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Natural Capacities and Democracy as a Good-in-Itself

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Abstract: A paper on moral and political philosophy, arguing on Aristotelian grounds, that democracy is not only an instrumental good, but a good-in-itself for humans, because the exercise of constitutive natural capacities is an end, necessary for true happiness (understood as eudaimonia), and democracy (understood as association in decision) is a constitutive natural human capacity of humans. Forthcoming, winter 2006 in *Philosophical Studies*.

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Amartya Sen (1999) has described democracy as a “universal value.” In making his case for universality, Sen, like other theorists of democracy, focuses on democracy’s instrumental effectiveness at securing other good ends (e.g. in preventing famine), not on democracy as an end-in-itself. The value of democracy as an instrument for securing many of the other things that we value is well established; I take it as given that a substantial reason for valuing democracy lies in its effectiveness as a reliable instrument for gaining and defending other valued ends, including liberty and social justice. But does democracy’s value lie entirely in its instrumental effectiveness? Suppose that an instrument of governance (say, a genuinely benevolent form of dictatorship) were devised that delivered various highly valued ends more efficiently and reliably than does democracy. Could democracy then be set aside without causing anyone grievous harm? Or does democracy have noninstrumental value for us? Might democracy even be of fundamental value in that it is necessary for true human happiness? Ought we, in short, to value democracy *not only* as an (apparently but not certainly) irreplaceable instrument *but also* as a primary good-in-itself?

In their theoretical form, the questions of how valuable democracy is as an instrument and whether it has noninstrumental value have a long history; in their practical form, these questions have considerable implications for policy.¹ Here I seek to show that, in addition to its instrumental value, democracy does have noninstrumental and fundamental value. I then attempt to specify certain moral responsibilities thereby entailed. I do so by reference to a liberal premise strengthened by Aristotelian assumptions about natural capacities. I argue that these assumptions are plausible.

Political participation has noninstrumental, as well as instrumental, value for humans because of the kind of beings we are. It is because we are, as Aristotle saw, a political-animal kind of being that the opportunity for exercising a natural capacity for practicing democracy, defined in a minimal sense as “association in public decision,” is for us a good-in-itself that is both inherently happiness-producing and necessary to our

full happiness. It is necessary to our complete happiness because, along with (for example) our capacities to reason and to love, the capacity to associate ourselves in decisions through the medium of speech is constitutive of our distinctive kind of being.² Before making that argument I will need to clear the ground.

1. Ground Clearing

My argument about natural capacities has some implications for the treatment of non-human animals; these are touched on in section 3.6, below. But my claims about democracy are meant to be generally applicable to humans and *only* to humans. Democracy might or might not be of instrumental or noninstrumental value for intelligent Martians, thinking machines, brains in bottles, or other hypothetical “rational but non-human” entities. My argument does not address imaginary entities, because it is about what is of noninstrumental and fundamental value for human beings in respect to our nature as, in Aristotle’s terms, “especially political animals.”³

Given that, in the *Politics*, Aristotle classified democracy as among the “corrupted” regime-types, it may seem unlikely that Aristotle considered democracy a good-in-itself. But I have recently argued (Ober 2005), as has Jill Frank (2004) on somewhat different grounds, that Aristotle imagined the “polis of our prayers” of books 7 and 8 of the *Politics* as a sort of aristocratic democracy. If we suppose (1) that Aristotle believed that a genuinely good human life could only be lived in a polis with a constitutional government, and (2) if we accept that the polis of our prayers is meant to be as close to an ideal condition for the perfection of human life as is practically feasible, and if (3) I am right to describe the polis of our prayers as a sort of democracy, then it is plausible that Aristotle would agree that democracy is both an instrumental good and a good-in-itself. In the end, my argument does not require Aristotle’s agreement because, while it employs Aristotelian premises, it is not about Aristotle’s own political and ethical conclusions.

My argument proceeds on broadly Aristotelian lines, in that it is concerned with ensuring for people access to conditions essential to their potential realization of a set of human goods collectively defined as true happiness in the sense of *eudaimonia* -- genuine and complete human flourishing or thriving. True happiness is not identical to or reducible to subjective happiness. With Aristotle, I assume, however, that objective human happiness in this eudaimonic sense is likely to be correlated with (potentially measurable) gains in subjective happiness -- happiness in the sense of experienced pleasure or joy in life.

This paper will not have much to say about political virtue as such (although see section 3.3, below). In the place of Aristotle’s focus on virtue, I begin with a contemporary liberal premise. The reasoning in this paper is meant to reflect that of a liberal-leaning inclusivist Aristotelian.⁴ By this I mean someone who (1) believes that happiness in the sense of *eudaimonia* is the end of human life so that a truly happy life is a genuinely good life, yet (2) is not concerned to reduce happiness to a single condition, and (3) supposes that some array of compossible goods, each noninstrumentally choiceworthy in itself, is necessary for true happiness, and finally (4) embraces the ground-level liberal conviction that individuals ought to be free to flesh out their conception of what it is to have a good life by choosing among a variety of other non-compossible goods.

