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# Developmental Progress in Ancient Greek Ethics

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*Abstract*: With the help of a new generative theory of moral-cognitive development it is attempted to reconstruct the advances of ethical thinking throughout the history of ancient Greek philosophy. The theory is built on the revelation of the inherent conflicts and limitations of a particular ethical frame of reference that leads on to the next stage, at which the conflict is resolved. In this way, a succession of cognitive stages can be literally (re)constructed out of one another. Applying this theory to ancient Greek moral philosophy, nine different stages (and transitions) are made out and analysed within the overall development from Homer down to the Stoics. It is also discussed what preceded and what succeeded this period as a whole. All in all, the historical development – as far as we know it from the available evidence and to the extent it is discussed – appears to be well accommodated by the suggested theory.

## Introduction

It is commonly believed today that there is progress in both sciences and individual human beings.[1] In this context, and with respect to the domain addressed in this contribution, the question arises what progressive developments have occurred throughout ancient Greek ethical thinking and how the stages reached in that process can be tracked down systematically.

At first glance, the present paper is unusual in that it applies a psychological theory of cognitive development to reconstruct part of the development of philosophical ethics. At a second glance, however, this approach turns out not to be unusual at all.[2] For if human beings, today, (can) proceed as far as the current state of knowledge reached in certain sciences, they must – as they all have to start "from scratch" – roughly pass through the same stages that humanity as a whole has gone through in its historical development.[3]

The theory to be presented in what follows assumes that development essentially consists in becoming aware of the inherent problems of a certain ethical position leading into contradiction and so (finally) to the formation of a new, more complex and comprehensive understanding. In this way, all aspects recognised as relevant are eventually re-integrated in some novel coherent cognitive structure. For lack of space, the theory itself shall not be expounded in great detail in the present paper.[4] Rather should the developmental reconstruction stand for itself.

After having laid out this moral-cognitive theory I am trying to show that ethical reasoning in ancient Greece from Homer to the Stoics appears to have followed the postulated stage sequence. The theory as a whole differentiates dialectical sequences of "stages", "levels" and "main levels", with each main level containing three different levels in which, again, three stages are embedded, so that there are $3 \cdot 3 \cdot 3 = 27$ stages altogether (see Fig. 2 below). The relevant period is thought to cover the entire second main level, thus comprising nine different stages. The transition from the first to the second main level and the progression across the nine stages within this main level will be discussed in detail, explaining not only what each stage consists in, but also how each of these moral conceptions gets entangled in contradictions and how the next stage solves the problem of the preceding one. Finally, I shall adumbrate how, according to the theory, the "story" continues on the third main level.

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[1] Our conviction seems to be fairly firm, although the idea of progressive development is only just about three hundred years old and in spite of the fact that related concepts like "novelty" and "emergence" bear serious philosophical problems (see e.g. Lovejoy 1936/1961, Minnameier 2000a).

[2] See e.g. Piaget (1950) or Piaget/Garcia (1989). Recently, also Fett (2000, esp. 167-215) has tried to apply Piaget's psychological theory of cognitive development to the historical development of ancient Greek philosophy.

[3] What is more, whilst sophisticated educational guidance may possibly allow for alternative and more economical "paths" through the received body of knowledge (this is an open question), the historical development of this very body of knowledge should reveal the underlying developmental sequence more clearly, since it must have proceeded along the dialectical principles of construction and critique.

[4] See Minnameier 2000a, b, c for that matter.

## On the Cognitive Architecture of Morality

Following the famous cognitive psychologist Jean Piaget there has been a long tradition of structural developmental theories, including a well known stage-theory of moral development by Lawrence Kohlberg.[5] The present approach retains the fundamental assumptions of a hierarchy of successively more complex developmental stages and a mechanism of assimilation and accommodation, whereby development is "engineered" by the realization that there are inherent contradictions in one's current moral point of view which necessitates a reintegration at a higher, more comprehensive moral stage.

However, the theory to be presented just now departs from Kohlberg's in that it postulates more and different stages, which are the result of a truly structural developmental reconstruction, by which the stages in the hierarchy have been literally (re)constructed out of one another (by revealing and resolving the immanent contradictions of each individual stage). As for the developmental dialectics the main constructive principle is derived from Piaget and Garcia, who assume a triadic sequence of stages and levels throughout cognitive development as a whole.[6] Thus, development is thought to proceed in a succession of stage-triads, each of which consists of three characteristic types, which Piaget and Garcia call "intra", "inter", and "trans" respectively (see Fig. 1). These forms could also be paraphrased as differentiation (intra), reciprocal relation[7] (inter), and integration (trans).[8]
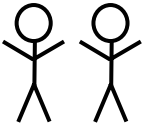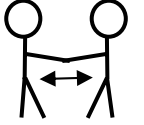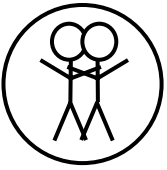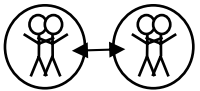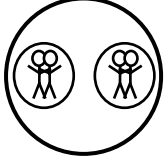


| Stage type: | Intra | Inter | Trans |
|---|---|---|---|
| **Level 1:** *Stages 1 – 3* | 1 | 2 | 3 |
| **Level 2:** *Stages 4 – 6* | 4 | 5 | 6 |
| | . . . | . . . | . . . | . . . |
| **Justice operations:** | Equality | Reciprocity | Reciprocal equality |

*Figure 1: Illustration of the developmental logic*

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[5] See, e.g., A. Colby, L. Kohlberg 1987.

[6] Piaget & Garcia 1989. Of course, this notion of development is not restricted to human maturation during childhood and adolescence, but covers, in principle, all substantial learning processes that involve discontinuous phase transitions onto more complex forms of reasoning. It should also be noted that there are many parallels with Hegelian dialectics with respect to both the transitional process and the characteristics of the stage sequences (see Minnameier 2000a, b). However, Piaget himself has never been much concerned with Hegel's philosophy.

[7] For certain reasons Piaget and Garcia speak of „transformation", but it seems to me that "reciprocal relation" is more to the point, especially in the context of moral reasoning.

[8] See Piaget & Garcia 1989, 273-274.

This is to say that, in the context of moral reasoning, the individual's perspective is first differentiated into similar forms (the perspectives of other people), which are – at this initial stage – evaluated independently of each other, i.e. one is able to take the perspectives of different individuals, but only one at a time, so that one is not able to relate those different viewpoints to each other. The respective operation could be termed (simple) "equality" in the sense that the various perspectives are not only differentiated, but regarded as equal, without as yet attempting to equalise their different claims (as e.g. when it is argued that everybody should mind their own business).

At the "inter"-stage the previously differentiated perspectives are reciprocally related to each other, but in a way that disregards the individuality of those perspectives and the differences between them (simple reciprocity) – e.g. by employing the fifty-fifty rule, which mediates *between* different viewpoints, but without considering questions of need or other possible sources of relevant inter-individual differences. The latter is only achieved on the "trans"-stage, where the inter-individual differences are taken into account, which results in a reintegration of the individual perspectives into a new complex whole (characterized by reciprocal equality). Now the crux of this analysis of development is that such a complex whole can in turn be differentiated into a (new) variety of forms which then constitutes the next "intra"-stage up the hierarchy – and so development can go on (see Fig. 1).

Take the example of a well-off and a not so well-off person. Mere reciprocity according to the fifty-fifty rule would not really be just, because it ignores the difference in need or desire of the good in question. The dividing ratio should rather favour the poor person, so that everybody ends up with a fair share (which exemplifies the overarching perspective of the trans-stage). However, each concept of a fair share involves a preference order according to which goods are valued and distributed. Initially, the individual projects his or her own preference order into the other. But once it is realised that different individuals may have different tastes, it becomes obvious that this also leads to different evaluations of the dividing situation. In this way, a new differentiation of subjective and mutually unrelated perspectives emerges at a higher-order intra-stage (Stage I2a according to Fig. 2), on which one concedes that no one can be forced into a deal against their will as it all depends on each person's individual feelings (e.g. when a child refuses to join in a certain game or group activity).

As many more examples shall be discussed below, this may suffice as an illustration of the stages. What still needs to be explained however, is the differentiation of "main levels", "levels", and "stages". Along the fine grid of single *stages*, new valid claims are taken into account at each intra-stage, with these claims resulting from an attendance to some novel morally relevant aspect (according to the different levels). As one proceeds across the respective inter- and trans-stages, these individually or group-centered claims are equalised from the point of view of an overarching perspective (trans).

