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THE CLASSIC LANDMARKS OF MODERN LIBERALISM: ON ARISTOTLE'S EQUALITY AND CICERO'S LIBERTY

*Just as honey, though extremely sweet, is
yet perceived to be sweet by its own
peculiar kind of flavor and not by being
compared with something else, so this
Good ... is indeed superlatively valuable,
yet its value depends on kind and not
on quantity.*

Cicero, *De Finibus*

In most current approaches to the liberal notions of liberty and equality, the classic humanist heritage of liberalism that has been kept alive by liberals such as Wilhelm von Humboldt, J.S. Mill, Alexis de Tocqueville, and T.H.Green is often overshadowed by an orthodoxy which locates the most respectable ways of sustaining a liberal doctrine today in a close alliance with Kantian ethical egalitarianism and with the most progressive side of J.S. Mill's representative democracy. What is usually neglected by this otherwise highly laudable democratic and progressive orthodoxy of liberalism is the fact that shaping standards for institutions according to an egalitarian social justice alone could dilute interest in maintaining certain vital standards for individual excellence that have survived strongly within the most humanist strand of modern liberalism.

The present study is meant as an attempt to retrieve some classic echoes of equality and liberty that I think will not undermine the modern liberal-democratic tradition of equality of opportunity, rule of law, and negative liberty, while, at the same time, providing a vital breathing space for our liberal institutions by recollecting some standards of human excellence neglected today, which have, however, outlived for most part of our human history. And although attaching some importance to something that has been enduring enough to last for centuries is a common-place, it is probably against historical and ethical common-sense to think that contemporary social and political institutions are so

innovative that no reference to classic landmarks related to human excellence is needed any more.

This is not to say that in what follows I will be submitting to a melancholy dream of retrieving *the same* moral standards of excellence that Plato, Aristotle, and Cicero advocated in ancient times. To cultivate such an unreasonable vision of a philosophical *jardin de retours* would be tantamount to falling short of that common-sense historical soundness that distinguishes the classical past from *our past*, which we can only reconstruct with inescapable adjustments. On the other hand, to show a lack of interest in some of the ethical ingredients of the classical past (the ones we can have access to) would be equivalent to ignoring some of the principles that have nourished our European civilization ever since and that, arguably, never became obsolete, even if our present ethical priorities make them appear so. I believe the mistreatment of classical standards for individual excellence in ethics and political theory today can not challenge their genuine significance for our culture simply because the difference between an enduring ideal of human excellence and a fashionable notion of egalitarian social justice is still perceptible.

But perhaps the most important weakness of a moral or a political theory which omits any ideal of excellence, thereby advocating that the most desirable and honorable human goals are located in egalitarian social or moral goals, is that egalitarianism does not seem to possess any sound provision at all for moral incentive. As far as I am aware, no convincing moral motivation can be constructed within the framework of a theory which sustains that human worth *ought to* be equally discovered and respected in every living individual alike, and thus, that every uncommonly gifted individual should belittle himself in front of everyone else in order to reach the humble, yet respectable standard of *right* conduct. Kant himself, who notoriously theorized precisely that sort of moral equality, used only a speculative notion when he posited a universal human rationality in his moral theory. Thus, the famous Kantian categorical imperative is shaped to fit that idealistic construct related to an equal, universal capacity for a self-legislation of moral principles, and which is, in this regard, harmonized with a secularized version of Christian ethics. Although I will not argue here against Christian ethics, which of course provide more content for a moral *duty* to God than their secularized successors, I would like to make clear from the outset that the way in which I intend to reconstruct ancient ethical principles will not be mediated by their Christian interpretations.

What would perhaps be more appropriate here is a pagan way of regarding the most desirable aim of human life: the ideal of personal excellence or virtue (*arête*) and the unashamed individual struggle to increase one's own degree of human accomplishment. From this particular perspective, the idea that appreciating the unparalleled excellence of an individual can be seen as *an offence* to someone else who is less endowed or more self-complacent may seem very peculiar indeed. Likewise, the implication that there is something morally flawed in purposefully cultivating one's own virtue (because of a love for oneself) by implicitly increasing the inequality between oneself and those who are by nature less endowed is somewhat unintelligible from a pagan moral perspective.¹

Of course, the philosophers and moralists of our day qualify this attitude as idiosyncratic "elitism" and unwarranted "perfectionism", both being seen as irreverent and unjust towards the less fortunate and, therefore, as devoid of moral excuses for their "arrogant pretence". However, what they usually appeal to when they make such severe judgments on every sort of moral elitism is the same egalitarian ethical doctrine whose regrettable lack of motivational resources we have already referred to. Of course, they also habitually allude to natural rights – to the crowning moral principle of modern liberal theory and liberal institutions. Whether or not such "equal natural rights" have, in their secularized shape, a more consistent content than a moral duty that was deprived of the Christian reference to God is a question I will not attempt to answer here. What I do not want to omit, however, is that despite the impressive modern reputation of both "moral duty" and "natural rights" some intuitions related to personal excellence have survived, even in some liberal theories that promote "equal natural rights". I am referring here in particular to the modern liberal theories of John Locke and John Stuart Mill and will try to argue for the presence of a qualitative inequality of an Aristotelian kind in their political theories (not surprisingly Mill's liberal-democratic theory). Later, I will complement my approach to Aristotelian qualitative inequality by a classic notion of liberty which I intend to reconstruct by revisiting some of Cicero's philosophical treatises. I will argue that Cicero's way of considering liberty also befits in some respects a given modern notion of positive liberty present in nineteenth-century liberalism. This analysis will lead to a final attempt to reconnect the notion of authority with humanist liberty and excellence and to derive some conclusive policy implications of my theoretical approach.

Human qualities in liberal politics: a preliminary defense

Having established the objectives of this study, the first objection that arises is that liberal conceptions of society, despite proceeding from the non-perfectionist basic principle of equal natural rights, can not provide a proper harbor for *an ethics of human excellence*. A reason for this could be that the most celebrated ethical doctrine of excellence in ancient Greece, Aristotle's ethics of virtue, appears to be addressed to a select public, whose crucial interest is in perfecting a kind of private virtue, rather than a competence for wider moral issues related to public or political life. Although Aristotle mentions on several occasions that his *Nicomachean Ethics* could serve both the ruler and the politician (the citizen, in the Greek *polis*) by providing indications as to how appropriate moral decisions should be made when it comes to wider political interests, the general account of moral virtues concerns the *wise man*, or the *good man*, rather than the citizen. By contrast, liberal theories usually design principles of government and representation that are confined to the realm of public morality and consequently show little concern for the level of wisdom or ignorance of the individuals in their private moral realms. In early modern language, what is at stake in liberal theories is the *Body Politique*, and there is no additional curiosity related to those mysterious human "qualities" that make people wise or ignorant in those areas of their lives that are irrelevant to politics.

My answer to this is twofold. First, it is true that Aristotle's ethics are written for the relatively few persons who from a moral point of view aspire to become *better* (in our current understanding of the term *goodness* we normally describe a *good person* as a fair, decent and kind fellow; however, for Aristotle, and as the intended meaning here, *good* expresses courage, generosity, selective but genuine friendship and proper pride, or a justified love for oneself). Aristotle's *Politics*, however, is expressly addressed to the ruler and the citizen and gives some clear suggestions as to how the virtue of the *good citizen* should be distinguished from that of the *good man*.² Moreover, Aristotle preserves in his *Politics* something of his ethical ideal of individual excellence by way of sustaining equality according to desert or a *proportionate equality*. And, as I will argue, it is precisely this notion of proportionate equality which seems to be relevant to the modern systems of political representation that are shaped by J. Locke and J.S. Mill.

Second, it is somehow inaccurate to suggest that early modern theorists of liberalism are altogether indifferent to traditionally conceived human qualities. Even Hobbes's most radical political theory – usually seen as blameworthy even by liberals because of its notion of undivided, immutable and ineradicable sovereignty – involves a way of requiring the sovereign or monarch to prove some exceptional moral gifts that are thought necessary to ensure the quality of government.³ Locke, on the other hand, is even more demanding in this respect, requiring that all those who represent the three political powers – the executive, the judiciary and the federative power – should possess certain virtues that are not (and can not) be prescribed by the law. This renders mere law-abiding insufficient to ensure a first-rate representative government, as far as Locke's politics are concerned, and needs to be supplemented by an often unnoticed appeal to virtue and human qualities.⁴ Of course, the highest expression of a traditionally conceived ideal of human excellence in a liberal theory is J.S. Mill's notion of *individuality* or human flourishing. J.S. Mill's notion of representative government and his notion of plural voting strongly convey the basic and standard moral assumption that some human beings are better than others and count for more – in a quite literal sense in Mill's view, as we shall see later on.