Although I will argue that democracy is rightly valued as a good-in-itself, democracy cannot plausibly be described as, in and of itself, “the” human good – the experience of democracy is certainly not *sufficient* for happiness. I do not attempt here to specify the other goods-in-themselves that, along with democracy, might plausibly be regarded as non-optional components of the genuinely good life, or whether the complete set of such non-optional goods is in and of itself sufficient for the good life. The question I address concerns necessity, not sufficiency: Is democracy a *necessary member* of any set of compossible goods that a liberal-leaning inclusivist Aristotelian could plausibly offer as constituting a genuinely good life? Or is the value of democracy exhausted by its (conceivably dispensable) instrumental use in securing other goods -- whether these are moral values (say, liberty, equality, dignity) or material goods (say, nourishment, shelter, security)?

Isaiah Berlin famously argued that goods are often non-compossible, that no determinate set of goods could be said to constitute happiness for a given individual, and that democracy had no particular value in and of itself. Berlin was willing to imagine living under a dictator so long as he or she was of the reliably benevolent sort who would preserve each individual’s “negative” liberty to design his or her own life-path by picking and choosing from among a variety of non-compossible goods. Berlin’s conception of modern liberty as noninterference is specifically contrasted to the ancient “positive” conception of liberty as political participation. Berlin’s republican critics have sought to show that it is a mistake to suppose that dictatorship is compatible with the secure enjoyment of liberty. One line of attack, associated with Quentin Skinner, focuses on the implausibility of the claim that a dictator would or could sustain a regime of liberty, insisting that it is only the practice of politics by participatory citizens that ensures liberty and social justice. A second line of attack, developed by Philip Pettit, centers on the value of liberty-as-nondomination, that is, the condition of living decently, with honor, without humility, and without a master. This is a considerably more demanding condition than liberty-as-noninterference.⁵

I think that Berlin’s republican critics are right to believe that dictatorship is in practice an unreliable instrument of governance and right to emphasize the value of liberty-as-nondomination. But the republican arguments do not and are not designed to answer my questions about democracy’s noninstrumental value. Although securing the condition of nondomination seems to entail democratic institutions, republican arguments leave open the question of whether democracy, as a participatory practice, has intrinsic value for us, or whether it is to be regarded as (merely) an (apparently) indispensable instrument that should be valued (only) in that it appears to be the best available means of securing the conditions necessary for living good and decent lives. My liberal-leaning inclusivist Aristotelian has no quarrel with the republican arguments, but he feels they can be strengthened by reference to natural capacities.

Berlin argued that liberty-as-noninterference ought to be valued because it is essential to the process of each individual freely selecting among non-compossible goods in designing for him or herself a personally-chosen good life. Pettit argues that we should value nondomination because it ensures each of us the additional condition of living with honor, understood as respect and recognition, and that honor in this sense is a basic human good, essential to a decent life. Pettit’s line of argument may be sufficient to defend the practical necessity of democratic institutions, but it is not, by that token,

comprehensive. There may be other compelling reasons for us to demand the opportunity to practice democracy and to live without masters. By attending to the moral status of natural human capacities, a liberal-leaning Aristotelian can answer the basic question of why we ought to value democracy in terms that are compatible with and yet not reducible to the fundamental values of free choice among optional goods and living with honor.

2. The argument

One way to approach the question “does democracy have noninstrumental value?” is to reject (for the purposes of the thought experiment) the instrumental claim that a democratic constitution (of some sort) is an indispensable tool for securing individual liberty and social justice. Consider the following hypothetical:

I am the citizen of an imperfect but decent democracy. In a nonviolent coup, the democracy is overthrown and I become the subject of an ideal-type benevolent and liberal dictator, who is also an expert in the art of governance. The dictator improves upon the former (democratic) regime by (1) providing social welfare in the form of adequate material conditions of life on an equitable basis for all of her subjects, and (2) consistently respecting all “negative” human rights recognized in the UN Charter, along with other human rights, e.g. privacy, freedom of (apolitical) association, freedom of personal expression, while (3) denying me and all of her other subjects any opportunity to participate in any way in public decision-making. As subjects of the dictator we may say and do pretty much whatever we please. Yet what we say and do has absolutely nothing to do with her decisions in respect to governance, and these decisions are binding upon us. With the exception of being ruled by a dictator, our society is now more just, in Rawlsian terms, than it had been – the priority of liberty and the difference principle are respected. No one in this society suffers humiliation or is deprived of any of the non-political goods of life. Everyone has adequate opportunity to seek honors and the highest positions in society (other than that of dictator).

