aspirations for human life? By Platonic standards, democratic aspirations are not very high; and many people who would not otherwise agree with Plato might agree on this point.

Plato would probably not regard the United States as a paradigmatic democracy, however. Democracy for him meant rule by those who did not control their desires, which he assumed would be a large majority. It was to be contrasted not just with rule by the wise and rule by the

1. Cf. Marxian and postmodern interpretations referred to in Cameron, chap. 11 in this book.

honorable, but also with rule by the wealthy,² by the businessmen who, he assumed, would be a small group. In the United States, he would say, we have something of a mix between oligarchy and democracy. And that explains why we honor both money, on the one hand, and freedom and equality, on the other. To a certain extent these are at odds, of course. Left to itself, as if ever it could be, money does not end up being distributed equally; and so love of equality is to an extent in conflict with love of money. Also, the majority is not completely free to equalize the distribution of wealth or money; some have seen this inability as an infringement on freedom, though, of course, some others see the equalization of property as just such an infringement. To a great extent, these conflicts are the stuff of U.S. domestic politics still today.

Even if, because of its oligarchic elements, U.S. democracy is not a pure Platonic democracy, this fact does not dissolve the problem of democratic aspiration, because aspiring to great wealth is surely too crude a goal for a society. Now in the course of making money, modern capitalist society has undertaken to conquer nature, using it to solve problems, and in general molding it to suit the needs of human beings. However, even the more exalted goals, of the conquest of nature and of ultimate triumph over material obstacles, toward a more comfortably pleasant life—for example, eliminating illness and poverty—are also insufficient. After all, achieving wealth or overcoming illness and poverty seem more like means to something beyond those specific ends. If we finally did succeed at these projects, what would we next do? Would we thereby have achieved all that a society should hope to achieve? Many people would say no.

And there is now this further point: while a great part of our economy is devoted to meeting people's genuine needs, an increasing proportion of it seems to be devoted simply to providing comfort and pleasure, including the unnecessary comfort and pleasure that Plato thought was characteristic of pure democracy. If we were tempted to ask, "Who says it is unnecessary?"—the very asking would show how much we have become like Plato's democratic people, who will not and cannot distinguish between necessary and unnecessary pleasures. In fact, though Plato believed a democracy would include significant diversity, he nonetheless thought there would be a characteristically democratic man and that such a man would be a pleasure lover. In light of this

2. See Mulhern (2008).

belief, it seems clear that we need to ask, instead, whether and how our collective aspirations can be raised.

But why is it the case that a society based on freedom and equality turns out to be a society in which there is such a striking predominance of concern with pleasure? Might the governments of such societies be covertly violating their pledge to allow freedom and diversity? Plato's thought is, I believe, that a pleasure-oriented society need not be basically coerced in order to emerge. Pleasure is the default value of normal human life. All that is necessary for pleasure to dominate (even if incompletely and with only very small room for alternatives) is for the culture not to aspire any higher than that. To take freedom and equality for the good, according to Plato, will block the effects of the only antidotes to the human inclination to lead lives of pleasure or comfort: people would follow their desires-qua-passions wherever those led. Such people stood in contrast to oligarchic men, who would control their desires for the sake of money; to men of honor, who would control their desires (including the desire for money) for the sake of honor; and to wise men, who would control all their desires for the sake of wisdom.

The Obstacle to Raising Aspirations in a Free Society

To understand the difficulty of the problem, it will help to look back at an aspect of the origin and basis of U.S. democracy. Apart from its combination with oligarchy, U.S. democracy exhibits a number of quite distinctive aspects relative to classical notions of democracy; these aspects include the United States' emphasis on individual and minority liberties. Freedom of religion is a good example. What happened to Socrates in democratic Athens—namely, being executed for impiety—would be quite out of keeping with the U.S. conception of democracy. Some aspects of this particular conception of freedom find their origins, to some extent, in the Reformation.