The example above shows how the complex unity of the trans-stage is broken up as the aspect of moral subjectivity comes in. This initiates a new sequence of stages one level higher. With each intra-stage a new type of relevant moral claim is articulated – or becomes conscious – which can, at this initial stage, only be inter-individually recognised, but not yet equalised. Rather this is effected in the two ensuing steps onto the inter- and the trans-stage, for which reason the respective aspect of moral cognition is called the aspect of equalisation (see Fig. 2).

Across the levels the aspect of ethical subjectivity is first ignored (intra) then conceived and addressed (inter) and finally neutralised in a moral principle that refers to social entities rather than single individuals (trans) – hence "neutralisation". Ethical subjectivity comes in at all three main levels. At Main Level I it appears in the form described above – as the insight that different people have different preferences (Stage I2a). In a similar way the

issue comes up at Main Level II in a form which is exemplified by Sophistic ethics (Stage II2a, as expounded below) and again at Main Level III e.g. in the ethics of Schopenhauer, Nietzsche, Kierkegaard, or the French existentialists of the 20th century (Stage III2a).

| ASPECTS OF MORAL REFLECTION | | | |
|---|---|---|---|
| **Universalisation** *(of the moral point of view)* | **Neutralisation** *(of the ethical subjectivity)* | **Equalisation** *(of valid claims)* | Current no. |
| Main-Level **III** (trans) | Level **III3** (trans) | Stage **III3c** (trans) | 27 |
| | | Stage **III3b** (inter) | 26 |
| | | Stage **III3a** (intra) | 25 |
| | Level **III2** (inter) | Stage **III2c** (trans) | 24 |
| | | Stage **III2b** (inter) | 23 |
| | | Stage **III2a** (intra) | 22 |
| | Level **III1** (intra) | Stage **III1c** (trans) | 21 |
| | | Stage **III1b** (inter) | 20 |
| | | Stage **III1a** (intra) | 19 |
| Main-Level **II** (inter) | Level **II3** (trans) | Stage **II3c** (trans) | 18 |
| | | Stage **II3b** (inter) | 17 |
| | | Stage **II3a** (intra) | 16 |
| | Level **II2** (inter) | Stage **II2c** (trans) | 15 |
| | | Stage **II2b** (inter) | 14 |
| | | Stage **II2a** (intra) | 13 |
| | Level **II1** (intra) | Stage **II1c** (trans) | 12 |
| | | Stage **II1b** (inter) | 11 |
| | | Stage **II1a** (intra) | 10 |
| Main-Level **I** (intra) | Level **I3** (trans) | Stage **I3c** (trans) | 9 |
| | | Stage **I3b** (inter) | 8 |
| | | Stage **I3a** (intra) | 7 |
| | Level **I2** (inter) | Stage **I2c** (trans) | 6 |
| | | Stage **I2b** (inter) | 5 |
| | | Stage **I2a** (intra) | 4 |
| | Level **I1** (intra) | Stage **I1c** (trans) | 3 |
| | | Stage **I1b** (inter) | 2 |
| | | Stage **I1a** (intra) | 1 |

*Figure 2: Overview of the stage hierarchy's formal structure*

Finally, the systematic aspect of universalisation, according to which the main levels are differentiated, draws to the very basis of moral judgement, i.e. the question of why we should be moral and what the fundamental justificatory frame of reference is. Throughout Main Level I the individual believes acts to be objectively right or wrong and fails to see that laws and other moral rules are contrived by human beings. In a way, the individual mistakes his or her own moral point of view for an absolute one (and otherwise relies on what authorities say). Reasoning at Main Level II focuses on principles of justice for communal life and assumes that there is something like an ideal form of social organisation or the best way of life, which one tries to find out (this will be discussed extensively below). However, what one looks out for at Main Level II is always thought to be incorporated in the universe and that it had to be revealed from it. In other words, the basic moral frame of reference is externalised and those external − or natural − principles of justice bind the individual like the laws of a society bind

its members. By contrast, at Main Level III it is not tried to reveal principles of justice and the good life by contemplating the universe trying to find out nature's will, but through reason alone which now becomes truly autonomous (in modern times). The differences between the main levels are also illustrated by the remarks below on the transition from Main Level I to Main Level II (in the following) and from Main Level II to Main Level III (at the end of this contribution).

## Developmental Progress in Ancient Greek Thinking

### *The transition from Main Level I to Main Level II*

As already explained in the previous section, moral reasoning throughout Main Level I is marked by the conviction that concrete acts must be objectively right or wrong (in the sense of Kohlberg's "moral realism"). Across the stages within Main Level I there are various principles that fall in this overall category, like e.g. equal sharing and turn-taking (I1b), promise-keeping (I2b), rules of consideration (like caring for the handicapped or the elderly; I2c), solidarity with the family or with friends as a single social whole (I3a). These stages cannot be illustrated further in this paper, but it should be realized that – at the respective stages – these principles are themselves all regarded as absolutely just and do not require any further justification from the point of view of the developing individual (and this absoluteness allows those principles to be used to judge acts directly). This comes out most clearly at the highest stage of Main Level I (I3c), at which one relies on a superior instance – like a king who receives his orders directly from God – to tell right from wrong. This is thought necessary, because one realizes that ordinary human beings may err and are never fully disinterested. So they may fail to see what is objectively just, but still the belief in objective justice is upheld and laid in the hands of the ruler.

All the advanced archaic civilizations incorporated this moral perspective and functioned according to it.[9] The Egyptian pharaohs and the Babylonian kings were thought to be gods themselves, later prophets (like Moses) were supposed to receive laws or orders directly from the heavens.

On one hand this is a rather rich moral perspective: It takes a moral point of view of a whole society – a point of view beyond that of kinship or similar relations – and delegates jurisdiction as well as administration of justice to the god-like rulers and their officials (rather than permitting self-justice and direct retaliation). On the other hand, the individual has no moral autonomy. What happens when the belief in the superiority and holiness of the ruler is shaken? What if the individual thinks the laws unjust and something else just?

Within the framework of this Stage I3c such an idea leads directly into contradiction, because what has been thought as absolute and objective now comes out as biased, erroneous and subjective, whereas the individual's own (subjective) point of view receives an air of objectivity (as what is right) or at least superiority. So what used to be regarded as wrong (the individual's own moral feelings or conscience) becomes right and what was thought to be right (absolute moral law) appears to be wrong.

This contradiction is resolved at Stage II1a (see below). Historically and politically this step was taken with the move from archaic theocracies to the Greek aristocracy.[10] The underlying change in moral thinking becomes apparent as early as in the Homeric epics.

What causes the transition to Major Level II (i.e. from Stage I3c to Stage II1a) is the recognition that there are no such absolute – or divine – standards (in the sense of concrete laws such as, e.g., the Ten Commandments), but that morality consists in rules for social conduct that human beings create by themselves as a consequence of and as a regulation for social

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[9] See Larue 1991.
[10] See esp. Vernant 1962.

interaction. Again, as typical of any type of "inter"-reasoning, society – or also "human nature" as such – here plays the part of a connective between individual moral orientations or mediates between individual viewpoints. However, society as such remains external to the reflecting individual, i.e. morality is – in this respect and throughout Major Level II – always and ultimately bound to an inter-subjective frame of reference. This limitation is finally overcome at Major Level III, which grounds morality in pure reason, as it were, and thus overcomes the ultimately fatal externalism of Major Level II

### Stage II1a: The Greek aristocracy, Homer, and the Golden Rule

The early Greek aristocracy had an ethical foundation quite different from the theocracies. Justice was not decreed anymore by one supreme person, but every aristocrat was thought to be competent, in a way, to tell right from wrong.[11] On one hand, this is the direct consequence from the insight, that there is no ultimate moral authority in the form of supreme ruler, on the other hand, if there is to be justice at all, one needs a method to determine it. Such a method, however, presupposes a major shift in moral perspective since, as already mentioned above, the task is to do justice to the members of a whole society and even beyond, i.e. not just to the ones one loves, but also to strangers or to one's opponents.