Under the conditions specified, have I (qua human being, not qua peculiarly ambitious individual who believes that he should be the dictator) suffered a grievous harm in the sense of being deprived of something important or even essential to my true human happiness?

I said at the outset that I would develop my Aristotelian line of argument on the basis of a liberal premise – a premise that my hypothetical liberal and benevolent dictator ought to accept. The premise is that actions that do not cause harm ought to be permitted.⁶ Call this the “simple weak rule.” It is a weak rule in that most contemporary liberals (leaving aside strict libertarians) accept, on consequentialist grounds and in recognition of ordinary human epistemic limitations, that various contextual factors militate against taking it as blanket permission. We generally say that one may refuse to permit actions for which harm is not immediately foreseeable based, for example, on the incompetence of the actor (easy case: setting limits seems essential for the well-being of children). Or because of our uncertainty about what constitutes harm (harder case: should people be allowed to severely damage themselves, e.g. by elective amputations?). Or because, given the complexity of causation, it is difficult to predict the likelihood of an

action being harm-free (second- hand smoke was only recently scientifically proven to be a serious health threat).

The simple weak rule is plausibly taken as allowing us to curtail the scope of the base-line duty of permission by appeal to various contingencies. It therefore leaves the expert, liberal, and benevolent dictator with room to deny her subjects the opportunity to participate in political decision-making on the grounds that we (not being experts, as she is, in the art of governance) may be incompetent, and in light of the difficulty of assessing the harms that our presumptive incompetence might entail.

The simple weak rule that “actions that do not cause harm ought to be permitted,” can be strengthened by stipulating two (broadly Aristotelian) conditions in respect to actors and their actions.

- The actor is adult, healthy, and not acting under external constraint.
- Performing the action brings true happiness to the actor; having the opportunity to perform the action is necessary for his complete happiness and thereby constitutive of his distinctive kind of being.

Strengthening the primary liberal claim about permission, by stipulating these two Aristotelian conditions, provides grounds for four claims.

1. *Certain natural capacities (capacities innately present in healthy, adult exemplars of a kind of being, and expressed by them as characteristic behaviors in a state of nature) are necessary for the happiness of that distinctive kind of being.* Take as an example, my cat: a healthy animal in the prime of life. A cat is by nature a hunting kind of animal. Cats are among a subset of hunting animals that hunt their prey by pouncing. They also spend a good deal of time (particularly when kittens but also as adults) playing at pouncing upon non-prey. If my cat were somehow stripped of its pouncing capacity he would no longer seem to be himself and it would feel wrong, even perverse, to describe him as truly happy.⁷ Pouncing expresses something fundamentally important and distinctive about cat nature. Pouncing capacity is a noninstrumental and necessary part of true cat happiness.

Its possession of a natural pouncing capacity along with the characteristic exercise of that capacity through major life stages (if not throughout its life: an older cat may no longer express his natural capacity to pounce) is one important way in which cats are different from (say) cows.⁸ While pouncing is happiness-producing for cats, the same cannot be said for cows. Cats and cows are in this sense differently constituted: Their different natural capacities are directly related to differences in true cat happiness and true cow happiness. Although it is difficult to assess subjective happiness for non-human animals, the affective state that appears to be associated with the act of pouncing is one way in which my cat’s subjective happiness likewise seems manifestly differently motivated than is a cow’s subjective happiness.

To say that pouncing has noninstrumental value for cats does not mean slighting the instrumental value of pouncing. In a state of nature, pouncing has very high instrumental value for a cat because hunting for prey is essential for its survival and the cat’s characteristic form of hunting is to pounce upon its prey. But the activity of pouncing is also engaged in by the cat, for its own sake, as “nonproductive” play. Pouncing activity, whether done productively to hunt prey, or non-productively as play, is reasonably construed as bringing happiness to cats and as necessary to their happiness. Pouncing is, for cats, more than an instrumental means to gain nutrition; it is a feline

good-in-itself. The capacity to pounce it is a fundamental aspect of complete feline happiness and is thereby constitutive of the cat kind of being.

2. *Actions that are best construed as the happiness-producing expression of natural capacities, capacities that are in turn constitutive of a unconstrained and healthy adult actor's distinctive kind of being, ought to be promoted.* Such actions ought to be promoted because to be denied the opportunity to exercise a constitutive capacity is to suffer a particularly grievous harm. It is much worse than being denied the opportunity to gain a preference, satisfy a desire, please a taste, or indulge a whim. Promotion entails special duties on the part of empowered individuals (say, owners of cats or agents of a government): The robust forms of such "being-kind constitutive actions" may be curtailed only when their robust expression is inherently and substantially harmful. Whether "being-kind constitutive actions" may *ever* be forbidden outright remains an open question, one that may be answered differently by deontologists and consequentialists (see below). In any event, those in positions of substantial power in respect to the potential performers of such actions have a consequently substantial responsibility for providing the means for their performance.

