Civic Friendship, Justice, and Political Stability

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This is dedicated to my daughter Eleanor and to my wife Katie.

Tecum vivere amem, tecum obeam lubens.

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SUMMARY

Philosophers have extensively considered how principles of justice shape institutions and policies, yet they have neglected to examine the extent to which conceptions of justice are also reflected in the political relationship between citizens. Civic friendship, the relationship between members of a political community, both shapes the prevailing conception of justice, and is shaped by that conception. It further evokes the value of community and social solidarity. Consequently, civic friendship provides as useful as a way framework for understanding discussions of political stability. Institutions and policies also have consequences for the civic relationship. So described, the civic relationship seems to be a product the principles of justice as embodied in a particular institutional context.

Yet, we can also regard civic friendship as developing in interaction with the conception of justice. We need not, in other words, treat fraternity as unconnected with liberty and equality. When we treat justice as a kind of relationship among citizens, then we can better consider what sorts of policies and duties are appropriate to that relationship. Rather than attempting to derive all the content of justice from abstract principles, we can then use those principles in conjunction with a concordant view of civic relationships, both of which are grounded in the conception of justice. Rawls's claim that justice is a fair system of social cooperation among free and equal members of society is as much a statement about the relationship between citizens as it is a way to determine principles of justice. Such an approach, I argue, provides a more complete and more natural grounding for the duties of citizenship. Moreover, it helps to clarify the connection between political ideals and the actual relationships of citizens.

1. CIVIC FRIENDSHIP: A FRAMEWORK FOR UNDERSTANDING JUSTICE

"Liberty, Equality, Fraternity" The slogan of the French Revolution and the national motto of France expresses important liberal and democratic ideals. Equality and liberty are comparatively easy to express as principles. However, unlike equality and liberty, fraternity does not lend itself to formalization and institutionalization. A legislator can more directly promote liberty and equality than she can foster fraternity. Even the difference principle, which John Rawls offers as a principle of fraternity, captures only an element of the mutual commitment evoked by ideals of fraternity. Liberty and equality seem to establish clearer criteria by which we can measure the justness of institutions, laws, policies, and practices. Consequently, the topic of civic friendship has suffered a marked neglect by philosophers in comparison to liberty and equality.

Yet, I believe that that fraternity (or, less patriarchally, civic friendship or solidarity) has been an equally important element of the pursuit of justice throughout history. This dissertation recasts discussions of principles of justice and institutions in terms of civic friendship, that relationship holding between members of a political community as members of that community. John Rawls opens *A Theory of Justice* with the claim that "Justice is the first virtue of social institutions as truth is of systems of thought."[1] Justice, however, is not just a set of formal institutional principles. Justice is also a relationship between members of a political community. Unjust social institutions are unjust, in part, because they establish the wrong kinds of relationship between citizens, relationships of domination and oppression. A stable and just social order creates a kind of friendship between citizens. More specifically, I argue that civic friendship is useful as a way of understanding discussions of political stability. Plato and Aristotle both praise civic friendship because it stands in contrast to the enmity, division, and

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injustice characteristic of political instability. By casting justice in terms of civic friendship, we can better ground the virtues and duties of citizenship. Ultimately, I show that political liberalism, and more specifically justice as fairness, offers a particularly attractive conception of civic friendship.

Whereas philosophers have shied away from ideals of solidarity and civic friendship, social and political movements have not. The labor movement has embraced and depended upon calls for fraternity and social solidarity. This is reflected in their names: the International Brotherhood of Electrical Workers, the Fraternal Order of Police, the United Brotherhood of Carpenters, the International Brotherhood of Teamsters, etc. An appeal to the internal solidarity of union members is as much a practical necessity as it is an expression of principled mutual commitment. Ignoring violations to the contractual rights of some weakens the contract for all. Serious divisions while on strike will break the strike. Arguably the success of any significant social or political movement requires the solidarity and mutual commitment of its partisans.

However, internal solidarity is not the only way that ideals of civic friendship appear in social and political life. Non-violent political movements in India and the United States succeeded because of the reactions of people outside the movement.[2] By publicly suffering the consequences of their civil disobedience, protestors drew attention to the unjust conditions under which they had to live. Civil disobedience constitutes an appeal to the conscience of one's fellow citizens and perhaps even to the conscience of humanity. Public outcry against the abuses leveled toward those resisting injustice thus grows from sense of solidarity, however nascent, between those oppressed and the other members of their community. Fraternity, solidarity, civic friendship, whatever it is called, has been an important element of resisting injustice throughout history.

In this chapter I develop a framework for understanding competing conceptions of civic friendship and their relationship to justice and stability. Chapters 2 and 3 argue that Plato and Aristotle turn to civic friendship as a solution to the problem of *stasis*, the often-violent struggle over who holds power and what form that power should take. Plato advocates a conception of civic friendship modeled on the family, characterized by deep bonds of personal affection. Aristotle, in contrast, defends a conception of civic friendship tied to the form of government in a *polis* and the conception of justice appropriate to that constitutional form. Chapter 4 examines two flawed approaches to civic friendship within modern states. Neither self-interested atomism, nor comprehensive communitarian approaches like the morally principled solidarity of utilitarianism or bonds of agapic love, provides appropriate grounds for unity in pluralist states. Chapters 5 and 6 develop the conception of civic friendship implicit in political liberalism and justice as fairness. This civic friendship develops from the principled concern that citizens have for one another, grounding the duties and virtues of citizenship. It best fosters the trust, reciprocity, and principled commitment necessary for practical stability and moral legitimacy.

1.1   Five Cases of Civic Friendship

The term 'civic friendship' refers to the social relationships within a political community rather than its institutional structures and principles. Within the past decade Danielle Allen (2004), Sibyl Schwarzenbach (2009), Sally Scholz (2008), Hauke Brunkhorst (2005) and others have all taken up issues of civic friendship.[3] Interest in this topic also extends outside of philosophy: Robert Putnam's *Bowling Alone* (2000), Cass Sunstein's *Going to Extremes* (2009), and Bill Bishop's *Big Sort* (2009), all take up topics closely related to civic friendship.[4] While much of this explicit interest in civic friendship is recent, it has roots in the debates between liberals and communitarians in 1980's and early 90's. Responsive Communitarians like

Amitatai Etzioni, William Galston, Bruce Douglass, and Thomas Spragens Jr., focus on issues of community and civic friendship.[5] Much of the literature, however, remains disparate and fails to connect relevant ideas together.[6]

The relationships between citizens are enormously complicated, and discussing them is fraught with numerous philosophic and practical problems. Consequently, the literature on civic friendship pursues a number of widely divergent paths. Consider for a moment the following list of terms for discussing the relationship between members of a community: civic/political friendship, social/political unity, social/political solidarity, community, fraternity, brotherhood, social capital, fellow-feeling, the social fabric, societal bonds. This disparate terminology for discussing the relationship between citizens is only a small piece of the problem. There is little agreement about the precise nature of the relationships constituting civic friendship. As we will see, some writers think that claiming that a there is a strong feeling of civic friendship in a community is equivalent to claiming that it has strong civic bonds, that members feel goodwill and trust one another, or that there is an abundance of social capital. For others, civic friendship is a matter of people peacefully living together under a shared government, a much narrower relationship requiring only the absence of certain kinds of civil conflict.

Such divergent approaches lead to important questions. Does 'civic friendship' pick out one relationship among members of a community or a loose conglomeration of different aspects of communal life? Does civic friendship encompass all aspects of the social relationship between citizens, or is it strictly limited to political matters? Is civic friendship a matter of *how* we treat one another (civilly, respectfully, instrumentally, etc.), or a matter of *why* we treat one another as we do (shared moral values, shared political principles, etc.)? In what follows, I consider five paradigmatic cases for civic friendship. Using these cases, I then differentiate

between four broad categories of issues relating to civic friendship. These categories provide the basis for a taxonomy of civic friendship.

The five paradigmatic cases progress from stronger, caring, personal, intimate friendships to weaker, individualistic, structural, and overtly political forms of friendship. They correspond very roughly to approaches to civic friendship within the literature. The first two cases, the Smiths and Friendlyville, reflect communitarian approaches. The third and fifth cases, Philiopolis and Diversitana, match warmer and cooler versions of liberal civic friendship, respectively. The fourth case Republinton, roughly approximates civic republican visions of community. The correspondence is rough at best because of the complexity of the conceptions of civic friendship.

A. **The Smiths** – The Smith family falls on hard times, perhaps a death or a layoff. The Smiths' neighbors come together to help them through their difficulties. They cook the Smiths meals, find odd jobs for them, and perhaps even raise some money to get them through the hardships. It is a direct and personal form of assistance, freely given to a neighbor they have come to know well over the years. These neighbors try to find similarly appropriate ways of helping others in their community when needed. When times are good, the neighbors can provide this assistance with ease. During economic downturns, they struggle to take care of one another. Still, they do what they can, sometimes at great personal cost.

The most striking feature of this case is depth of support. Robert Bellah and Philip Selznick stress the value of this kind of communal support. If civic friendship is a kind federated unity, how neighbors treat one another locally is an important aspect of the broader political community.[7] Communities whose members offer one another support like that of the Smith neighbors exhibit high levels of social capital. Robert Putnam emphasizes the importance of social capital for political for the health of democratic societies.[8] However, not all theorists would consider the Smith neighbors to be exhibiting *civic* friendship in any important sense. It is neither overtly political nor obviously connected to their relationship as fellow citizens. While

exhibiting what Sally Scholz calls 'social solidarity', they demonstrate neither 'political' nor 'civic' solidarity.[9] Thomas Spragens worries that it is dangerous to regard this particularly intimate form of friendship as *civic* friendship, which must be broader and more inclusive to count as such.[10]

B. **Friendlyville** – A blizzard strikes Friendlyville. While on his way to work, Joe sees someone slide off the road and become stuck in a snowdrift. Joe is already running late because of the poor driving conditions. Nonetheless, he stops his car, pulls out his shovel, and helps to dig out the stranger because that this is what the people of Friendlyville do for one another. Joe knows that he easily could have been the one to slide off the road and this stranger or some other gladly would have helped him. It is what makes Friendlyville a pleasant place to live. Joe believes that such small things make a decent community into one as great as Friendlyville.

Friendlyville shares some features with the Smith case: it is an example communal support and it is not overtly political. However, it differs in some important respects as well. Joe does not personally know those who he helps. Instead, his helpfulness is connected to his identity as a citizen of Friendlyville. Jason Scorza notes that civic friends will often not know one another in liberal states, but that they can still treat one another with "tenderness," a kind attitude of giving and receiving.[11] Joe's helpfulness also invokes ideals of reciprocity which are central to many liberal accounts of civic friendship. But, as with the Smith case, the context is non-political, thus it is not clear that Joe's actions display specifically civic friendship. Rawls discusses the importance of non-political associations in the development of trust between citizens.[12] So Joe's actions might contribute to the development of civic friendship, but not itself be an example of such friendship.

C. **Philiopolis** – The many citizens of thriving Philiopolis care, both personally and as a matter of justice, that all residents have a real chance to flourish and that the least well off are as well off as they can be. They know that in a city as large as Philiopolis it is easy for people to fall through the cracks, to get lost in the anonymity of the masses. They institute a series of policies and public service programs to ensure that no one is left

behind. Those who do not need these public services care that those who do need them are treated with respect. Yet, well off individuals remain oblivious to the particular challenges and needs of the least well off, leaving such matters to the service providers.

Philiopolis, in contrast to the Smith and Friendlyville cases, is explicitly political, so clearly the relationship is civic. Like Friendlyville, the relationship is less personal and therefore compatible with larger political societies, an element which is crucial to liberal and republican accounts of civic friendship. Their special concern for the least well-off this exhibits Scholz's civic solidarity.[13] Similarly, their mutual commitment to ensuring that the least well off are as well off as they can be invokes something like the difference principle, which for Rawls is a principle of fraternity.[14] Yet, while the citizens of Philiopolis care about one another, it is not obvious that their relationship should count as friendship. According to communitarians, the manner in which the citizens express their concerns about the poor are overly bureaucratic and impersonal. Instead of addressing the problems at the level of communities of personal care they "fall back on an ever more expansive government".[15] In contrast, liberals like Sibyl Schwarzenbach, argue that it is essential to civic friendship that it not be personal.[16]

D. **Republinton** – A massive tornado strikes the city of Republinton, nearly destroying a historic working class neighborhood. The residents of the town come together and immediately find temporary ways to help those displaced and put together a plan to rebuild. This plan requires the wealthier and unaffected neighborhoods to make some significant sacrifices through service cuts and property tax increases for the duration of the reconstruction. They readily support the project, not just because it helps those affected, but because rebuilding the area is for the long-term good of the community as a whole. They would have sought alternate ways to help the displaced residents, such as offering cheaper relocation to another city, if they thought doing so better served the interests of the community.

Like Philiopolis, Republinton concerns a political community. If the relationship counts as friendship, then it is clearly civic in nature. However, the basis for the decision to rebuild concerns the common good rather any special concern for the least well off. This case reflects

the approach taken by some utilitarians and civic republicans. The citizens of Republinton display their civic friendship by their concern for the common good. They are not just self-interested. Republicans and responsive communitarians emphasize the importance of personal responsibility to those within one's community. The residents of Republinton, on their approach, perhaps best display civic friendship when as citizens they employ non-governmental forms of assistance to help the victims of the storm. Margaret Gilbert, however, would not regard the way in which the Republinton makes their decision as a community as showing that they constitute a plural subject.[17]

E. **Diversitana** -- The state of Diversitana includes a substantial number of different ethnic and religious communities that have often fought and struggled with one another over its long history. These groups do not especially like one another, and they still cling to lingering resentments of conflicts past. Despite their bellicose history, they have found a way to live together peacefully; they agree that it is in their mutual interest to resolve disputes through legal means, and they even regard this system as reasonably fair. The politically engaged members of each group respect the political power of each of the others and understand what it is they seek. They form shifting alliances to advance their interests. They are civil, even friendly to one another, not out of personal affection, but self-interest.

