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Aristotle ~ Freedom vs. Fit
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      PROFESSOR: When we ended last time we were talking about whether Casey
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      Martin has a right to ride in a golf cart in the PGA tournament.
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      And it's worth remembering how we got into this debate, and what's at stake
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      for an understanding of political philosophy.
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      Remember, we were looking at Aristotle's theory of justice.
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      And one way of describing his approach to justice, we've call it
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      teleological.
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      Teleological because he says, to allocate rights we first have to
      figure out the purpose or the end of the social practice in question.
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      Another way of describing Aristotle's account of justice is that justice is,
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      for him, a matter of fit.
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      It's a matter of fitting persons with their virtues and excellences to the
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      appropriate roles.
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      Now I want to finish our discussion about Casey Martin and his claim for a
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      golf cart, and then go back to one more consequential application in
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      Aristotle, namely the question of slavery.
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      What do you think about Casey Martin's request?
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      Should there be an accommodation or not, given the nature of the game, and
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      of the tournament, and its purposes?
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      "Isn't it discrimination if he's not provided the golf cart, as an
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      accommodation?" say some.
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      Others reply, no if he got a cart it would be unfair to the other golfers,
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      because they exert themselves, become winded, fatigued, walking the course.
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      That's where we left it.
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      What about the fairness argument?
0026
      OK.
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      Jenny.
      JENNY: My question was, why doesn't the PGA just make the option of a cart
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      available to all golfers?
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      From our readings I learned that there are many golf tournaments, other than
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      the PGA, where using of carts is not prohibited.
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      And for something like the seniors tournament, it's even allowed and
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      encouraged.
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      So why doesn't the PGA just do that?
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     PROFESSOR: Let everybody use a cart?
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      JENNY: Or to give everyone the option of using a cart, and let them pick.
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      So the traditionalists can say, well I still choose to walk the course, but I
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      do that knowing that I will be more tired at the end than the people who
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      took the cart.
      PROFESSOR: Good.
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      All right, so what about Jenny's solution?
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      For the sake of fairness, don't give Casey Martin an advantage, if indeed
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      there is an advantage to riding in a cart.
      Let everyone who wants to use a cart.
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0045
      Is everyone happy with that solution?
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      Does it put to rest this whole dilemma?
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      Who has an answer for Jenny?
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      Yes.
      Da: As was brought up last time, if you do that you kind of ruin
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      some of the spirit of golf, as a lot of people like to see it, if you let
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      everybody take your cart.
      Even though it gives everybody the same playing field now, it sort of
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      makes golf less of an athletic game, like you pointed out last class.
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      It's just like, if someone decides to go into another sport and they want an
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      advantage, like if you have swimming.
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      And then you say, OK, he wants flippers, so why don't we just allow
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      everyone to have to flippers during swimming?
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      PROFESSOR: And what would that do to the Olympic swimming competition, if
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      people were free to use, Jenny-- and here we better let
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      Jenny reply to this.
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      Da says, it would sort of spoil the spirit of the athletic
0062
      competition, as if in Olympic swimming you let anyone who wanted
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      to swim with flippers.
0064
      All right, Jenny, what do you say to Dah?
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      It would spoil the spirit of it.
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      JENNY: You are also ruining the spirit of golf by not letting people who are
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      really passionate about the game, and very good at it, compete simply
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      because of an aspect of golf which is not--
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      the main point of golf is you use this club to make strokes, and
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      hit it into a hole.
      I'm sorry, I'm not a golfer.
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      But that's basically the gist of the game, from what I see it.
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      And I was reading the PGA verses Casey Martin decision.
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      That was one of the sentences that they said is, because walking the
      course is not an inherent part of golf.
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      Only swinging the club is.
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      PROFESSOR: Good.
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      So Jenny replies to Da,
0079
      well, it isn't really essential anyhow to walk the course.
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      So we're back to the purpose.
