Aristotle ~ The Good Citizen [19] MICHAEL J. SANDEL: We turn to Aristotle after examining theories, 0001 0002 modern theories of justice, that try to detach considerations of justice 0003 and rights from questions of moral desert and virtue. 0004 Aristotle disagrees with Kant and Rawls. Aristotle argues that justice is a matter of giving 0005 0006 people what they deserve. And the central idea of Aristotle's theory of justice is that, in 0007 8000 reasoning about justice and rights we have, unavoidably, to reason about the 0009 purpose, or the end, or the telos of social practices and institutions. 0010 Yes, justice requires giving equal things to equal persons, but the 0011 question immediately arises in any debate about justice: 0012 equal in what respect? 0013 And Aristotle says, we need to fill in the answer to that question by looking 0014 to the characteristic end, or the essential nature, or the purpose of 0015 the thing we're distributing. 0016 And so we discussed Aristotle's example of flutes. 0017 Who should get the best flutes? 0018 And Aristotle's answer was the best flute players. 0019 The best flute player should get the best flute, because that's a way of 0020 honoring the excellence of flute playing. 0021 It's a way of rewarding the virtue of the great flute player. 0022 What's interesting, though, and this is what we're going to explore today, 0023 is that it's not quite so easy to dispense with teleological reasoning 0024 when we're thinking about social institutions and political practices. 0025 In general, it's hard to do without teleology when we're thinking about ethics, justice, and moral argument. 0026 At least that's Aristotle's claim. 0027 And I would like to bring out the force in Aristotle's claim by 0028 0029 considering two examples. 0030 One is an example that Aristotle spends quite a bit of time discussing, 0031 the case of politics. 0032 How should political offices and honors, how should political rule be 0033 distributed? 0034 The second example is a contemporary debate about golf, and whether the 0035 Professional Golfers Association should be required to allow Casey