How can the individual attain such a perspective? What is needed is a principle by which people can derive what society requires them to do. The simplest version of such a principle is the Golden Rule ("Do unto others as you would have them do unto you"). This rule leads to a global perspective as it regulates the relations among all individuals who are capable of conceiving it. It is not restricted to kinship and friendship but relates to *anyone* and thus aims at justice in the sense of how to behave in social interaction in general.

In its pithy form the Golden Rule was probably not known before the Sophists (and its original version may have to be ascribed to Confucius), but the gist of it can already be found in Homer's epics.[12] For instance, in book 24 of the *Iliad*, Achilles has Hectors body dragged by horses around his friend Patroklos' tomb, who was killed by Hector in the war over Troy. However Apollo prevents Hector's body from being violated and accuses Achilles of being "immoderate" and "as wild as a lion" (lines 40-41).[13] This is a call for abstracting from one's own particular situation and feelings, in wise temperance, and taking the other's point of view, even if it is one's enemy. There are many other examples of magnanimity and generosity in the text,[14] passages in which various protagonists are helpful or merciful out of insight and without expecting a certain benefit in return (which was otherwise a common practice at the time).

This moral point of view is even more salient in the *Odyssey*, where the focus is on how to act towards a stranger and how to resolve conflicts between the strong and the weak. Odysseus in his disguise provides ample examples for identification and role-taking. His own character is "defined by his paternal protectiveness, his gentleness, his civility, and his benefactions to those under him".[15] Having discussed the original text extensively, Havelock comes to the conclusion that according to the *Odyssey* a just person "does more than merely conform to the mores or conserve them. He (the just man, G.M.) eschews aggressive action and attitude (…) (and) prefer(s) compromise above confrontation. This is the social ethos which the tale is indirectly conserving and also recommending; it seems also to be the lesson of the *Iliad*. The just man, if he prefers orderliness above outrage, may be said also to prefer peace above war, for orderliness is not only a personal but a social condition".[16]

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[11] See also Raaflaub 2000, 55-56.
[12] See Philippidis 1929, 43-44, Dihle, 1962, 85-96.
[13] See also Zanker 1994, 147.
[14] See, e.g., ibid., chap. 1.
[15] Havelock 1978, 192.
[16] Ibid., 191.

In Hesiod's writing, too, the same fundamental idea of justice is expressed. Here the Golden Rule comes out almost conspicuously – also in the sense that it goes beyond the simple reciprocity of the *lex talionis*:

> Take good measure from your neighbor, then pay him back fairly with the same measure, or better yet, if you can manage it; so, when you need him some other time, you will find him steadfast. No greedy profits; greedy profit is a kind of madness. Be a friend to your friend, and come to him who comes to you. (…) Give is a good girl, but Grab is a bad one; what she gives is death. For when a man gives willingly, though he gives a great thing, yet he has joy of this gift and satisfaction in his heart, while he who gives way to shameless greed and takes from another, even though the thing he takes is small, yet it stiffens his heart. (*Works and Days*, 349-360, tr. Lattimore)

To sum up, the ideal of wise temperance (*sōphrosunē*) seems to have been the moral foundation of the early polis, and it clearly carries the idea of putting oneself in the other's shoes, since otherwise you can hardly be moderate. Moreover, what is just, according to the Golden Rule and even ancient Greek thinking as a whole, is not a question of "yes" or "no" in the sense of absolute justice, but a matter of social regulation and what is appropriate and decent in this respect. Such a perspective enables one to tell right from wrong autonomously, without direct recourse to the will of (the) god(s).

The justice operation of this stage is that of equality. Every human being – or in the early polis: every nobleman – is seen as endowed with reason and hence capable of moral thinking and action. In this sense they are all on a par. At the same time, this is a personal gift, and it is ultimately down to each individual to make up their minds. No reciprocal relation between these individual viewpoints is possible.

Thus, however global the perspective of Stage II1a may as such be, it remains deeply self-centred. The Golden Rule expressly projects the subjects own will into others. I am required to treat others the way I would like to be treated by them (or if I were them) – not really the way they themselves would like to be treated. Thus, I may be ignorant of their personal situation and their particular needs. The missing reciprocity may become a problem, when the individuality of moral decisions (that are all generated by the Golden Rule) leads to marked inequalities.

Assuming that the individual versions of moral decency sufficiently diverge from each other, the Golden Rule entails the paradoxical situation in which I might have to accept certain actions by others which I would neither want nor be allowed to carry out against my counterpart. And to extend this point further, trying to include the other one's point of view would contradict the Golden Rule, since what for the other satisfies the Golden Rule as applied by him or her, dissatisfies it from my point of view. It is something that I would not have them do unto me. So, others may want me to do unto them what I would not have them do unto me, and accordingly, I would want them do unto me what they would not have me do unto them.

### Stage II1b: Equal justice and the tyrants

If justice is to be had at all, regulations have at least to be applied equally to every individual. Thus, the main challenge resulting from the above contradiction is to reach some kind of compromise in order to realign the diverging moral orientations and to establish equal justice for all. Someone would have to mediate between the conflicting views and introduce rules that are binding for everyone as well as approved by the people at large. Such a mediator cannot act like a god – as could the kings in the former theocracies –, because he is checked by autonomous moral subjects and – on the whole – has to meet with their moral views.

In the ancient polis this role of mediating leadership was played by the tyrants.[17] At that time, tyranny did not have the negative flavour of exploitation and oppression it has taken on later (mainly through Solon and Aristotle). People rather appreciated the tyrants for providing and ensuring law and order and applying equal standards to all.[18] With respect e.g. to Draco's law on homicide and the establishment of the grand jury Edwin Carawan recently remarked that Draco "created a new social reality. What constitutes right and wrong is now defined by a fixed standard to which all members of the community have access – justice is no longer dependent on the wisdom or the whim of 'bribe-devouring kings' (as Hesiod called them, *WD* 39). The jury that Draco empanelled cannot simply look to their own insight or their own interest. They are called upon to decide the dispute by criteria set forth in the law"[19].

The justice operation of this stage is that of reciprocity. Laws are generated on the basis of individual moral orientations which are addressed by the mediator and have to be amalgamated into one rule. The individuals themselves give away their moral autonomy to the mediator out of the insight that some compromise has to be attained. Since the focus is on the uniformity of treatment and since the individual needs and necessities do not enter the rules generating process directly (only indirectly via the mediator), this mediating principle incorporates only (strict) reciprocity without equality.

This becomes immediately apparent when one realizes that equal treatment does not necessarily mean just treatment. One may well acknowledge the need for mediation and equal justice for all, but still not accept what is actually ruled. Such reasoning, however, is excluded by the strict reciprocity of the very principle (and would seem like a regression onto Stage II1a). Consequently, this leads into a contradiction in which the (as yet not integrated) perspectives of equality and reciprocity are opposed. What is just by one's own standards is unjust, because it violates the law (and the other way round). Hence, a law generating mechanism is needed that addresses more the individual needs and necessities and involves the individuals directly, so that the viewpoints of both Stage II1a and II1b be integrated.

### *Stage II1c: Solonian justice and democratic decision-making*

Solon's approach to justice delivers just that. According to him, justice is something "obscure" and "most difficult to understand" (Frag. 16)[20], but still to be verified in the common experience within the social order. In particular he holds that justice could be taught, if people took part in public discourse and could experience the results of their judgements (cf. ibid.). This conviction led him to introduce a (widely) democratic constitution[21] which should then stand for itself. In this way, the differences and inequalities between individuals, social classes or tribes could be considered within the framework of the polis as a whole.[22]

Unlike the tyrants, Solon did not cherish the idea of giving everybody the same. His concept of justice was more subtle in considering the differences in need and merit. A good and well known example is the argument over debt release and land reform. Poor famers were forced to mortgage their own land and, when they could not pay back the loan, had to pawn themselves and their family members (since they were not allowed to sell the land). As a consequence, they were under constant threat of being sold off as slaves. Solon ended this

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[17] However, arbitration by elders in concrete controversies was already common before and is mentioned as early as in the *Iliad*, (18.497-508).

[18] See e.g. Ehrenberg 1968, 22-24, Stahl 1986, 104-105 and 183-185, Salmon 1997, 61-69, Raaflaub 2000, 43-44. However, as the last reference reveals, there might be some controversy as to whom to call a tyrant, especially when tyrants are distinguished from ancient lawgivers.

[19] Carawan 1998, 5.