Diversitana reflects a more realistic, or perhaps cynical, appraisal of actual political societies. It reflects the outlook of thinkers like Hobbes, Machiavelli, and Madison. Part of its realism is that, like actual communities, its history of conflicts shapes the current civic relationship. However, it is not obvious that this case should count as instance of friendship. Internally, the factions exhibit friendship, but the relationship qua citizen might not seem to count as friendship. Danielle Allen, however, argues that we do not actually need to like our fellow citizens in order to be civic friends. She instead emphasizes the importance of how we treat one another in the political arena.[18] The citizens of Diversitana treat each other with a kind of respect, and they have overcome deep conflict in order to live in peace. Perhaps, then,

principled conduct, appropriate to their relationship, and reflective of the moral concern due to one another as fellow citizens, just is what civic friendship is about. Personal affection, on this view, is neither possible nor necessary. Still, Diversitana does not exhibit a strong sense of community. Many communitarians insist that civic friendship must include a deeper concern than the self-interest exhibited in Diversitana.[19] Spragens argues that affective bonds can indeed be found on a large scale, particularly when people pursue common goods together.[20] The question is whether such a concern is realistically achievable in a pluralistic community like Diversitana.

While each of these five cases displays distinctive features, the cases are not mutually exclusive. The close-knit community of the Smith neighborhood could be a religious community, a group of political idealists, or simply a group of friends who live in different neighborhoods of the same city. The Smiths' community seems to exhibit a degree of harmony and love not present in political struggles between the communities of Diversitana. In Diversitana, ethnic and religious groups are in competition with one another, though they resolve that conflict through procedurally fair legal and political means. Yet, the Smith neighborhood could be located just as easily in one of the competing communities of Diversitana as in the community of Republinton with its orientation toward the common good. Similarly, the helpfulness of Friendlyville and the concern that all have the opportunity to flourish in Philiopolis tell us nothing about whether the residents of those communities actually care about anyone beyond themselves or whether they are merely concerned with their own virtue and obligations. Determining which of the five cases best exhibits civic friendship requires us to be clear about what civic friendship is, which in turn requires us to be clear about what problems we take to be central to civic friendship.

1.2   Four Questions about Civic Friendship

The five examples help to make the concept of civic friendship more concrete, even if it remains inchoate. With these cases for civic friendship in mind, we can step back and consider some of the issues that arise for any account of civic friendship. I consider four questions: 1) Who are civic friends? 2) What is the structure of their friendship? 3) What are the activities of civic friends? and 4) What aims do civic friends share? By exploring civic friendship through these questions rather than simply lumping accounts into different categories, I hope to draw attention to the importance of the motivations of those who investigate civic friendship. Understanding their different motivations, the different problems that the each of the authors seeks to solve, both helps us to understand the history of civic friendship and enables us to characterize the differences between various accounts of civic friendship.

Before proceeding, I wish to draw attention to a general methodological issue. One approach to civic friendship proceeds by articulating an ideal of what a community of civic friends ought to be. Another approach proceeds by describing the actual civic relations in some community or kind of community. Most writers employ a messy, and perhaps unavoidable, combination of these two approaches. Nonetheless, communitarians tend to look more to the ideal, and so their conceptions of civic friendship are characterized by strong, intimate social bonds, shared values, and a shared identity. In contrast, those who are more skeptical of civic friendship tend emphasize actual civic relationships instead of relatively distant ideals. This is no accident, given what it is that each of the approaches seeks. Still, whether focusing on the actual or the ideal, we can ask the four questions above about how to understand civic friendship.

1.2.1 Who are the friends of civic friendships?

Answering the question is not simply a matter of providing a list of individuals in some community who happen to be friendly with one another. We need to determine whether to include certain groups and what place those who do not participate in civic friendship occupy in the account. We must decide how to weigh the relative importance of the different members and ask whether there is a limit to the number of people who can be civic friends. This first question has four dimensions: constituency, inclusion, priority, and scale.

Constituency: What are the units that constitute civic friendship? To put the question differently, we might ask if the community of civic friends is defined by anything beyond the particular members that compose it. As in much of the literature on shared agency and cooperation, the problem concerns whether communal relationships are fully reducible to the attitudes and intentions of individuals, or whether the group is fundamentally its own entity, or some intermediate position.[21]

If we regard groups, rather than individuals, as the constituent members of civic friendship, then the self-interested cooperation of the sub-communities of Diversitana may better exhibit civic friendship than collections of Smith type neighborhoods, when those neighborhoods are hostile or uncooperative with each other. In Diversitana, the sub-communities manage to cooperate when they stand to gain, and while they have no affection for one another, they are not overtly hostile. An interest in civic friendship that grows out of worries about class conflict, religious strife, or partisan struggles, will thus likely stress the relations between groups. Alternately, if our concern about civic friendship is about how particular citizens treat one another or whether there is space for tightly knit religious communities, then we will likely focus

our attention more narrowly. The helpfulness of Friendlyville and the Smith neighborhood highlight these aspects of community.

Robert Bellah argues that a pluralistic society is at root a "community of communities" where smaller units must persist within the larger, and individuals are "realized only in and through communities."[22] On this view, the constituent members are groups who share a commitment to the good, and to a lesser extent the individuals who in turn constitute those groups. A broad society achieves unity through its localized unities. Individuals play an important role, but primarily at the level of local groups and organizations. In contrast, Lockean and Hobbesian variants of liberalism stress the role of the individual as the basic constituent members of the political community. Individuals are the ultimate bearers of rights, and it is to individuals that we must justify the state. Politics thus largely consists in individuals pursuing their (long-term) self-interest with others who do likewise. Individuals must have the liberty to join and form other associations, but those groups do not constitute the political society. Thomas Spragens's civic liberalism attempts to bridge the divide by agreeing with those like Bellah, who argue that citizens are fundamentally social, while insisting upon individual integrity, particularity, and autonomy.[23]

Inclusion: Who in the community is included in the civic friendship? Does it extend to all residents or only to citizens? Is it further restricted to politically active citizens, or to political and community leaders? The mutual aid of neighbors in the Smith case exhibits narrow and geographically localized civic friendship, though each member of the broader community may share that kind friendship with those near them. In contrast, the public services community of Philiopolis displays very broad friendship, including all members of the community in the same friendship. Thomas Spragens takes the view that civic friendship must be highly inclusive.[24] It

he is correct, then the competing groups of Diversitana must see themselves as included in a single unified group, albeit with important differences between them, if they are to count as an instance of civic friendship.

The other side of inclusion is, of course, exclusion. Is the treatment of non-citizens important for the maintenance of civic friendship? What about oppressed groups? May a community of civic friends exclude certain races, religions, or other groups? Ultimately the answers to these questions depend in part on how inclusive the definition is. Issues surrounding immigration, assimilation, and openness to strangers with respect to civic friendship are also often issues of inclusion.[25] None of the five cases above need to exclude anyone on the basis of race, religion, sex, ethnicity, sexual orientation, etc. However, ideals of civic friendship like those in each case have historically been used to justify exclusion. And communities like Philiopolis and Republinton have been racist and sexist in ways that their citizens did not recognize. Tight neighborly relations as in the Smith case have a long history of supporting racism and sexism. Fraternity and brotherhood as ideals are sexist on their face, hence the preference for the terms 'solidarity' and 'civic friendship' in the contemporary literature. Yet, it is not at all obvious that a linguistic white-wash can successfully address concerns about exclusion. The interest group politics of Diversitana could easily lead to the subordination of minorities, even if it allows those minorities to form interest groups.

Critical race theorists[26] and feminists[27] have argued vigorously that exclusion is deeply embedded in the history of liberalism. Contemporary liberal and ancient Greek distinctions between the public and private, while not overtly sexist like the term 'fraternity', serve to exclude women from the civic relationship.[28] We can see this problem of exclusion most clearly when we look at the actual political relationships in a community. Danielle Allen's *Talking to*

Strangers provides an excellent example of thinking about actual civic friendships in a theoretically rich manner.[29] Actual relationships of civic friendship are embedded in communities with history. These histories are usually highly exclusive, a fact which is relevant to how we understand civic friendship.

Priority: How do we prioritize the constituent members of a community when determining whether it exhibits civic friendship? Since sub-communities vary greatly in their breadth, foundation, and orientation, we might not think they are equally important even if we believe that they are among the constitutive elements of civic friendship. Some groups are more important to establishing civic friendship because of their size, their political power, their connection to the lives or values of their members, or because of the aims of their community. Civic republicans are most concerned with the community of all citizens as a whole, especially as they interact within government. The citizens of Republinton cooperate in pursuing the common good of their community in rebuilding in the aftermath of the tornado. Non-governmental organizations that aim to promote the common public good may also be important in civic republican accounts of friendship, even when they are not directly involved in political institutions.

Most communitarians are more concerned about the bonds within sub-communities. For them, the broader community threatens smaller communities by pressuring them, for the sake of getting along in with other communities, to abandon the distinctive commitments that enable a richer communal life. If we assume that Smith type neighborhoods are internally homogenous and hostile to other neighborhoods, then they may face pressure to abandon the beliefs and commitments that are the source of conflict. While many liberals share the concerns of republicans or communitarians, others focus primarily on the rights of individuals. The citizens

of Philiopolis may thus support public services because they believe the rights of the least well off require it, rather than because of the kind of community it creates.

Scale: How large is the community of civic friends? It is easier to imagine a small community providing direct and personal support to the Smith family than to imagine such support coming from a large community. A larger community will rely on less personal, institutional mechanisms to provide support to those in need. Philiopolis may address the material needs of its citizens as well as Smith neighborhoods, but the logistics of scale require wholly different means for providing that support. Larger communities may thus find it easier to accommodate a diversity of cultures, languages, and conceptions of the good. Because the groups in Diversitana leave each other alone, it is easier to imagine large numbers of them coexisting, but harder to imagine intimacy between them. Aristotle and Plato imagine relatively small political communities when compared with the Roman Republic or modern nation states. Smaller communities have the potential for a greater degree of intimacy and homogeneity. The overall size of the community of civic friends will determine much about what sorts of relationships are possible amongst its members.

1.2.2 What is the structure of civic friendship?

The question of how many members a community of civic friends can sustain pushes us to examine the question of what kind of relationship civic friendship is. This second question, however, is no less complicated. Is civic friendship the intimate bond of small close-knit communities? Is it whatever relationship happens to hold between hold between all citizens in a political community, no matter how impersonal or tenuous it may be? Is the relationship thus mediated through institutions, or does it hold directly between individuals? Those who advocate the claim that small communities grounded in shared commitments best exhibit civic friendship

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often expound the virtues of such close knit-relationships. Conversely, if civic friendship includes all citizens, then their relationship will be of a very different nature. Again, we can differentiate several dimensions of this question.

The Basic Structure: The fundamental political and economic institutions of a society, what Rawls calls the basic structure, obviously play a prominent role in structuring civic relationships.[30] These institutions are populated by people and the basic structure regulates how they can relate to one another. Aristotle, for instance, argues that monarchies, aristocracies, and democracies, each have their own particular kinds of civic friendship.[31] Tomasi remarks on the change in the civic relationship when the United States broke from a monarchy to form a democracy. It changed from being vertically and hierarchically structured to a more horizontal relationship. This shift in basic structure radically affected both civic and social relationships.[32] Yet, there are limits to the impact of such structural elements. For instance, we could imagine the Smith neighbors being equally helpful under a monarchy as they are within a liberal democracy.

Strength: How strong is the relationship between civic friends? The civic friendship in the Smith neighborhood involves strong commitments and, at times, serious sacrifice. This is true in Republinton as well, where the good of the community demands self-sacrifice. Neighborhoods like the Smith's exhibit a very strong friendship. The everyday helpfulness of Friendlyville exhibits a somewhat weaker friendship. While such helpfulness goes beyond mere civility, its actual demands are weak in comparison to the Smith neighborhood or a community like Republinton.

Directness: To what extent does civic friendship require direct person-to-person interaction? To what extent is it a matter of how well the group as a whole gets along? The

public service community of Philiopolis may manage to run smoothly with a minimum of strife because various institutions mediate the citizens' concern for one another. Consequently, there is very little direct contact between the well off and the least well off. Similarly, in Diversitana political institutions mediate the relationship between citizens of different sub-groups. In contrast, both the Smith neighborhood and the example of assistance of Friendlyville express civic friendship through direct face-to-face contact. The thought that civic friendships must be direct is what leads Amititai Etzioni to claim that authentic communities are a "web of affect-laden relations."[33] Schwarzenbach, in contrast, argues that for Aristotle civic friendship exists between all citizens "by way of the constitution, the public laws and the social habits of the citizenry."[34]

Range: Is civic friendship limited to public or political matters, or does it extend to individual and personal needs? The civic friendship manifest in the Smith neighborhood and helpfulness of Friendlyville concern everyday personal needs. In contrast, the political support for public services in Philiopolis, the government supported reconstruction in Republinton, and the political cooperation between the ethnic and religious communities of Diversitana ranges over public political matters. Their commitment to civic friendship in these later cases may consist in a commitment to a certain kind of government.

The question of range encompasses familiar debates between comprehensive liberals and political liberals about the role of specific truth claims or claims about the good in the life of a political community. Arguing that agreement on truth is not necessary for agreement on matters of political justice, political liberals hope to build an overlapping consensus on carefully defined political grounds. They contend that extending the range of the civic relationship to non-political matters might invite the domination of some citizens by others whose views conflict in non-

political arenas. Similarly, liberals committed to autonomy often view civic relationships that extend too far into non-political aspects of life as too broad, as impinging on what ought to be more individual matters. They prefer a narrow range is in order to ensure that freedom or autonomy is protected. Yet, a wide-ranging conception of civic friendship need not entail a commitment to an oppressive government. Some responsive communitarians regard civic friendship as imposing a limit on government by ensuring private support for those in need.[35] A wide ranging civic friendship, then, makes it possible to rectify any problems without turning to state sanctioned legal coercion.