It is traditional to regard the people of the United States very much as the direct descendents of participants in the religious wars of seventeenth-century Europe, as does for instance John Rawls (1999) in "Justice as Fairness, Political not Metaphysical." Neither Catholics nor Protestants had been able to establish the kind of consensus or hegemony that would have made religious freedom unnecessary; so the alternatives were constant war or agreements to disagree. As the diplomat-scholar Abba Eban has pointed out, the nations of the West

are used to coming to the right solution for such problems, but only after they have tried everything else. In this case, after fighting to the point where the destruction was unbearable any longer, they more or less agreed to disagree. Eventually, a consensus could arise about the sheer inappropriateness of attempting to enforce religious consensus; and freedom of religion became the norm.

It is important to keep in mind that the wars of religion were wars over the things most dear to people: their notions of which kind of a life is worth dying for and what kind of life people should lead. To Europeans who had been used to living in at least nominal agreement about these things, agreeing to disagree was quite a sacrifice. To some it may seem that people had simply come to their senses, and that fighting over religious differences now seemed just silly. Such thinkers should rethink how silly it might have seemed to people to have to fight wars with other countries in order to force or compel the adversary to adopt one's own way of government and/or to submit to a wholly alien conception of rights, or to have to fight and die rather than simply to accept such. Agreeing to tolerate different religions³ at the time must have seemed to those peoples not much different from what agreeing to tolerate cannibalism or the burning of widows would seem to us today. In sum, religious tolerance then must have been viewed by them in the way that religious intolerance would be regarded by us now; it must have been considered to be tantamount to tolerating the intolerable.

Learning to tolerate religious diversity was part of learning to live in a newly fragmented world, a world that came in parts, which did not necessarily fit into a meaningful whole, a cosmos. In science, it meant that the world came to appear more like a mechanism than a morally coherent structure. And in social life, it meant the recognition that not just barbarians but your nearest neighbors could legitimately see the world in different ways, and thus also entertain different values. Whereas previously people could have relied on a certain basic agreement on what was 'good' to hold society together, that was no longer sufficient.

How to treat others can no longer be just a matter of whether they are good. When people have rights, and I have to respect their rights, I have to "divide" my judgment of them. As a person, I may judge

3. Cf. the perspectives offered in this book by Baker (chap. 9) and Spinner-Halev (chap. 10), as well as Doran (2008) regarding modes of tolerance "here and there" and "then and now."

whether they are good. But, as a citizen and as the government, I judge them also on the basis of whether or not they operate within their rights. These judgments will not typically coincide. If they did, the struggle that resulted in the institutionalization of rights would not have taken place. That struggle came from disagreements over the good. And so, freedom and goodness are in an important sense at odds. There will be people who, by the standard of goodness, I will not find reason to revere, but who, by the standard of political freedom, in our shared capacity as citizens of the same polity, I must respect.

One way to talk about this change is to contrast the earlier society, based on a shared conception of the good, with the society that ultimately emerges, based on a conception of freedom (or rights) but also assuming a diversity of conceptions of the good (Rawls 1971, 446–452; see Sandel 1984, chap. 2). In such a society, rights and goods are to some extent at odds, for it is always tempting to universalize one's conception of the good. But rights are obstacles to that intention. Hence, any individual's conception of the good is in tension with his respect for the rights of others. In this sense, even the individual himself is somewhat fragmented.

How much freedom? If freedom is a means to peace, then minimum freedom is the amount that offers that peace. If the war is between Catholics and Protestants, then peace necessarily will involve basic freedom(s) for each. But the boundaries of freedom, somewhat like the boundaries of a state, work best when they are drawn in defensible places. Freedom for Catholics and Protestants might prove to be less defensible a line than would be freedom of religion in general. Thus more religions come to be tolerated on the very basis of the original model of toleration.

And freedom expands also for other reasons. For one thing, the model of removing divisive issues from the public domain, where such is possible, can itself become a tradition, as also a vitally astute political strategy. Moreover, freedom won at such a price, personal and/or social, becomes valuable to people and to societies in and of itself, and its exercise and extension are seen as valuable. Thus freedom goes beyond religion and even conscience on to "experiments in living," as John S. Mill (1921) has called them, or "lifestyles," as we would call them today (Smart and Williams, 1973; Warnock 2003).