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      JENNY: I mean, I'm sure there are, like wheelchair basketball, there are
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      different competitions that can be used for people who may only be able
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      to use their arms.
      PROFESSOR: Right.
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0085
      Yes.
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      Michael, what do you think?
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      MICHAEL: Then you just said that there's stuff like wheelchair
0088
      basketball, where if you can't play basketball there's another option.
0089
      I think there's other options in the PGA tour.
      But the PGA tour is like, it's the best, it's the pinnacle.
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0091
      And you have to have certain requirements fulfilled to perform.
      PROFESSOR: All right, Michael, you want to say to Casey Martin, you go--
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      there is such a thing as the Special Olympics for those who are disabled.
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      Go play in the golfing version of the Special Olympics.
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      That's what you would say, Michael.
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      MICHAEL: Yeah.
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      I think that walking is part of this sport of golf.
0098
      And Casey Martin, if you can't walk the course then I don't think you
0099
      should be able to play on the PGA.
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      PROFESSOR: All right, good.
0101
      Thank you, very much, for that exchange.
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      What comes out of this exchange that goes back to
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      Aristotle's theory of justice?
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      STUDENT: Is walking part of golf?
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      PROFESSOR: Well one thing is the question, is walking an
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      essential part of golf?
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      And the very fact that deciding whether there is a right for Casey
     Martin that the PGA must respect, seems to depend, as Aristotle suggests
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     it must, on debating and resolving the question, is walking essential to the
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      game of golf?
      That's one moral of the story.
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      But there's a second moral to the story, from an
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      Aristotelian point of view.
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      What's at stake here, this is the second Aristotelian stake in this
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0115
      debate, is honor.
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      Casey Martin wants the accommodation so that he can compete for the honor
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      of winning the best tournaments.
      Now why is it that the professional golfers, the great golfers testified
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0119
      in this case--
      Jack Nicklaus, Tom Kite--
0120
      in the readings, against letting him use a cart?
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      And they, I suspect, would be equally vehement, Jenny, in opposing your
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      suggestion of letting everyone ride a cart.
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      And this goes back, in a way, to Da's
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      point.
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      How to put this gently.
      Professional golfers are sensitive about whether their
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      sport is really a sport.
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      Because if everyone rode around in a cart, or could, then it
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      would become clear--
0131
      or clearer, depending on your point of view--
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      that golf is not really athletic competition, but rather a game.
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      A game of skill, but not a sport.
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      And so not only the question of debating the purpose, the teleological
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      feature, but also from a standpoint of viewing debates about the purpose of
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      golf what's essential to golf.
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      Those debates Aristotle suggests, inevitably, are also debates about the
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      allocation of honor.
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      Because part of the purpose of golf is not just to amuse spectators.
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      Scalia is wrong about that, from Aristotle's point of view.
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      It's not just to provide entertainment.
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      It's not just to make people happy.
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      It's not a mere amusement.
      It's honoring, it's rewarding, it's recognizing a certain kind of athletic
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      excellence, at least those who achieved the highest honors have a
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      powerful stake in maintaining that view.
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0147 Now some of you took the position, the Scalia position. 0148 This is an incredibly difficult and silly question, Scalia said. What is the essential nature of golf? 0149 It's not the kind of thing that the United States Supreme Court is 0150 equipped to decide, or should decide--0151 that's Scalia. 0152 0153 But he only says that because he takes a very strong--0154 and as it happens--0155 anti-Aristotelian appealing in position on what a game is. 0156 "It is the very nature of the game to have no object," no point, "except amusement," says Scalia, "that is what distinguishes games," he says, "from 0157 productive activity." You can just imagine what kind of sports 0158 0159 fan Scalia must be. And so he says it's impossible to say that any of the game's arbitrary rules 0160 0161 is essential. And then he quotes Mark Twain's disparaging remark about golf. 0162 He says, "Many consider walking to be the central feature of golf. 0163 Hence, Mark Twain's classic criticism of the sport, 'a good walk spoiled.'" 0164 But Scalia misses an important feature of games, and the arguments about 0165 0166 rights and fairness that arises from games, when he casks games--0167 sports, athletic competitions -- as solely for the sake of amusement. 0168 It's solely a utilitarian activity. 0169 But an Aristotelian view of sports says, no it's 0170 not just about amusement. 0171 Real sports, real athletic events are also about 0172 appreciation, not just amusement. 0173 And people who follow sports, and care about sports, and 0174 play sports know this. 0175 Which is another way of saying, there's a difference between a sport 0176 and a mere spectacle. 0177 And the difference is that a sport is a practice that calls forth, and 0178 honors, and prizes certain excellences, certain virtues. 0179 And the people who appreciate those virtues are the true fans, the 0180 informed fans. And for them watching this board is not mere amusement. 0181 But that means that it's always possible to make sense of a debate 0182