Intimacy: Is civic friendship an intimate relationship? How much knowledge do civic friends need to have of one another? Does civic friendship require that I know the names of all of my fellow citizens or their family members? Do civic friends need to know what their friends take to be politically important or to be familiar with the major happenings in their personal lives? When Joe helps dig the driver out of the snow, he exhibits friendliness without intimacy. When the Smith neighbors offer help, they do so because their relationship is sufficiently intimate for them to know each other's needs. The public services of Philiopolis provide a kind of material support similar to the Smith case, but without any of intimacy of the Smith neighbors, offering professionalism in place of friendliness. Much depends however on how we define intimacy. Schwarzenbach explicitly rejects intimacy as an element of civic friendship.[36] Whether Diversitana has sufficiently overcome its history of ethnic and religious strife to count as exhibiting civic friendship may depend on the extent to which the differing groups understand one another. And this, in turn, may be interpreted as a question of whether there is sufficient intimacy between them.

History: Diversitana is the only case which builds in a history of the citizens' relationship to one another. Republinton includes the recent history of the tornado strike, but it does not mention the history that presumably shapes how its citizens respond to the event. Communitarian critiques of liberalism have often focused on the idea that the liberal individual is unencumbered.[37] Individuals are embedded in particular communities which shape who they are at least as much as individuals shape their communities. Normative ideals may be distorted when we ignore the history of actual relationships. The unencumbered individual is thus theoretically deprived of the resources necessary to actually flourish. A further problem is the possibility that abstract ideals might obscure history in an ideologically pernicious way. Carol Pateman and Charles Mills have suggested that ideals of liberty and equality have never been universal, and were in fact formulated as tools of exclusion, domination, and exploitation.[38] By fixing our attention on the actual history of a particular community and how that history shapes the present, we might thus learn more about civic friendship than by looking to the normative ideals prevalent in a society.

1.2.3 What do civic friends do?

What are the activities of civic friends? Much of the literature on citizenship focuses on questions of status rather than activity.[39] However, discussions of the rights, duties, virtues, and responsibilities of citizenship are all essentially discussion of the activity of civic friends. I elaborate upon these activities in greater depth in Chapters 5 and 6, and so my discussion here is briefer.

Duties: The support of the Smith neighbors, public support for programs for the needy in Philiopolis, and the active cooperation of citizens in Republinton in rebuilding all exhibit different kinds of duties. The Smith neighbors take personal responsibility for helping their

needy neighbors, whereas the citizens of Philiopolis help others primarily through the institutional structure of their city. As a result, they conceive of their duties very differently. While civic republicans have historically placed greater emphasis on the duties of citizenship than liberals, who have tended to emphasize rights, liberals have recently begun to focus on the duties of citizens within a liberal society. Such duties can include everything from simple obedience to the law, to voting, to rather elaborate responsibilities of participation in shaping the policies and institutions of one's society.

Role in governance: The Aristotelian citizen is a man who rules and is ruled in turn. But must all civic friends play identical or even equal roles in governing? Such roles include: voting, legislative and executive service, judicial service (judges and jury service), and citizen activism (on electoral campaigns or within advocacy organizations, for example). In both the Smith and the Friendlyville cases, it is unclear what roles citizens play in governing. These cases are compatible with a wide range of such roles, from broad-based and active participation to limited participation. In Diversitana, the roles of individuals may depend in part upon which sub-group(s) they belong to. The roles that citizens play in governance depend both upon the formal political structures and upon the specifics of their relationships with one another.

Norms of deliberation: Among the most important aspects of the relationship between citizens, especially in democratic societies, is how they conduct their political deliberations. If civic friendship does not extend to include sub-communities or personal interests, then such considerations may be excluded from political deliberations. Citizens might be limited, on grounds of civility, to public reasons. Norms of civility might also extend to requiring that we vote on the basis of the reasons that ground deliberation.[40] Yet, it is also possible that such norms of civility might serve to squelch dissent or the effective expression of legitimate

dissent.[41] The Smith and Friendlyville cases say little about the nature of political deliberations in their community, but there are marked differences between the other three cases. The citizens of Philiopolis seem especially concerned to justify policy with respect to shared principles of justice. In contrast, those in Diversitana are active in organizing their political efforts around factional interests. In Republinton, however, the interests of the broader community take precedence in deliberations. The distinctive norms in each community thus give rise to different civic activities.

1.2.4 What are the aims and purposes of civic friendship?

This question encompasses both the aims that individuals initially have when they become civic friends, as well as the aims that they pursue once they are friends. Entering into relationships can give us new ends, not merely advance pre-existing ends.[42] Civic friends might ask several questions: Why should groups such as ours form communities like ours in the first place? Why should anyone join civil society? Why do we, as a community, stick together? Why should I remain in this community or any community?[43] These questions concern motivation, i.e. the aims and purposes of civic friendship.

Pursuit of Shared Values: Shared values, such as religious commitments, could sustain a community, particularly if those values concern the community itself. Such values may be individual or communal, i.e. they might emphasize the rights and responsibilities of individual citizens or the virtues of realizing certain goods as a group. The denizens of Diversitana seem not to share many values, instead competing with one another over differing values. In contrast, the residents of Friendlyville all value friendliness, and the Smith neighbors share values that lead them to support each other in times of need. The citizens of Philiopolis share a commitment to the difference principle, and the residents of Republinton jointly pursue other common goods.

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I consider some cases of shared communal values in more detail in Chapter 4. For example, a community that believes that God intends for them to live together and treat each other in certain ways (assuming they agree on what that entails) may have a stronger bond than a community bound by a commitment to protecting the environment (assuming that the shared commitment does not extend to other aspects of communal life). Shared values differ from shared aims because aims may be based upon different and even incompatible values. However, either a relatively narrow set of political values or a more comprehensive conception of the good could serve to bind a political community together.

Achieving a Shared Goal: What is the primary role of civic friendship in the political community? Is it to promote justice, stability, or the common good? Or is it to secure some good for some or all particular individuals? The citizens of Friendlyville value living in a community where people help one another out, as Joe helped the stranger out of the snow. Yet, sharing the value of friendliness does not require any agreement about what constitutes the best life or agreement about the relative importance of the common good to that of the individual. The residents of Diversitana may all want a stable government, but they want to do very different things with that government. Some communities simply seek peace and stability sufficient for each to do as they wish. In contrast, the citizens of Republinton agree on what the common good is, rebuilding the town, and jointly pursue that good.

Developing a Shared Identity: A community may see itself as a "we". That members of a community think of themselves as a community and identify with one another may help to sustain that community. Consider the contrast between the agonistic struggles of the groups in Diversitana with the cooperative rebuilding project of the citizens of Republinton. In Republinton, citizens address the problems facing their community as members of a group rather

than as discrete individuals. They ask "what should we" do instead of "what should I do". Individuals sharing civic friendship are likely to see themselves a part of a great many such "we" groups, corresponding to the different communities to which they belong. Their projects within each community further help to develop their shared identity as members of that community.

Some theorists regard identity politics, wherein groups and communities pursue their joint interests in the political realm, as a realization of civic friendship because it allows for the expression of deeply shared values in the political arena. Identity politics has been an important force in promoting justice. Feminists and critical race theorists have argued that oppression often involves imposing identities upon a group. Such identities can, however, be reclaimed by the subordinate group as a means of resisting that oppression. Iris Marion Young's politics of difference makes this move.[44] And Tony Laden argues that political liberalism requires citizens to construct the identity of citizenship together, which, in turn, requires rejecting a false blindness to oppressive identities.[45] Sally Scholz emphasizes political solidarity, partially constituted by identities, as a response to oppression.[46]

Some republicans, however, regard identity politics as a corruption of politics and as corrosive to civic comity because it prioritizes the identity group's interest ahead of the common good.[47] Although republicans may be suspicious of identity politics, Pettit does argue that a republican approach is necessary to provide the social space needed to make the identity politics effective in securing civility.[48] Communitarians, in contrast, do not regard interest-based identities as corruptions, but they nonetheless believe that identity politics undermines the community of civic friends insofar as divergent identities conflict with the broader and commonly shared identity.[49]

Common Interests: Virtually all communities include some shared interests, though to differing degrees. If citizens strongly share an identity as members of a political community, then they might willingly pursue projects that go against the narrow interests of some. When the citizens of Republinton choose to rebuild those areas devastated by the tornado, they do so because it is in the interests of the community as a whole, not just because of the benefit to one group. Communitarians take this interest in the common good to be essential. Republicans like Pettit further argue that freedom constitutes a positive common good that we can all share.[50]

Yet, even in the most minimal case, Diversitana, mutual self-interest explicitly grounds a relationship between ethnic and religious groups. That they resolve their differences politically rather than through violence results from their shared interests in peace and stable government.[51] The extent to which citizens form political coalitions may, then, depend upon the extent to which those coalitions can help to advance the interests of each group's members. Madison, in *Federalist* 10, argues that factions cannot be eliminated. However, given a variety of competing interests, such factions will be unlikely to gain a majority. Even if they do, a republican form of government introduces other checks.[52] Galston, following Hobbes, argues that a stable political relationship can be grounded in avoiding certain evils without finding a shared conception of the good.[53] The fear of certain evils can give citizens with deeply divergent interests a common interest.

Mutual Love or Affection: A community of civic friends may care about one another as persons; we might even think that such care is a prerequisite for civic friendship. In Chapter 4, I look more closely at some ways in which love might bind a community together. Love involves a concern for the other for their own sake, and some degree of taking the ends of the other as one's own. Whether these features are just a consequence of love or instead constitute love is a

matter of debate. However, it does seem that people who do not care for one another for the other's sake and do not care about the other's ends do not share a bond of love. The example of the neighbors caring for the Smith family seems a plausible candidate for a community bound by love. The self-interested cooperation of Diversitana does not, since it exhibits a much narrower and instrumental attitude. Philopolis and Republinton are consistent with a loving relationship or attitude, but if the citizens' concern is merely justice or the common good, without concern for the good of particular others in the community, then we may conclude that there is no love.

1.3   Conclusion

Philosophers have extensively considered how principles of justice shaped institutions and policies, yet they have neglected to examine the extent to which conceptions of justice are also reflected in the political relationship between citizens. The conception of justice shapes the duties, responsibilities, and rights of citizens, which in turn shapes their relationship. Institutions and policies also have consequences for the civic relationship. So described, the civic relationship seems to be a product the principles of justice as embodied in a particular institutional context.

Yet, we can also regard civic friendship as developing in interaction with the conception of justice. We need not, in other words, treat fraternity as unconnected with liberty and equality. If, instead, we regard justice as, in part, a kind of relationship among citizens, then we can better consider what sorts of policies and duties are appropriate to that relationship.   Rather than attempting to derive all the content of justice from abstract principles, we can then use those principles in conjunction with a concordant view of civic relationships, both of which are grounded in the conception of justice. Rawls's claim that justice is a fair system of social cooperation among free and equal members of society is as much a statement about the

relationship between citizens as it is a way to determine principles of justice. Such an approach,

I argue in the following chapters, provides a more complete and more natural grounding for the

duties of citizenship. Moreover, it helps to clarify the connection between political ideals and

the actual relationships of citizens.

[1] John Rawls, *A Theory of Justice*, Revised edition ed. (Cambridge, MA: Harvard University Press, 1971, 1999), 3.

[2] Scholz follows Kurt Bayertz in designating the solidarity of members of a group responding to perceived injustice to be 'political solidarity' which stands in contrast to the broader solidarity of a societal commitment to the poor 'civic solidarity'. Both solidarities seem to be subsets of 'social solidarity' which involves any communal commitment that entails obligations. Sally Scholz, *Political Solidarity* (University Park, Pa.: Pennsylvania State University Press, 2008), 21-25.

[3] Danielle S. Allen, *Talking to Strangers : Anxieties of Citizenship since Brown V. Board of Education* (Chicago: The University of Chicago Press, 2004); Sibyl Schwarzenbach, *On Civic Friendship : Including Women in the State* (New York: Columbia University Press, 2009); Scholz, *Political Solidarity*; Hauke Brunkhorst, *Solidarity : From Civic Friendship to a Global Legal Community*, Studies in Contemporary German Social Thought (Cambridge, Mass.: MIT Press, 2005). Also worth noting, though slightly older is the collection of essays edited by Kurt Bayertz on solidarity. Kurt Bayertz, *Solidarity* (Kluwer Academic Pub, 1999).

[4] Robert Putnam, *Bowling Alone : The Collapse and Revival of American Community* (New York: Simon & Schuster, 2000); Cass Sunstein, *Going to Extremes: How Like Minds Unite and Divide* (Oxford ; New York: Oxford University Press, 2009); Bill Bishop and Robert G. Cushing, *The Big Sort : Why the Clustering of Like-Minded America Is Tearing Us Apart*, 1st Mariner Books ed. (Boston: Mariner Books, 2009).

[5] *The Responsive Community* was a journal published from 1990-2004 developing ideas of "rights *and* responsibilities"

[6] For example, neither Scholz nor Schwarzenbach reference one another despite the substantial overlap in their interests and numerous articles published between 1995 and 2005. Perhaps this is because one writes on 'solidarity' and the other on 'friendship'. Scwarzenbach dismisses solidarity as "too vague" (xiii) and Scholz seems to regard friendship as fundamentally private (48).