For example, as my cat's owner I have a duty to promote my cat's happiness by providing him with pouncing opportunities. In a state of nature my cat would express his pouncing robustly by pouncing on birds. I suppose that, given the chance, my cat would prefer pouncing on birds to less robust forms of pouncing activity. But in the circumstances in which I keep my cat, allowing him to pounce on birds would predictably and directly cause a substantial harm by wiping out the local bird population. Denying him that opportunity may be to deny him a source of pleasure. But I believe that if I provide other (albeit less robust) forms of pouncing opportunity (e.g. playing with toys) I do not do him grievous harm because I suppose it is not pouncing on birds, but pouncing itself, that is fundamental to his happiness and constitutive of his being-kind. I owe him the opportunity to pounce because of my position of power in respect to him as a distinctive being-kind. If I owned a cow, I would have various duties in respect to her, but providing opportunities for pouncing would not be among them.

3. *Among human beings, associating in decision is a natural capacity; the occasional exercise of that capacity, especially through public speech, is among the characteristic behaviors of healthy adult humans in a state of nature and is constitutive of the human kind of being.* Paralleling the cat example, we may say with Aristotle that humans, like all animals, are beings of a particular kind. As we have seen, human beings are, for Aristotle, of the kind "political animals," indeed we are the most political animal. By describing humans as especially political animals, Aristotle means that we naturally form social groups, seek some common good, and employ our unique linguistic capacity for the purpose of deliberating about advantage and justice. According to Aristotle, healthy and complete adult humans also have an innate desire and at least a potential ability (which may be further developed by education) to "rule and be ruled over in turns." That is to say, healthy and complete adults will choose to avail themselves of the opportunity to participate politically from time to time by associating in making public decisions and in carrying them out. Moreover, in light of their opportunity to participate in ruling by associating themselves in public decisions, they ought to freely accept the legitimate authority of others, when those others are taking their turn as decision-makers and executors.

Aristotle's criteria for political "healthiness" (uncompromised and superabundant possession of political virtue) and "completeness" (an uncompromised deliberative capacity that is limited to adult males who are not slaves by nature) are much too demanding. They have the perverse effect of excluding from political participation all persons who engage in mercantile trade or other-directed forms of labor (thereby compromising their possession of political virtue), as well as all women and "natural slaves." Yet, once stripped of his over-demanding conditions for health and completeness, Aristotle's general description of humans as "political animals," who will, in a state of nature, naturally and characteristically choose to exercise their inherent capacity to associate in decision on an occasional basis, seems to me entirely plausible.

Just as pouncing is a characteristic activity of hunting animals of the feline kind, associating in public decision (in Aristotle's terms, deliberating about advantage and justice, and ruling and being ruled over in turns) is a characteristic activity of political animals of the human kind. Moreover, just as a cat engages in pouncing both as a means to the end of securing prey and as an end-in-itself, as play, and just as both aspects of pouncing are productive of feline happiness, so too we human beings associate in decision both in order to gain other valued ends and because it is, in and of itself, happiness-producing for us. The opportunity to associate in decision is a necessary part of human happiness and the capacity to associate in decision is constitutive of what it is to be human.

4. *Participatory democracy is a particularly robust form of association in decision.* A variety of human activities that are compatible with democracy, but that we would not ordinarily regard as counting, in and of themselves, as practicing democracy, are properly regarded as "associating in decision." For example, association in decision might reasonably be said to include petitioning a sovereign, so long as that sovereign considers petitions seriously before coming to public decisions. Likewise, expressing public criticism of the decisions of a sovereign, one who remains open to the possibility of reversing the decision or acting differently in the future as a result of criticism, is also reasonably construed as a kind of association in decision.

Under some circumstances, we might agree that a body of persons enjoying the rights to petition and to public criticism, but not (for example) the right to vote for representatives or to serve in public office, ought not be regarded as suffering grievous harm in respect to the opportunity to exercise their natural political capacities. But these limited forms of associating in decision surely ought not to be regarded as the most robust forms of association in decision. Participatory democracy, as I understand it, includes opportunities for petition and criticism. But it includes much else as well: It extends through voting and office-holding opportunities, to the active (although necessarily occasional) participation on the part of many (potentially all) citizens in fundamental processes of self-government. Just as pouncing on birds is a particularly robust form of pouncing, so too is participatory democracy a particularly robust form of association in public decision, in that the social and expert knowledge and the life-histories of ordinary citizens, as well as their preferences and opinions, are more or less directly incorporated in the decisions by which they are mutually bound. As the most robust form of association in decision, participatory democracy ought to be promoted unless it can actually be shown (not just asserted) that democratic participation would predictably cause substantial harm.