about what feature of the sport is essential to it.

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We can make sense of the arguments. 0184 0185 Never mind the question whether the court should decide. The PGA, in its own internal deliberations can make sense of that 0186 0187 debate, which is why they cared very much about their view, insisting on 0188 their view, that walking, and exertion, and fatigue are essential, 0189 not peripheral parts of sport. 0190 Well this is to illustrate the teleological and the honorific feature 0191 of debates about rights, which Aristotle says, we need to take account of in thinking about justice. 0192 Now I want to begin for us to consider whether Aristotle's theory of justice 0193 is right or wrong. 0194 0195 Whether it's persuasive or unpersuasive. And I want to get your thoughts about that. 0196 But I want to anticipate one obvious and important objection. 0197 If justice is about fit, fitting persons to roles, matching virtues to 0198 the appropriate honors and recognition. 0199 If that's what justice is, does it leave room for freedom? 0200 And this is one of the main objections to Aristotle's 0201 0202 teleological account of justice. If certain roles, social roles, are fitting or appropriate to me, where 0203 0204 does that leave my right to choose my social roles, my life 0205 purposes, for myself? 0206 What room does teleology leave for freedom? And in fact, you may remember, Rawls rejects teleological accounts of 0207 0208 justice, because he says that teleological theories of justice 0209 threaten the equal, basic rights of citizens. 0210 So let's begin to examine whether Aristotle is right, and in particular, 0211 whether his teleological way of thinking about justice is 0212 at odds with freedom. 0213 Now one obvious reason to worry is Aristotle's defense of slavery. 0214 He defends slavery, which existed as an institution in the 0215 Athens of his day. 0216 Well what is his defense of slavery? Two things, two conditions have to be met for slavery to be just. 0217 First, it has to be necessary. 0218 And Aristotle says, at least in our society, slavery is necessary. 0219 0220 Why is it necessary?

0221 If there are to be citizens who are freed from manual, and menial, and household chores to go to the assembly, to deliberate about 0222 politics, there have to be some who look after those menial tasks. 0223 0224 The mere necessities of life. He says, unless you could invent, in some science fiction, a technological 0225 0226 fix, then there are going to be those who have to do the hard, and 0227 difficult, and menial labor, if there are to be citizens deliberating about 0228 the good, and realizing their nature. So slavery is necessary for the life of the polis, for there to be open to 0229 citizens the life of deliberation, of argument, of practical wisdom. 0230 But there's a further condition that has to be met. 0231 Slavery has not only to be necessary for the community, as a whole, to 0232 function, but it also has to be the case--0233 remember the criterion of fit--0234 0235 it also has to be the case that there are some people for whom being a slave is the just, or the fitting, or the appropriate condition. 0236 0237 Now Aristotle agrees that by his own standards, both of those conditions must be met, must be true, if slavery is to be just. 0238 0239 And then, in a deplorable passage, he says, well it is true that there are 0240 some people who are set by nature, who are cut out to be slaves. 0241 These are people who differ from ordinary people in the same way that 0242 the body differs from the soul. 0243 These are people who are meant to be ruled. 0244 And for them, their nature is best realized if they're slaves. 0245 They can recognize reason in others. 0246 But they can't partake of it, they can't exercise it. 0247 And somehow we can know this. 0248 Now Aristotle must have known that there was something dodgy, something 0249 strained about this claim, because he quickly acknowledges that those who 0250 disagree may have a point. 0251 And what those who disagree point out is, that there are a lot of people in 0252 Athens who are slaves, not because they were born to be slaves, or fit to 0253 be slaves, but because they were captured, they were losers in a war. And so what Aristotle admits that, as practiced in ancient Athens, slavery 0254 didn't necessarily line up with who actually is fit or born to be a slave, 0255 because some actual slaves just were slaves by bad luck, by being 0256 0257 captured in a war.

0258 And on Aristotle's own account, even if it's necessary to have slavery for 0259 the sake of citizenship, it's unjust if people who aren't properly slaves are cast in that role. 0260 There is a misfit. 0261 0262 Aristotle recognizes that slavery, for those who aren't fit for the task, is 0263 a kind of coercion. 0264 The reason slavery is wrong is not because it's coerced. 0265 Coercion is an indicator that it's wrong, because it's not natural. If you have to coerce someone into a role, that's a pretty good indication 0266 that they don't belong there. 0267 That that role isn't fitting for them. 0268 And Aristotle recognized this. 0269 So all of this is to say, the example of slavery, Aristotle's defense of it, 0270 doesn't show that there's anything wrong, in principle, with teleological 0271 argument, or with the idea of justice as fit, between persons and roles, 0272 because it's perfectly possible within Aristotle's own terms to explain 0273 what's wrong with this application, this practical application that he 0274 made of his theory. 0275 0276 I want to turn to the larger challenge to Aristotle, in the name of freedom. 0277 But before I do that, I want to see what people think of Aristotle's 0278 account of justice as fit. 0279 His teleological way of reasoning about justice. 0280 And the honorific dimension of right and of distributive justice that 0281 emerged in our discussion of flutes, and politics, and golf. 0282 Questions of clarification about Aristotle, or objections to his 0283 overall account? 0284 Yes. 0285 STUDENT: My objection to Aristotle is that he wants to match 0286 a person to a role. 0287 And if you look like a pirate, and you talk like a pirate, 0288 you should be a pirate. 0289 And that is what is right. 0290 And so, what's strange, and seemed paradoxical to me, about Aristotle's 0291 viewpoint is that, if you walk like a pirate, and you talk like a pirate, you shouldn't be an investment banker. 0292 Because that's not what you're inherently supposed to do. 0293