By the French Revolution at the end of the eighteenth century, the freedom of religion that was the outcome of the wars of religion and the rights of Englishmen for which the American Revolution had been

fought had been generalized into becoming the rights of man. By the middle of the nineteenth century, J. S. Mill, in one of the great documents of liberty, was arguing that liberty should extend to everything that primarily concerned a particular person rather than one's neighbors. Mill clearly meant to defend life as most U.S. citizens would today: according to different conceptions of the good. And much of Mill's sensibility on these issues, especially about the extent of liberty, corresponds to our contemporary sensibility, even though there still is great controversy about particular important cases.

The function of this historical-philosophical overview for our purposes here is to help show how difficult a solution to the problem of democratic aspiration would be. In a classic liberal democratic society, it is essential that freedom have precedence over particular conceptions of the good. It should be clear that in such a regime, appeals for higher aspiration—which are tantamount to appeals for a sort of shared notion of the good—are very likely to clash with this conception of freedom, for this vision of freedom concretizes itself as a resistance to any shared notion of the good; so any proposal for a shared higher aspiration that is not so abstract as to allow for indefinitely great individuality is likely to be regarded as a blatant infringement on freedom. This clash is part of the significance of the fight over diversity—often in the form of multiculturalism—in the United States in recent times. To propose a consensus over aspiration to a democratic populace such as we have in the United States today is not just to do unpopular work, it is perhaps factually to conflict with our notion of freedom.

What then can there be to say about the problem of democratic aspiration? Perhaps, just this: there is a large literature about the price of modern democratic life, and it is possible that the lack of agreement on elevated aspirations is simply part of that price. Some would say that individual liberty and material progress more than make up for the otherwise lowered aspirations. Less respect for wisdom, as opposed perhaps to pragmatically oriented science; loyalty to family and/or tribe, as opposed to universality; fortitude and military-type virtues, as opposed to say, universal compassion . . . may or may not be "losses," but in any event—especially, in the eyes of modernity's many defenders—they are more than made up for by what has been gained. Low aspirations are not in themselves a menace to democracy, and hence not a threat to what will have been gained in the transition to modern democratic life. Might then the very search for a higher collective aspiration in reality not amount to more than nostalgia? Perhaps in a world

of individual liberty, as well as equality and material well-being, our collective aspirations just have to be the least common denominator of our existence; and our very highest aspirations, inevitably individual.⁴ If the problem of collective democratic aspiration can be dismissed as a loss, or as an illusion of loss, may humans suffer as the species matures?

The Problem of Democratic Stability

Plato's conception of politics was not merely taxonomic. It had a dynamic dimension as well. Plato regarded the regimes we have described as being hierarchically ordered in the order we presented them, and he believed that each was increasingly likely to decline into the regime beneath it. The immediate significance of this belief for our problem is that he believed that democracy was extremely likely to decline/degenerate into anarchy/tyranny. Plato expects that, if people give free reign to their desires, these desires will become more and more demanding until they cannot be harnessed anymore with reasonable restraint. He predicts that 'democracy' will inevitably descend into 'mob rule', with no respect for law, and then into a 'tyranny' headed by a "champion" of the people. De Tocqueville (1961) proposed a variant of this view by suggesting that in a democracy people might become so caught up in immediate personal gratification as to have no capacity for participating in, supporting, or defending free government.⁵

In the United States today we think of our freedom as being protected by the constitution, but the question this belief raises is, Who or what will protect the constitution? Logically speaking, the flaw here is that the constitution, which guarantees our freedom, guarantees it in a way that leaves us free to become the kind of people who will not defend our own constitution. This result could come about in any number of ways. One is that we might become so flaccid as a people that we are simply unable to defend the country from foreign enemies. Or we might, in quite the same way, become unable to defend ourselves from domestic factions. This outcome could occur with all the forms of democracy still in place. Or yet, we could lose vigorous democracy to apathy—say, if we simply did not vote, or did not otherwise

4. Cf. Cameron (2008).

5. See also Guizot's (1849) specific views on the matter in Ciprut (2008).

'participate' in politics. Also, our constitution could come to lose its meaning if it came to be interpreted in ways sufficiently different from its true meaning.