There is no good reason to suppose that participatory democracy is harmful *in and of itself*. Yet fully participatory democracy is clearly not suited to all circumstances. There is no duty to promote participatory democracy if and when a more participatory form of democracy would predictably cause substantial harm. For example, it might be the case that, due to problems of scale, robust participation would fail to produce policy in a timely manner. This could lead to a breakdown in distribution of goods and public services and thus cause widespread suffering. Or that, due to profound sectarian divisions within the society, robust participation would lead to destructive civil strife. The argument presented here points to the need for more work on the potential and limits of this most robust form of association in decision.⁹ Meanwhile, the duty of the relevant power-holders to provide opportunities for other, less robust, forms of association in decision remains. Depending on the circumstances, this might mean establishing a constitutional democracy limiting direct citizen participation in government. In some cases, it might even mean restricting association in decision to petition and criticism.

These four linked claims lead to a general conclusion: *Association in decision ought to be promoted, and in a form that is as robust as is practically feasible, because it is a happiness-producing exercise of natural capacities that are necessary for true and complete human happiness and thereby constitutive of the human kind of being.* In the hypothetical offered above, the dictator, as an empowered individual, had a duty to promote the most robust feasible form of association in decision. Instead, she has overthrown our decent if imperfect democracy and has taken from us from all opportunity for association in decision. By doing so, she has indeed done me and my fellow citizens grievous harm, by depriving us of a fundamental part of human happiness.

If one accepts that the former citizens in the hypothetical were harmed and to the degree that I have specified, might the dictator's act of harming us in this grievous way nonetheless be ethically justifiable? The answer to that question will depend on one's ethical convictions. A act consequentialist could consider the harm done by the dictator as amply justified on the assumption that the new regime has resulted in an overall-good that is great enough to over-balance the harm. The marginal increase in high-value goods that the dictator has provided came about as a direct consequence of the overthrow of our former imperfect democracy. So overthrowing the democracy was the right thing to do. A liberal deontologist, who accepts that actions that do not cause harm ought to be permitted, and that the strengthening conditions I have introduced over-ride concerns about competence and ordinary human epistemic limitations, will accord association in decision the status of an inalienable right. The benevolent dictator has therefore failed in a primary duty of permission and has thereby violated our rights. So overthrowing the democracy was the wrong thing to do.

A liberal-leaning inclusive Aristotelian, who grounds ethics in the simple weak claim about permission rather than in the essential value and relative rarity of superabundant political virtue, and who embraces the two strengthening conditions I have introduced, will agree with the deontologist that the dictator cannot justify her course of action by reference to a benefits trade-off. But the dictator's mistake will be not be described as a violation of basic rights, but rather as a failure in respect to an empowered person's responsibility to promote a basic good. Marginal gains in other goods do not make up for our loss of a fundamental good, necessary for true human happiness. Even though the dictator has indeed provided us with other very substantial benefits, these

cannot compensate us for our loss – as a human good-in-itself, association in decision cannot be traded off for marginal gains in other goods. This, I believe, is the right conclusion and for the right reasons.

3. Six objections and implications

The argument I have advanced above is open to objections on various grounds and it potentially has quite broad implications. Here I can only sketch a few of the implications and attempt to answer some of the more obvious objections.

1. *Are distinctive being-kinds constituted through the possession or through the expression of distinctive natural capacities?* The answer is “both” – by possession in the first instance and by expression given the appropriate conditions.

Modern genetics suggests that various inherent (that is gene-linked) physical and behavioral traits are expressed uniquely under certain environmental conditions and remain latent when those conditions are not present.¹⁰ Various political regimes create environments that favor or inhibit the expression of natural human capacities, but it would be a Lamarckian-type error to suppose that such environments erode the possession of natural capacities. So humans living under an absolute dictatorship retain their natural political capacities even though they never express the characteristic behavior of their being-kind by actually associating in decision. The fact of being a permanent, even an apparently willing, subject of a dictator does not imply any compromise of an individual’s or a group’s constitutive identity as “especially political animals” in the fullest sense.

Since natural political capacities are not stripped from people through habituation in apolitical behavior, it is terribly wrong to consider people who have become culturally accustomed to mastery as in any sense “not fully human.” Aristotle’s bad ideas about natural slavery, the weakness of female deliberative capacity, and the incompatibility of political virtue with labor and trade, are all buttressed by his refusal to recognize that the appearance of consistently apolitical behavior on the part of individuals and human populations masks their undiminished possession of a natural capacity for political action. Since that capacity would be expressed under changed conditions, it is the duty of empowered individuals to promote changes in the political environment that will in turn promote the expression of natural political capacities.

2. *Is it really plausible to say, with Aristotle, that association in decision is happiness-producing for humans and that it is expressed as a characteristic behavior by people in a state of nature?* Yes, both the claim about happiness and the claim about characteristic expression are plausible in that they are compatible with empirical evidence. This is, however, a long way from claiming that they have been scientifically demonstrated.