[7] Phillip Selznick, "Social Justice: A Communitarian Perspective," *Responsive Community* 6(1996); Robert Bellah, "Community Properly Understood: A Defense of" Democratic Communitarianism"," *Responsive Community* 6(1995): 52-54.

[8] The Smith's case provides an example of 'bonding' capital which stands in contrast to 'bridging' capital. The latter fosters widespread connection between citizens while the former helps citizens stick together. Both are important for democratic societies. Putnam, *Bowling Alone*, 22-24.

[9] Scholz, *Political Solidarity*, 21-25.

[10] The reason for that danger is that "every real friendship" among specific subsets of the population "is a sort of secession, even a rebellion."…Friendship groupings can function as cabals or cliques that are exclusionary and that seek to profit at the expense of the excluded. Thomas Spragens, *Civic Liberalism : Reflections on Our Democratic Ideals* (Lanham, Md.: Rowman & Littlefield, 1999), 187. Bellah shares this worry but still believes that it can be addressed by emphasizing inclusivity in the broader federation of communities. Bellah, "Community Properly Understood: A Defense of" Democratic Communitarianism"," 52-53.

[11] Jason Scorza, "Liberal Citizenship and Civic Friendship," *Political Theory* 32, no. 1 (2004): 98-101.

[12] Rawls, *A Theory of Justice*, 467-72. I take this topic up in greater detail in chapter 5.

[13] "Civic solidarity then is the idea that society has an obligation to protect its members through programs that ensure adequate basic needs are met." Scholz, *Political Solidarity*, 29.

[14] Rawls, *A Theory of Justice*, 90-91.

[15] Platform, *The Essential Communitarian Reader* (Lanham, Md.: Rowman & Littlefield, 1998), xxx.

[16] Schwarzenbach, *On Civic Friendship : Including Women in the State*, 140.

[17] Margaret Gilbert, *Living Together: Rationality, Sociality, and Obligation* (Rowman & Littlefield Pub Inc, 1996), 370-71.

[18] "One doesn't even have to like one's fellow citizens in order to act toward them as a political friend." Allen, *Talking to Strangers : Anxieties of Citizenship since Brown V. Board of Education*, 140.

[19] "The exclusive pursuit of one's self-interest is not even a good prescription for conduct in the marketplace; for no social, political, economic, or moral order can survive that way." Platform, *The Essential Communitarian Reader*.

[20] "The objective bases of friendly association also can be found on a scale that exceeds the dimensions of personal intimacy…Quite large groups of people may share these goods in common, and on the basis of pursuing them together they may form the quasi-erotic bonds of social concord." Spragens, *Civic Liberalism : Reflections on Our Democratic Ideals*, 186-7.

[21] Consider for example Michael Bratman who takes a reductive view, arguing that cooperation is fully reducible to the intentions of individual agents as opposed to Margaret Gilbert who argues the there are irreducibly plural subjects. Michael Bratman, "Shared Cooperative Activity," *Philosophical Review* 101, no. 2 (1992). Margaret Gilbert, *On Social Facts* (Princeton UP, 1989).

[22] Robert Bellah, "Community Properly Understood," in *The Essential Communitarian Reader*, ed. Amitai Etzioni (1998), 62-65.

[23] Spragens, *Civic Liberalism : Reflections on Our Democratic Ideals*, 260.

[24] "Civic friendship in the full and complete sense may be said to obtain when the range of *eunoia* (good will) and *homonoia* ("like-mindedness" or "concord") is conterminous with the boundaries of society as a wholes—when these positive dispositions and the behavioral patterns induced by them characterize "the citizens of a state" and not merely some specific subset thereof." Ibid., 187-88.

[25] The concerns about exclusion are not obviously present in the five cases I present. Much of the literature treats exclusion as a secondary issue to address after properly defining the good civic community. I do not intend to endorse that approach by setting out the five cases as I do.

[26] Charles Mills, *The Racial Contract* (Cornell Univ Pr, 1997).

[27] Carol Pateman, *The Sexual Contract* (Stanford Univ Pr, 1988). Her discussion of the fraternal social contract Carol Pateman, *The Disorder of Women: Democracy, Feminism, and Political Theory* (Stanford Univ Pr, 1989), 33-38.

[28] Susan Moller Okin, "Women, Equality and Citizenship," *Queen's Quarterly* 99, no. 1 (1992).

[29] Allen, *Talking to Strangers : Anxieties of Citizenship since Brown V. Board of Education*.

[30] Rawls, *A Theory of Justice*, 6-7.

[31] Aristotle, "Nichomachean Ethics," in *The Complete Works of Aristotle: The Revised Oxford Translation*, ed. Jonathan Barnes (Princeton, NJ: Princeton UP, 1984), 1161a10-61b10.. The significance of this claim is explored in Chapter 3.

[32] John Tomasi, *Liberalism Beyond Justice : Citizens, Society, and the Boundaries of Political Theory* (Princeton, N.J.: Princeton University Press, 2001), 11-12. Tomasi shows throughout the book the consequences of

[33] Amitai Etzioni, "The Responsive Community: A Communitarian Perspective," *American Sociological Review* (1996): 5.

[34] Sibyl Schwarzenbach, "Democracy and Friendship," *Journal of Social Philosophy* 36, no. 2 (2005): 234.

[35] Platform, *The Essential Communitarian Reader*, xxx.

[36] "Whereas individual friendship entails personal liking, intimate knowledge and close emotional ties, by contrast the civic form necessarily operates by way of the intelligent and orderly construction of political institutions, rights and social practices." Schwarzenbach, "Democracy and Friendship," 234.

[37] Michael Sandel, "The Procedural Republic and the Unencumbered Self," *Political Theory* 12(1984): 90-91.

[38] Pateman, *The Sexual Contract*; Pateman, *The Disorder of Women: Democracy, Feminism, and Political Theory*; Mills, *The Racial Contract*.

[39] "The second danger for a theory of citizenship arises because there are two different concepts which are sometimes conflated in these discussions: citizenship-as-legal-status, that is, as full membership in a particular political community; and citizenship-as-desirable-activity, where the extent and quality of one's citizenship is a function of one's participation in that community."Will Kymlicka and Wayne Norman, "Return of the Citizen: A Survey of Recent Work on Citizenship Theory," *Ethics* (1994): 353.

[40] Catriona McKinnon, "Civil Citizens," in *The Demands of Citizenship*, ed. Catriona McKinnon and Ian Hampsher-Monk (New York: Continuum, 2000), 146-50.

[41] This is what Bellah refers to as the dark side of community, the worry that community is an exclusionary idea that includes an in group and an out group, and in particular the worry is that the out group will be oppressed.Bellah, "Community Properly Understood," 51-53.

[42] Anthony Laden, "Evaluating Social Reasons: Hobbes Vs. Hegel," *Journal of Philosophy* 102, no. 7 (2006): 337-8.

[43] Galston is somewhat critical of Rawls for starting with the question of how citizens should structure their relationship, and neglecting the question of whether they should form a cooperative relationship in the first place.William Galston, *Liberal Purposes : Goods, Virtues, and Diversity in the Liberal State*, Cambridge Studies in Philosophy and Public Policy (Cambridge ; New York: Cambridge University Press, 1991), 147.

[44] Iris Marion Young, *Justice and the Politics of Difference* (Princeton Univ Pr, 1990), 168-73.

[45] Anthony Laden, *Reasonably Radical : Deliberative Liberalism and the Politics of Identity* (Ithaca: Cornell University Press, 2001), 86-92.

[46] Scholz, *Political Solidarity*, 59-64, 133-35.

[47] While not explicitly discussing civic friendship, Machiavelli and other republicans would regard the self-interested pursuit of power as corruption. S.M. Shumer, "Machiavelli: Republican Politics and Its Corruption," *Political Theory* 7, no. 1 (1979): 9-11.

[48] Philip Pettit, *Republicanism : A Theory of Freedom and Government*, Oxford Political Theory (Oxford: Clarendon Press, 1997), 246-51.

[49] Philip Selznick, for example, stresses the importance of "belonging based on a shared history and shared identity." Phillip Selznick, "Foundations of Communitarian Liberalism," in *The Essential Communitarian Reader*, ed. A. Etzioni (Rowman & Littlefield Pub Inc, 1998), 64.

[50] Pettit, *Republicanism : A Theory of Freedom and Government*, 274-76.

[51] When Alinsky praises the pursuit self-interest it is because he believes that building on common interests is the only way to build community. Denial of this fact only leads to fragmentation. The importance of self-interest also does not entail the denial of broader moral motivations, which are also necessary. Saul Alinsky, *Rules for Radicals: A Practical Primer for Realistic Radicals* (Vintage, 1989), 54-62.

[52] James Madison, "Federalist 10," *The Federalist Papers* (1787).

[53] "We can agree that death, wanton cruelty, slavery, poverty, malnutrition, vulnerability, and humiliation are bad without having a fully articulated unitary account of the good. We can, as Hobbes suggested, recognize a summum malum without recognizing a summum bonum." Galston, *Liberal Purposes : Goods, Virtues, and Diversity in the Liberal State*, 148.

2. INJUSTICE, INSTABILITY AND THE NEED FOR CIVIC FRIENDSHIP

Communitarian accounts of civic friendship evoke images of harmony, solidarity, and mutual love. In developing their vision of civic unity, they often appeal to classical Greek accounts of the political community as a theoretical foundation and historical alternative to what they see as the hyper-individualism of liberalism.[1] Alasdair MacIntyre contrasts liberal pluralism with the eudaimonist unity of Aristotle.[2] David Kahane emphasizes the importance of affective ties and draws upon the analogy between personal and civic friendship in Aristotle and to criticize theories that celebrate pluralism as a basis for community.[3] Hegel and Schiller, often read as communitarians, stress the harmony of Greek ethical life, which they regard as a result of the individual identifying their private good with the common good. This chapter develops a reading of ancient Greek discussions of civil conflicts and civic friendship with a focus on Plato. This sets the stage for a contrast with Aristotle's approach to these topics in Chapter 3.

Communitarian accounts of Greek political life are highly idealized, but the reality of political life in antiquity is a consistent story of vicious and destructive conflict. Kostas Kalimtzis and Bernard Yack have documented the importance of these conflicts for Aristotle.[4] Civil strife in Athens and throughout Greece motivates both Plato and Aristotle to propose an ideal of civic friendship as a positive alternative to the brutal reality of civil wars.[5] While the intrinsic goodness of such unity, the feature that tends to attract communitarian attention, is more important to Plato's account, he has largely been ignored by contemporary communitarians who tend to focus on Aristotle and Hegel.[6] This is a mistake because Plato's conception of the civic relationship relies on intense intimate bonds and does indeed resemble the ideal of social unity ascribed to the Greeks by the communitarians.[7] However, Plato's argument in favor of this conception heavily relies upon the terrors of civil strife. He views social unity along a

continuum, with intense familial harmony on one end and the fragmentation of tyranny and civil war on the other.

This chapter is divided into two sections. In Section 1, I consider *stasis* (faction, strife, and revolution) in ancient Greece. Following Kalimtzis and Yack, I argue that a proper understanding of *stasis* provides a foundation and motivation for interpreting both Plato and Aristotle, as well as a reflective counterpoint to communitarian idealizations. We should understand the discussion of civic friendship in Plato and Aristotle primarily in terms of *stasis*, rather than in the context of more personal forms of friendship, a common feature of communitarian readings. In Section 2, I follow this approach, arguing that Plato consistently presses for a vision of civic unity characterized by intense and intimate social bonds. This civic friendship is inextricably linked with the ideal of justice. For Plato, a failure to fully realize justice is the primary cause of factional conflict.

2.1   Stasis: Chaos, Upheaval, and Destruction

> They (the statesmen and lawgivers of old)…should have considered something like the following: that a city should be free and prudent and a friend to itself, and that the lawgiver should give his laws with a view to these things.[8]

> It seems that city-states too are held together by friendship, and that lawmakers are more concerned about it than about the virtue of justice.[9]

> For friendship we believe to be the greatest good of states and what best preserves them against revolution.[10]

It is surprising when Plato and Aristotle claim that civic friendship is the greatest good of city-states and that it is among the highest priorities for legislators, perhaps occupying a place above justice. This is especially true given how scattered and fragmentary their discussion of civic friendship seems. For instance, in contrast to the highly laudatory remarks above, Aristotle

claims in some places that civic friendship is a meager and limited version of utility friendship, "a ready-money transaction".[11]   Initially, it seems quite difficult to reconcile these remarks. Given how little Aristotle actually says about civic friendship, we may question whether he really thought it was of any importance.   Perhaps, as Julia Annas suggests, he only offers platitudes instead of a developed view of civic friendship.[12]   Michael Pakaluk concludes that civic friendship plays "an insignificant role in Aristotle‟s ethical and political thought."[13]   Yet, the suggestion that civic friendship plays only a small role in Aristotle‟s philosophy is odd, given the importance of politics to Aristotle and the importance of friendship in Greek politics. John Cooper recognizes it as "an extremely important component both of his political theory and his theory of human character."[14]   However, he relegates it to a weak (though still important) version of utility friendship, which softens what would be "hard and narrow forms of all the virtues" into warmer forms.[15]   Nonetheless, the paucity of passages discussing civic friendship leaves Aristotle‟s account of civic friendship unclear and open to conflicting interpretations.   Aristotle does not provide an extended, unified discussion of civic friendship that clearly integrates civic friendship into his discussion of personal friendship.

Interpreting Plato poses a similar challenge. Plato states that "friendliness, familiarity, and acquaintance" are important because to a *polis* because "there is indeed no such boon for a society as this familiar knowledge of citizen by citizen."[16]   Given Plato‟s extensive discussions of the unity of the Good, the challenge is not whether he thought social unity was important, but to explain whether he attaches any significance to civic friendship beyond its conformity to the unified nature of the form of the Good.   Plato‟s vision of the civic relationship is complicated by his move to connect it with familial unity through the noble lie.   As I argue, however, Plato‟s account of civic friendship is grounded primarily in his recognition of the harms of *stasis*.