If you have a peg leg, and an eye patched, and a disgruntled

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      disposition, you should be on a pirate ship on the high seas.
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      So he doesn't--
      PROFESSOR: Some would say that the distinction between the two vocations
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      is not as clear as you suggest.
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      [LAUGHTER]
      PROFESSOR: All right.
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0301
      But that's good.
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      I take the point.
0303
      Yes.
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      Go ahead.
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      MARY KATE: It just seems to ignore individual rights.
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      So I might be the perfect janitor in the whole world, and I can do that job
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      the most efficiently out of anybody that exists right now.
      But I might not want to do that.
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0309
      I might want to do any other number of pursuits, and it seems to say that
      isn't really a good option for me.
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      PROFESSOR: All right.
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      And what's your name?
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     MARY KATE: Mary Kate.
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      PROFESSOR: Good.
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      Let's take a couple more.
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      Yes.
      PATRICK: I think that golf cart exchange sort of brought up what I see
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      as my main objection to this teleological mode of reasoning.
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      I mean, Michael--
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      I think that was your name, right?
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     MICHAEL: Yeah.
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      PATRICK: --believes that walking is an inherent part of golf.
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      Myself, I believe that walking is not an inherent part of golf.
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      And I feel that no matter how long we debate this particular point of
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      contention, we're never going to reach an accord.
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      The teleological framework of reasoning, I believe, doesn't really
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      allow us to come to any sort of agreement.
      PROFESSOR: All right.
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      And what's your name?
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      PATRICK: Patrick.
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PROFESSOR: Patrick.

0332 All right. 0333 Let me try to address this set of objections to Aristotle. Let me start with Patrick's. 0334 It's an important objection. 0335 We had a debate about what other walking is essential to golf. 0336 0337 And even in so seemingly trivial, or at least contained the cases that we 0338 couldn't agree. 0339 How can we possibly hope to agree when the stakes are higher, and when we're debating the fundamental purposes or ends of political community? 0340 And so if we can't agree on what the ends, or the goods of our shared 0341 public life consistent in, how can we base justice and rights on some notion 0342 of what the end, or the purpose, or the good consists in? 0343 That's an important objection. 0344 So much so that much modern political theory takes that worry about 0345 disagreement over the good as its starting point. 0346 And concludes that justice, and rights, and constitutions should not 0347 be based on any particular conception of the good or the purposes of 0348 0349 political life. 0350 But should instead, provide a framework of rights that leaves people 0351 free to choose their conceptions of the good, their own conceptions of the 0352 purposes of life. 0353 Now Mary Kate said, what if a person is very well suited to having a 0354 certain role, like the role of being a janitor, but wants something else. 0355 Wants to reach higher, wants to choose another way of life. 0356 So that goes back to this question about freedom. 0357 If we take our bearing as persons from roles that are said to fit our nature, 0358 shouldn't it at least be up to us to decide what those roles are? 0359 In fact, shouldn't it be up to us to define what roles are suitable to us? 0360 And that's going to take us back to the confrontation between Aristotle on 0361 the one hand, and Kant and Rawls on the other. 0362 Kant and Rawls think Patrick has a point. They say precisely because people disagree in pluralist societies about 0363 the nature of the good life, we shouldn't try to base justice on any 0364 0365 particular answer to that question. So they reject teleology. 0366 They reject the idea of tying justice to some conception of the good. 0367 What's at stake in the debate about teleology, say Rawlsian and Kantian 0368

0369	liberals, is this.
0370	If you tie justice to a particular conception of the good, if you see
0371	justice is a matter of fit between a person and his or her roles, you don't
0372	leave room for freedom.
0373	And to be free is to be independent of any particular roles, or traditions,
0374	or conventions that may be handed down by my parents, or my society.
0375	So in order to decide as between these two broad traditions, whether
0376	Aristotle is right, or whether Kant and Rawls are right, we need to
0377	investigate whether the right is prior to the good, question one.
0378	And we need to investigate what it means to be a free person, a free
0379	morally agent.
0380	Does freedom require that I stand toward my roles, my ends, and my
0381	purposes as an agent of choice?
0382	Or as someone trying to discover what my nature really is?
0383	Two big questions.
0384	And we'll take them up next time.