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      Martin, a golfer with a disability, to ride in a golf cart?
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      Both cases bring out a further feature of Aristotle's teleological way of
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      thinking about justice.
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      And that is, that when we attend to the telos, or the purpose, sometimes
0040
      we disagree and argue about what the purpose of a social practice really
0041
      consists in.
      And when we have those disagreements, part of what's at stake in those
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0043
      disagreements is not just who will get what, not just a distributive
      question, but also an honorific question.
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      What qualities, what excellences of persons will be honored?
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      Debates about purpose and telos are often simultaneously
0046
      debates about honor.
0047
      Now let's see how that works in the case of
0048
      Aristotle's account of politics.
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      When we discuss distributive justice these days we're mainly concerned with
0050
      the distribution of income, and wealth, and opportunity.
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      Aristotle took distributive justice to be mainly not about income and wealth,
      but about offices and honors.
0053
      Who should have the right to rule?
0054
      Who should be a citizen?
0055
0056
      How should political authority be distributed?
0057
      Those were his questions.
0058
      How did he go about answering those questions?
0059
      Well in line with his teleological account of justice, Aristotle argues
0060
      that to know how political authority should be distributed we have, first,
0061
      to inquire into the purpose, the point, the telos of politics.
0062
      So what is politics about?
0063
      And how does this help us decide who should rule?
0064
      Well for Aristotle, the answer to that question is, politics is about forming
0065
      character, forming good character.
0066
      It's about cultivating the virtue of citizens.
0067
      It's about the good life.
0068
      The end of the state, the end of the political community he tells us in
0069
      Book 3 of the Politics.
0070
      It's not mere life.
     It's not economic exchange only.
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0072 It's not security only.
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      It's realizing the good life.
      That's what politics is for, according to Aristotle.
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0075
      Now you might worry about this.
      You might say, well maybe this shows us why those modern theorists of
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      justice and of politics are right.
      Because remember, for Kant and for Rawls, the point of politics is not
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0079
      to shape the moral character of citizens.
0080
      It's not to make us good.
      It's to respect our freedom to choose our goods, our values, our ends,
0081
      consistent with a similar liberty for others.
0082
      Aristotle disagrees.
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0084
      "Any polis which is truly so called, it is not merely one in name, must
      devote itself to the end of encouraging goodness.
0085
      Otherwise, political association sinks into a mere alliance.
0086
      Law becomes a mere covenant, a guarantor of man's rights against one
0087
      another, instead of being-- as it should be-- a way of life such as will
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      make the members of a polis good and just."
0089
      That's Aristotle's view.
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      "A polis is not an association for residents on a common site, or for the
0092
      sake of preventing mutual injustice and easing
0093
      exchange," Aristotle writes.
0094
      "The end and purpose of a polis is the good life, and the institutions of
0095
      social life are means to that end."
0096
      Now if that's the purpose of politics, the polis, then, Aristotle says, we
0097
      can derive from that the principles of distributive justice.
0098
      The principles that tell us who should have the greatest say, who should have
0099
      the greatest measure of political authority.
0100
      And what's his answer to that question?
0101
      Well those who contribute the most to an association of this character--
0102
      namely an association that aims at the good--
0103
      should have a greater share in political rule and in the
0104
      honors of the polis.
0105
      And the reason is, they are in a position to contribute most to what
0106
      political community is essentially about.
      Well so you can see the link that he draws between the principle of
0107
      distribution for citizenship and political authority, and the purpose
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0109
     of politics.
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      But why, you'll quickly ask, why does he claim that political life,
      participation in politics, is somehow essential to living a good life?
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      Why isn't it possible for people to live perfectly good lives, decent
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0113
      lives, moral lives without participating in politics?
0114
      Well, he gives two answers to that question.
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      He gives a partial answer, a preliminary answer, in Book 1 of the
0116
      Politics, where he tells us that only by living in a polis and participating
0117
      in politics do we fully realize our nature as human beings.
      Human beings are, by nature, meant to live in a polis.
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0119
      Why?
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      It's only in political life that we can actually exercise our distinctly
      human capacity for language, which Aristotle understands has this
0121
      capacity to deliberate about right and wrong, the just and the unjust.
0122
      And so Aristotle writes, in Book 1 of the Politics, that the polis, the
0123
      political community, exists by nature and is prior to the individual.
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      Not prior in time, but prior in its purpose.
0125
0126
      Human beings are not self-sufficient living by themselves outside a
0127
      political community.
0128
      "A man who is isolated, who is unable to share in the benefits of political
0129
      association, or who has no need to share, because he's already
0130
      self-sufficient, such a person must be either a beast or a god." So we only
0131
      fully realize our nature, we only fully unfold our human capacities,
0132
      when we exercise our faculty of language.
0133
      Which means when we deliberate with our fellow citizens about good and
0134
      evil, right and wrong, just and the unjust.
0135
      "But why can we only exercise our capacity for language in political
0136
      community?" you might ask.
0137
      Aristotle gives a second part, a fuller part of his answer in The
0138
      Nicomachean Ethics.
0139
      An excerpt of which we have among the readings.
0140
      And there he explains that political deliberation, living the life of a
0141
      citizen, ruling and being ruled in turn, sharing in rule, all of this is
      necessary to virtue.
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      Aristotle defines happiness not as maximizing the balance of pleasure
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0144
      over pain, but as an activity.
      An activity of the soul in accordance with virtue.
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     And he says that every student of politics must study the soul, because
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      shaping the soul is one of the objects of legislation in a good city.
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      But why is it necessary to living a good city in order to
      live a virtuous life?
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      Why can't we just learn good moral principles at home, or in a philosophy
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0151
      class, or from a book?
      Live according to those principles, those rules, those precepts and leave
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0153
      it at that.
0154
      Aristotle says, virtue isn't acquired that way.
0155
      Virtue is only something we can acquire by practicing, by exercising
0156
      the virtues.
0157
      It's the kind of thing we can only learn by doing.
0158
      It doesn't come from book learning.
0159
      In this respect, it's like flute playing.
      You couldn't learn how to play a musical instrument well just by
0160
      reading a book about it.
0161
      You have to practice, and you have to listen to other
0162
      accomplished flute players.
0163
      There are other practices and skills of this type.
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0165
      Cooking--
0166
      there are cookbooks, but no great chef ever learns how to cook by reading a
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      cookbook only.
0168
      It's the kind of thing you only learn by doing.
0169
      Joke telling is probably another example of this kind.
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      No great comedian learns to be a comedian just by reading a book on the
0171
      principles of comedy.
0172
      It wouldn't work.
0173
      Now why not?
      What do joke telling, and cooking, and playing a musical instrument have in
0174
0175
      common such that we can't learn them just by grasping a precept or a rule
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      that we might learn from a book or a lecture?
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      What they have in common is that they are all concerned with getting the
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      hang of it, but also what is it we get the hang of when we learn how to cook,
0179
      or play a musical instrument, or tell jokes well?
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      Discerning particulars, particular features of a situation.
      And no rule, no precept could tell the comedian, or the cook, or the great
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      musician how to get in the habit of, the practice of discerning the
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      particular features of a situation.
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9184	Aristotle says virtue is that way, too.
ð185	Now how does this connect to politics?
2186	The only way we can acquire the virtues that constitute the good life,
9187	is to exercise the virtues to have certain habits inculcated in us.
9188	And then, to engage in the practice of deliberating with citizens about the
ð189	nature of the good.
ð190	That's what politics is ultimately about.
9191	The acquisition of civic virtue of this capacity to
9192	deliberate among equals.
9193	That's something we couldn't get living a life
ð194	alone, outside of politics.
ð195	And so that's why, in order to realize our nature, we have
3196	to engage in politics.
21 97	And that's why those who are greatest in civic virtue, like Pericles, are
9198	the ones who properly have the greatest measure
31 99	of offices and honors.
a200	So the argument about the distribution of offices and honors has this
9201	teleological character, but also an honorific dimension.
9202	Because part of the point of politics is to honor people like Pericles.
9293	It isn't just that Pericles should have the dominant say because he has
9204	the best judgment, and that will lead to the best outcomes, to the best
ð205	consequences for the citizens.
9206	That's true.
9207	And that's important.
9208	But a further reason people like Pericles should have the greatest
a209	measure of offices, and honors, and political authority, and sway in the
9210	polis, is that part of the point of politics is to single out and honor
9211	those who possess the relevant virtue in this case civic virtue,
9212	civic excellence, practical wisdom
ð213	to the fullest extent.
9214	That's the honorific dimension bound up with
9215	Aristotle's account of politics.
9216	Here's an example that shows the link in a contemporary controversy, the
ð217	link to which Aristotle draws our attention, between arguments about
9218	justice and rights, on the one hand, and figuring out the telos, or the
ð219	purpose of a social practice on the other.
2220	Not only that the case of Casey Martin and his golf cart also brings