[20] Quoted from Vlastos 1946/1995, 36.

[21] People were classed according to income, and the political rights were graded according to these classes, giving the rich more influence than the poor.

[22] See also Ehrenberg 1968, 22-24, Salmon 1997, 61-69.

sequence, they were under constant threat of being sold off as slaves. Solon ended this vicious circle into which many have been drawn, and retroactively abolished all debts.[23]

However, to many this seemed to be not enough. They demanded for a land reform by which all farmers should get equal shares. But Solon did not give in to this claim, which according to him would have been tantamount to giving the mean just as much as the good.[24] Solon could not appease the people, and eventually – as well as ironically – it was Peisistratos (a tyrant) who solved the problem by allotting not the same, but reasonable shares to everyone, so that they all could make a living out of it (to be sure, Solon's regulation, too, was not attained by popular vote, but decided over the heads of the people). Still the point is, to my mind, that Solon basically did not want to re-distribute what may have been the result of differences in skill and effort. At least he was convinced that under normal circumstances unjustly acquired wealth would not last (Frag. 13, 11-13), so that a fair self-organised balance should result from regular economic practice – and this, it seems, is what he wanted to restore.

At any rate, Solon firmly believed in the possibility of a harmonious equilibrium in society brought about by (learned) public discourse and democratic practice. And he thought that this had to be a finely tuned equilibrium between different personal needs and positions in society, so that across-the-board regulations and levelling re-distributions would not bring about peace, but cause disturbance.[25] Moreover, Solon appears to have been the first to insist that justice concerns the entire polis and is everybody's business rather than a matter of only those embroiled in a particular conflict.[26] Living in harmony under good government (*eunomia*) does therefore more than prevent particular individuals from particular harm or damages, but brings peace, freedom and prosperity to all. This is clearly expressed in Frag. 4.[27]

The justice operation, thus, is that of reciprocal equality, bringing individual needs and necessities into the legislative process and attuning laws to those individual claims. The result should be that everyone gets – not the same, but – his due.

The problem that Solon was well aware of is that democracy does not necessarily entail justice in the above sense. Minorities may not only be outvoted by "the masses", but the very process of forming one's own opinion may be influenced by the good or bad rhetorical capacities of certain interest groups. Hence, even democratic decisions will normally be biased at least to some extent and might fail the aspired moral ideal.

This line of reasoning turns into an irresolvable contradiction, however, if it is admitted that the subjectivity of individual interests precludes an overall harmonious equilibrium. Any suggestion of such an "objective" equilibrium would then be "subjectively" biased. And there is no way out, since an objective reciprocal equalisation of individual claims presupposes their mutual compatibility (that Solon clearly assumes). But if one interest is always and necessarily satisfied at the expense of another, then no objective and harmonious equalisation is possible.

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[23] See Vlastos 1946/1995, 42-43.

[24] Ibid., 51.

[25] Ibid., 51.

[26] Ibid., 41-42.

[27] There (in lines 26-39), Solon argues that "public evil comes home to each man and the outer doors can no longer hold it back; it leaps high over the courtyard wall and finds you anywhere, even if you hide in your inmost bedroom. This is what my spirit tells me to teach the Athenians: bad government brings the most evils to a city; while good government (eunomia) makes everything fine and orderly, and often puts those who are unjust in fetters; it makes rough things smooth, stops excess, weakens hubris, and withers the growing blooms of madness (atē). It straightens crooked judgments, makes arrogant deeds turn gentle, puts a stop to divisive factions, brings to an end the misery of angry quarrels. This is the source among human beings for all that is orderly and wise" (Gagarin & Woodruff).

*Stage II2a: The Sophists' positive law*

The idea that democratic decision-making leads – at least from the perspective of legislators or law-making citizens – to no more than a contingent, changeable and unstable equilibrium of diverging interests first came in with the Sophists, who drew to the fact that the different polis-states had all created different laws for similar matters. They were the first to realise that even learned and well-organized democratic decision-making would not necessarily entail an objectively ideal balance between individual claims as the result of this process also depends on the individuals' rhetoric capabilities. According to the sophists, therefore, laws were regarded only as the contingent result of inter-subjective negotiations or, in other words, represented merely "positive law".[28] Consequently, they held that everyone ought to promote their own claims as well as they could, since there was no objective criterion for morality (or at least not conceivable for human beings). This is how Protagoras' myth in Plato's dialogue "Protagoras"[29] is to be understood, where he is reported to assert that the political art, in contrast to other arts, were not possessed by a few experts, but shared by all. So, no one is an expert, expertise can only be brought about collectively and interactively. Unfortunately, Protagoras himself does not explain, why no specific expertise is necessary to speak on matters of public policy (which is due to the fact that the question was not raised in the dialogue). But consider instead Taylor's instructive interpretation of the idea of generally shared political art:

> It is, however, hard to see how a satisfactory answer could fail to embody the view that, while a technical expert is one who knows how best to attain an agreed end, questions of policy are themselves largely questions about what ends are to be pursued, or which among a number of agreed ends are to be accorded the greatest importance. On this view, these questions are not susceptible of right and wrong answers, and hence there can be no one who is specially qualified to answer them. Rather, each individual has to make up his mind how he wants to live and what sort of community he wants to live in. In so far, then, … a common policy should be arrived at by consulting (as far as possible) everyone's judgement, which has the consequence that everyone must be given a voice in decision-making. It appears, then, that the familiar doctrine of the subjectivity of the ultimate value-judgements governing human life has to be seen as the … basis of Protagoras' position.[30]

From all this it seems clear that – contrary to a widespread misunderstanding – the Sophists were by no means egoists.[31] They were well aware that human beings depend on society and its laws, and even that laws bear a distinct aspect of justice as the result of a common effort towards moral regulations. It is only that, in their understanding, this perspective remains entirely formal to the reflecting individuals who are nonetheless and exclusively referred to their own subjective ethical views. The crucial question is not whether or not objective justice is possible, the question is whether it would be conceivable at all for human beings, and this capacity is denied. Justice on the social level may result as an equilibrium in the sense of a good compromise and effective ordering of social practice, but cannot be rationally conceived by single individuals (as Solon had still thought he and other learned citizens could, at least with respect to the democratic principle as a method for the collective production of just regulations). Protagoras, therefore, deemed it of vital importance that citizens be trained in rhetoric, so that they were able to assert their will properly and make the above-mentioned equilib-

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[28] See Pfürtner 1988, 25-27, Kahn 1992, 6-8, 1998, 40.
[29] Protagoras expresses his ideas in the form of a myth (or story) about the evolution of humankind and its powers or arts. He contrasts the political art with the other arts. Those latter – crafts and the like – were only shared by a few (who are experts). Contrary to this, the political art were shared by all. This passage from Plato's dialogue is widely held to reflect the true ideas of historical Protagoras, although it ultimately cannot be proved (see Taylor 1991, 78-79, Allen 1996, 100).
[30] Taylor 1991, 83.
[31] See also Adkins 1989, esp. 14.

rium possible (or preclude the formation of oligarchic power structures.[32] Thus, Stage II2a falls by no means back behind Stage II1c.

It is clear that the respective justice operation is that of equality, since every citizen is granted an equal right and is – in the ideal limit – equally trained to assert their views. On the other hand, this is all the individual can do, because overall justice on the social level is thought to be without cognitive reach for human beings; and so no disinterested reciprocal relation between individual viewpoints is possible.

Of particular importance in this respect is the "subjectivity of the ultimate value judgements", as Taylor calls it, because in terms of the theory presented in this paper what is focused at Level II2 is the fact that people have different ethical values that cannot be reconciled in perfect harmony (as is thought at Stages II1a, II1b, and II1c), but have to be imposed against rival claims of others. For the Sophists the problem of right legislation does not seem to be merely one of not knowing what justice is, but a problem of basic self-interest of each individual (which would prevent them from pursuing justice even if they could grasp it). It is the incompatibility of different individuals' moral orientations that makes the difference with respect to the Sophists' predecessors.

The heart of Sophistic ethics is the conviction that everyone can only act according to their own subjective standards and inclinations. These individual orientations are only curbed by the social contract agreed by them. However, although the need for laws is acknowledged and punishment for transgressions accepted, the Sophists think offending the law is not morally wrong, if only one is ready to put up with the consequences in case one gets caught. Still, their views differ as to how far this self-justice should go, but this only seems to depend on how useful or harmful they consider such anarchy for the overall development and well-being of society.[33] Protagoras, e.g., allowed for transgressions only if one were not involved in the legislative process, i.e. if one's own influence could not be brought to bear. Others, like Antiphon, Callicles, and Thrasymachus went much further.