Plato and Aristotle‟s discussions of friendship between citizens are also complicated because of their brevity, their mixing of the personal and political aspects of friendship, and their varied terminology. They both use a number of terms to talk about friendship in the state, e.g. concord (*homonoia*), friendship (*philia*), and political friendship (*politike philia*). And, as I have suggested, Plato also links civic friendship with familial unity. Aristotle often seems to use a similar sense of *philia* for both personal and political friendship, never clearly differentiating these kinds of relationship. While it might, then, seem natural to focus first on such personal relationships, I propose that we better understand their account of civic by considering the matter in the context of civil conflict.

Widespread intense civil strife presents a pressing theoretical and practical political problem that both Plato and Aristotle felt compelled to solve. The basic strategy behind my argument is to first show what *stasis* is and what makes it so terrible, and then to show how awareness of these dangers is a problem that fundamentally shapes Plato and Aristotle‟s political thought. Civic friendship is an essential part of the solution to this fundamental problem.[17] Whereas Plato‟s approach tends to rely on tight and intense emotional bonds, modeled on the family, Aristotle turns to the constitution and standard of justice as the basis for trust, cooperation, and good will.

Prior to Plato and Aristotle, there was substantial discussion of strife, and even how to avoid it, but little discussion of what the strife-less community would look like and what would keep it free of strife. The first element in solving the puzzle over why Aristotle and Plato say little explicitly about civic friendship resides in this conceptual novelty. Both thinkers look beyond the mere absence of strife to find what unifies the flourishing city. Their discussions of civic friendship show the role that it plays not only in preventing strife, but also in fostering

flourishing. However, because this approach to civic friendship was so new, much of their investigation of the civic relationship took the more traditional form of discussions of enmity and faction.

The varied terms we use to translate *stasis*: „faction," „civil strife," „civil discord," „revolution," and „enmity," are each a little misleading. These terms do little to connote how horrible it can be for a *polis* to become embroiled in *stasis*. Civil strife is one of the greatest evils to face the *polis*. Virtually nothing, even wars with foreign states, has the same destructive impact upon a *polis* as civil strife. All forms of such strife, from partisan antagonism to civil war, are manifestations of *stasis*. However, disagreement about policies or political principles is not at all unusual. Partisanship can sharpen these disagreements to a point where legislative bodies can accomplish little, even in areas where there is no significant principle at stake. Such legislative gridlock counts as a mild form of *stasis*, but it too is dangerous if an incapacity to act occurs when action is needed.

Stasis is explored in great depth and variety within Greek literature. Herodotus, Thucydides, and even Hesiod analyze *stasis* and examples of it. It is prominent theme in numerous comedies and tragedies.[18] Although discussions of *stasis* extend back for generations preceding Plato, there was no consensus about it. Many early writings refer to *stasis* as some sort of disease.[19] *Stasis* is a sign of a deeply unhealthy city, a deviant political process. The plague of *stasis* is explicitly labeled as a divine punishment for injustice.[20] Plato still regards stasis as a plague, but he shifts the discourse away from *stasis* divine punishment for injustice to *stasis* as simply being the natural consequence of injustice.[21] Injustice unravels the social fabric and destroys the unity of the *polis*. Those who suffer injustice become angry. They want greater prosperity and honor. So they revolt, not with the goal of establishing justice, but with aim of

acquiring the wealth and honor that they feel they have wrongly been denied. If they had not

suffered injustice in the first place, however, then they likely would not have revolted.

The consequences of *stasis* can be quite horrifying; its divisions are political and social,

and often run deep. While *stasis* is not limited to violent conflicts within the *polis*, such conflicts

are among the most severe of its symptoms. Consider the following vivid accounts of the utter

chaos of *stasis*:

> Miletos was one of the great Ionian centers, the birthplace of philosophy…. During the sixth century the city was divided between the laborers and the rich. The conflict reached a high point when the rich having suffered defeat, fled the city, leaving behind their families. The poor seized their property, rounded up their children, took them to the fields outside the city where they had oxen trample them to death. When the aristocrats returned to power, they took hold of their enemies and their children, and after tarring them, set them on fire.[22]

And in Kerkyra:

> Death thus raged in every shape; and as usually happens at such times, there was no length to which violence did not go; sons were killed by their fathers, and suppliants were dragged from the altar or slain upon it, while some were even walled up in the temple of Dionysus and died there. So bloody was the march of the revolution, and the impression which it made was the greater as it was the first to occur. Later on, the whole Hellenic world was convulsed.[23]

Thucydides‟s discussion of „the march of the revolution‟ emphasizes the way in which

revolutions can spread across political communities.[24] Miletos and Kerkyra are typical examples

of *stasis*. The innocent and guilty both suffer when anger over injustices becomes inflamed and

explode in horrific violence. Both Plato and Aristotle thus feel pressed to solve the problems

stasis poses.[25]

As Plato and Aristotle were well aware, *stasis* completely distorts the values of a

community.[26] It morally deforms ordinary people who would otherwise be decent citizens and

possess decent character. Those traits of character that are considered virtues in normal time

become vices as *stasis* sets in. Temperance and moderation come to be considered signs of timidity, cowardice, and injustice.

> Words had to change their ordinary meaning and to take those which were now given them. Reckless audacity came to be considered the courage of a loyal ally; prudent hesitation, specious cowardice; moderation was held to be a cloak for unmanliness: ability to see all sides of a question, inaptness to act on any. Frantic violence became the attribute of manliness; cautious plotting, a justifiable means of self-defense. The advocate of extreme measures was always trustworthy; his opponent a man to be suspected.[27]

Thucydides explains that individuals in diseased communities seek power and honor by any means. Extremity is justified through the rhetorical appeal to the purity of principles and a refusal to compromise. If a devious scheme succeeds, then its instigator is considered wise and clever. The intensity of the hostility leads all parties of the conflict, perhaps justifiably, to believe that others are plotting their demise. Consequently, each tries to destroy the other before the other can destroy them. The tendency is thus toward narrow self-interest and away from concern for the general good. Such circumstances so distort the moral vision of citizens that they can no distinguish true virtue from the factional rhetoric and mere appearance of virtue.

Factions come to dominate the identity of citizenship and take priority over all other considerations, even family. The tactical advantages gained by a faction possessing the complete devotion of its members are significant. As the strife grows greater, the pressure to further entrench and become more zealously committed to the faction thus also grows.

> In fine, to forestall an intending criminal, or to suggest the idea of a crime where it was wanting, was equally condemned, until even blood became a weaker tie than party, from the superior readiness of those united by the latter to dare everything without reserve; for such associations had not in view the blessings derivable from established institutions but were formed by ambition for their overthrow.[28]

Some might regard factional strife as a kind of political conflict that has spiraled out of control. However, factional identities are not, properly speaking, political associations. They represent

conflict over the political order, not within it. In contrast to movements whose purpose is to establish a more just and democratic form of government, honor and profit are the primary aims of *stasis*. Factionaries seek power to further their private interests. Only rarely, if ever, is a good conception of justice or concern for common good the reason a faction forms or the aim of its energies.[29] This disregard for justice is both a cause and consequence of elevating factional identities above all others.

Revolution can provide cover for all manner of selfish acts. Revenge, the elimination of those to whom one owes money, the expropriation of land and property of a rival are all easier when the target is labeled a member of opposing faction.[30]

> The Corcyreans were engaged in butchering their fellow-citizens whom they regarded as enemies: and although the crime imputed was that of attempting to put down the democracy, some were slain also for private hatred, others by their debtors because of the moneys owed to them.

The violence of *stasis* thus creates chaos and arrests the normal order of the state. Differentiating ordinary murders and crimes from those driven by the stated aims of the factions becomes nearly impossible. Even worse, the factional struggle encourages crime both directly and indirectly. It directly encourages crime because the costs of *stasis* (weapons, mercenaries, bribes, etc) require money, and the money of innocent and neutral parties is just as useful as those of guilty. Indirectly, the chaos makes it much easier to commit crimes that otherwise decent individuals would likely not contemplate, let alone carry out.

The possible devastating consequences of *stasis* can be summed up in the following: 1) Collapse of the social and political order—potentially resulting in an inability for a *polis* to carry out such basic tasks as feeding the population; 2) An upheaval and inversion of moral values—including punishing justice and the misperception of important virtues as vices; 3) Disregard for

family, friendship, religion, and the common good—all of which become subordinated to factional identities; 4) Widespread internecine violence—children slaying parents, murder for the sake of personal gain, all of which takes place in the name of justice; 5) Overreaching revenge rather than just punishment—not content with victory, the conquerors must make conquered suffer; 6) The establishment of a new regime which is rarely more just than the old—once in power, the victors continue their pursuit of private gain by abusing their power and those over whom they hold power. Sadly, this last consequence sets the stage for the next revolution. The newly abused will bristle at their mistreatment and seek the means to stage another rebellion, and with it another round of revolution and counterrevolution.

Both Plato and Aristotle are all too familiar with these destructive realities of *stasis*, and their accounts of civic friendship reflect these realities. The terrors that *stasis* wrought upon *poleis* throughout ancient Greece thrust themselves into their political thought. Plato and Aristotle seek alternative to that conflict. Cultivating civic friendship, solidarity, social unity may seem like an obvious piece of the solution. But how can the bare relationship of citizen to citizen ground political unity and stability? In what sense can all the citizens of a *polis* be friends with one another? On what possible basis could that friendship be grounded? How are citizens supposed to develop the feelings, attitudes, and dispositions appropriate to this new kind of friendship? These are hard questions, which may well have dissuaded earlier theorists from ever supposing that all citizens could be friends. Both Plato and Aristotle nonetheless propose ambitious accounts of civic friendship.

2.2   Plato: Civic Friendship as a Solution to the Problem of Stasis

Whereas *stasis* has a long history in Greek thought and history before Plato and Aristotle, civic friendship does not. Discussions of civic friendship, understood as friendship between all

citizens rather than a private few, first appear in Plato. He provides us with the earliest suggestion that *homonoia* might be capable of preventing *stasis*.[31] Initially, friendship might seem to a play a minor role in Plato"s political works. Interpretations of Plato"s discussion of social unity often focus on the Good and the Just, rather than on love and friendship. But this emphasis on the Good and the Just, while not mistaken, neglects the way in which friendship provides an illuminating articulation of civic unity.[32] Plato"s ideal of civic friendship is that of an intense personal relationship. The mutual love of citizens is grounded in a shared and robust commitment to the Good. The just *polis* exhibits friendship between all citizens, and the pursuit of this friendship shares much with the aims of justice. While the thought that all citizens could regard one another in a fraternal or parental manner might seem both bizarre and implausible, such familial unity provides a sharp counterpoint to the intense factional conflicts that shattered innumerable *poleis*. Moreover, familial unity is a kind of unity that would be familiar to much of his audience. Considered in light of *stasis*, familial unity is not especially bizarre, even if it remains an unrealistic vision of political unity.

I focus on three of Plato"s works: the *Republic*, *Statesman*, and *Laws*. These works are the most obviously political of Plato"s corpus, and each stresses the importance of friendship between citizens. There is a general argumentative scheme that Plato repeats within each of the three works, to which I appeal in the following discussion: (1) *Stasis* is very dangerous; (2) Injustice is the cause of factional conflict (both within the individual and, more importantly for our purpose here, in the state); (3) Injustice is a result of pursuing self-interest, especially for material gain, at the expense of the common (and true) good; (4) Civic friendship is the alternative to *stasis*. (5) This friendship produces a shared identity modeled on familial and personal attachment, and provides a guiding conception of unity. Citizens understand their self-

interest as consonant with the community through this common identity. This strong identification of interests is especially important for those who hold political power. (6) Such friendship is intense, affective, and personal. Yet, it is also political, requiring agreement about who should rule and what the form that rule should take.

2.2.1 Civic Friendship in The Republic

In the *Republic*, Plato takes up the task of defining justice and showing that the just always flourish more fully than the unjust. In Book I, Thrasymachus argues that the unjust, unconstrained by conventional morality, are better able to get what they want and need to be happy. Socrates argues against this view by claiming that injustice renders individuals and communities incapable of action.

> For factions [*staseis*] … are the outcome of injustice, and hatreds and internecine conflicts, but justice brings oneness of mind [*homonoian*] and love [*philian*]….if it is the business of injustice to engender hatred wherever it is found, will it not, when it springs up either among freemen or slaves, cause them to hate and be at strife [*stasis*] with one another and make them incapable of effective action in common?[33]

Faction incapacitates the *polis* (1). Socrates explicitly identifies injustice as the cause of faction and its accompanying ills (1, 2).[34] Injustice, as expressed and exhibited by Thrasymachus, is motivated by the individual pursuit of narrow self-interest (3). Justice, in contrast, is connected with both love and agreement (4, 5).