This, in fact, is our second problem of democratic ethics. If the constitution that protects our freedom cannot protect itself, it would seem that some supplementary ethics is called for, in order to help protect that constitution and that freedom. The function of that ethic would be to prevent the occurrence of precisely the kinds of events that we have signaled as threats to the constitution. Such an ethic would have to keep us vigorous, competently involved in politics, and adequately qualified to interpret our own constitution in a way that sustains it actively instead of degrading its meaning passively.

Here we need to distinguish between ethics and ethical theory. Ethics is taken to imply an existing way of life *embodied in* a living community: what Hegel (1952) called *Sittlichkeit*. By contrast, an ethical theory is a theoretical formulation of a *standard for* a way of life. What is needed in the first instance is an ethic; but the question that faces us is how to bring about such an ethic.⁶ In a democratic free society, we can only attempt to bring it about by proposing an ethical theory that is in fact rationally persuasive to the majority. What we shall hence proceed to do next is to examine the various standard kinds of ethical theory and see to what extent they are potentially effective solutions to the dilemma of democratic ethics. The crux of the issue at hand here is the extent to which a democratic audience can be expected to be receptive to these various ethical theories. We saw earlier that the conditions of freedom did not make the democratic man receptive, collectively, to the arguments for specific exalted aspirations. That unreceptiveness may have seemed optional in ways that the defense of freedom truly is not.

The Ethics of Freedom and Democratic Stability

The first category of ethical theories briefly to be discussed comprises an array of ethical—rather than political—theories that emphasize freedom. The first and most famous proponent of such ideas was Immanuel Kant. Kant proposed freedom as a moral (his word for the ethical), not merely a political, ideal. Many defenders of rights and freedoms as moral ideals have drawn on Kant. The interpretation of

6. For different approaches across space and time in such quests for a higher ethic, cf. Eichler (chap. 2), Guyer (chap. 3), Mulhern (chap. 8), Baker (chap. 9), and Cameron (chap. 11) in this book.

Kant we will rely on for our discussion here is based on his *Foundations of the Metaphysics of Morals* (Kant 1964). This interpretation gives more weight to Kant's early, more rigorous, arguments and formulations than to his subsequent, and more nuanced, speculations that recent interpreters have preferred to emphasize.

This kind of theory emphasizes freedom as of morally direct importance. It claims that rights, as well as the concrete freedoms that they provide for, are morally primary; in that sense, it imparts to rights and freedom the essence of morality by seeing them as morally valuable in and of themselves, not as a means to anything else. The political implication of such a theory is meant to be that we must have free institutions. Such theories are, of course, subject to criticism on serious substantive counts, which we need not go into here (MacIntyre 1981, chap. 4), since our task is not to engage in a general discussion of various moral theories. But there is one problem with such theories, which is specifically relevant to our problem of a democratic ethic.

As noted, our focus here is on the potential effective appeal of this ethic—as a solution to the threats to freedom and democracy. As also noted, democratic culture is one of comfort and pleasure. And this is exactly what constitutes the threat to freedom. The sort of thinking that is done in a democratic culture is of a Humean sort. As opposed to Plato's wise person for whom reason determines the goals of life, for Hume (1888, 415) reason as ideated in democratic society is and ought to be the slave of the passions, because reason tells us the means to acquire what we, independently of reason, want. So the appeal of rights to a democratic society will have to be based either on an independent desire for rights or on a claim that rights are a means to something else that democratic (wo)man wants. Ironically, however, that "something else" is just what this sort of theory is not prepared to provide. This statement is equally true of Kant's own theory, which addresses freedom more generally rather than dwelling on rights more particularly. But in whichever formulation of that theory, it is central that the nature of freedom discussed not be viewed as a means to the fulfillment of some desire. In Kant's general formulation of the defense of freedom, it is not a simple fact that freedom is not defended as a means to the satisfaction of desire; it is the very nature of freedom that it is not such a means. If we ask what it is that is supposed, according to Kant, to bring about moral action, if it is not that the action is the appropriate means to an end, one illuminating answer is to compare it to Platonic courage/fortitude, which specifically includes "the ability to resist desire." In