As noted above, true happiness (understood as *eudaimonia*) cannot be equated with subjective happiness, but, if we accept Aristotle’s argument, there should be a meaningful correlation between them: That is, as people’s condition more closely approximates true happiness, they should experience some measure of enhanced subjective happiness. One recent large-scale empirical study of subjective human

happiness (Frey and Stutzer 2002) has found a meaningful correlation between reported happiness and free access to institutions of directly participatory democracy. This does not mean that each individual will regularly avail himself of that access; the study suggests that it is having an opportunity to express one's capacity for participation, rather than the regular expression of that capacity in political action, that produces the reported-happiness result.

The historical prevalence of highly hierarchical societies, at least some of which may approach the absolute restriction on association in decision imposed by the hypothetical dictator (albeit without the marginal gains in other goods), might seem to disprove the notion that association in decision is a characteristic human behavior. Yet approaching the absolute restriction on association in decision may be an aberration, rather than the historical norm: Some very hierarchical historical societies (e.g. Ptolemaic Egypt: Lewis 1986) feature well documented mechanisms for petition and criticism of decisions. Absolute dictatorships are increasingly rare in modernity. Sen's argument about democracy as a universal value is based in part on the empirical fact that in contemporary modernity democracy is a common form of governance and an even more common aspiration. At the other end of the historical spectrum, there is reason to believe that association in decision is typical of prehistoric communities. A survey of anthropological studies of human foraging and pastoral societies (Boehm 1999) concluded that virtually all known foraging societies and a number of pastoral societies develop "negative dominance hierarchies." Negative dominance hierarchy in turn supports association in decision by many and in some cases all adult members of the community.

These findings are hardly definitive: There are methodological problems with correlating subjectively reported happiness with true happiness, and with directly associating foraging societies that have been studied by anthropologists with the prehistoric human state of nature. It is worth noting that in some foraging cultures women are more restricted than are men in respect to association in public decision. As in the case of participatory democracy, the argument presented here points to the need to better understand the history and prehistory of democracy.

3. *Does the widespread expression of natural political capacity as association in decision through speech require the development of extraordinarily high levels of political virtue in order for political outcomes to be good overall?* I believe not, although I do not argue the case in detail here.

As noted above, Aristotle assumed that self-governance required extraordinarily high levels of virtue, and that superabundant virtue was rare. This is why, despite his conviction (so I argue) that political regimes ought naturally to develop into democracies, Aristotle supposed that most or all existing democracies of his time were corrupted and therefore "unnatural." His "polis of our prayers" (*Politics* books 7 and 8) was an aristocratic democracy, in which all the citizens indeed manifested high levels of virtue. Yet its realization demanded the creation of a highly specialized social environment, characterized (inter alia) by a great many "natural slaves." Aristotle was willing to curtail the opportunity to participate in democracy to most "human political animals" -- even to most adult male Greeks, who were not regarded by him as suffering from the psychological disabilities that he erroneously attributes to women and slaves-by-nature -- by reference to their lack of virtue. Because virtue is foundational for Aristotle's

conception of the practice of politics, he felt justified in that curtailment. Contemporary Aristotelians have reformulated Aristotle's conception of political virtue in ways that seek to avoid extreme exclusiveness (Wallach 1992). That is a worthy project, but is not my concern here.

I accept that effective participatory self-governance requires that citizens manifest a *minimum* level of political virtue, understood simply as "consistently choosing cooperative social behavior." That choice may emerge from their education in habits of other-regarding. Or it may arise from a prudent recognition of the manifold advantages accruing from collective action, conjoined with attention to appropriate incentives and sanctions against free-riding. Cooperation, as I understand it, is not to be equated with complete socialization in habits of conformity; it potentially includes criticism and social innovation. The minimum level of virtue (so understood) required for good political outcomes should not present an especially steep challenge. Under good yet non-ideal social conditions most people should be able to meet it.

A well structured participatory democracy will educate citizens in cooperation. It will encourage their prudence by making the advantages of collective action self-evident. It will have institutions offering appropriate incentives and sanctions. The natural capacities argument does *not* imply that in large-scale and complex societies the appropriate institutions will emerge without effort. Indeed, it points to the need for much more work on the design of optimally effective participatory institutions.

Even under good social conditions sustained by good institutions, some aberrant individuals may, for various reasons, fail to manifest even a minimal level of political virtue. Individuals who systematically refuse to cooperate threaten to degrade the ability of the participatory community to make and carry out decisions. Such individuals may justly be denied the opportunity to associate in public decisions. In contrast to Aristotle's assumption about the necessity and rarity of superabundant virtue, I assume that in a well designed democracy, the necessary level of virtue will be prevalent, and falling below the minimum will be rare.