Plato's solution to the problem of strife is radical. In Book V, he famously advocates for abolishing the traditional family among the guardians. He instead proposes common training for men and women, holding women and property in common, and rule by philosophical guardians. Let us start with his proposals about the family. In eliminating the traditional family, he introduces the noble lie that all citizens sprang from the earth.[35] The traditional family can then be replaced with the *polis* as family. Much of the literature on this proposal falls into two camps:

either discussing its implications for Plato's status as a proto-feminist or explaining why Aristotle rejects the family as a model of unity for the *polis*.[36] There is surprisingly little attention devoted to why Plato would propose such radical changes to the family in the first place. There has been significant discussion of the role that property plays in causing civil strife for Plato, but discussions of his account of family have focused more on the status and capabilities of women.[37]

Plato, however, is clear that these extraordinary measures are meant to eliminate the main sources of strife facing the *polis*.[38] While the unity of the *polis* might be undermined by family ties which are normally stronger than the bonds of citizenship, this not is why Plato models his account of civic friendship on the family.[39] Instead, Plato seeks a way to characterize the state of affairs opposed to *stasis* so that the political community has a clear positive ideal at which to aim. Familial unity is a form of social unity within the experience of Plato and his audience, and which could support the further material changes Plato advocates. The familial ideal of civic friendship thus aims not at eliminating every possible cause of *stasis*, but rather at establishing the kind of relationship required to sustain a way of life devoid of *stasis*. For example, Plato identifies the desire for material gain as a primary cause of the injustices which lead to the collapse of the ideal republic.[40] This cause of *stasis* is best addressed through the abolition of private property and common living of the guardians. However, the rigors of Plato's ideal state would indeed be impossible to sustain if citizens were not devoted to each other. Families and small groups of close friends can pursue mutually shared ends while making sacrifices for each other in the pursuit of those ends. Plato models civic friendship on the love, unity, and identification of interests that is characteristic of families because it is clearly opposed to the characteristic features of factional strife.

In Book VIII, Plato catalogues a series of revolutions that could transform the ideal *polis* into a terrible tyranny. The progressive moral failings of those with political power gradually can lead to greater private and political injustice, until eventually a corrupt tyranny emerges. If future guardians are not properly selected, some leaders will begin to become increasingly interested in private property, not just for themselves selfishly, but also for their family and friends. While basically good, these guardians do not receive sufficient public recognition for their virtue and so they turn to personal gain. Raised with some material luxuries and a disdain for the public that dishonored their parents, the children of these guardians may cease to concern themselves with the public good, and turn themselves over wholly to the private acquisition of wealth. Eventually they may establish an oligarchy devoted to the profits of the elite few.

This oligarchy will retain many of the features of the just state, but its leaders will lack the wisdom to govern it effectively. They are more concerned with themselves than with the general public; still, they work hard and produce many goods for society. As they grow more attached to their wealth, however, they inflict greater injustices upon the people. Eventually these injustices will move the people to try to overthrow the oligarchy in order to establish a democracy.[41] The masses in turn inflict injustices on the wealthy, seizing their property and failing to honor the virtues of the wealthy. After the democracy is established, however, the masses will become increasingly lazy while profiting from the industry of the wealthy (and perhaps enjoying the benefits of colonial endeavors). As the conflict between the masses and the wealthy grows, demagogues will attempt to exploit the tensions for their own personal gain. Claiming that the masses should endow them with special powers to protect the democracy from would-be oligarchs, such demagogues may gain control of the *polis* and establish a tyranny.[42]

The desire for material wealth is one of the primary causes of this decline. This desire leads the timocrats to neglect truly public goods. The avarice of subsequent oligarchs leads them to exploit the masses, and it later leads democrats to unjustly expropriate the resources of the wealthy. The resulting conflict between the imperious oligarchs and the undisciplined democrats creates opportunities for demagogues to become tyrants. As the republic declines, its regimes become increasingly unjust, and with that injustice they become unstable.[43] Accompanying such constitutional decay is an individual moral decay. Corresponding to each form of government is a homonymous character type. The internal vices of each character type are the same as the form of government it matches. Whether Plato is more concerned with this individual moral decline or the constitutional decline need not concern us here. Plato is clear about two points: injustice is a major cause of the terrors of faction, and a stable pursuit of the good requires intense bonds of civic friendship.

Plato recognizes that, as a practical matter, conflicts and disagreements are inevitable in the course of political life. However, the context within the disagreement emerges matters. Disagreement amongst friends differs sharply from disagreements amongst associates or rivals. Recall Thucydides's account of how factional identities subordinated all others. Plato believes that not all conflicts must result in such extreme partisanship:

> "Will they not then regard any difference with Greeks who are their own people
> as a form of faction and refuse even to speak of it as war?" "Most certainly."
> "And they will conduct their quarrels always looking forward to a
> reconciliation?"[44]

The passage is important not only because of its portrayal of friendship and conflict, but also because it emphasizes the importance of agreement and reconciliation over brute domination. In the unfortunate event of conflict, even violent conflict, the ideal of civic friendship is supposed to guide the conduct and attitudes of the parties. The relationship leads citizens to resolve

conflicts by reaching a common understanding rather coercing compliance. This emphasis on mutual agreement occurs throughout *The Republic*; all parts of the *polis* must agree about who will rule.[45] In this way the relationship of citizens offers a remedy to *stasis* independent of the specific laws and constitutional structure.

2.2.2 Civic Friendship in The Statesman

While *The Republic* provides the most radical portrayal of Plato's conception of civic friendship, this conception is not unique to that work. In both *The Statesman* and *The Laws*, Plato continues to argue for the necessity of civic friendship, lest the city be torn apart by factions. The prevailing image of the statesman is that of a weaver.[46] The statesman/weaver is concerned not only with the laws, but all that belongs to the life of the community. The statesman/weaver weaves these disparate strands into a unified whole. This metaphor persists today in discussions of the "social fabric", a metaphor which emphasizes the interrelated nature of social relationships as well as the fragility of such relationships.

A weaver must be very careful in the materials he chooses to weave into a fabric, and in this respect the statesman is no different. By controlling education, the statesman implements a program "by which the educator produces the type of character fitted for his own task of weaving the web of state."[47] Plato identifies four different types of characters. First, the very worst people, those driven to "vaunting pride and injustice," the statesman "expels from the community."[48] Second, those "incapable of rising above common ignorance" are condemned to slavery. The remaining two groups are the courageous warriors and the gentle moderates:[49]

> The courageous types have far less of gifts of fairness and caution than their moderate brethren, but have in a marked degree the drive that gets things done. A community can never function well either in the personal intercourse of its citizens or in its public activities unless both of these elements of character are present and active.[50]

On their own, each of these two groups would lead a state to ruin. If the courageous type alone ruled, the laws would likely be unjust and the city would be perpetually at war. If the moderate types alone ruled, then the city would likely be ineffective at getting anything done and fall prey to some neighboring power.[51] To flourish, a city needs both the courage and the energy, and the justice and caution, from these two groups.

However, harnessing the virtues of these two diverging kinds of citizen is a difficult task. The differences between them can be a source of strife for a community. Consequently, the weaver must find a way of bringing them together. Plato explains:

> Men react to situations in one way or another according to the affinities of their own dispositions. They favor some forms of action as being akin to their character, and they recoil from acts arising from the opposite tendencies as being foreign to themselves. Thus men come into conflict with one another on many issues… Considered as a conflict of temperaments, this issue is a mere trifle, but when the conflict arises over matters of high public importance it becomes the most inimical of all the plagues which can threaten the life of the community.[52]

Plato again identifies *stasis* as the „most inimical of all the plagues" that threaten the *polis*. As in the *Republic*, his ideal of civic friendship is motivated in large part by a horror of its contrasting state, *stasis*. Even the apparently trivial differences among decent men, becomes a serious concern if they might lead to *stasis*.

Plato indicates that the cause of disagreement is a difference in temperaments. While it is possible that a single individual may possess the virtues of both, Plato writes, "We find that important parts of goodness are at variance with one another and that they set at variance the men in whom they predominate."[53] This is striking because in the *Laws* and the *Republic*, injustice is stressed instead. A difference in temperaments does not necessarily indicate a serious failure in virtue on either party; both the moderates and the spirited citizens are guided by a partial understanding of the good. Although Plato indicates that the two parties" incomplete grasp of the Good is a source of conflict, this is hardly the same as saying that injustice or vice

sets them apart.   The unjust have already been tossed out as material unfitting the fabric of the *polis*, and the inept have been relegated to slavery. The remaining moderate and spirited citizens are both guided by the good, but they nonetheless have a personal and temperamental difference that can escalate into serious conflict.[54]

Both the moderate and the courageous citizens are already fairly virtuous, possessing one of the two opposed tendencies of the good. While the statesman should take great care to ensure that the citizens with whom he weaves the fabric of state are virtuous, the selection of citizens is only the start of his work. This is noteworthy for two reasons. First, even with relatively virtuous citizens a city will not necessarily be free of strife. Second, Plato is not concerned to extend the bonds of civic friendship to citizens who are markedly deficient in virtue or who are vicious. Instead, he seeks to exclude such persons from citizenship altogether. As we will see, Aristotle allows for a wider variety in the levels of virtue among the citizenry and assumes that the leaders have less discretion about the character of the citizens that constitute their state.

The job of the statesman is to weave the *polis* into a socially and politically unified whole. Plato states that "this unity is won where the kingly art draws the life of both types [the moderates and warriors] into a true fellowship by mutual concord [*homonoia*] and by ties of friendship."[55] Plato''s purpose here is twofold. First, he is trying to shape the character of each particular citizen by tempering the extremes of two types of good citizen. The spirited warriors are too ready to make war and wage battle, the moderates too reluctant. Both threaten the *polis*. These tendencies need to be brought into balance.

Second, Plato thinks the mere absence of *stasis* is inadequate to secure stability and justice. There needs to be a positive alternative, namely civic friendship. Plato is concerned with both the personal and political relationships between citizens.   Citizens of each type will to

identify with others like them: "The moderate natures look for a partner like themselves…The courageous class does just the same thing... All this goes on, though both types should be doing the opposite."[56] This informal grouping by personality type introduces social division into the *polis*. It matches up with divergent attitudes towards important policy questions, setting the stage for *stasis*. The statesman must try to prevent this:

> There is one absorbing preoccupation for the kingly weaver as he makes the web of state. He must never permit the gentle characters to be separated from the brave ones; to avoid this he must make the fabric close and firm by working common convictions in the hearts of each type of citizen and making public honors and triumphs subserve this end, and finally, each must be involved with the other in the solemn pledge of matrimony.[57]

In this passage, Plato indicates the necessity of both agreement on public values and developing personal and familial bonds to achieving civic unity. Social division and disputes about policy create the space for *stasis* to emerge. The possibility of *stasis* among well-intentioned and relatively just citizens reveals why Plato sought a positive conception of social unity. The mutual love and commitment of citizens sought by the statesman/weaver prevents the formation of pre-factional groups and balances the strengths and weaknesses of citizens. It enables the *polis* to more effectively pursue justice.

2.2.3 Civic Friendship in The Laws

One striking feature of the *Statesman* is that the skills of statesmen are stressed while there is virtually no discussion of the content of the laws. Plato seems to regard the laws as either subordinate to the craft of the statesman, or altogether unnecessary in the ideal community. However, Plato also recognized in reality most *poleis* of his day were not in a position to abandon their laws in order to allow a philosopher king rule. The rule of law thus provides a second best alternative to the judgment and wisdom of philosophers, provided it follows the guidance set forth in the *Laws*.

Like the *Republic* and *Statesman*, the *Laws* also calls for civic friendship. However, it presents a clearer picture about what that entails in terms of public policy.[58] Set in Crete, the dialogue offers a conversation between men from Sparta, Crete, and Athens. The three men embark on a discussion of what the best sort of government would look like. Both the Spartan and the Cretan believe that cities are in a state of war (sometimes undeclared), and that all that they do is and should be directed toward winning the war.[59] The two agree that war is the test for how good a constitution is. At the Athenian"s prompting, the Spartan and the Cretan then agree that there is an analogy between the relation of city to city, village to village, household to household, individual to individual, and each individual to himself.[60] Just as cities seek to gain dominance over inferior cities, individuals seek to gain dominance and mastery over the inferior parts of themselves. The Spartan and the Cretan agree that a city or individual can rightly be called free only when the better part gains mastery over the worse, and enslaved when the reverse holds.

The Athenian then turns the tables on his companions. Within a family, they agree, that the best adjudicator of disputes would ensure not only that the best qualified rule, but also ensure that inferiors willingly accept that rule and reconcile all members in order to keep them on "permanent amicable terms".[61] Extending the analogy back up from the family to the city, the Athenian inquires, "Now which of two courses would one prefer? That peace should be restored by the victory of one party or the other to the faction, and the destruction of its rival, or rather that friendship and amity should be reestablished?" He then declares that "The best is neither war nor faction...but peace and mutual goodwill."[62] In so arguing, the Athenian convinces his two companions that the laws and a good constitution aim at friendship, not at victory in war, or even the maintenance of a just order through force. The Athenian makes abundantly clear the

importance of friendship to the state, stating that, "The object that our laws had in view was that our people should be supremely happy and devotedly attached to one another."[63]

Throughout the *Laws*, Plato reiterates the dangers of ill will and poor inter-citizen relations. The Athenian‟s focus on friendship is in part pragmatic. Civic unity is necessary for security from external threats.[64] After all, a city divided is easier to conquer. However, as we saw in the *Republic*, military advantages are not the ultimate reason why the Platonic legislator desires civic friendship.

According to the Athenian, such friendship also minimizes strife from a variety of sources, including lawsuits, crimes, and commerce.[65] Friendship is necessary whether or not there is some external threat. The routine business of administering a state requires the legislator aim at promoting friendship:

> Nor is there any reason to be surprised at our continually proposing aims for the legislator which appear not to be always the same; but we should consider when we say that temperance is to be the aim, or wisdom is to be the aim, or friendship is to be the aim, that all these aims are really the same; and if so a variety in the modes of expression ought not to disturb us.[66]

Plato links the realization of friendship with liberty and wisdom two more times in the subsequent paragraphs with particular examples. Freedom to speak one‟s mind is necessary in order for civic friends to benefit from the collected wisdom of the knowledgeable members of a community, and friendship provides them with the motivation to seek the common good.