Proportionate equality, civic function, and degrees of excellence

All who embark on a study of Aristotelian ethics and politics will soon notice that the founding father of logic and the metaphysics of identity and non-contradiction graciously admits to a certain inconsistency between the higher moral standards of *goodness* that he clarifies in *Nicomachean Ethics* and the political expressions of virtue that he is concerned with in *Politics*. Aristotle seems to be quite aware of the inevitable moral defects of the political environment and the difficulty involved in any unrealistic attempt to match private moral desert with political responsibility.

In Book V of *Politics*, Aristotle revives the Platonic theme of the two meanings of political equality – that of a numerical or a mathematical equality, and an equality according to desert.⁵ Numerical equality involves a quantitative ranking of the elements, while proportional equality or equality according to desert is meant to equalize ratios, thus bestowing

pre-eminence to what is proportionally better in terms of contextually evaluated desert.

However, in *Nicomachean Ethics* Aristotle makes it clear that for him only proportional equality is worth considering as an absolute form of justice.⁶ This ideal justice is, of course, unachievable in the political world, as he suggests in *Politics*, since the marching order of such equality – that is, the aristocracy based on genuine virtue and nobility – could hardly occur and persist in the real world where the tendency to use its principles by the oligarchy of the wealthy is more acute.⁷ Aristotle notices that most of the constitutions or political regimes of his time tended either to exploit the extremes of numerical equality, as in the democracies, or, as we have seen, to misuse the inequality of desert by justifying the empowering of the rich.⁸ Since most constitutions that exhibit the most extreme side of the two types of equality are usually unstable, in his account of Greek political history he finds it reasonable to promote a balance of the two concepts of equality, whose main social support comes from a conservative middle-class disinclined to rebel against the government for reasons of resentment due to poverty or the arrogant propensity associated with the love of luxury and wealth.⁹ The result is a mixed constitution that adjusts proportionate equality, or the ideal of justice according to desert, to a community of uneven and often unwise human beings. As a consequence, this ethical concession to politics seems mainly to be driven by the conservative goal given by Aristotle to a constitution: that it should be the best instrument to preserve peace and political stability.

Nonetheless, for Aristotle this mixed form of political regime is not a way of weakening his belief up to the point of debilitation that only equality according to desert is in fact suitable for a just estimate of human quality. His compromise between ethics and politics never goes as far as to conceal the intrinsic importance that he attaches to a superior degree of human excellence.

In Book VIII of *Nicomachean Ethics*, which contains part of Aristotle's famous account of friendship, we find a similar idea: Aristotle suggests that in order to preserve a wider friendship or social concord within a community, each should obtain what they deserve in accordance with the rule of proportion, which also means wider recognition of certain criteria for what is to be honored or praised. It is therefore suitable that the more respectable be disposed to contribute more to the public share than those who lack dignity, but are more willing to obtain more out of

the public wealth. The former deserves more honor, while the latter deserves more wealth, which on the whole follows the “proportion to merit” and preserves friendship.¹⁰

The fact that a city-state is usually inhabited by people with different degrees of virtue and wisdom is, as Aristotle explains in Book III of *Politics*, far from being an undesirable condition. On the contrary, it is a prerequisite of civic stability because a city, just like a living being, requires not only a soul, but also a body.¹¹ Aristotle is not inclined to dream of a *polis* whose members are, without exception, wise and attentive to heavenly beauty, and not anxious with regard to more worldly things. On the contrary, Aristotle’s *polis*, as well as Plato’s *Republic*, requires a certain amount of materiality and inertia with respect to a serene wisdom in order to reach a suitable civic order that has some chance of enduring. This “materiality” takes form in the organicist account of Aristotle’s civic virtues as a list of the specific *functions* each member of the community must perform in order that the entire body of the city continues to flourish.¹²

The ordinary citizen is therefore expected only to fulfill his own function properly, and not to cultivate a more demanding practical wisdom that is prescribed by Aristotle only for the ruler as the latter’s proper virtue. But, on the other hand, the ruler may perform *his own function* and may possibly also express his higher degree of excellence (if any) only if the ruled are able to perform their civic functions properly. Accordingly, there exists a certain functional interdependence between ruler and ruled in the organicist structure of the Aristotelian *polis*. The success of each member of the *polis* in performing his own social function properly seems to depend on the quality of the civic performance of others. And it is clear that, within the hierarchy of authority that is ideally matched by Aristotle with a given functional hierarchy of civic virtue and desert, all should be able to express some specific human qualities in order to perform their respective functions suitably, according to social rank. Undeserving or powerless human beings are seen by Aristotle as unworthy of being assigned civic functions or duties (this is, of course, heavily criticized today as unwarranted political perfectionism and castigated in terms of insensitivity to contemporary principles of social justice).

We have nonetheless suggested that, however perfectionist his hierarchical model of authority in its matching with degrees of civic virtue, Aristotle still remains a moral “minimalist” in *Politics* in comparison with his stronger ethical demands for the private virtue of the *good man*.

However, he appears to assume that a certain hierarchy of personal excellence (which includes, of course, superior moral competence) is not to be eclipsed by any sort of political regime that has some claims for legitimacy. Thus the implication is that even if the preservation of political stability is seen as the highest goal of Aristotelian politics, this is not to be attempted *at all costs*. And even if civic virtues are less demanding than private moral virtues, Aristotle appears not to be disposed to negotiate all of his ethical standards with politics.

With desert still being a qualitative hindrance to a politics conducted purely by morally blind power-mechanisms we can argue that Aristotle promotes a *meritotelic* model of social and political hierarchy that is both sensitive to individual merit and the degree to which each individual contributes to the *telos* of his community – that is, to its happiness or flourishing. This *meritotelic* model, based on a proportionate equality, whose criterion is individual input to the well-being of the community, is to be distinguished, however, from the contemporary notion of meritocracy, which only captures the idea of a social hierarchy from the perspective of mere technical competence. The moral competence and the interest to promote the *telos* of one's community are neither presupposed nor required by the notion of meritocracy as they seem to be in Aristotle's *meritotelic* scheme of social hierarchy.

In ethical terms, what appears to be missing from a narrower meritocratic model that relies purely on individual technical abilities is the sort of moral incentive provided by the awareness of one's membership to a social body or community – or by a certain *patriotism*. The motivation provided by the meritocratic model, however, seems to be more a matter of individualistic eagerness for self-assertion than one burdened by a sense of belonging to the community or awareness of the "social" part of one's personal self. On the contrary, Aristotle's teleological and *meritotelic* model relies, as I see it, on the idea of communitarian and patriotic *telos*, which is imprinted, so to speak, on the individual aims of each member of the common-wealth. Consequently, the *good* of a community is not a sort of collective, abstract goal which transcends the long-term interests of the individual in so far as each social individual already contains in his own "moral agenda" the prescription to contribute somehow to the *public good* according to his specific talents and abilities. Receptive or *patriotic* membership of a community could arguably provide motivational support for civic participation which is more consistent than an individualistic desire of self-assertion for the sake of *one's own* secret

delight. At any rate, the former seems to convey more moral meaning than the latter. In addition, what seems to be allowed by a *meritotelic* model is a legitimacy of individual excellence or justified inequality which is apparently not all that obsolete since most current excellence-oriented educational policies, for example, still need to call on a standard for the recognition of individual excellence in some specific areas of expertise.

What I think also deserves attention here is an implicit, yet quite perceptible Aristotelian model of trust-based or *fiduciary inequality* which expresses the intuition that there is both a social and individual gain in accepting a justified inequality if the moral capital invested in a person entrusted with authority on the basis of his excellence provides the “moral investor” a reasonable “return”, that is, if the person entrusted with a privilege is indeed worthwhile and *good*, in the Aristotelian sense. So, *fiduciary inequality* implies risk-taking and a more active recognition of excellence than a mere descriptive appreciation or polite expression of esteem. This risk can be measured by the degree of authority which is entrusted in someone who is considered more deserving on the basis of his or her personal qualities. In the next two sections, I intend to stress some aspects of J. Locke’s and J.S. Mill’s liberal theories of representative government that seem to fit the meritotelic scheme and a model of *fiduciary inequality* built on more or less visible Aristotelian foundations.