Kant, this quality takes the form of “respect for [moral] law” or “respect for duty” (Kant 1964, 68–69). Yet, in its original Platonic form, the very absence of that attribute is one of the most defining traits (indeed, characteristics) of democratic culture.

Earlier I observed that, rather than being a pure Platonic democracy, the United States seems something of a “mix”—a combination—part Platonic oligarchy and part Platonic democracy. This observation, however, does not give us any help here. For example, what if the oligarchs have resources for resisting pleasure or comfort that “democrats” do not have, especially if they are of the type imbued with what Weber called the “Protestant Ethic” (Weber 1958). But there is nothing intrinsically democratic about the oligarchic ethic. The oligarchic ethic has little about it to support equality; it supports freedom largely for the economically successful rather than for just anyone and everyone.

Benthamite Utilitarianism and Democratic Stability

There are other categories of ethical theory, which defend rights in a different way—as part of a more general theory of value, so-called ‘utilitarian’ or ‘consequentialist’ theories. In one of its very prominent forms, notably Bentham’s (1973, 257–290), this approach actually contained a direct attack on rights. Bentham’s point was that freedom is based not on rights, but on utility. Freedom is the means to the maximum satisfaction of our desires; and where it is not, it is not worth having. Here is an approach which—unlike the Kantian—has a purchase on the democratic man, because it defends freedom in a way that uses reason in the form that the democratic man understands it.

Benthamite utilitarianism is characterized by its aspiration to utter rigor. Bentham (1996) proposes, strictly quantitatively, to calculate the pleasure that a policy brings to each person, and then to compare policies in the same way: he advocates choosing the one that maximizes the total amount of pleasure. As in the case of all moral theories, there are many problems worthy of (re)consideration, but here we shall discuss only the ones with special relevance to our specific interrogation of the palpable grounds and prospects for democratic ethics.

One such relevant problem, which has played a sizeable role in the repudiation of utilitarianism in favor of more Kantian political thinking by many political theorists in recent times and particularly in the transformation of that domain by John Rawls (1971), has to do with equality.

While utilitarianism insists on egalitarianism, in the sense that each person's pleasure counts the same, it does not point to egalitarian *outcomes* because it allows 'a great deal of utility for some' to outweigh the fact that many others might not get very much at all. In other words, if an upper class lives in sufficient luxury, this fact might persuade a utilitarian to overlook the poverty and misery of the lower classes, as long as the numbers come out right. And since the worse off might well be a majority, it is not clear how well this approach would appeal to a democratic society over the long run.

A second problem is that Bentham's defense of freedom depends on freedom's effectiveness in producing happiness. In situations where freedom and democracy had lost intrinsic appeal and the society could be most economically productive without either, the defense of freedom and democracy would be without support. Not so? Well try to imagine a Benthamite defense of the Weimar Republic in a Germany of the early 1930s. In that sense, and to that extent, Bentham's views are hardly a candidate for an ethic specific either to freedom or to democracy.

But there exists an important third problem. Bentham was for the dismissal of any distinctions between utilities that could not be quantified. This was an important part of the overall appeal of the "objectivity" claimed by his philosophy. And in a couple of ways, this is also a great strength of his position. In a scientifically oriented age, objectivity appeals in very important ways. Perhaps of even greater importance is one, somewhat more oblique, consideration: the emphasis on calculation, maximization, and efficiency has about it a spirit that is more businesslike than apathetic. Those who are actively engaged in maximizing their pleasure or that of a society are not passive, but actively engaged people. In this sense, the spirit of Bentham's outlook is helpful.