Again, Plato notes that self-interested rule destroys civic friendship, undermines willingness to sacrifice for one another, and breeds hatred and faction. Interestingly, he also hints that this is a consequence of the diminished freedom of the citizens.[67] When the Persian king Cyrus treated his people well and allowed them freedom "the nation waxed in all respects, because there was freedom and friendship and communion of mind among them."[68] Friendship here is linked to communion of mind. In ruthlessly seeking their private good, however, tyrants

often attempt to force others to work for the tyrants" good without reciprocating benefits. Even if such a tyrant is able to remain secure in his power with respect to internal threats, the state as a whole becomes more vulnerable to misfortune. Its citizens are reluctant to shoulder the burdens and hardships of war, or to sacrifice for the sake of the state because the benefits of their labors go to the tyrant and not the common good.

The Laws further introduces a new element of civic friendship that is not obvious in the *Republic* or *Statesman*, namely equality. Equality is a complicated but essential foundation for the mutual love of citizens:

> Observe, that Darius … made laws upon the principle of introducing universal equality in the order of the state … thus creating a feeling of friendship and community among all the Persians, and attaching the people to him with money and gifts.[69]

Cyrus and Darius both failed to provide their children with a proper education. Consequently, the peace and stability that flourished under their rule did not last after their passing. Their children, Cambyses and Xerxes, were spoiled by luxury. They were treated by others as vastly superior, and came to believe themselves better than everyone else. As a result, they did not treat the citizens of their kingdoms as equals, which was important to how Cyrus and Darius had maintained their power and the spirit of civic friendship among the citizenry.

Plato notes that there are two distinct forms of equality, both of which have important implications for justice.

> The old saying, that „equality makes friendship," is happy and also true; but there is obscurity and confusion as to what sort of equality is meant. For there are two equalities which are called by the same name, but are in reality in many ways almost the opposite of one another; one of them … is the rule of measure, weight, and number, which regulates and apportions them. But there is another equality … For it gives to the greater more, and to the inferior less and in proportion to the nature of each; and, above all, greater honor always to the greater virtue, and to the less... And this is justice, and is ever the true principle of states, at which we ought to aim, and according to this rule order the new city which is now being founded, and any other city which may be hereafter founded. … But there are

times at which every state is compelled to use the words, „just,‟ „equal,‟ in a secondary sense, in the hope of escaping in some degree from factions.[70]

In this passage Plato identifies two senses of equality, only one of which is constitutive of justice and friendship, and sensitive to the salient inequalities between people. The best kind of equality reflects differences in virtue in a way reminiscent of status differences within a family. In contrast, the deficient kind of equality weakens the civic relationship when measured against the true standard of justice. Plato is quite disparaging of the secondary and deficient form of equality, even while recognizing its utility, its necessity, in preventing *stasis*.

In conclusion, I have argued that Plato is the first philosopher to focus on civic friendship as a unifying alternative to *stasis*. Civic friendship diminishes the threat of *stasis* by making its causes (e.g. injustice, social division, greed, etc) less frequent and by mitigating the destabilizing effect of those causes when they do occur. Plato proposes increasing the intimacy and affection between citizens on the model of familial ties. The strong devotion of Plato‟s civic friendship is needed to sustain the citizens‟ commitment to justice and to one another, thus providing a stable alternative to *stasis*. When injustices do occur, then, an intense bond will serve to help citizens move past the injury rather than letting it fester and destroy the *polis*.

In the next chapter, I show that Aristotle, while influenced by Plato with respect to the causes of *stasis*, rejects intensity and intimacy as elements of civic friendship. Aristotle instead develops an account of civic friendship consistent with the diversity characteristic of the *polis*. Aristotle proposes different forms of civic friendship depending on the constitution and corresponding conception of justice. Such friendship requires trust, good will, an agreement on fundamental

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[1] The emphasis on classical is important here. As Nicholas White points out, later periods in Greek history, usually beginning with the Hellenistic period and the diminished significance of the *polis* in Alexander's empire, are often

characterized by fragmentation and the abandonment of reason and unity. Nicholas White, *Individual and Conflict in Greek Ethics* (Oxford University Press, USA, 2002), 17-18.

[2] "Indeed from an Aristotelian point of view a modern liberal political society can appear only as a collection of citizens of nowhere who have banded together for their common protection… That they lack the bond of friendship which is of course bound up with the self-avowed moral pluralism of such liberal societies." Alisdair MacIntyre, *After Virtue*, Second ed. (Notre Dame, Indiana: University of Notre Dame Press, 1984), 156.

[3] "Analogies between civic and personal friendship are useful first of all because they draw attention to affective connections between persons … Secondly, in returning to Aristotle's own analysis of citizenship as a form of friendship, we find an emphasis on sameness as bond… a corrective to the equivocation of those current theorists who sing their tolerance for difference even s their models of civic solidarity treat difference as a threat to be managed and contained. Much contemporary citizenship theory is far less suited to theorizing solidarity than suggested by its proponent"s difference-friendly rhetoric." David Kahane, "Symposium: Diversity & Civic Solidarity Diversity, Solidarity and Civic Friendship," *Journal of Political Philosophy* 7, no. 3 (1999): 269.

[4] Kostas Kalimtzis, *Aristotle on Political Enmity and Disease : An Inquiry into Stasis*, Suny Series in Ancient Greek Philosophy. (Albany: State University of New York Press, 2000); Bernard Yack, *The Problems of a Political Animal : Community, Justice, and Conflict in Aristotelian Political Thought* (Berkeley: University of California Press, 1993).

[5] We should differentiate communitarian readings of Aristotle and Plato, which emphasize friendship and ethical harmony as politically essential to Greek politics from communitarian readings of civic friendship which view civic friendship as ideally a close, affectionate, and intimate relationship.

[6] So called „communitarian" critics of liberalism like MacIntyre, Sandel, and Walzer tend to devote much more attention to Aristotle. The responsive communitarians like Etzioni, Galston, and Spragens focus more on contemporary issues. Very little has been written about civic friendship in Plato. What little there is on Plato tends to appear in the process of explaining Aristotle"s view, e.g. Kalimtzis. I try to be more systematic in working out Plato"s view of civic friendship, but I too may be guilty of taking an interest in Plato on the way to better understanding Aristotle.

[7] Interestingly, Plato has had less traction among contemporary communitarians than Aristotle even though the vision of community in the Republic is more caring and intimate than Aristotle's. Perhaps Bloom is correct when he writes, "everybody is sure that Plato knew something about community, as he makes today's comfortable communitarians uncomfortable by insisting that so much individuality must be sacrificed to community. Moreover, they write the sense that Plato partly parodies the claims and pretensions of community.... Plato, criticized in the recent past for not being a good liberal, is now shunned for not being wholehearted communitarian." Allan David Bloom, *The Republic of Plato* (Basic Books, 1991), vii.

[8] Plato, "Laws," in *The Collected Dialogues of Plato*, ed. Edith Hamilton and Huntington Cairns (Princeton University Press, 2005), 693b.

[9] Aristotle, *Nicomachean Ethics*, trans. Michael Pakaluk, vol. Books VIII and IX, Clarendon Aristotle Series (Oxford: Clarendon Press, 1998), 1155a22-24.

[10] Aristotle, "Politics," in *The Complete Works of Aristotle*, ed. Jonathan Barnes (Princeton, NJ: Princeton UP, 1984), 1262b5-7.

[11] "Civic friendship is, it is true, based on utility…their friendship is a ready-money transaction." Aristotle, "Eudemian Ethics," in *The Complete Works of Aristotle*, ed. Jonathan Barnes (Princeton, NJ: Princeton UP, 1984), 1242b.

[12] Annas writes, "He would have done better…to say there are two different but related senses of *philia*, one used of objectively based social relationships like those between ruler and ruled…and one used of relationship based on personal affection…What Aristotle has to say on the first topic is mostly platitudinous."Julia Annas, "Plato and Aristotle on Friendship and Altruism," *Mind* 86, no. 344 (1977). p.553 Elsewhere she states "Aristotle is not especially interested in civic friendships."Julia Annas, "Comments on J. Cooper" (paper presented at the Aristotle's Politik. Akten des Symposium Aristotelicum, Gottingen, 1990 1987).

[13] Michael Pakaluk, "Nicomachean Ethics," (Oxford: Clarendon Press, 1998), 180.

[14] John Cooper, "Aristotle on the Forms of Friendship," *The Review of Metaphysics* 30, no. 1977 (1977): 647.

[15] John Cooper, "Political Animals and Civic Friendship" (paper presented at the Aristotle's Politik. Akten des XI Symposium Aristotelicum, Gottingen, 1990 1987), 648. This encourages citizens to be more fully just to one another.

[16] Plato, "Laws," V.738.

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[17] The first part of this strategy follows the much richer and detailed arguments of Kalimtzis. Kalimtzis, *Aristotle on Political Enmity and Disease : An Inquiry into Stasis*.

[18] Aristophanes, Euripides, Sophocles, Hesiod, Herodotus, and Thucydides all wrote about *stasis* before Plato would have written the Republic. Though I do not speculate about how much familiarity Plato had with Thucydides's writings, he was well aware of the *staseis* that concerned Thucydides.

[19] This way of talking of faction is a trend that continues even in the Federalist Papers.

[20] Kalimtzis, *Aristotle on Political Enmity and Disease : An Inquiry into Stasis*, 6-12.

[21] For example, Plato, "Republic," in *Collected Works of Plato*, ed. Edith Hamilton and Huntington Cairns (Princeton University Press, 2005), V.470c-d.

[22] Kalimtzis, *Aristotle on Political Enmity and Disease : An Inquiry into Stasis*, 4.

[23] Thucydides, *The Peloponnesian War*, trans. edited and revised by T. E. Wick Crawley (Random House, 1982), 3.81-.82. The *Peloponnesian War* goes on to discuss a number of other revolutions. Whether we read 3.84, and its emphasis on the economic causes of *stasis*, as being authentically from Thucydides, as Fuks questions, it is clear that whoever the author was had extensive experience with *stasis*. Alexander Fuks, "Thucydides and the Stasis in Corcyra: Thuc., Iii, 82-3 Versus [Thuc.], Iii, 84," *The American Journal of Philology* 92, no. 1 (1971).

[2424] Consider reactions to the French Revolution, or the revolutions of March, 1834. Revolutionary violence can often inspire (or infect) similar revolutions elsewhere. This phenomenon often meant neighboring *poleis* would intervene to bring peace and settle disputes, both because the infected *polis* could not find a way to end the violence and thus welcomed neutral arbiters, but also because the neighboring *poleis* were themselves were at greater risk of *stasis*. More recently the „stasis" spreading across the Mideast provides another example of just the kind of spread of revolutionary fervor that Thucydides discusses.

[25] A *polis* in concord is by definition not in a state of *stasis*. Isolated incidents of crime and injustice do not indicate a problem with civic friendship, or the presence of enmity. Widespread crime and institutionalized injustice may be signs of enmity, or may produce enmity. Individual acts of injustice are a part of enmity only insofar as they lead to or come out of a fragmentation in the support for the status-quo political order. For example a random robbery has little do with civic friendship or enmity. However, an assault carried out to intimidate citizens from speaking out against a policy or political figure may signify a problem with the health of civic friendships. Efforts to organize criminals into a cohesive enterprise similar signal a formation of faction at odds with civic unity. While it does not necessarily aim at revolution, it is opposed to aims of the state and of the law abiding citizens.

[26] For a good discussion of this phenomenon, and the extent to which Thucydides" discussion reveals his concern with the moral more than the political aspects of *stasis*, see Lowell Edmunds, "Thucydides' Ethcis as Reflected in the Description of Stasis (3.82-83)," *Harvard Studies in Classical Philology* 79(1975).

[27] Thucydides, *The Peloponnesian War*, 3.82.

[28] Ibid., 3.82.

[29] As we will see, Plato and Aristotle both shared Thucydides's skepticism about just revolutions. They are all skeptical of the justness of the revolution while recognizing the important role of injustice in causing revolution. The problem is that justified anger does not mean that the actions which flow from that anger are justified.

[30] Often the rhetoric of factional conflict masks narrower personal ambition, even in its milder contemporary variants. Consider instances of red-baiting among liberals during the McCarthy era. When disparaging McCarthyism, many focus too narrowly on its use by the right as means for gaining power. Yet within the left leaning US labor movement, accusing higher ranking (and better paid) union officers of having communist sympathies was often a reliable way to seize their office and income.

[31] "In the case of friendship, the traditional definitions of a friend as someone who is like oneself…[is] replaced by the idea that everyone who shares the same language and culture and political organizations…is a friend. Friendship becomes coextensive with citizenship. This redefinition was begun by Plato…but was really accomplished fully by Aristotle." Horst Hutter, *Politics as Friendship : The Origins of Classical Notions of Politics in the Theory and Practice of Friendship* (Waterloo, Ont.: Wilfrid Laurier University Press, 1978), 47..

[32] Indeed we will see that Plato explicitly identifies civic friendship with goodness and justice.

[33] Plato, "Republic," I.351d.

[34] In a similar vein Plato later states: "Then observe," said I, "that when anything of this sort occurs in faction, as the word is now used, and a state is divided against itself, if either party devastates the land and burns the houses of the other such factional strife is thought to be an accursed thing and neither party to be true patriots. Otherwise, they would never have endured thus to outrage their nurse and mother. But the moderate and reasonable thing is thought to be that the victors shall take away the crops of the vanquished, but that their temper shall be that of men who expect to be reconciled and not always to wage war." Ibid., V.470d-e.

[35] Ibid., V.

[36] For examples of the former see Julia Annas, "Plato's Republic and Feminism," *Philosophy* 51, no. 197 (1976)., Susan Moller Okin, "Philosopher Queens and Private Wives: Plato on Women and the Family," *Philosophy and Public Affairs* 6, no. 4 (1977)., Gregory Vlastos, "Was Plato a Feminist?," *Feminist interpretations of Plato* (1994).. For examples of the later see Arlene Saxonhouse, "Family, Polity & Unity: Aristotle on Socrates' Community of Wives," *Polity* 15, no. 2 (1982).