Beyond procedural leadership: Locke’s fiduciary inequality

The most conventional approach to Locke’s liberal theory of government emphasizes the procedural mechanism for constraining every personal misuse of power in order to prevent political arbitrariness of the worst kind or tyranny. Laying acute stress upon law-abiding and procedural hindrances to power-abuse is, of course, justifiable in every reading of Locke’s political theory that has any claim to accuracy. Nonetheless, an over-emphasizing of the Lockean “rule of law” and procedural leadership often leads to an omission of the fact that, in his *Second Treatise of Government*, Locke also refers to some unrecorded rules that happen to give the representatives of all the three departments of power – the legislative, executive and the federative – a moral credit that is beyond the law on the key-condition that it sensibly promotes the public good.

The language I use here when I consider the model of *fiduciary inequality* is, as we can see in the following quote from the *Second Treatise*, not entirely dissimilar to that used by Locke himself:

Though in a constituted common-wealth ... there can be but *one supreme power*, which is *the legislative*, to which all the rest are and must be subordinated, yet the legislative being only a fiduciary power to act for certain ends, there remains still *in the people a supreme power to remove or alter the legislative*, when they find the *legislative* act contrary to the trust reposed in them.¹³

The Lockean mechanism of social contract thus relies on a *fiduciary* empowering of certain persons, with the conditions I have already mentioned that they choose to promote primarily the public interest instead of looking for arbitrary or personal benefits. But this fiduciary empowering device also implies certain decisions for political action that are not (and cannot possibly be) prescribed by the law and are, consequently, left to the wisdom and prudence of the representatives in charge of political decisions:

Many things there are, which the law can by no means provide for; and those must necessarily be left to the discretion of him that has the executive power in his hands, to be ordered by him as the public good and advantage shall require.¹⁴

In technical terms, Locke uses the term *prerogative* for this “power to act according to discretion, for the public good, without the prescription of the law, and sometimes even against it”.¹⁵ The prerogative should compensate, through a fiduciary investment of authority with moral credit, for the silence of the law with regard to unforeseen situations. Locke is aware, however, of the risks involved in increasing the prerogative which can weaken the protective power of the law against corruption and the misuse of authority. The prerogative is thus a privilege of the agents of power, albeit confined by “the empire of law, and not of men”, to use James Harrington’s phrase. This tradition of preventing corruption and abuses of power by enforcing the legal system (which goes back to Machiavelli and probably reaches Locke through Harrington’s mediation¹⁶) is strong enough for the latter to prevent him from not seeing the dangers of a structural system that relies solely upon personal leadership. Nonetheless, Locke does neglect certain potential individual

qualities that may possibly help the representatives to duly perform their public duties.

With the basic condition for this slight “arbitrariness” left by Locke to the human agents of power being the promotion of the public good, we have, in my opinion, arrived very close to what we previously called a *meritotelic* model in our brief survey of Aristotle’s (justified) inequality. Even if Locke begins his *Second Treatise of Government* by establishing the “equality of men by nature”¹⁷ as a principle of his theory of government, it is perhaps reasonable to distinguish this formal equality in front of the law, or the impossibility to “avoid the force of the law”¹⁸ after entering the civil condition, from the breathing space left for a potential expression of virtue or wisdom by someone whose “natural authority” is also enforced by the law. In other words, the Lockean device of fiduciary empowering seems to prevent the procedural structures of leadership from asphyxiating the human, qualitative potential of some leaders to be more worthwhile than others. An Aristotelian kind of justified inequality, based on recognition of human *goodness* in political action, is, therefore, still part of Locke’s modern liberal scheme of government.

Mill’s proportional voting: assigning political competence on humanist grounds

J. S. Mill’s theory of representative government clearly contains some perfectionist and elitist ingredients that are much discussed and criticized today, especially (and indeed not surprisingly) from the egalitarian wing of political theory.¹⁹ Mill’s “aristocratic liberalism”, to use the term coined by Alan Kahan,²⁰ is classified alongside Burckhardt’s and Tocqueville’s liberalism owing to their similarity in terms of a dislike for the masses and the middle class, their contempt for mediocrity and fear of its potential hegemony, and their lack of belief in the centralized state.²¹

Small wonder, then, that a political philosopher like Mill (who received a special private humanist education with an implicit aristocratic flavor and whose entire discussion of *individuality* relies on a Humboldtian view of human flourishing with highly classic and romantic connotations) chose to shape an elitist humanist theory of democratic representation in his *Considerations of Representative Government*. Yet Mill’s theory of representative government is anything but reactionary and shares to a large extent the ideal of moral and intellectual progress to which good

government may contribute. Accordingly, one of Mill's criteria for the *goodness of a government* is, as stated from the outset in his latter work, "the degree to which it tends to increase the sum of good qualities in the governed, collectively and individually".²² Mill seems to endorse the idea that, on the one hand, a government should not be disinterested in encouraging improvement in the human quality of the governed, and, on the other, that political machinery can be properly set in motion with the force supplied by the good qualities of the governed. Such *good qualities* are explicitly located in moral virtues and intelligence, in what we call *human goodness* from a classic humanist perspective. This criterion for the goodness of a government is similar to the Aristotelian goal of politics – the promotion of the *happiness* of the *polis* and its members by cultivating their character through appropriate education and good laws.

Mill's technical approach to the electoral system is of a particular importance here in that it sustains the idea of *proportionate equality* by recommending the allowance of many votes to those who are *better* in terms of moral virtue or intellectual achievement. He thus applies with no significant alterations the classic (Aristotelian) notion of equality according to desert – that is, the idea that someone who is *better* in either moral or intellectual terms should literally *count for more* when it comes to public decision-making. This, according to Mill's democratic views, does not challenge the right to a political voice that all should be allowed; though it does explicitly deny an *equal right* of opinion in respect of political matters:

But though every one ought to have a voice – that every one should have an equal voice is a totally different proposition. ... if with equal virtue, one is superior to the other in knowledge and intelligence – or if with equal intelligence, one excels the other in virtue – the opinion, the judgment, of the higher moral or intellectual being, is worth more than that of the inferior: and if the institutions of the country virtually assert that they are of the same value, they assert a thing which is not. One of the two, as the wiser or better man, has a claim to superior weight.²³

Of course, an immediate challenge to this political proposition of Mill's is to ask who is entitled to ascertain the superior value of one person over another. Mill's criterion for selecting a heavier opinion is the "individual mental superiority" that can be established through a reliable system of education or a trustworthy scheme of general examination. He is also ready to accept that, in the absence of such a system, another test

could be the nature of the occupation of the individual in question. For example, an employer is, on average, more intelligent than a laborer, and a skilled laborer is likely to be far more intelligent than an unskilled one.²⁴ The system of general examination would be controlled by competent bodies like, for example, the Universities of Oxford and Cambridge, on the condition that “they are fairly open to all comers”.²⁵ This makes Mill anything but a supporter of an electoral privilege for the wealthy English upper classes, which traditionally have the easiest access to the first-rate education provided by the Oxbridge system. What he thinks is needed is a means to attest the “individual mental superiority” that is not influenced by traditional English traditional class-biases which favor the upper classes.

Mill’s electoral system of plural or proportional voting relies on the humanist supposition that a superior degree of virtue or intelligence is paralleled by a superior political competence – which is, of course, a highly problematic assumption. In *Nicomachean Ethics*, Aristotle himself clearly distinguishes between the intellectual virtue of the philosopher, which is appropriate for a contemplative life, and practical reasoning or the capacity to deliberate on political matters.²⁶ If we were to follow this classic distinction between intellectual and moral virtue, we would hardly agree with Mill that it is reasonable, for example, to grant highly gifted intellectuals a superior level of electoral competence.

Nonetheless, Mill seems to use a wider humanist framework than that evident in Aristotle’s tradition when he fashions his electoral model of proportional voting on the basis of a *fiduciary inequality* determined by both moral and intellectual virtue. To clarify this resource of Mill’s modern humanism, we should consider more carefully the content of the humanist tradition which Mill was inclined to endorse and combine with his own nineteenth-century humanism.