However, the other side of the coin of objectivity—and hence of the quantitative—is that Bentham was simply unable to give any reason for preferring poetry to 'pushpin' (a popular game in his time, or 'television' today, for that matter) if someone derived more pleasure from the latter. At first blush, this possibility would seem to be more relevant to our first problem of democratic ethics—the problem of low aspirations—and, indeed, it is. But it is also quite relevant to the problem at hand, in the here and now. For if the greater quantities of pleasure can be had from passive and/or nonpolitical engagements, then there would seem to be nothing to stave off the apathy that de Tocqueville was afraid of, or any of the sorts of self-indulgence that we feared

would undermine freedom. What if it were to turn out that what made people happiest was, say, to watch television all day? Worse still, what if it turned out to be drugs like crack that gave people the most pleasure? Is the latter not a proposition that the people have come perilously close to exploring in real terms, across the United States, at certain periods, in recent times?

Millian Utilitarianism and Democratic Stability

There is another version of utilitarianism, which was proposed by John Stuart Mill. In addition to defending individual rights in his *On Liberty* (Mill 1921) on a utilitarian basis, the success of which is a matter of controversy, Mill handled the 'pushpin-poetry' dilemma in his *Utilitarianism* (Mill 1957). He proposed to distinguish between pleasures not just quantitatively, but qualitatively as well. By way of a criterion of qualitative difference between pleasures, Mill has claimed that between certain pairs of pleasures, particular ones were preferred by all of those who had experienced both. The preferred ones he believed to be higher-quality pleasures, chosen even when they were not superior quantitatively. On this basis then, poetry was to be preferred to pushpin. And since the criterion of quality is based on experience, Mill believed it to be objectively grounded, even if it was not wholly so quantitatively.

I find here something that speaks both directly and quite relevantly to our problem. Mill can be understood as attempting to convince those who are tempted by a life of television watching that they are missing out on something else, which they would appreciate much more if they would only give the latter a chance. True enough, such disposition may require considerable effort, but the argument is that it surely would be worth their while in a way that is in some sense on their terms. If it is, say, happiness that the democratic population seeks, then people will be making a mistake if they were to indulge themselves in these passive—or, lower—pleasures. This is an argument that can be understood by, and even appeal to, democratic populations in no uncertain terms.

There is a serious weakness in this argument as an answer to our specific problem, however. But in order to articulate it we need to make a more general point first. If nearly everyone who has tasted both vanilla and chocolate ice cream claims that the former is better, that fact does not make it such in and of itself. It only proves that "the majority" prefers vanilla to chocolate. In order for Mill to claim that he

has identified something other than a preference by a set of more experienced observers, he has to show that there is something objective (innate to the products compared) lying behind taster-shared preference. This problem is exacerbated in our case by the following facts regarding poetry and, say, television programs by the World Wrestling Federation. The people on the two sides of the issue—those who prefer poetry, on one hand, and those who prefer rougher pleasures, on the other—surely differ also in numerous other ways. And not necessarily because the former are likely to have had a higher education, to belong to the middle classes, or to have “more refined” tastes: the two categories may oppose neighbors who live different lives, who enjoy different universes, neither of whom is able, inclined, or willing to enjoy the pleasures dearest to the other. Different categories of people who, whether brought up similarly or differently, prefer different things—the one unaffected by high culture, and the other indifferent to the natural pleasures of rough comradeship or to some kinds of brutality—come to mind. Unless Mill convincingly can rebut that argument, his views are likely to be perceived by democratically inclined audiences as heavily imbibed in class bias. He will seem to be simply endorsing certain of the values of the refined and educated classes with considerable indifference to those of the other strata.