These more radical views, however, may also be indicative of an inherent conflict of the Sophists' ethical reasoning. When Callicles, e.g., relates to and advocates the law of the jungle *(Gorgias* 483c-484c), the question arises what status such a law really has. Callicles takes it as a law of nature, which he thinks is naturally right as opposed to merely conventional law.[34] This differentiation, however, which is also shared by other Sophists,[35] is only due to a naturalistic fallacy, and consequently the appeal to some objective and material law of nature violates the principle of ethical subjectivity. Sophistic reasoning would require him to admit that it is only his personal point of view which need not be shared by others. But then his reference to the "law" of the jungle loses all its force, since it only convinces those who already believe in it (and so need not be convinced), but cuts no ice with anyone else. Therefore, whenever the Sophist tries to establish a common ground on which to deal with mutually incompatible perspectives, this would-be foundation seems to break into pieces, because every attempt to do so is bound to be subjective and thus doomed from the start (Socrates e.g. raises this point when he asks Callicles if the man who, according to Callicles, has the right to rule others also rule himself; *Gorgias* 491d-e). The point is simply that the Sophists cannot conceive inter-subjective ethical principles beyond their own convictions. If they try, they do it on pain of the paradox that they have to be in favour of what they are against. There is no way for the Sophist to escape this predicament.

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[32] See Pfürtner 1988, 27.
[33] See e.g. Schneider 1940, 318-320, Döring 1981, 114-115.
[34] Taylor 1998, 53.
[35] Cf. ibid.

### *Stage II2b: Socrates and the priority of the law*

The problem of Stage II2a can be solved by developing a new perspective on the law: Only the law itself, it appears, can establish suitable reciprocal relations *between* conflicting interests (provided everyone had a chance to contribute to it). The Sophists relied on the *process* of negotiating laws, while the actual result of that process was thought to be merely positive law. Now, the result itself, i.e. currently valid law is taken as the moral criterion by which to orientate oneself. This enables the reflecting individual to abandon the position of ethical subjectivity (in terms of Stage II2a) and take the perspective of the established inter-subjective rules.

Socrates has most likely taken exactly this point of view.[36] Law is not thought to be perfect. In spite of the fact that laws, on Socrates' account, are not perfect, but contrived by fallible human beings,[37] he nonetheless deems the state the supreme unit, only as a part of which human beings can come to their full existence.[38] That is why he can say in the *Crito* "that your country is more precious and more to be revered and is holier and in higher esteem among the gods and among men of understanding than your mother and your father and all your ancestors" (51a-b; tr. Fowler) and conclude from this that you "ought either to convince her (your country) by persuasion or to do whatever she commands" (51b). In other words, although as an individual Socrates reserves the right to have his own opinion, he submits entirely to the collectively determined and established laws.[39] For this very reason, Socrates waives the opportunity to escape from prison and accepts his death penalty, as one who endured injustice, not by the law, but by people (who perverted it) (*Crito* 54). The latter is no reason to break the laws, because this would be tantamount to "requiting wrong with wrong and evil with evil" (54c).

What Socrates introduced in terms of a justice operation is a reciprocal link between possibly conflicting subjective moral views. However, this gain in objectivity has its price with respect to autonomy. Socrates' own fate more than exemplifies this basic problem. From a Socratic point of view any law (under a democratic constitution) must be reasonable – at least more reasonable than the individual's own limited and biased deliberations. Actually thinking a law unjust is therefore self-defeating. Thus, a morally autonomous point of view is impossible for the individual, which is why this perspective incorporates reciprocity at the expense of equality.

If, however, the individual's own moral point of view is not rejected, this leads straight into the contradiction that what is just (from the legal point of view) is unjust (by the individual's own lights), and the reverse equally applies.

### *Stage II2c: Plato's ideal state*

The one who finally bites the bullet is Plato. He does neither disparage nor ignore the Sophists' claim for the furtherance of one's own interest, but he objects to the view that this requires freeing oneself from the restraints of morality.[40] Thus, the question for Plato is: "How may one achieve the life which is, objectively, but from the point of view of one's own interest, the most worth living?"[41] Taylor ascribes to Plato a "broadly egoistic conception of the

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[36] See also Vlastos 1983/1994, chap. 4. Vlastos argues that all the contrary evidence about the historical Socrates came down to us from Xenophon's writing and was to be rejected.

[37] See e.g. *Apology* 37a7-b1, Vlastos 1983/1994, 95.

[38] Taylor 1998, 183, see also Gómez-Lobo 1994, 61-70.

[39] See also Vlastos 1983/1994, 107.

[40] Here "morality" refers to common behavioural conventions. It is not to be understood as if the Sophists were immoral in the sense of lacking virtue. Adkins has made it quite clear that the Sophists were impeccably virtuous by the standards of their day as they have come down from Homer – identifying goodness with seeking and achieving one's own "human flourishing" in a public, political context (Adkins 1989, 18).

[41] Taylor 1998, 49, referring to *Rep.* I.344e.

role of practical reason"[42], which, I think, is crucial for an adequate appreciation of how he builds his predecessors, eventually integrating both the Sophistic and the Socratic approaches.[43] What Plato set out for was to deliver a justification for morality on the basis of a broad conception of individual interest, i.e. provide reasons to generate moral commitment even among those who are not so committed in the first place.[44] Adkins points out, that also a social contract theory – which was known then – would be of little use to Plato, since someone who would, himself, not benefit from such a contract would "be mad" to enter it.[45] And he goes on saying that "it is precisely that kind of 'goodman' who poses Plato's problem in its most acute form"[46].

Plato's approach is to show "that the individual personality is itself organised on a social model, and its best state, which is the supreme good for the individual, consists in a certain social organisation"[47]. As is well known, Plato devises an ideal state, in which different classes of people fulfil different social roles (rulers, military auxiliaries, and economic producers), which correspond to their supposed natural abilities, and which in turn depend on a characteristic personality structure made up of intellectual, self-assertive, and bodily appetites (see ibid., 64). And it is thought best for anyone to fit into the social whole precisely according to their particular personality. In this way Plato transforms the individualistic principle of self-interest into a collectivist principle of serving society. In this sense, "morality is keeping one's own property and keeping to one's own occupation" (*Rep.* VI.433e-434a; tr. Waterfield).

And who is to organise the social body to which all individual interests should be integrated? Here, Plato's metaphysics comes in, according to which the supreme object of understanding is the form of the good. Grasping this abstract idea requires not only a personality structure in which priority is on the intellectual motivation that controls and organises the other appetites, but this natural disposition also has to be developed by appropriate education.[48] Consequently, not everyone should take part in running the state, and the best to choose for this task are those who can best grasp the idea of justice, i.e. the "philosopher kings" (*Rep.* VII, esp. 473c11-e6).

Still it is important to note that for Plato the difficulty in understanding the form of the good does not just lie in its metaphysical abstractness, but is also rooted in the requirement to derive the common good from the individual moral orientations that are to be integrated. "Law can never issue an injunction binding on all which really embodies what is best for each; it cannot prescribe with accuracy what is best an just for each member of the community at any one time. The differences of human personality, the variety of men's activities, and the restless inconstancy of all human affairs make it impossible for any art whatsoever to issue unqualified rules holding good on all questions at all times" (*Statesman* 294a12-b6; tr. Skemp).

The aim thus is clearly to attain laws a form of social organisation in which everyone gets his due and individual moral orientations are adequately accounted for (i.e. reciprocal equality in terms of the relevant justice operation). However, there is also a fatal problem in Plato's theory, which is that the Platonically just person is so by virtue of his or her personality structure, and by the resulting love for the good they will be concerned for the good of others and

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[42] Taylor 1998, 50, see also Adkins 1989.

[43] In this respect Taylor also points out that "both sides of the dispute about nature and convention (i.e. the Sophists and Socrates, G.M.) accepted that genuine values were part of nature, the critics of conventional morality attacking its values as spurious because they are *merely* conventional and therefore not part of nature, its defenders urging that on the contrary moral values are natural and therefore genuine" (1998, 53).