The influence of humanist traditions on nineteenth-century liberalism

The liberal humanism of the nineteenth century has two main sources. One is the Greek and Latin humanist tradition, which underwent some changes during the Enlightenment, when Aristotle’s virtue was replaced with education and the Aristotelian teleological doctrine was reoriented from the restricted space of the *polis* to the progressive period

encompassing the entirety of humankind according to the historicist vocabulary of the nineteenth century.

The alternative source is that of Florentine civic humanism, which reinvented the classic notions of citizenship and virtue, especially through Machiavelli's political writings. Aristotle's distinction between the virtue of the citizen and the virtue of the good man are merged by Machiavelli into a single virtue of republican civic participation, the *vivere civile*, whose significance is equated by Machiavelli to the sole means of a republic to resist the contingencies imposed by *fortuna*.

In the first tradition of humanism it is hard to ignore the very plausible influence of Aristotle on Mill's belief that a society based upon liberty and equality cannot sustain itself without appropriate means to cultivate certain specific individual virtues (Mill was very familiar with Aristotle's *Politics*, *Rhetoric* and *Nicomachean Ethics*). In similar vein, Mill appears to praise virtue and human character as irreducible traits both of morality and politics, although the specific content of virtue clearly differs between Mill and Aristotle. Mill argues, therefore, that the preservation of a political regime depends on its success in cultivating certain specific social virtues in its citizens – a thesis which is strikingly similar to Aristotle's teleological approach to education in Book IV of *Politics*.²⁷ And Mill's traditional humanism is perhaps more obvious in his political defense of a certain conception of the good which favors the humanist value of a worthwhile human life²⁸ (a hierarchy of values that is also present in his utilitarian ethics). The latter humanist attitude is seen in particular as being inconsistent with Mill's own defense of individual liberty and limited government, not to mention Mill's critique of traditional mores as imposing a "slavery of custom",²⁹ thus denying the spontaneity of freely chosen actions, for the reason that a commitment to virtue may support some perfectionist preferences for a certain conception of the good that entail politically interfering measures to implement a "politics of the good life". Indeed Mill does encounter some difficulties in harmonizing the notion of limited government with the "amount" of virtue he believes is necessary to a coherent political life. What appears difficult to protect, of course, (if the commitment to virtue tends to overrun the importance of individual choice) is a personal autonomy that is not invaded by "the wisdom of laws" that, impede, for example, an individual from harming himself if he has freely chosen to undergo a harmful, yet inoffensive experiment.

What seems crucial, however, in understating the way Mill solves this tension, is the fact that he does not propose any legislation of morals,

for Mill's autonomy is seen as an individual achievement, one that demands appropriate cultivation of certain qualities of mind and character.³⁰

In his famous *Autobiography*, Mill describes his uncommon private education, partly due to the demanding curriculum created for him by his father, James Mill, and partly due to his own desire to complement a cultivation of the "analyzing spirit" with an "internal culture of the individual through poetry and art".³¹ While philosophical training was described by Mill as a necessary practice in order to discipline and shape the inquiring mind, commerce with poetry was seen as developing sympathy with other human fellows and cultivating the habit and motives for pursuing worthy ends. Mill thus recommends, through the example of his own "unusual and remarkable" private education, an improvement to public education with the hope (very attuned to the spirit of his age) that this would contribute to the wider moral and intellectual progress of humankind.

Mill thus appears to promote an ethos of virtue that is provided by a more demanding humanist education and which permits the individual to win both freedom of the mind and a cultivated knowledge of the human heart. What seems to be revived in some respects by this modern humanist model of education is the classic Ciceronian notion of humanist freedom obtained through *cultura animi* or a suitable training in philosophy. I will return to this point later in this essay.

As we have seen, the second humanist tradition that influenced the intellectual landscape of nineteenth-century liberalism was the secularized conception of morals of the Renaissance. The Socratic and Platonic conceptual tradition of *arête*, seen as a civic excellence expressing the moral goodness of a person, was assimilated earlier with the Latin *virtus* and also enriched with some other connotations: the power by which an individual or a group can act properly in a civic situation, or the essential property that makes a person or a thing what it was. In addition, Boethius's tradition of discourse associates *virtus'* use of sexual language with a masculine active intelligence (from the etymological meaning of *vir*: man) that sought to dominate the passive, unpredictable force of the female, *fortuna*. The success or failure of dominating *fortuna* with *virtus* could either manifest itself in the submissive reward *fortuna* gives to *virtus* for his strength or in her vindictive betrayal and triumphant derision of his weakness. In the post-Augustinian tradition followed by Boethius, *fortuna* was chosen to symbolize the insecurities of the *saeculum*

that could only be tamed through the wisdom inspired in Boethius by a benign, consoling female figure: namely, Philosophy. Philosophy is seen by Boethius as being able to supply him with the contemplative power needed to resist Fortune's malice by denouncing the unpredictability of power in a political world as aspects of phenomenal or historical unrealities that are only a small part of God's providential design.³² This specific encouragement to cultivate a philosophical liberty of contemplation is of particular interest to this essay, since it supports our aim of reconstructing some of the ingredients of a humanist inner freedom based on a cultivated discernment.

But let us now return to Machiavelli, whom we have already depicted as the main spokesperson of the Renaissance rhetoric of civic virtue relevant to nineteenth-century liberalism. According to the records, we can corroborate that Machiavelli's influence was more important in Tocqueville's political writings than in those of Mill. Consequently, we notice an affinity between what Tocqueville deplors in his *Democracy in America* as an *individualism* calmly abstracted from the problems of one's political community, and as harmful to that community,³³ and the Florentine, Machiavellian notion of *vivere civile* as the only republican virtue that reduces the contingencies of *fortuna* (whose dangerous whims are revived by Machiavelli with there being no hope of escaping them by philosophical contemplation, as in the post-Augustinian tradition of Boethius).

Tocqueville's critique of the American equality of condition that substitutes the old standards of excellence for the arbitrary criteria provided by the majority has, on the other hand, some obvious Aristotelian connotations and seems to deplore the modern disappearance of the model of proportional equality as well as the somewhat Procrustean fate of equality in the American democratic society. On the other hand, however, Tocqueville balances this personal nostalgia with the hope of moral progress under the premises of liberal-democracy, similar to Mill's social and moral optimism, though of course widely adjusted to the more general spirit of the pan-European nineteenth-century Enlightenment.

What is shared, therefore, by Mill's and Tocqueville's modern humanism is this implicit distinction between certain traditional landmarks that can be reconstructed from the past and the particular humanist spirit of the age. This capacity to take past heritage *cum grano salis* is what apparently distinguishes an idealistic adoption of classic humanism, with its distaste for the world around it (also expressed, for example, in distaste

for the commercial spirit),³⁴ from a selective recollection of certain humanist standards in the more general framework of nineteenth-century humanism – for neither Mill nor Tocqueville propose a “full restoration” of classic values, despite their (typically modern) fear that the sphere of private life, in which the flavor of humanist morals and culture persists, was being increasingly invaded by a tyrannical majority with second-rate preferences. Both chose to employ the humanist rhetoric, which, as we have seen, combines many sources and traditions of humanism, though rather as an ethical and critical perspective that allowed them to disapprove of the “modern vices” in the society and politics of their time. This is apparently the only reasonable sense in which we today can also attempt to reconstruct some classic standards for excellence, in order to criticize the egalitarian orthodoxy of our time by re-creating a space for a heterodoxy in which equality can also be *proportional* and liberty can still be associated with higher individual propensities and goals.

Humanist liberty in the context of the modern positive/negative liberty

After having considered some possible ways to re-discuss the Aristotelian *proportionate equality* in a liberal-democratic context, let us now reflect briefly on the classical sources for a modern “reconstruction” of the notion of liberty.