4. *Wouldn't participatory democracy demand (as Oscar Wilde famously said of socialism) "too many evenings"?* Not in a well structured participatory democracy. The common objection that political participation is extraordinarily demanding of people's time, and therefore leaves inadequate time for the pursuit of other necessary and optional goods, seems to me to make two basic mistakes. First it takes the activity of participating in making and executing public decisions as having only slight and exclusively instrumental value -- as a relatively inefficient means to gain other good ends. In that case, evenings spent doing the work of politics are wasted to the degree that the same goods could be gained by better means. Yet if the argument developed here is right, the evenings spent participating in the work politics have both high instrumental and substantial noninstrumental value. Other forms of activity (say attending cultural events) may be more closely correlated with subjective happiness, experienced as pleasure. Yet evenings spent associating in public decision, as the expression of a good-in-itself, may have as much or more to contribute to true human happiness.

Nonetheless, as noted above, democracy is certainly not sufficient for true happiness. If it were the case that participatory democracy, or even less robust forms of association in decision, were so demanding of time as to leave inadequate time for the experience of other goods (whether necessary or optional), the objection would stand. Yet

there is no reason to suppose that even highly participatory forms of democracy demand an all-consuming time commitment. It is quite true that naïve experiments with participatory democracy, such as the meetings of the radical group Students for a Democratic Society in the 1960s, infamously devolved into endless debates in a fruitless search for consensus (Miller 1987). But this should not be taken as pointing to a participatory norm, in the sense either of the usual or of the choiceworthy.

The notion that in a participatory democracy everyone ought to participate in making or carrying out all decisions, or that the goal of deliberation is full consensus, is a *reductio ad absurdum* that seriously misrepresents more sophisticated forms of participatory theory and practice. Aristotle's conception of rightly ordered political activity was, as we have seen, ruling and being ruled *in turns*. Ancient and modern experiences with well designed and robustly participatory forms of democracy offer no reason to suppose that the burden of participation would preclude people from spending most of their evenings upon nonpolitical pursuits.¹¹

5. *Could the claim that empowered individuals have a moral duty to promote people's natural human capacity to associate in decision be used to justify the overthrow of foreign dictators by democratic great powers?* Yes, but only under very stringent conditions which, as a practical matter, will be very difficult to meet.

As I noted above, democracy is insufficient for true happiness. Although association in decision cannot be traded off for other necessary goods, nor can other necessary goods be traded off for association in decision. Given that happiness can only be enjoyed by persons whose material needs are adequately provided for, the overthrowing power takes on profound responsibilities for ensuring that those needs are consistently met. Those responsibilities and their costs must be fully assessed and publicly acknowledged by the democratic great power *ex ante* and must be fulfilled *ex post*.

In light of recent history, there are obviously many ways for intervention to go wrong: Overthrowing a foreign dictator trusting to a naïve democratic naturalism that falsely assumes that natural political capacity will easily be expressed in a complex society as a stable constitutional government, or underestimating the extent of human loss and suffering that the overthrow and its aftermath will entail, or failing to plan for how to reduce loss and suffering to an absolute minimum, amount to profound derelictions of the moral responsibility not to harm others unnecessarily. Those empowered individuals who choose to intervene in the politics of other societies "on the cheap" - without adequate ethical, political, and economic preparation and in the vain expectation that human political nature will take care of things if given free rein - bear an awful moral responsibility (and ought to bear full legal responsibility) for the suffering their actions cause.

6. *What implications does the natural capacities argument have outside the realm of politics?* The argument developed here has quite wide implications for the responsibilities of power-holders in non-political realms, for example for keepers of domestic animals. As noted above, robust expression of the various constitutive natural capacities of cats, cows, and so on ought to be promoted by their owners, subject only to the harms robust expression might cause. Accepting that argument should lead to thinking about how to define the constitutive natural capacities of various domestic animals. Appropriate definitions would, I suppose, in turn demand very substantial

changes in the commonly-employed practices of managing animals raised for food. The revised conditions might be similar in some respects to those advocated by animal welfarists on consequentialist or deontological grounds. Yet I would expect a natural capacities-based livestock management program to manifest distinctive features.

The capacities argument also has potential implications for managers of natural environments. For example, the mutually compatible capacities of lions, as hunting animals, and zebras, as swift-running herd animals, will each be most robustly expressed when zebras and lions are co-present in an ecology: Just as bounding after prey is a constitutive capacity of lions, so running swiftly when pursued by a predator seems to be a constitutive capacity of zebras. If it goes through, the natural capacities argument thus refutes Tyler Cowen's (2003) consequentialist argument against the reintroduction of predators in natural environments. If I am right about natural capacities, Cowen's argument -- which is based the idea that without predators there would be more prey animals, and thus more aggregate happiness, and that the lives of individual prey animals would be better in the absence of predators -- misconstrues the true happiness of animals by failing to give adequate weight to their constitutive natural capacities.