Practical Wisdom and Democratic Stability

The last of the categories we examine is not an ethic designed specifically to defend rights, but a type of ethic that independently of such preoccupation supports a mode of ethical life that would not undermine rights. I am referring here to the Aristotelian tradition of what is these days called “virtue ethics,” more specifically to the virtue that Aristotle calls *phronesis*, or “practical wisdom,” in his *Nichomachean Ethics* (book 6). It is the human ability to judge—correctly—in regard to things that “could be otherwise.” And it contrasts, primarily, with *sophia*, or “theoretical wisdom.” Unlike theoretical wisdom, which deals, according to Aristotle, with what is ‘necessarily so’, practical wisdom is not infallible. It deals only with things that can be known, but not with things that can be known with certainty. It is wrong to keep what does not belong to you, but if an intoxicated friend asks for his car keys back, it may not be wrong to keep them. How greatly affected by the alcohol does he need to be to justify keeping his

keys? This is a matter of judgment over which even the best of us can be wrong on occasion; but there is, nevertheless, a correct answer.⁷ Perhaps this sort of judgment is the very virtue that we need to encourage, the better to protect our freedom.

This proposal raises the question “Is there such wisdom, and what does it say in any given case?” Aristotle addresses this query head-on. If you want to know what the wise judgment is in any given case, ask the wise man. While this may seem to provide a trivial or circular answer, it is actually illuminating in a most important way, for it reflects Aristotle’s confidence in a consensus about who is a wise man. This was a confidence based on the conviction that he lived in a society where people agreed, not unanimously, but by and large, on what was good and what was bad. And this belief was connected with other convictions that supported it: for example, that man was a “political” animal; that his society, namely the polis, was the natural unit of association; that human beings were so constructed as to be able to understand not just the natural but also the social world. We moderns do not agree on such things. It is therefore not surprising that the notion of practical wisdom—embodied by phronetic men’s worldview—cannot play the same role in our society that in his time Aristotle envisioned it to be playing in his.

To see how and why this statement is true, we can turn to the vexed issue of abortion. The abortion issue does not lend itself to solution by simple appeal to the enumerated rights of the constitution, because no such rights are enumerated, and because both sides appeal to rights. Nor does it yield to a broader appeal to freedom, since both sides appeal to that as well. One emphasizes freedom in the form of the right to life; the other places the accent on freedom in the form of the right to the pursuit of happiness. The first sees in liberty the freedom to live within traditional parameters, while the second interprets freedom as the liberty to explore the limits of human individual life. Thus the abortion debate today (cf. Eichler, chap. 2 in this book) is but a concretization of two different conceptions of the good life, approached differently—albeit right inside the one and same society: distinct *democratizations* within the very same polity.

In the United States this protracted controversy has plagued all the branches of government, but most centrally the judiciary. In effect, the

7. Even though some things, degrees in qualities among them, do remain in the paradoxical domain to this day: see, for instance, Gross (2008).

people have attempted to deal with it by allowing their judges to solve it for them. But this approach has been quite unsatisfactory in the eyes of many among the people, and it has resulted in a controversy about the judges themselves. The opponents of abortion see the judges who allow it, not as objectively wise men, but as mere *partisans*⁸ of a particular conception of the world—sometimes referred to as “secular humanism”—which has a lot in common with what Mill (1921), in chapter 3 of *On Liberty*, described as “pagan self-assertion.” And because the dispute over abortion is, at a deeper level, also a dispute over the nature of a good life, and not just a dispute over this specific right, it often finds itself elevated to the level of the old Aristotelian contention as to who exactly is a wise person. These disputes then take the concrete form of prolonged debate over who is fit to be ‘a judge’ (‘wise’). And any prolongations of the sort can help spin enough rope to last for years, quite substantially interfering with the exercise of government—the workings of the U.S. Senate, for instance. One may expect to see such long-winded debates again, this time in regard to stem cell research.

The problem with using “practical wisdom” arises in addition to two other problems that should be also noted. First, Aristotle in person never doubted that it would be only a small minority, a subset of the best people, who could or would exercise practical wisdom. For him, it was basically an elitist notion, hardly typical of democratic populations. Second, despite its name, practical wisdom is not basic reasoning of the means-ends sort. It is a kind of judgment about the appropriateness of certain qualities to certain contexts—for example, the ability to understand whether, in a given situation, it would be courageous or rash to fight and cowardly or sensible to retreat. These are not means-ends dilemmas for Aristotle. They are issues only for people who are antecedently committed to courage. Like Kant’s own “respect for law,” Aristotle’s “practical wisdom” in a sense finds its analogue in Plato. And although there are some quite considerable contrasts when compared to a Humean mode of means-ends reasoning, the Aristotelian notion of practical wisdom is more comparably similar to Plato’s notion of wisdom; and as we saw, the very absence of respect for that sort of wisdom is one of the defining qualities of democracy for Plato.