With this purpose in mind, we can start by delineating the modern discussion of liberty in the current debates of political philosophy and the history of political ideas. In Anglo-Saxon political philosophy, the standard notion of political liberty is established around the distinction between negative and positive liberty. This distinction was notoriously described by Isaiah Berlin’s discussion of J. S. Mill’s “negative liberty”, as opposed to a Hegelian understanding of liberty in a “positive” spirit, in Berlin’s 1958 classic *Two Concepts of Liberty*.³⁵

Negative liberty is intended primarily to restrict interference by other persons in the private sphere of an individual or group. The subject is therefore protected by law in his or her private sphere of decision making and free experimentation, with the only condition being that his or her private choices do not harm others. Implicit in this “minimalist” view of the self is that “everyone knows best his own interest” and that no institution is entitled on either moral or epistemic grounds to establish

the goals or purposes of an individual by claiming superior knowledge or wisdom in terms of what best favors the latter's interest. This notion of liberty – consistent with being left alone – has also some historical connections with *laissez-faire* economics, and although it exhibits some claims to ethical neutrality, it is compatible, for example, with a wide range of policies which support the free market and free competition, and thus in non-neutral ways sustains some preconditions of liberty.³⁶

Positive liberty, on the other hand, presupposes a wider conception of the self that replaces the “minimalist” desire to be left alone with the ideal of “self-realization” and “self-mastery”. This concept in some respects follows the traditional division of the self into a “rational” and an “irrational” part and promotes the ideal of controlling the “irrational soul” by the superior, rational one whose Platonic metaphor is the alert and severe charioteer who masters the “appetitive”, lower soul.³⁷ Since slavery to irrational appetites can not always be successfully undermined by the individual's own capacity to control himself, a law that supports the long-term ends of the higher self (for example, a law against drug trafficking or alcoholism) is said to liberate the personality from its inferior tendencies. This concept of liberty is therefore associated with certain desirable ways of acting that can be identified from a contemplative, philosophical perspective of life that appears to follow the Phytagoric model of *philosophy* as a love for or attachment to wisdom according to which the philosopher is the privileged spectator of “the festival of life”.³⁸ Accordingly, positive liberty relies upon the assumption of a moral perfectionism based on a capacity to discern the true and genuine from ephemeral values and backed up by a political perfectionism which may involve laws and institutions designed to “take care” of the long-term interests of the individuals.

T. H. Green and the other English New Liberals, whose liberal doctrine was influenced by the idealism of Hegel's and Kant's philosophy, as well as that of Aristotle, sustained a concept of positive liberty that moved beyond the “minimalist” involvement of the state and thus encouraged state-action that pursued the more worthwhile goals of individuals. In philosophical terms, the action of the state was conceived, in Hegelian fashion, as favorable to the “substantive will” and the genuine freedom of the individual through certain rational, anti-consumerist policies – the tendency of which notoriously encouraged New Liberal support for political assistance and taxation. This charitable and egalitarian tendency of the New Liberal notion of positive liberty therefore appears to support

a classification of the concept on the left-wing, social-democratic wing of politics, although it omits some of its classic humanist, and possibly non-egalitarian potential.

This tendency to group positive liberty on the most egalitarian side of politics is even more visible and dramatic in Berlin's own critique of the totalitarian use of positive liberty throughout the twentieth century to justify oppressive "collective goals" that were ideologically disguised as "progressive" and liberating. Berlin's critique rightly emphasizes the risk of associating positive liberty with unlimited state-power by a political doctrine that downplays the individual right to negative liberty and justifies its unconstrained repression by allegedly well-intentioned policies, governed by rational aims.

Nonetheless, despite Berlin's legitimate fear of an unconstrained misuse of positive liberty by a state which overwhelms negative liberty, we should perhaps not abandon the whole humanist potential of positive liberty, in its classical sense, in a reckless post-totalitarian rejection of every notion whose re-interpretation may have played a role in justifying twentieth-century systems of political repression. The totalitarian experience has taught us the important historical lesson that, however promising the appearance of an ideology that justifies wider state-power, the liberal restriction of negative liberty *should be maintained* and must properly be defended by the constitution. However, it does not follow that every consideration of positive liberty, even with regard to more restricted policy-making areas (such as certain educational policies that promote excellence), should be hastily deconstructed on anti-totalitarian grounds. To derive *so much* from an anti-totalitarian stance is, to quote an old English saying, simply "to throw the baby out with the water".

Small wonder then that, in the tense geopolitical context of the Cold War, liberals such as Isaiah Berlin and Karl Popper were unsympathetic to every "humanist" justification of state-intervention and to every "morally legitimate" transgression of negative liberty. But if a certain brand of "humanism" has been more or less compromised politically by its post-Marxist misuses, we can perhaps do more than simply resign from an anti-totalitarian and rather nauseatic attitude towards every form of "humanism" and positive liberty.

The concept of positive liberty which I think is still of *humanist* significance today is that in the educational Ciceronian sense of achieving individual, cultivated discernment through an appropriate *cultura animi*.

In Ciceronian terms this involves cultivation through an acquaintance with classic Greek philosophy on the reflective capacities of the individual (or of the freedom of the mind) – the model which, as we have seen, was still regarded as desirable and socially useful to a nineteenth-century liberal such as J. S. Mill.

The Ciceronian model of positive liberty³⁹ that I wish to emphasize here is well captured by a famous quotation from *Tusculan Disputations* in which Cicero declares that he prefers, before heaven, “to go astray with Plato ... rather than hold true views with his opponents”.⁴⁰ What Cicero seems to imply here is that he has already acquired, through appropriate philosophical training, an appropriate *freedom of judgment* that allows him to decide what is to be preferred, even if the risk to “go wrong” is not immaterial. In other words, Cicero suggests that he has sufficient trust in his own cultivated discernment or his own freedom of the mind – and that he is suitably aware of the risk of making a mistake – in order to have *the internal liberty* to prefer the company of Plato.

This internal liberty could be properly called a *humanist liberty* or that kind of liberty that characterizes someone who perceives the difference between ephemeral goals and the real nature of visible things. This kind of liberty could be associated with certain particular meanings of the Latin term *humanitas*: namely, the cultivated judgment of the philosopher and an acute awareness of the instability of things worldly.⁴¹

The sense in which Cicero invokes the function of a philosophical training in acquiring what I call *humanist liberty* is different, however, from the task that Aristotle assigns to the philosopher. For Aristotle, the individual inclined to philosophical contemplation is to be functionally distinguished from a person endowed with more practical skills. The former is an intellectual whose appropriate function is to deal with scientific research into the causes of phenomena, whereas the latter, for example, should be a politician, judge or public servant. And while the former should inquire into the science of causes, the latter should deal in cultivating *human goodness*. By contrast, Cicero appears to be more sanguine as to the philosopher’s capacity to contribute to the public good and to display not only intellectual, but also practical wisdom. The reason for this confidence in the philosopher’s capacity to synthesize contemplative and practical judgment appears to be that Cicero takes the Pythagoric model of “the lover of wisdom” quite seriously, which, as we have seen, is literally compared to the ability to contemplate life as a spectator.

So, it is merely a *cultivated* capacity that allows the performance of surrounding persons to be seen with uninvolved discrimination, one that for Cicero can only be acquired through continual philosophical practice which qualifies the individual for *free* judgment. This capacity for *disinterested contemplation* is described by Cicero as the ability “to watch closely what was done and how it was done”, to see for the sake of the seeing itself, and “to scan closely the nature of things”.⁴² These “special few” capable of seeing things in this disinterested way are praised by Cicero as the human beings that are the most liberated (*liberalissimum*) from inconsistent and ephemeral goals.⁴³

This demanding assumption of the rational liberty of the *good man*, as well as the Ciceronian notion of disinterested judgment, should not be confused, however, with the modern “scientific objectivity” of those researchers who claim to have access to a value-free perspective, uninfluenced by either cultural or personal biases. This “scientific objectivity”, appropriately termed by J. C. Droysen as “eunuchic objectivity”,⁴⁴ in fact appears to derive from the absence of an individual capacity to perceive things with cultivated disinterestedness. The disinterested judgment we have considered is, quite on the contrary, based on *an individual capacity* for discrimination that has been properly fostered – otherwise, if an individual were unable to discriminate, he could not be *free* to discern, since he would be constrained by his inherent weakness.

Why humanist liberty and excellence should not become egalitarian

As we have seen, the occurrence of this cultivated capacity to discriminate is rather exceptional and the truly free humanist in a person, who, for that reason, could be called a *free humanist*, seems to be preserved in both the Pythagoric and Ciceronian model of the philosopher-spectator. Despite the fact that this model is shaped differently when compared to both the Platonic and the Aristotelian intellectual vocation of a philosopher, it nonetheless preserves the traditional elitism of the Academy.