0221 out the link between debates about what the purpose of a social practice, or a game, is, on the one hand, and the question of what qualities should 0222 0223 be honored, on the other. 0224 The link between teleology and honor-based principles of 0225 distributive justice. 0226 Who was Casey Martin? 0227 Well Casey Martin is a very good golfer. 0228 Able to compete at the highest levels of golf but for one thing. 0229 He has a rare circulatory problem in his leg that makes it very difficult for him to walk. 0230 Not only difficult, but dangerous. 0231 And so he asked the PGA, which governs the pro tour in golf, to be able to 0232 use a golf cart when he competed in professional tournaments. 0233 The PGA said no. 0234 And he sued under the American for Disabilities Act. 0235 He sued in a case that went all the way to the United 0236 0237 States Supreme Court. 0238 The question the Supreme Court had to answer was, does Casey Martin have a right that the PGA provide him, allow him, to use a golf cart on 0239 0240 the tour, or not? 0241 How many here think that, from a moral point of view, Casey Martin should 0242 have a right to use a golf cart? 0243 And how many think that he should not have a right to a golf cart in the 0244 tournaments? 0245 So the majority are sympathetic to Casey Martin's right, though a 0246 substantial minority disagree. 0247 Let's first hear from those of you who would rule against Casey Martin. 0248 Why would you not say that the PGA must give him a golf cart? 0249 Yes. 0250 TOMMY: Since the inception of golf, because it's been part of the sport, 0251 it's now intrinsically part of golf, walking the course. 0252 And thus because it's intrinsic to golf, I'd argued that not being able 0253 to walk the course is just not being able to perform an aspect of the sport which is necessary to performing at a professional level. 0254 MICHAEL J. SANDEL: Good. 0255 Stay there for a minute. 0256

0257 What's your name?

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      TOMMY: Tommy.
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      MICHAEL J. SANDEL: Are you a golfer by the way, Tom?
      TOMMY: Not so much.
0260
      But yeah, a little bit.
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     MICHAEL J. SANDEL: Are there any golfers here?
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0263
      I mean real golfers?
      TOMMY: Thank you, MICHAEL J. SANDEL, that was nice.
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     MICHAEL J. SANDEL: No, no.
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0266
      I'm just taking your word for it.
0267
      Is there's someone here on the golf team?
0268
      Yes?
0269
      Tell us your name and tell us what you think.
0270
     MICHAEL: My name is Michael.
0271
      And I usually take a cart.
0272
      So I'm probably the wrong--
0273
      [LAUGHTER]
      MICHAEL: --probably the wrong person to ask.
0274
      MICHAEL J. SANDEL: Is that why your hand went up slowly when I asked?
0275
     MICHAEL: Yes.
0276
     MICHAEL J. SANDEL: All right.
0277
      But Tom said a minute ago, that at least at the professional level,
0278
0279
      walking the course is essential to the game.
0280
      Do you agree?
0281
     MICHAEL: I would, yes.
0282
     MICHAEL J. SANDEL: You do?
0283
      Then why do you take a cart?
0284
      And you call yourself a golfer?
0285
      No.
0286
      No, no, no.
0287
      I'm kidding.
0288
      I'm kidding.
0289
      What do you say to that?
0290
     MICHAEL: When I have walked a course, is it does add,
0291
      tremendously, to the game.
0292
      It makes it a lot harder.
     It really does.
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0294 MICHAEL J. SANDEL: Yeah?