In some cases the presence or absence of the relevant environmental condition for the expression of a given being-kind's natural capacities may be outside human ability to effect the relevant changes. In other cases, environmental changes that would promote the expression of one being-kind's capacities may inhibit the expression of the capacities of other being-kinds. Under such circumstances, there is no moral duty to seek to change the environment. In any event, given the extraordinary complexity of species and natural environments, modesty is called for: To say that we have a moral responsibility to bring about environmental conditions suited to the expression of every natural capacity by every being-kind would be grandiose and any attempt to do so would certainly to have unintended, and almost certainly bad, consequences.¹²

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Notes.

¹ If asked whether democracy actually had instrumental or noninstrumental value, Plato would have answered “no” on both counts. I believe that Aristotle would have answered with a qualified “yes” – qualified, in that he believed that most or perhaps all existing democracies were deficient as instruments and as ends; see further Ober (1998). Policy implications: Zakaria (1997) with response in Ober (2000), and below, section 3.

² By constitutive, I mean “playing a primary role in making a thing what it is.” Although natural capacities presumably have genetic origins, I am concerned with what is constitutive in a morally relevant sense, rather than in a genetic sense. I do not mean to limit human constitutive capacities to reason, love, and democracy; nor do I argue here for the constitutive status of the capacities for reason and love; I bring up reason and love to indicate that the capacity to associate in decision should be seen as a member of a fairly small set of morally relevant and distinctively human constitutive capacities, each one of which has noninstrumental and fundamental value for us as human beings.

³ *Politics* 1253a: “From these things it is clear that the polis is a natural phenomenon and that the human being (*anthropos*) is by nature a political animal (*politikon zoion*)...Moreover it is clear why the human is *more* political than any bee or other social animal. For nature, we assert, brings about nothing without purpose, and the human, alone among animals, possesses the faculty of language (*logos*)...Language is designed to indicate the advantageous and the harmful, and thus also the just and the unjust. It is in this respect that the human is distinguished from the other animals; only the human has a sense of good and evil, just and unjust, and the other moral sensibilities. And it is a partnership in these [sensibilities] that creates the household and the city-state.” I am not concerned here with intrinsic value as something which is “simply good” in a way that is detachable from that which is *good for* anyone; and so I am not in dialogue with G.E. Moore, W.D. Ross, or other philosophers of intrinsic value as “non-relatively good.” Rather, with Aristotle and other ancient ethical philosophers, I am concerned with things that are *good for* someone, or more particularly, good for human beings as such. On Aristotle’s eudaimonism and his conception of politics, including detailed discussions of the issues of political virtue, deliberative faculties, exclusivity, and ruling and being ruled in turns see Ober (1998), chapter 6, and especially Kraut (2002).

⁴ On inclusivism, see Kraut (1989), 3-9. Kraut argues that Aristotle is not an inclusivist, but as other scholars of Aristotle have argued that he was, it seems reasonable to include it as a possible type of Aristotelianism, leaving aside question of Aristotle’s own views.

⁵ Berlin (1969). On the dispensability of democracy: Berlin (1969), pp. 14, 56, cited by Skinner (1998), 115. Republican critics of Berlin: Skinner (1998); Pettit (1997).

⁶ For a liberal-leaning Aristotelian, the minimum duty of permission arises from inclusivism: Since happiness as the human good cannot be reduced to a single condition, and may include optional as well as necessary goods, people must be permitted to pursue optional goods, at least to the extent that their pursuit is not harmful.

⁷ Readers not familiar with cat behavior are referred to the character Tigger in Milne (1928). Tigger is *tabula rasa* in that he is (initially) ignorant of his own preferences (in food) and of his abilities (in respect to climbing and so on). Yet his

fundamental nature is indelibly and charmingly expressed by an irrepressible tendency to “bounce” – that is pounce upon others as a form of happiness-producing play. Being bounced is not always happiness-producing for those who are pounced upon so the other characters at one point to seek (unsuccessfully) to “unbounce Tigger.” This deceptively simple children’s story addresses an array of moral questions.

⁸ Animals other than cats (e.g. jumping spiders and velociraptors, the quick-moving predatory dinosaurs made famous by the Jurassic Park movies) also pounce and pouncing may be constitutive of these other animals’ being-kind and thus necessary to their complete happiness (albeit I find spider happiness and verlociraptor happiness harder to imagine than cat happiness). We could presumably develop a set of capacities that is *uniquely* constitutive of catness, but species identification is not the issue here.

⁹ For more detailed explanation of what I mean by participatory democracy, see Manville and Ober (2003). On the potentially high instrumental value of participatory democracy and the problem of scale see Ober (2006).

¹⁰ Susan Lape (2006) offers a succinct account of recent genetic work on environmental triggering of inherent capacity, with specific reference to Frank’s (2004) discussion of Aristotle’s “aristocratic democracy.”

¹¹ Participatory democracy in ancient Athens: Ober (2006); in Chicago: Fung (2004); in Porto Allegre, Brazil: Baiocchi (2005).

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