This implicit irreverence towards a majority whose access to a *humanist liberty* is usually restricted is still present in Mill’s modern humanism and in his praise of individuality, eccentricity and human excellence. Of course the sociologist might say that Mill’s theoretical position is shaped

by his own privileged access to a humanist education and by his own related interest in justifying it. However, Mill appears less interested in making a *pro domo* with a sectarian flavor than in defending *per se* a classic educational curriculum that has a value in its own right and thus conveys a somewhat timeless sense of what it is to be *human* or *good* or *worthwhile*. This classic education might best favor, as Mill inclines to believe, personality and human uniqueness. This notion of a humanist heritage that can cultivate the human soul of the gifted individual in an exceptional manner goes back, I believe, to the Ciceronian tradition of *cultura animi* and is mediated, for Mill, by the Humboldtian notion of *Bildung*.

Of course, this system also favors the idea that some individuals are more gifted and, therefore, more worthwhile than others and that there is only a "select minority" that can regard a training in philosophy as a genuine *magistra vitae*⁴⁵ whose contemplative principles do not change considerably over time. Accordingly, the notion of humanist liberty implies that the self-selection of this minority does not depend on a mere idiosyncrasy and is by no means accompanied by arrogant contempt and superior-minded aloofness for those who are less gifted or less motivated to learn more. What is at stake here is in fact an unashamed difference between the gift and motivation to cultivate disinterested judgment and an incapacity or disinterest in acquiring such free discrimination.

Some ingredients of this notion of *elitist* humanist liberty, supported by a descriptive realism, can still prevent the excesses of an utopian prescriptivism relying on the very cheerful expectation that there is a possibility for unlimited moral and historical progress – a supposition notoriously shared by Mill in his grand nineteenth-century liberalism, though in quieter tones than Hegel. Berlin is of course right when, later in the mid-twentieth century, he fears that every mixture of moral progressivism, positive liberty and state-power has a dangerous social potential that can degenerate into a totalitarian seizure of political power. Similarly, he is justified in thinking that negative liberty should be so firmly established that it effectively censures all possible abuses of positive liberty. But, again, positive liberty may also be sustained in a less ambitious social and historical fashion by associating it with a *cultura animi* that could best assist the cultivation of personal discernment and a sense of perspective, without being attached to any sort of excessive historical or moral optimism, on the one hand, while not involving subservient reverences to the "ideal" of leveling humanist liberty, on the other.

If we detach the positive liberty of these risky social and political ingredients that could become support for a totalitarian state, we can retain the ethical significance of humanist liberty, which can provide the motivation to achieve a higher degree of individual excellence.⁴⁶ As I have already suggested, a non-egalitarian recognition of an ethics of personal excellence could supply the agent with a moral motivation usually absent from most modern egalitarian systems of ethics, notably from Kantian and post-Kantian ethics. If the aim of providing a moral theory with a motivation that could afford the agent with an incentive *to act* in a certain way is not to be neglected, then perhaps the non-egalitarian ideals of human excellence and humanist liberty should be maintained in some form or other, for we can see no alternative way of providing moral incentives in an egalitarian moral framework. If we were all rewarded more or less satisfactorily (albeit not strictly equally), regardless of what we have done and simply because of our status as human beings living in a well-ordered society, then why should we devote our attention to improving our knowledge or moral habits or whatever potential qualities we might have? I think there is no convincing answer to this question from a moral perspective that denies the *inequality of desert* or a certain recognition of different degrees of human excellence.

Authority and personal excellence

What would be the benefit to us if we were to bring back some ingredients of an Aristotelian and a Ciceronian notion of personal excellence today? This question is meant to refer primarily to the context of modern liberal theory that I have already considered.

To recap briefly, the first sense in which I discussed this ancient model of human excellence by considering that *fiduciary inequality*, which allows a person in authority to pursue the *public good* in ways that were not (and could not have been) anticipated by the law, naturally presupposes an investment of that person with moral legitimacy on the grounds of his or her (potential) human qualities. In other words, what is at stake here is the possibility of complementing (and possibly strengthening) the formal authority of a person by her moral distinction, which may involve some Aristotelian virtues, as well as a Ciceronian freedom of discrimination or a privileged sense of perspective.

This is not to suggest, however, that I am prepared to sustain a utopian elitism, fashioned after a simplified Platonic vision of the philosopher-king, or that I wish to imply that all individuals in positions of political authority should be expected to reach a satisfactory degree of wisdom or human excellence. Cicero, himself a profound admirer of Plato's philosophy, admitted in his *De Re Publica* that the Roman republic had acquired the strength to endure for centuries precisely because it was the result of joint labor of many (more or less wise) statesmen, who placed their patriotic commitment above personal interests and continually fortified the foundation of the republic. And he adds explicitly that those statesmen who were not "wise", since this name is reserved only for the philosophers, but who nonetheless shaped laws and institutions that encouraged excellence, are also worthy of the highest esteem "since they have fostered the precepts and the discoveries of the wise".⁴⁷ So what seems to be crucial here is the social cultivation of a model that encourages personality and excellence by joint effort which itself should be recognized as worthwhile.

However, it is precisely this model of social recognition of excellence that seems to be treated today as obsolete and of less importance than, say, social justice or that *what is right* – of course, right for everyone. Cicero, once more, despite his praise for "the many" who founded the Roman republic, supports this celebration of the joint foundation of the Roman republic by the authority of Cato, whom he singles out for special praises for his being highly experienced in public affairs, with whom he had had dealings both in times of peace and war, and of whose conversation one could never tire – he always spoke with measure, mixing charm with dignity, as zealous in learning as in teaching, demonstrating a complete harmony between his life and his words.⁴⁸ So, Cicero's criteria for individual excellence and moral authority in politics are quite clear, though he did not use them to downplay the merits of other Roman statesmen, rather, as I have said, to support Cato's own praise for a republic whose foundation was not based upon the genius of one man, but of many. The model of personal authority is thus *meritotelic* and the degree of excellence is, consequently, measured not only according to the personal qualities of a leader, but also in terms of his contribution to the public good.

Let us also look at the reception of this meritotelic model of Cato's by modern Western statesmen. Alexander Hamilton, one of the most controversial American statesmen who contributed to the famous

eighteenth-century debate between federalists and republicans, was heard to say that, in the Roman Empire, Cato was the Tory and Cesar the Whig, and while the former had died along with the republic, the latter had destroyed it.⁴⁹ Of course Hamilton intended with this statement to downgrade the humanist model of virtue and personal authority and to advance instead Cesar's triumphant image, with whom (at least according to some of his critics) he wished to be associated. Hamilton's own insight into the destiny of America as a commercial and a military empire (an intuition that was of course validated later by historical events) motivated him to support a stronger executive and a martial force meant to sustain it in Machiavellian fashion.⁵⁰

This attitude of Hamilton's nicely captures the modern style of downgrading the importance of a political authority backed by moral excellence and a certain inner distinction (or what we may call the commercial-utilitarian and the military way of regarding authority in modern times since Machiavelli and Hobbes redefined the concept of political authority as such). What becomes obsolete is precisely that model for social recognition of excellence that Cicero so clearly associates with Cato's dignity. This conversion of the moral language of meritotelic authority into the pragmatic language of power seen as a success in seizing control and in justifying it convincingly is perhaps the most efficient modern way of undermining the notion of the individual desert that traditionally supported authority.

The other side of this modern cynical attitude towards personal excellence is, I think, the long-standing English educational preservation of a notion of *cultura animi* used to justify the traditional recruiting of public servants among upper-class graduates of Oxford and Cambridge based on the perceptible ideological argument that Oxbridge-trained (usually in the classics) individuals were so properly instructed in the spirit of a humanistic perspective on human values that were the less vulnerable to corruption and politicianism. This cultivated privileged minority was, therefore, best equipped to exert a positive liberty in the humanistic style and thus the most qualified to fill (of course, disinterestedly) the most important administrative roles in the country.

The same connection between a training in classics and public and political competence is also present in the traditional arsenal of Tory self-legitimacy. And, apparently, it is no mere anecdotic accident that a reliable and convincing Tory candidate should have been able to insert some well-mastered Latin quotations from Cicero or Tacitus into his public

speeches, in order to gain public credit and sufficient approval – even by those who did not understand Latin.

What appears to be the main vice of this system – if we regard it with green and unsuspecting eyes – is the fact that it involves the possibility of shaping the individual liberty, as well as disinterested discernment, in very mechanical and predictable ways. In other words, it involves a form of educational engineering that in mechanical ways could lead to a series of intelligent and disinterested humanists. In more descriptive terms, what appears to be achieved through this long-standing institutionalization of an alleged cultivation of free discrimination and human qualities is in fact a code of mannerist replacement of excellence, or a sophisticated culture of the imitation of virtues.