[44] See ibid., 51, 63.

[45] Adkins 1989, 20.

[46] Ibid., 21.

[47] Taylor 1998, 63.

[48] See Taylor 1998, 67.

of the community as a whole. But how, then, Taylor asks, "could he fail to be just by conventional standards"[49], and continues: "The flaw in the theory is that the structure itself defines the good for the agent".[50] Practically, this is problematic, because it allows – even requires – e.g. the expulsion and enslavement of entire populations,[51] which cannot really be in their own (reflected) interest. Systematically, this entails that we have no (upward) integration of individual perspectives to a social whole, but a downward application of the Platonic agent's basic grasp of the good to the actual community. Inasmuch as such an agent fails to integrate individual orientations, the objectivity of his or her moral point of view may rightly be challenged as subjectively biased. But since the agent cannot possibly fail it would have to be both biased and unbiased. The contradiction is that the objective Platonic judgement turns out to be subjective, while at the same time making this very claim of subjectivity requires itself an objective perspective (from which, however, the claim could not possibly be made).

### *Stage II3a: Aristotle and the priority of politics over ethics*

Aristotle turns Plato's approach literally upside down. He criticises Plato's idealism[52] and attempts to determine what is just from the actual situation in which a (particular) polis and its citizens are. So, instead of deducing from heavenly ideas and a pre-shaped ideal state he first draws to empirical facts. However, in some other respect, Aristotle also moves Plato from bottom to top in that he does not, like Plato, start from individual perspectives in order to integrate them under a suitable concept of the state and its laws, but rather regards the flourishing (*eudaimonia*) of the polis as prior to the individual's *eudaimonia*, so that the best for the polis would necessarily also be the best for the individual. Let us first outline these two aspects in some more detail and then discuss the consequences in terms of our underlying developmental pattern.

Of course, Aristotle's rejection of idealism does not mean that "anything goes" politically. In particular he differentiates between natural justice and legal justice, with legal justice relating to what is most variable and could freely be fitted to the particular circumstances, like e.g. the amounts of certain fines (*EN* V.7.1134b18-24). Natural justice, by contrast, is clearly thought to be the same everywhere and not to depend on circumstances or opinion (*EN* V.7.1135a1-4). However, and again in opposition to Plato, Aristotle does not hold that all states ought to have one and the same ideal constitution, because he merely assumes a teleological development towards ideal forms of life and government, which implies that what is suitable – and in fact natural – at the current state of affairs may still vary.[53] Thus, the concept of natural justice does not preclude that laws and even constitutions differ from polis to polis (and still be naturally just). It is well known that Aristotle considers different forms of government – namely kingship, aristocracy, and republic[54] – to be good, if they are properly applied and match the needs of the respective society (*Pol.* III.7; IV.2.1289a26-30).[55] The unifying criterion, with respect to natural justice, of all these various forms of organising and ruling the polis is that "we call those acts just that tend to produce and preserve happiness and its components for the political society" (*EN* V.1.1129b17-19; tr. Ross).

This analysis bears one serious problem that entails an important restriction. As politicians cannot simply rely on their theoretical understanding of what is generally just, but have to fit this to the empirical circumstances of their particular polis, their work consists to a large

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[49] Taylor also refers to a set of other renowned researchers on this critical point.
[50] Taylor 1998, 70.
[51] *Rep.* 540e-541a, Taylor 1998, 70.
[52] For a detailed analysis in the ethical context see Flashar 1977.
[53] See Miller 1995, 76-77.
[54] However, these may be applied wrongly. The respective perverted forms are tyranny, oligarchy, and democracy.
[55] See also *Pol.* III.17.1287b37-41, Miller 1995, 79-83, Evans 1987, 161.

part in investigating and evaluating the results of actual institutions and practices (*Pol.* III.9.1280a7-25; 1281a8-10; III.12.1282b14-23; IV.1.1289a5-25).[56] Thus, "if the citizens of a state are to judge and to distribute offices according to merit, then they must know each other's characters; where they do not posses this knowledge, both the election to offices and the decision of lawsuits will go wrong. When the population is very large they are manifestly settled at haphazard" (*Pol.* VII.4.1326b15-20). As a consequence, there is a limit to the size of a polis, which Aristotle sets at 100,000 citizens (*EN* IX.10.1170b29-33). Not only does this rule out larger social entities as they in fact emerged from the Hellenistic era onwards, but it also raises the question of justice beyond the polis. This is not to say that there can be no justice at all between members of different poleis, for justice, in principle, only requires that people have something in common and so can find a common basis to settle their disputes (see *EE* VII.10.1242a19-28). However, as Miller points out, this is merely a type of "proto-justice" that is by no means equivalent to the form of justice embodied in the polis.[57] Moreover, this kind of justice depends on benevolence on both sides. Apart from this, there seems to be no systematic way to balance mutual claims and resolve possible conflicts. Hence Aristotle takes a fundamentally socio-centrist ethical perspective.

Remains the question why the *eudaimonia* of the polis ought to have priority over that of the individuals who constitute it (see *Pol.* I.2.1253a25-26). As for the relation of ethics and politics it is well established, today, that for Aristotle "politics is the logically prior study"[58]. The reason is that "man is by nature a political animal" (*Pol.* I.2.1253a2; tr. Jowett, as revised by Everson; see also *EN* IX.9.1169b18), attributing to human beings not only innate capacities essential for political life (see *Pol.* I.2.1253a7-18), but also the innate impulse to live in a polis (see 1253a29-30). The latter fact is underpinned by resent research on the precise sense in which human beings are political animals,[59] which reveals that *zôon politikon* is to be understood in the wide (zoological) sense that human beings, like bees for instance, cannot live solitary lives, but depend vitally on cooperation. Of course, human capacities, reason in particular, allow for more than mere survival, which is why the political community is thought the appropriate way of life for human beings.[60]

The naturalness of this human capacity and impulse entails the naturalness of the polis, but both the naturalness and the entailment relation hinge on Aristotle's teleological doctrine. "Nature, as we often say, makes nothing in vain" (*Pol.* I.2.1253a9), i.e. that the nature of a capacity is the final cause of its realisation, and so the capacity would not be natural if it did not (by itself) tend to actualise itself in the course of time. Only by the necessity of this tendency – even if not actually realised – is naturalness conveyed to the polis. In this light it becomes clear why the polis is thought of as an organic whole to which its members are integrated and without which they would not even be human beings in the true sense of the word (see *Pol.* I.2.1253a18-33).[61]

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[56] It should also be noted that even what Aristotle discusses under the label "particular justice" (i.e. distributive, corrective, and commutative justice) remains strictly formal (see *EN*, V.3-5).

[57] Miller 1995, 84-86.

[58] Evans 1987, 156, see also Urmson 1988, 117.

[59] See e.g. Depew 1995.

[60] See ibid., 175-181.

[61] It has been argued by Keyt (1991, 139) that the organic thesis is false by Aristotle's own principle's, because someone who is polisless by chance would still be a human being, which is impossible by the organic thesis (see also Miller 1995, 49-50). To my mind, however, this argument does not seem convincing. Aristotle in *Pol.* I.2.1253a3-4 only makes a statement about those who are polisless by nature (that they are either lower or superior than humanity, but no human beings). It is true that he contrasts them with those who are polisless merely by chance, but this only entails that for them things are different, but not completely reverse. Hence, those who are polisless by chance may differ in that they will never be gods, or they might still be able to become human beings (so long as they preserve their natural capacities), even though in their current state they are not. Under such an interpretation there is no fault in Aristotle argument, but there is in Keyt's deduction.

Let us summarise this discussion in its structurally important aspects. With the concept of the polis of an organic whole the problem of ethical subjectivity, which prevailed throughout Level II2, has not only been solved, but overcome as a problem (because given the priority of politics, individual orientations as such are clearly irrelevant). In other words, the problem of ethical subjectivity has been "neutralised". A new problem, however, already lurks in the bushes in the form of rival poleis. From Aristotle's point of view it is not possible to take a disinterested perspective with reference to the relations between different poleis (apart from "proto-justice"). They are all equal and equally just in themselves (so long as they are governed well), but every polis is only concerned with its own flourishing. Hence the relation between different poleis is one of equality without reciprocity.