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Let's hear--
0295
     Michael and Tom, stay there--
0296
      let's hear from people who say that he should have a right to a golf cart.
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0298
      Why?
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      Who's prepared to defend that position?
0300
      Yes.
0301
      REVA: Well I think the PGA should definitely be required to
0302
      give him a golf cart.
0303
      Because they argue in the decision that it's not just a matter of--
      he's not experiencing fatigue, for him, he's still talking about a mile,
0304
      the cart can't go everywhere with him.
0305
      And in that mile, he's still experiencing more fatigue and pain
0306
      than a healthy player would.
0307
      So it's not as if you're removing the disadvantage.
0308
      MICHAEL J. SANDEL: And what's your name?
0309
      REVA: Reva.
0310
      MICHAEL J. SANDEL: Reva, what do you say to Tom's point that walking the
0311
0312
      course is essential to the game?
      It would be as if a disabled player could play in the NBA but not have to
0313
0314
      run up and down the court?
0315
      REVA: Well I think there are two responses to that.
0316
      First, I don't think it's essential to the game, because most golfers who
0317
      play, particularly recreationally, don't play with a cart.
0318
     MICHAEL J. SANDEL: Like Michael.
0319
      Like Michael.
0320
      REVA: I know it.
0321
      And on several of the tours you can play with a cart.
0322
      On the Senior PGA tour, on the Nike tour, and a lot of the college events.
0323
      And those events are just as competitive, and just as high level as
0324
      the PGA tour.
0325
      So really it's just a matter of selective reasoning, if you argue that
0326
      it's an important part of the sport.
      But even if it is, he still does have to walk.
0327
      He still plays golf standing up.
0328
      It's not as if he's playing golf from a wheelchair.
0329
     MICHAEL J. SANDEL: All right.
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0331 Who else?

0332 Go ahead. DAVID: I think the whole point of a competition is that it calls out the 0333 best from the second best, or from the third best. 0334 And we're talking about the national level. 0335 0336 We're talking about the highest of the highest. 0337 And I think what they're arguing about here is the purpose of competition. 0338 And I think in the sake of competition, you 0339 can't change the rules. MICHAEL J. SANDEL: So the purpose of the competition includes walking. 0340 That's an essential, you agree with Tom. 0341 And what's your name? 0342 DAVID: David. 0343 MICHAEL J. SANDEL: The Supreme Court ruled that the PGA did have to 0344 accommodate Casey Martin. 0345 And they did it on grounds that Reva mentioned. 0346 That walking isn't really an essential part of the game. 0347 They cited testimony saying that walking the court consumes no more 0348 0349 calories than you get eating a Big Mac. 0350 That's what walking is in golf, according to the majority. 0351 Scalia was in descent. 0352 Justice Scalia agreed with David. 0353 He said there is no purpose, and it's certainly not for courts to try to 0354 figure out the essential purpose of golf. 0355 Golf, like any game, is strictly for amusement. 0356 And if there's a group that wants to have one version of the game. 0357 They can have that version of the game. 0358 And the market can decide whether people are amused, and like, and show 0359 up for that, and watch the television broadcasts. 0360 Scalia's descent was an anti Aristotelian descent. 0361 Because notice two things about the argument. 0362 First, we're thrust into a discussion about what the essential nature, or 0363 purpose, or telos of golf really is. 0364 Does it include walking? And, here's something I think is rumbling beneath the surface of this 0365 debate, whether walking partly determines whether golf is really an 0366 athletic competition, after all the ball sits still. 0367 0368 You have to put it in a hole.

0369	Is it more like basketball, baseball, and football, golf an athletic
0370	competition?
0371	Or is it more like billiards?
0372	The ball sit still there, too.
0373	You can be out of shape and succeed.
0374	It involves skill, but not athletic skill.
0375	Could it be that those professional golfers who excel at golf have a stake
0376	in golf being honored and recognized as an athletic event, not just a game
0377	of skill like billiards?
0378	And if that's what's at stake, then we have a debate about the purpose, the
0379	teleological dimension, and also a debate about honor.
0380	What virtues, really, does the game of golf honor and recognize?
0381	Two questions to which Aristotle directs our attention.
0382	We'll continue in this case next time.