If this diagnosis is accurate in some way, we may assume further that, although a humanist educational system is a prerequisite for a suitable cultivation of individual discernment, this is only a partial condition for the personal development of a person who truly nurtures the discrimination and the sense of perspective of a free humanist. Since, on the basis of this assumption, the minority of genuine free humanists cannot be determined purely on the basis of the number of degrees issued by a prestigious university, the elitist question of human excellence is not reducible to the necessity of safeguarding a traditional meritocratic system such as the preferential recruiting of English public servants from Oxbridge (a system heavily criticized today, especially from egalitarian liberal and social-democratic perspectives). Left-wing arguments against this traditional meritocracy characteristically refuse to admit the *elitist* nature of the meritocratic premise that an exceptional education can only benefit a talented minority. On the other hand, however, the same critics sustain a wider admission to *the same kind of special education* of gifted young persons from the lower classes and the implicit restriction of such education to those who are better-off, but less endowed. (Of course, what can be obtained through these policies is a democratic extension of access to an exceptional education, but not a dismissal of the elitist nature of that education.)

If positive freedom, however, is regarded in a wider exceptionalist sense that does not depend only on educational circumstances, but also on the quality of individual motivation and a personal ability to value in one's own way the classic humanist heritage, we could then even conceive of a certain independence of the notion from a given university curriculum. However, this independence can only ever be relative, since a cultivated

discernment, at least in a Ciceronian sense, *presupposes* an appropriate acquaintance with basic classic readings that are to be *intrinsically valued* and most suitably preserved by a university tradition, such as the Oxbridge system, for example.

Before I reach my conclusions, I would like to emphasize more strongly this concern for educational preservation of certain standards of individual excellence that could possibly maintain something of a classic *cultura animi*. As I have suggested, this is not to imply that we should naively grant all the responsibility for promoting excellence to a humanist university curriculum; however, it is possible that a certain sense for the classic landmarks of our European culture that enable the shaping of individual discernment can only be diffused with the help of a traditional curriculum including Plato, Aristotle, and Cicero.

In guise of conclusion: some policy implications for sustaining excellence today

My approach here to liberty and equality may not be welcomed by contemporary liberals who incriminate any “perfectionist” revival of Aristotelian equality or Ciceronian liberty as unrealistic, outdated, and insensitive to the egalitarian and progressist spirit of our days, not to mention the widely accepted priority of social justice over any notion of *goodness or excellence*. Of course, the standard liberal egalitarian response to most perfectionist arguments, whose hard-core principles are drawn from John Rawls’s *Theory of Justice*, is that we should recognize the priority of negative liberty over equality and admit the factual existence of the natural aristocracy of talents; however, our social institutions should be shaped so as to rectify the arbitrariness of this unequal distribution of talents by nature.

My problem with this egalitarian liberal approach to social institutions (including, significantly, the educational system) is that, by defending only negative liberty as a priority – and thereby omitting a certain amount of positive liberty and, consequently, the importance of cultivating a higher standard of human flourishing – and by professing a “reasonably” liberal egalitarian order as the second priority of *fair* social institutions, the human ideal of personal excellence which can provide a singular moral motivation for personal development in a wider sense is today relegated to the margins of the most worthwhile social purposes.⁵¹ This

tendency is also reflected by the main objectives followed in current policy-making, which receive inspiration from this doctrine of egalitarian liberalism. In other words, the bargaining of a justified inequality that can possibly offer moral or intellectual incentives for an ethics of personal development, may, with some ethical prescriptions based on an universalistic concern for social justice, lead us to a placid resignation with those criteria that are dictated only by the market or the arbitrary opinion of all who happen to be more persuasive or better publicized.

From this perspective, it is perhaps not so outdated to defend a reasonable educational policy aimed at sustaining a basic humanist curriculum in non-technical universities. The legitimacy of that curriculum is sometimes constrained to defend itself today, as in the case of the revisionist policy implemented by many American universities to replace a classic curriculum by one that was “fairly selected” and that, for example, necessarily incorporates certain obscure, discriminated African poets. Of course, the “fairly selected” poets might or might not be as worthwhile as Shakespeare or Homer – judgment being left to the taste or disposition of all those curios enough to trouble themselves with such comparisons.

A similar educational policy that might still help to preserve something of a breathing space essential in cultivating a humanist sense of perspective, even if not with the immediate aim of providing civil servants, would acknowledge the importance of keeping alive a number of educational centers of excellence and possibly create others. This would of course be a “reasonable” policy in the defense of humanist standards for individual excellence or the promotion of a model for the recognition of personal excellence. Consequently, it would have nothing of a more ambitious political or public character, although it could involve some general consequences related to the standards for first-rate leadership, for example.

The impersonal, procedural framework of liberal-democratic institutions that prevents abuses of personal leadership, such as corruption or accumulation of power, could thus be complemented – and by no means subverted – by a suitable educational recognition of certain higher standards for personal excellence – the fragrance of which could, as I have argued, be retrieved from the past and utilized anew according to the understandings of our own age.

NOTES

- ¹ See also the pagan interpretation of virtue-ethics provided by Richard TAYLOR in his *Virtue-Ethics: An Introduction*, foreword by John Donnelly, Linden Books, Interlaken, N.Y., 1991.
- ² This distinction is made by ARISTOTLE in *Politics*, 1277a13-14. I use the Stephen Everson edition of *The Politics and the Constitution of Athens*, Cambridge University Press, Cambridge and New York, 1996.
- ³ See Hobbes's equation of private and public interest in the case of a good monarchy, and his suggestion that the monarch should primarily seek to ensure "the riches, strength, and reputation" of his subjects, as if they were his own "riches, power, and honour". Thomas HOBBS, *Leviathan*, ed. by C. B. Macpherson, Penguin Classics, Harmondsworth, 1985, pp. 245-6.
- ⁴ See John LOCKE, *Second Treatise of Government*, ed. by C.B. Macpherson, Hackett Publishing Co., Indianapolis and Cambridge, 1980, pp. 75-83.
- ⁵ *Politics*, 1301b30-33.
- ⁶ *Nicomachean Ethics*, 1131a28. I use here David Ross's translation revised by J.L. Ackrill and J.O. Urmson, Oxford University Press, Oxford, 1998.
- ⁷ *Politics*, 1302a2-4.
- ⁸ *Ibid.*, 1302a4-8.
- ⁹ *Ibid.*, 1302a12-15.
- ¹⁰ *NE*, 1163b1-15.
- ¹¹ *Politics*, 1277a6-7.
- ¹² *Ibid.*, 1276b20-34.
- ¹³ John LOCKE, *Second Treatise of Government*, *op. cit.*, pp. 77-8.
- ¹⁴ *Ibid.*, pp. 83-4.
- ¹⁵ *Ibid.*, p. 84.
- ¹⁶ For a comprehensive analysis of the influence of Machiavelli on Harrington's *Commonwealth of Oceana*, see J. G. A. POCOCK, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition*, Princeton University Press, Princeton and Oxford, 1975.
- ¹⁷ J. LOCKE, *op. cit.*, pp. 8-9.
- ¹⁸ *Ibid.*, pp. 502.
- ¹⁹ See for example Richard HOLLINGER's book, *The Dark Side of Liberalism: Elitism vs. Democracy*, Praeger, Connecticut and London, 1996, which starts with a critique of Mill's elitism.
- ²⁰ See Alan S. KAHAN, *Aristocratic Liberalism: The Social and Political Thought of Jacob Burckhardt, John Stuart Mill, and Alexis de Tocqueville*, Transaction, New Brunswick and London, 1992.
- ²¹ These characteristics of the pan-European "aristocratic liberalism" of the nineteenth century are collected and examined by Kahan in *op. cit.*, pp. 34-80.
- ²² J.S. MILL, *Considerations on Representative Government*, in *On Liberty and other essays*, Oxford University Press, Oxford, 1991, p. 227.
- ²³ *Ibid.*, p. 334.