Conflicts systematically arise when poleis can no more co-exist independently of one another and their respective interests clash. It is possible for Aristotle to take the perspective of other poleis and judge them immanently. But in the conflicting situation he cannot take both perspectives at the same time, since what is just for one polis (furthering its flourishing) would be detrimental and thus unjust for the other. Therefore, taking both perspectives in such a situation is impossible without contradiction; what is just (from one perspective) is necessarily unjust (from the other).

### II3b: Epicurean friendship and social contracts

With the decline of the Greek polis and a broadening political perspective in Hellenistic times a new cosmopolitan moral point of view emerged. Epicurean ethics is to be seen in this context. Epicurus' hedonistic conception of the good life and of morality is not meant as a plea for egoism, but lays the foundation for a systematic analysis of human relations and the construction of his ethical system.[62] If, as Sedley argues, there are close relationships between Epicurus' physics and his ethics, then his hedonism seems just to reflect his physical atomism.

But the focus on pleasure as the individual's basic motivation only marks the central criterion to which all moral claims have to be accommodated. And it has no concrete normative power so long as it remains unspecified what pleasure, let alone the highest-ranking pleasure, consists in. As Sedley points out, Epicurus himself may have deliberately left this question quite open when he argued for seeking pleasure and avoiding pain as the fundamental, non-derivative driving force.

So how is pleasure maximised on Epicurus' account? There are two main orientations that seem, at first glance, to be paradoxical, but which turn out to be both consistent and a logical consequence from the point of view of Aristotelian ethics and its restrictions. On one hand, Epicurus advocates "a quiet life and the retirement from the world" (*KD* 14)[63] in order to prevent frictions among people which could disturb the individual's peace of mind (*ataraxia*). On the other hand, he strongly recommends forming friendships and holds that "(o)f all the things which wisdom acquires to produce the blessedness of the complete life, far the greatest is the possession of friendship" (*KD* 27). This not only seems to go against the above-mentioned withdrawal from the world and the individual's self-sufficiency[64], but also to contradict the hedonistic orientation (at least if Epicurean friendship is to be understood as altruistic friendship; but there can be hardly any doubt it is)[65].

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[62] See e.g. Sedley 1998.

[63] All quotations from Epicurus' writing are taken from Bailey's *Epicurus: Extant Remains* (Oxford: 1926).

[64] It is important to note that Epicureans try to restrict their desires and adjust them to the situation they live in, in order not to be frustrated and unhappy. Friendships, however, are a possible source of frustration, because one can always be deceived by a friend. As Mitsis points out, this makes the individual more vulnerable and consequently one could also argue that forming friendships should be avoided (see Mitsis 1987, 150).

[65] See e.g. Mitsis 1987, Müller 1991.

Mitsis discusses at length possible associationistic interpretations of Epicurean friendship and rejects them. He argues that, on pain of inconsistency, friendship is not to be regarded merely as a *source* of pleasure, but as a *part* of pleasure, as an end in itself.[66] It is hard to imagine how else one could love friends entirely and exclusively for their own sake.[67] Interestingly enough, such a view (that friendship is a part of pleasure) is available to Epicurus from Aristotle.[68]

On Epicurus' account even the gods form friendships, and it is this ideal form of a frictionless community in which the individual not only engages, but attains his or her full existence. Diogenes of Oinoanda, e.g., claims in Frag. 56 (Smith's translation) that among wise people "the life of the gods will pass to men. For everything will be full of justice and mutual love, and there will come to be no need of fortifications or laws and all the things which we contrive on account of one another"[69]. Thus, like Aristotle, Epicurus seems to regard human beings essentially as social beings, with the only difference that "Epicurus says of friendship what Aristotle says of the city"[70]. Festugière thinks friendship is so vital for the Epicurean sage, because "(t)he exchange of thoughts and the support derived from mutual affection … are the end in themselves; in these heart to heart exchanges lies that peace of the soul which is perfect happiness"[71]. And this is why "(t)he noble soul occupies itself with wisdom and friendship" of which "the one is a mortal good, the other immortal" (*Sent. Vat.*, 78). Friendship is thought to be immortal,[72] because it allows the individual to attain a happiness similar to that of immortal gods.[73] But it may also be understood in the sense that, as the social entity lives on after the death of one of its members, the sage's mind lives on in the minds of his friends. This meaning is quite plausible if we consider that, on one hand, Epicurean friendship "makes us of one mind" (*Sent. Vat.* 61), whilst on the other hand "(d)eath is nothing to us: for that which is dissolved is without sensation" (*KD* 2).

On this background we can understand Torquatus when he tells us that wise persons, according to Epicurus, feel towards their friends exactly as they feel towards themselves (I. 67-68)[74]. And this also explains why Epicurus believes that small communities based on friendship did not need any laws.[75] Rather, they enjoy "the fullest intimacy" (*KD* 40). I take it, therefore, that human beings for Epicurus, just like for Aristotle, are essentially social beings and that Aristotelian social ethical approach are basically preserved to a large extent, if on a smaller scale and a more rigorous foundation.

There is a sharp distinction in Epicurean philosophy (especially in Lucretius' writing) between such self-contained communities or pre-political societies, which are based on friendship and need no laws, and political relations based on justice in terms of a social contract.[76] This indicates that Epicurus goes beyond the Aristotelian within-community approach. He tries to establish far-reaching reciprocal links between people by way of compacts, which are thought to be in accordance with nature: "The justice which arises from nature is a pledge of mutual advantage to restrain men from harming one another and save them from being harmed" (*KD* 31). However, Epicurus' concept of natural justice is very different from the Stoics' (see below), because Epicurus argues that "(j)ustice never is anything in itself, but in the dealings of men with one another in any place whatever and at any time it is a kind of

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[66] Mitsis 1987, 136-137, 141-142, also Festugière 1955, 37.
[67] Müller 1991, 114-117, 126-127.
[68] See Mitsis 1987, 142.
[69] Quoted from Armstrong 1997, 326.
[70] Nichols 1972, 146.
[71] Festugière 1955, 37.
[72] Müller believes friendship is mortal and wisdom, as relating to eternal laws, immortal (1991, 123).
[73] Festugière 1955, 46 (n. 44); see also Bailey's comment in his 1926 edition of *Epicurus' Extant Remains*.
[74] Quoted from Mitsis 1987, 131.
[75] Compare the quotation of Diogenes of Oinoanda above; see also Armstrong 1997, 326.
[76] See Nichols 1972, 130.

compact not to harm or be harmed" (*KD* 33; see also *KD* 36). So, there is clearly no overarching ethical point of view above and beyond such mutual dealings, no ultimate objective good. Hence the operative justice operation is strict reciprocity without equality. As a logical consequence of this, Epicurus holds that "(f)or all living things which have not been able to make compacts not to harm one another or be harmed, nothing ever is either just or unjust" (*KD* 32).

Also his general outlook upon social relations seems to be merely a matter of deduction from these principles: "The man who has best ordered the element of disquiet arising from external circumstances has made those things that he could akin to himself and the rest at least not alien: but with all to which he could not do even this, he has refrained from mixing, and has expelled from his life all which it was of advantage to treat thus" (*KD* 39).

However, the limitations of this moral point of view become evident wherever people fail to find a common ground and cannot – or do not want to – compensate this deficiency by avoiding each other and the imminent clash of interests. Epicurus would go even so far as to accept inappropriate laws as interim rules until suitable regulations were established, but if the latter does not happen, the Epicurean is left with no moral principle to deal with such a situation:

> Among actions which are sanctioned as just by law, that which is proved on examination to be of advantage in the requirements of men's dealings with one another, has the guarantee of justice, whether it is the same for all or not. But if a man makes a law and it does not turn out to lead to advantage in men's dealings with each other, then it no longer has the essential nature of justice. And even is the advantage in the matter of justice shifts from one side to the other, but for a while accords with the general concept, it is none the less just for that period in the eyes of those who do not confound themselves with empty sounds but look to the actual facts. (*KD* 37)
> Where, provided the circumstances have not been altered, actions which were considered just, have been shown not to accord with the general concept in actual practice, then they are not just. But where, when circumstances have changed, the same actions which were sanctioned as just no longer lead to advantage, there they were just at the time when they were of advantage for the dealings of fellow-citizens with one another; but subsequently they are no longer just, when no longer of advantage. (*KD* 38)

Thus, when people fail to agree, no justice is possible. Any attempt to tackle this problem from an Epicurean point of view is fallacious, because the social contract simply cannot be bypassed. To hold anything just above and beyond mutual arrangements is self-contradictory, since it cannot be just on Epicurus' account. And the same systematic problem looms large for those who consider a certain regulation unjust, because as soon as one (finally) disagrees with it, this is tantamount to a termination of the contract, but which entails that there is neither justice nor injustice and hence the verdict of injustice becomes invalid as a direct consequence of its articulation.