8. On this activist aspect of the notion of “partisanship,” cf. Cameron, chap. 11 in this book.

Conclusion

The problem of aspiration that we thought useful to mention is not in and of itself a mortal threat to democracy. It even might not amount to much more than yet another simple fact about the modern world. In contrast, the problem of democratic stability is just such a mortal threat. We should note also that there remains considerable question as to whether the problem of democratic aspiration should be looked at in isolation. In the first place, all the approaches with which we hoped to solve the problem of instability appealed in different forms to values of wisdom and/or honor, the very absence of which in fact defined the problem of democratic aspiration. Lest we forget, Plato himself had argued that the decline he expected from democracy into anarchy/tyranny was simply one stage of the decline that begins with the descent from the regime of the wisdom lover to the regime of the honor lover, continuing inexorably down to the money lover and on to the freedom/equality lover. We may think that, if we do not aspire any higher, the alternative would be to stay put where we are, but quite apart from Plato's philosophical argument on this score, there is the simpler point that if a person circling a mountain halfway up does not concern himself with going any higher, s/he eventually will yield to gravity and end up even lower.

"Men do not live by bread alone." Nor do they live by freedom and democracy in a space devoid of everything else. Full-fledged human beings, whose lives can sustain both democracy and freedom, entertain a conception of what makes a life worthwhile. They may have fervent faith in freedom and democracy, but, as mature human beings, they will also have developed a conception of the good. The two major problems of democratic ethics, discussed earlier, are in fact two aspects of the separation of the right and the good—the consequences of giving social primacy to 'right' over 'good'. As noted, when we separate the right and the good, we also disconnect the principles of political life and the very precepts of individual life. A society committed most deeply to rights and freedom, and not solely to the good, is very likely to be a divided society, because its members must believe in something else as well—the nature of a good life. There is nothing in a free society to assure that everyone will agree on such. Indeed, there is a strong tendency to make the very absence of such an agreement ("diversity") a criterion of genuine freedom. History suggests that at least some such disagreement is important for the idea of freedom to take hold. U.S.

society, for instance, has long assumed that, at least nominally, it could reach no agreement, attain no consensus, on the good life; and it increasingly is able to celebrate the very fact.

Hence, we should not be surprised, under those circumstances, that we moderns are unable collectively to raise our sights or even jointly to protect our freedoms by appealing to a consensus around some ethical theory. If we did have such a consensus, our freedom would not be so important to us, and surely its pursuit would not be such a fragile undertaking.

Though we cannot appeal to a consensus about a central ethic in order to protect our democracy, it does not follow that there cannot obtain one such central code, or that we cannot aspire to creating one. Such a consensus, however, would have to be about a conception that was at once seriously unified and richly diverse. For, if it were not unified, it could not mobilize our notions of the good in defense of our freedom; and if it were not diverse, it would be significantly at odds with freedom itself.

And so we are forced to keep struggling on, toward finding the appropriate relationship between the freedom we seek and the good for which we search. The struggle to find the correct relationship between the freedom and the good is similar in certain ways to the struggle to ensure the optimal relationship between unity and diversity, a form of struggle for which Plato is our first and best guide. And as Plato makes clear, it is essential for our success in such struggles that we do not assume that we have found the answer already, be it in detail or in a basic outline. Specifically, that requires of us not to assume that freedom around the world will take the form that it has espoused in Western Europe, in North America, or in some other exceptional spot. Perhaps an honest struggle of this tenor and magnitude is the best recommendation one can make, in closing, in regard to an ethic of democracy, a democratic ethic, or democratic ethics, at this time.

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