- 24 *Ibid.*, p. 336.
- 25 *Ibid.*, p. 337.
- 26 NE, 1138b15 – 1144a35.
- 27 *Politics*, 1337a10-b22.
- 28 See also Peter BERKOWITZ, *Virtue and the Making of Modern Liberalism*, Princeton University Press, Princeton and Oxford, 1999, p. 137.
- 29 See in J.S. MILL's *On Liberty*, the fourth chapter "Of the Limits of the Authority of Society over the Individual", pp. 83-103 in the John Gray edition of *On Liberty and Other Essays*, Oxford University Press, Oxford and New York, 1991, pp. 83-103.
- 30 P. BERKOWITZ, *Virtue and the Making of Modern Liberalism*, *op. cit.*, p. 138.
- 31 J.S. MILL, *Autobiography*, in *Autobiography and Literary Essays*, ed. by J.M. Robson and J. Stillinger, University of Toronto Press, Toronto, 1981, p. 141.
- 32 See J.G.A. POCOCCO, *The Machiavellian Moment*, *op. cit.*, p. 37-9.
- 33 Alexis DE TOCQUEVILLE, *Democracy in America*, trans. by George Lawrence, Encyclopaedia Britannica, Auckland, Chicago etc., 1993, p. 271.
- 34 See Alan S. KAHAN, *op. cit.*, p. 88.
- 35 Isaiah BERLIN, *Two Concepts of Liberty*, Oxford University Press, Oxford, 1958.
- 36 See Norman BARRY, *An Introduction to Modern Political Theory*, Macmillan, Houndmills and London, 2000, p.201.
- 37 This metaphor is used by PLATO in *Phaidros*, 435e-444e, in his description of the action that the rational part of the soul has to assume in order to master the lower, irrational part.
- 38 This comparison was notoriously transmitted by CICERO, in his *Tusculan Disputations* V.III.8. I used the English translation of J. E. King, published by Loeb Classical Library, Harvard University Press, Cambridge, Mass., and London, 1996.
- 39 I should mention that this Ciceronian notion of positive liberty, based on a cultivated internal capacity for free contemplation and discernment, has nothing to do with the Roman conception of *libertas* originally associated with the ideal of Roman citizenship and the aspiration of Roman plebs to change the status of *servus* to the condition of *liber*: that is to obtain *free citizenship* and a rather negative right of protection by the law. For this negative emphasis of the Roman *libertas*, see Hanna PITKIN, "Are Freedom and Liberty Twins?" in *Political Theory*, No. 16, 1988, pp. 523-52.
- 40 *Ibid.* I. XVI, 38.
- 41 The term *humanitas* had of course a richer significance in the historical context of the "civilized" ancient Rome, as opposed to the "barbarous" non-Latin world. It involves a superior civility and has a somewhat self-conscious *goodness* associated with it, a highly discriminating judgment obtained through *cultura animi*, and awareness as to the vulnerability of things earthly. For my purposes here, I preferred to reconstruct the Ciceronian model of *humanist freedom* by using only the two last meanings above.

42 *Ibid.*, V. III. 8.

43 In her essay on “The Crisis in Culture: Its Social and Political Significance”, Hannah ARENDT equates this cultivated disinterested discernment with the Kantian aesthetic capacity to “think in the place of everybody else”, which Kant calls, in his *Critique of Judgement*, an “enlarged mentality” (*eine erweiterte Denkungsart*), that is an art of thinking from a perspective that goes further than one’s own private idiosyncrasies and is thus able to include the viewpoints of all those who happen to be present. See H. ARENDT, *Between Past and Future*, The Viking Press, New York, 1961, pp. 220-1.

44 Quoted in Friedrich MEINECKE, *Vom geschichtlichen Sinn und vom Sinn der Geschichte*, Stuttgart, 1951.

45 *Ibid.*, II.VI. 15.

46 This motivational ingredient is also somewhat absent in the republican conception of freedom proposed more recently by Philip PETTIT in his *Republicanism: A Theory of Freedom and Government*, Oxford University Press, Oxford, 1997. Pettit argues that in his classic distinction between negative and positive liberty Berlin has omitted the possibility of “a third concept of liberty”, that is a liberty that requires the non-domination by others (and it is, thus, negative), though on the other hand defends some positive republican values, such as equality and community, for example. Although my notion of humanist liberty preserves the communitarian flavor in the Aristotelian-Ciceronian tradition of a functional responsibility towards one’s community, its explicit need for a moral incentive for excellence and goodness is a constraint to an egalitarian concept of freedom.

47 CICERO, *De Re Publica*, III. IV. I use the English translation of Clinton Walker Keyes, published by Loeb Classical Library, Harvard University Press, Cambridge, Mass. and London, 2000.

48 *Ibid.* II.1.

49 Quoted in Gerald STOURZH, *Alexander Hamilton and the Idea of a Republican Government*, Stanford University Press, Stanford, 1970.

50 See J.G.A. POCOCK, *The Machiavellian Moment*, *op. cit.*, pp. 528-32.

51 I see it as quite ironic that the whole Rawlsian construction of a “veil of ignorance” in his *Theory of Justice* (Oxford University Press, Oxford, 1999) relies on a special capacity of the parties to be *rationaly disinterested* and to abstract themselves from all information that may obstruct them from seeing things from the perspective of their fellow citizens. Rawls in no way emphasizes the fact that such a capacity to deliberate upon social distribution with “an enlarged mentality” may involve a rather exceptional discernment and sense of perspective. He attaches, instead, his version of social contract and his notion of the veil of ignorance to the Kantian moral tradition of universal rationality, which gives Rawls’s theory of justice a morally egalitarian and an idealistic flavor, without providing it, however, any convincing moral incentive *to strive to attain* such a high degree of rationality.

REFERENCES

- ARENDDT, H., *Between Past and Future*, The Viking Press, New York, 1961.
- ARISTOTLE, *Nicomachean Ethics*, trans. by David Ross's, revised by J.L. Ackrill and J.O. Urmson, Oxford University Press, Oxford, 1998.
- ARISTOTLE, *The Politics and the Constitution of Athens*, ed. by Stephen Everson, Cambridge University Press, Cambridge and New York, 1996.
- BARRY, N., *An Introduction to Modern Political Theory*, Macmillan, Houndmills and London, 2000.
- BERLIN, I., *Two Concepts of Liberty*, Oxford University Press, Oxford, 1958.
- BERKOWITZ, P., *Virtue and the Making of Modern Liberalism*, Princeton University Press, Princeton and Oxford, 1999.
- CICERO, *De Re Publica*, trans. by Clinton Walker Keyes, Loeb Classical Library, Harvard University Press, Cambridge, Mass. and London, 2000.
- CICERO, *Tusculan Disputations*, trans. by J. E. King, Loeb Classical Library, Harvard University Press, Cambridge, Mass., and London, 1996.
- DE TOCQUEVILLE, A., *Democracy in America*, *Democracy in America*, trans. by George Lawrence, Encyclopaedia Britannica, Auckland, Chicago, etc., 1993.
- HOBBS, T., *Leviathan*, ed. by C. B. Macpherson, Penguin Classics, Harmondsworth, 1985.
- HOLLINGER, R., *The Dark Side of Liberalism: Elitism vs. Democracy*, Praeger, Connecticut and London, 1996.
- KAHAN, A.S., *Aristocratic Liberalism: The Social and Political Thought of Jacob Burckhardt, John Stuart Mill, and Alexis de Tocqueville*, Transaction, New Brunswick and London, 1992.
- LOCKE, J., *Second Treatise of Government*, ed. by C.B. Macpherson, Hackett Publishing Co., Indianapolis and Cambridge, 1980.
- MILL, J.S., *Autobiography and Literary Essays*, ed. by J.M. Robson and J. Stillinger, University of Toronto Press, Toronto, 1981.
- MILL, J.S., *On Liberty and Other Essays*, ed. by John Gray, Oxford University Press, Oxford and New York, 1991.
- PETTIT, P., *Republicanism: A Theory of Freedom and Government*, Oxford University Press, Oxford, 1997.
- PITKIN, H., "Are Freedom and Liberty Twins?", in *Political Theory*, No. 16, 1988, pp. 523-52.
- POCOCK, J.G.A., *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition*, Princeton University Press, Princeton and Oxford, 1975.
- RAWLS, J., *A Theory of Justice*, Oxford University Press, Oxford, 1999.
- TAYLOR, R., *Virtue-Ethics: An Introduction*, foreword by John Donnelly, London Books, Interlaken, N.Y., 1991.