### II3c: The Stoics living in accordance with nature

While the Epicureans thought that a cosmopolitan perspective beyond that of reciprocal social contracts were not possible, the Stoics claimed precisely this. Their reasoning started from the assumption that nature as a whole is the epitome of divine reason and that therefore a good life consists in living in accordance with nature. This was thought possible for human beings as a consequence of their being endowed with the faculty of reason. This should get them into a position from which they could not only reciprocally relate ways of life and concepts of justice from different communities, as in the Epicurean social contract, but to attain, once again, an overarching point of view, this time weighing and matching claims beyond communitarian values within far-reaching cosmopolitan contexts from the perspective of nature's will (integrating the justice operations of equality (II3a) and reciprocity (II3b)).

Now the point to be made from a Stoic perspective is that reason is not necessarily applied, and if it is applied it may still be used in a wrong way. This does not entail that the world might be changed to the better or the worse, since the world is thought to follow nature's laws independently of what people choose. But this is not the perspective of the human being who cannot foresee what will happen and therefore has to act deliberately in accordance with it – following right reason – instead of contingently, like animals would;[77] and on top of this, it is not so much a problem of acting as one of proper understanding of what is, or why something is, in accordance with nature. It is not meant that nature could be changed, on the contrary, it would rather mean to accept even harmful experiences as being part of nature's law, or to be more precise, the sage would not experience such a situation as harmful (at least that is the ideal) as a consequence of living in accordance with nature.

As Chrysippus points out: "There is no possible or more suitable way to approach the subject of good and bad things, the virtues and happiness than from universal Nature and the management of the universe" (Plutarch, *Stoic. rep.* 1035c)[78]. Thus, "any statement about Nature expresses both what is the case and what ought to be"[79]. Since the Stoics thought that nature just followed out the mandates of right reason, "accordance with nature" is, according to Long, above all an evaluative expression and only secondarily a factual one.[80]

Feelings of grief and bitterness would, therefore, have to be understood as indulging in self-centred sentimentalities, missing the proper understanding of nature as a whole and the wisdom incorporated in it. Cato, e.g., reminds us that "(n)o one can judge truly concerning goods and bads unless he knows the whole plan of nature (*ratio naturae*) and of the life of the gods, and whether or not the nature of man is in accord with universal nature" (c. 73)[81].

But can one have this kind of knowledge that allows one to judge what is and what is not in accordance with nature? At least, as Long argues, the Stoic argument is not in itself circular. It is true that "life according to nature" is necessarily also "life according to reason" (i.e. divine reason). But the reverse is not true, "since life according to Nature is not obligatory because it accords with reason (which would be a Kantian point of view, G.M.). Nature stands to human beings as a moral law commanding us to live by rational principles, viz. those principles of thought and action which Nature, a perfect being, prescribes to itself and all other rational beings"[82].

So the main point appears to be that humans only partake of the divine faculty of reason, but they may nonetheless go wrong or use their faculty imperfectly. Despite this relativisation, however, it remains an open question how one is to know whether one is "on the right track". Even if nature is only understood as a regulative idea, or as Long calls it: a practical principle, nature's will is not determinable independently of what the Stoic actually does or tries, which is to fulfil natures will. Long concludes: "Nature promises a destination which is approachable by no known road"[83].

There is another difficulty that arises within Stoic ethics, but which comes up to the same crucial point. The Stoics claim that there can be, in a strict sense, only one single good, which is virtue as such. All other purported goods like precepts, laws or anything else can be used either well or badly. If something can be used in a bad way at all, it cannot be good in itself, but depends on the circumstances. All these things, therefore, are to be regarded as indifferent with respect to goodness or badness.[84] Still, the Stoics also understand "living in agreement with nature" in the sense of choosing things or actions that are in accordance with nature, in

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[77] See e.g. Long 1971/1996, 145-149, relating to Diogenes Laertius (VII.85-88).
[78] Quoted from Long 1971/1996, 136.
[79] Long 1971/1996, 147.
[80] Ibid., 148.
[81] Quoted from White 1985, 301.
[82] Long 1971/1996, 150.
[83] Ibid., 151.
[84] See White 1985, 291; 1990, 42.

other words: choosing from indifferents. Especially Chrysippus held that the notion of virtue (*aretē*) would be somewhat empty, if it didn't allow us to choose among things that are, nonetheless, neither good nor bad.[85] Strictly speaking, such a choice is only possible for the ideal sage who understands nature's will and chooses things and actions from this point of view, not for their own sake. For ordinary, developing people one has to assume that they begin with choosing and acting according to their natural impulses, and later start reflecting on these orientations, thus becoming aware of patterns of their own previous activities, moving toward the full notion of the good. However, short of attaining sagehood, they only approximate to this very notion and gain merely a partial understanding of it.[86]

The talk of "partiality" and "approximation", however, obscures the fact that such an individual – in fact, presumably any real human being – lacks a criterion for the objectivity of their ethical views. For neither are they able to determine what is truly in accordance with nature (because they simply do not know what it is), nor can they relate to any particular things or conspicuous aspects of those (because they are indifferent). Inasmuch as there is no criterion to judge how close someone is to the full notion of nature's will, one just cannot possibly tell who or what is right or wrong. Thus, any actual human concept of the good or of what accords with nature remains utterly subjective (if not metaphysically, then at least with respect to its status in public moral discourse). The contradiction, then, that the Stoic faces is that what is meant as an objective point of view turns out to be subjective, and the intended integrative notion of what accords with nature disintegrates into a multiplicity of individual perspectives.

## An outlook onto the more recent past

How does the story go on? I shall try to address this question in a brief, and as such only tentative, account. Although the Stoics' contention that the (moral) law of nature could be known and human beings could, in principle, live in accordance with it was challenged by the third Hellenistic school, the Sceptics, those latter's critique did not break through. Rather the Stoics' basic idea appears to have been preserved throughout scholasticism as a whole, most prominently in Aquinas doctrine of natural law. Of course, there have been advances with respect to many systematic questions, but they all took place within this very frame of reference. There also have been repeated conflicts on crucial problems like the possibility and role of the free will (or the emphasis on intentions rather than actions), but those who thought that human beings were free and therefore responsible for their deeds (like e.g. Pelagius, Abelard, and Occam) never prevailed against their opponents (in this respect). Still, the problem of how one is to choose, if not free to do so, or if things are indifferent, remains, and it all derives from the presupposition of an ideal natural law of the universe in which divine reason is incorporated.[87] Thus the core of the Stoic worldview as well as its immanent dilemma remained with us for quite a long time.

A substantial change came about only with the beginning of modern times, especially with the Reformation and – *nomen est omen* (?) – the so-called Neostoics (Lipsius, Charron, du Vair). Martin Luther and Justus Lipsius – as the two leading figures of the respective movements – attempt to reconcile fate and free will. Both believe in predetermination and that God foresees all our choices, but at the same time they hold that this does not interfere with our freedom to choose. God, on their account, does not force our choices, he rather has us make up our own minds and choose what we deem right.[88] For Luther even the ten com-

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[85] See White 1985, 299.
[86] White 1990, 53-54
[87] See e.g. Haldane 1991, 140.
[88] See Levi 1964, 69, Gremmels 1988, 25-32. Of course, similar views are also found elsewhere, e.g. in Montaigne (see Levi 1964, 58-61) or in Leibniz' *Monadology (e.g. § 22)*.

mandments were no more than "letters" which, rigidly observed, could be a hindrance to true morality.[89]

    The major difference in comparison with the Stoics – and in fact the whole of Main Level II reasoning – is that here the moral subject does not attempt to apprehend an external substance (in the form of what natural law, the nature of society, justice, virtue, or happiness *is* as an external point of reference). Rather, the individual's moral judgement is now based *solely and entirely* on human reason. And this, I think, is characteristic of and paved the way towards all the ensuing ethical conceptions that have been originated since then.

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[89] See Holl 1932, 222.

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