[37] Okin argues that the change in family structure is for Plato a change in private proerty, with women and children becoming communal possessions. Okin, "Philosopher Queens and Private Wives: Plato on Women and the Family."

[38] "Then will not law-suits and accusations against one another vanish, one may say, from among them, because they have nothing in private possession but their bodies, but all else in common? So that we can count on their being free from the dissensions [*staseis*] that arise among men from the possession of property, children, and kin." Plato, "Republic," V.464d-e. Lawsuits are a milder form of *stasis*, but they can be serious business as the trial of Socrates amply demonstrates.

[39] John Cooper takes this interpretation in discussing Aristotle"s critique of Plato.Cooper, "Political Animals and Civic Friendship", 233f.

[40] Interestingly, in a timocracy the rulers generously (but wrongly) shower their wealth upon friends and family rather than hoarding it for their own comfort.

[41] "And a democracy, I suppose, comes into being when the poor, winning the victory, put to death some of the other party, drive out others, and grant the rest of the citizens an equal share in both citizenship and offices—and for the most part these offices are assigned by lot." "Why, yes," he said, "that is the constitution of democracy alike whether it is established by force of arms or by terrorism resulting in the withdrawal of one of the parties." Plato, "Republic," VIII.557a.

[42] "And is it not true that in like manner a leader of the people who, getting control of a docile mob, does not withhold his hand from the shedding of tribal blood, but by the customary unjust accusations brings a citizen into court and assassinates him, blotting out a human life, and with unhallowed tongue and lips that have tasted kindred blood, banishes and slays and hints at the abolition of debts and the partition of lands—is it not the inevitable consequence and a decree of fate that such a one be either slain by his enemies or become a tyrant and be transformed from a man into a wolf?" "It is quite inevitable," he said. "He it is," I said, "who becomes the leader of faction against the possessors of property." Ibid., VIII.566.

[43] "And just as an unhealthy body requires but a slight impulse from outside to fall into sickness, and sometimes, even without that, all the man is one internal war, in like manner does not the corresponding type of state need only a slight occasion, the one party bringing in allies from an oligarchical state, or the other from a democratic, to become diseased and wage war with itself, and sometimes even apart from any external impulse faction arises?" Ibid., VIII.556e-57a.

[44] Ibid.V.470e-471a

[45] "And don't we call him self-disciplined when there is concord (*philia*) and attunement (*sumphonia*) between the same parts -- that is, when the ruler and its two subjects unanimously agree on the necessity of the rational part being the ruler and what they don't rebel (make *stasis*) against it?" Ibid., IV.442c-d.

[46] "[Stranger:] There is an art which controls all these arts. It is concerned with the laws and all that belongs to the life of the community. It weaves all into its unified fabric with perfect skill…That name is one which I believe to belong to this art and to this alone, the name of ‚statesmanship.".…Shall we go on to scrutinize statesmanship and base our scrutiny of it on the art of weaving which provides our example of it? [Young Socrates:] Most certainly." ———, "Statesman," 305e.

[47] Ibid., 308e.

[48] Ibid., 308e.

[49] this division of gentleness and fierceness echoes that to oppose aspects of the guardians who 375e-376c, and again at 410d-412b, in the Republic

[50] Plato, "Statesman," 311b.

[51] Ibid., 307e-08a.

[52] Statesman 307d

[53] Statesman 308b

[54] While injustice is the typical cause of *stasis* for both Plato and Aristotle, both recognize the danger temperamental conflicts, especially as they grow and become entrenched over time.

[55] Plato, "Statesman," 311c.

[56] Ibid., 310c-d.

[57] Ibid., 310e-11a.

[58] Interestingly, the Laws is among the only Platonic dialogues we have in which Socrates does not appear. The topics of war, faction, and friendship are among the earliest (and I would argue most important) topics discussed.

[59] "He [the author of the Cretan constitution] meant, I believe, to reprove the folly of mankind, who refuse to understand that they are all engaged in a continuous lifelong warfare against all cities whatsoever… [He] constructed the universal scheme of all of our institutions, public and private, with a view to war, and transmitted his laws to us for observance in precisely the same spirit."Plato, "Laws," Laws I 625e-26b.

[60] The correspondence between individual self-constitution and political constitution continues the argument from the Republic. Ibid., Laws 626a-e.

[61] Ibid., 627e-28a.

[62] Ibid., 628e.

[63] Ibid., V.743c.

[64] Ibid., 625c-26d.

[65] Excessive lawsuits presented a serious problem in Athens. They were a source of endless feuding and bickering. Aristophanes deals at length with those problems and arguably other sources of *stasis* in the Birds.

[66] Plato, "Laws," 693.. Between this passage and 694c Plato links the realization of friendship with liberty and wisdom two more times. Freedom to speak is necessary for civic friends to benefit from the collected wisdom of the knowledgeable members of a community, and friendship provides them with the motivation to seek the common good.

[67] "We remarked that the Persians grew worse and worse. And we affirm the reason of this to have been, that they too much diminished the freedom of the people, and introduced too much of despotism, and so destroyed friendship and community of feeling. And when there is an end of these, no longer do the governors govern on behalf of their subjects or of the people, but on behalf of themselves … And as they hate ruthlessly and horribly, so are they hated; and when they want the people to fight for them, they find no community of feeling or willingness to risk their lives on their behalf; their untold myriads are useless to them on the field of battle." Ibid., 697.

[68] Ibid., 694b.

[69] Ibid., 695c.

[70] Ibid., 757.

3. PLURALITY, UNITIES, AND THE FORMS OF CIVIC FRIENDSHIP IN ARISTOTLE

In this chapter, I argue that Aristotle follows Plato in turning to civic friendship to address the dangers posed by *stasis*. Like Plato, Aristotle thinks that injustice generally tends to lead to *stasis*. However, Aristotle also argues that sometimes circumstances are such that a lesser form of justice is better able to secure civic friendship and thereby preserve stability. In rejecting Plato‟s intense, intimate, and affectionate conception of civic friendship, Aristotle adopts a much more pragmatic and empirical approach. He approaches civic friendship from two directions. First, he looks to the kinds of unity appropriate to different constitutional orders and how to bring citizens live in concord within those forms. Second, he explores the history of various *poleis* to find the actual causes of *stasis* under different constitutional orders. This study provides Aristotle with the resources to determine policies particular to each form of government that suppress *stasis* and promote civic friendship. Ultimately, then, civic friendship takes precedence over the ideal standards of justice in the normal practice of legislators.

As with Plato, Aristotle‟s account of civic friendship poses a significant number of exegetical challenges. First, there is a substantial gap between our understanding of the word friendship, and Greek term *philia*. *Philia* encompasses a much broader range of relationships than the ordinary usage of the English word "friend".[1] Second, Aristotle uses two distinct terms to discuss civic friendship. The most straightforward is „*politike philia'* rendered quite literally as „political friendship". The other term that Aristotle identifies as civic friendship is *'homonoia'*, which literally translates as something like „same mindedness" translating „*homo*" as „same" and „*nous*" as „mind".[2] However, „*homonoia'* is also often translated as „unanimity" (also quite literal) or „concord".[3] Third, there is a difference in attitude toward civic relationships

between the *Nicomachean* and *Eudemian Ethics*. In the *Nicomachean Ethics*, Aristotle emphasizes the importance of civic friendship for stability and its strong connection to justice; he even suggests that it has legislative priority over justice. In the *Eudemian Ethics*, in contrast, he connects civic friendship with commercial relationships and says comparatively little about its importance.[4]

I address these challenges by developing a new reading of Aristotle‟s account of civic friendship. Section 1 begins with Aristotle's critique of Plato, which focuses on the need for difference within a *polis*. Aristotle regards some kinds of difference both as a definitive feature of the *polis*, and as an asset for political deliberation. The need for difference, however, does not obviate the need for unity. Instead, Aristotle proposes that unity can be found in agreement on fundamental questions of justice and constitutional forms. In Section 2, I consider why civic friendship is necessary for preventing *stasis*. Aristotle offers a more nuanced understanding of *stasis* and its causes within different constitutional regimes. Accordingly, he develops an account of civic friendship appropriate to the size and diversity of the different kinds of *poleis* in order to neutralize the threat of *stasis*. Just laws on their own will fail to ensure the unity and stability of the *polis*. In Section 3, I conclude by exploring Aristotle‟s claim that legislators must undertake specific measures to promote civic friendship, i.e. to promote mutual trust, good will, and the appropriate conditions for political deliberation. Aristotle's emphasis on these measures better reveals how his ideal of civic friendship differs from Plato's. Aristotle thinks that as a practical matter, legislators will better achieve the aims of justice by focusing on civic friendship than on justice alone.

Unlike many readings of Aristotle on civic friendship, I argue that Aristotle‟s categories of personal friendship (specifically, utility and virtue) provide little help in understanding his

account of civic friendship. Aristotle instead locates civic friendship in the constitutional forms.[5] This reading allows us to make better sense of Aristotle highly laudatory remarks about civic friendship by supplementing them with discussions of stability and justice. And it allows us to better connect together Aristotle‟s critical remarks about Plato‟s view with Aristotle‟s own positive account.

3.1   Aristotle‟s Critique of Plato: Rejecting Personal Models of Civic Friendship

Aristotle follows Plato in addressing the challenges of *stasis* by attempting to incorporate civic friendship into the ethical purpose of the state.[6] He explicitly links the goodness of civic friendship with unity and the prevention of revolution. Aristotle, however, is much more modest in his ideal of how close civic friends will be. Civic friendship also plays a more modest, though still important, role in his account of the development of moral virtue. For Plato, civic unity can be expressed on a linear continuum: at one end, friendship is intense, intimate, devoted, personal attachment; on the other end, the absence of friendship is the violent, paralytic, grasping, vicious conflict of *stasis*. For Aristotle, however, unity comes in as many forms as there are constitutions and conceptions of justice. The best kind of unity for a *polis* will lack the intensity and intimacy characteristic of the personal friendships, but support the *polis* in just endeavors that promote the common good.

Aristotle recognizes that a *polis* is constituted by a wide variety of different kinds of people. The extent and nature of that variety varies from one *polis* to the next. While acknowledging the fact of difference within the *polis*, Aristotle does not claim that any and all differences are good. Still, difference plays an important role in Aristotle's critique of Plato. In Book II of the *Politics*, Aristotle engages in an extended critique of Plato‟s conception of unity.

> I am speaking of the supposition from which the argument of Socrates proceeds, that it is best for the whole state to be as unified as possible. Is it not obvious that a state may at length attain such a degree of unity as to no longer be a state?-- since the nature of a state is to be a plurality, and in tending to greater unity, from being a state, it becomes a family, and from being a family, an individual...So that we ought not to attain this greatest unity even if we could, for it would be the destruction of the state.[7]

In this passage, Aristotle does not defend an ideal of how the *polis* ought to be constituted, but he does propose that we ought to preserve some differences.[8] *Poleis* do as a matter of fact possess a citizenry that varies in numerous ways. There are trivial differences in height, weight, hair length, etc. There are differences in profession, a variety of which are necessary for a *polis* to be self-sufficient. There are important differences between citizens, such as aesthetic preference, which might be politically significant under some circumstances. There are wide differences in virtue, talent, and ability, which ought to contribute to determinations about who should rule. And there are difference in birth and wealth, which at best loosely correspond to virtue and ability.

If Aristotle is attacking Plato for seeking absolute uniformity, however, he is attacking a straw man. Plato does not seek perfect uniformity as means of achieving unity. Plato instead divides the republic into three parts, each of which specializes in specific functions that are necessary for the *polis* to flourish as a whole. A more charitable interpretation, however, is that Aristotle is attacking the view, implicit in Plato, that unity and conflict exist on a single continuum. Something like this is behind Plato"s appeal to family as a model of civic friendship.[9] Aristotle critiques Plato, then, for seeking the wrong kind of unity:

> Unity there should be, both of the family and of the state, but in some respects only. For there is a point at which a state may attain such a degree of unity that is to be no longer a state, or at which, without actually ceasing to exist, it will become an inferior state, like harmony passing into unison.[10]

As a state gains greater unity, it loses the differences characteristic of *poleis*. While Plato might regard much of that loss as a good thing, because he thinks that many differences inhibit justice or needlessly create conflict, Aristotle regards those differences as an essential feature of any true *polis*.

The differences are essential because the diversity found within a *polis* contributes to its self-sufficiency. According to Aristotle, the state needs the following in order to be self-sufficient: (1) food, (2) arts, (3) arms for internal control and security from external threats, (4) money for commerce and war, (5) care of religion, (6) and a "power of deciding what is for the public interest, and what is just in men's dealings with one another."[11] While the different elements of the state may have genuinely conflicting aims and interests, Aristotle recognizes that they each contribute something necessary for a thriving state. The large population of democratic types, for example, provide the bodies needed for commercial life and war. The wealth and productivity of the oligarchic types contributes much needed material goods as well as financial resources for security. The ability and wisdom of the virtuous is needed to guide policy and balance and reconcile the opposed elements of the state.

Not only do the many, the wealthy, and the virtuous play important roles in the material needs of the state, they are also essential to its political deliberations.[12] Different individuals possess different kinds of expertise. The democratic element, for example, may possess expertise with respect to the conduct of specific tasks undertaken by a *polis* (e.g. the skills of masons in constructing a wall). The wealthy, in contrast, often possess organizational skills needed to carry out large-scale projects, managing budgets and personnel. So whereas Plato invests political authority in the homogenous guardians as a means of promoting unity and civic

friendship, Aristotle accepts the idea that the some kinds of diversity in a *polis* contribute to sound political deliberation.[13]

Aristotle proposes that a *polis* is unified in virtue of being a self-sufficient entity with respect to the conditions of the good life.[14] The progression from household, to village, to *polis*, is a progression of increasing self-sufficiency.[15] Indeed, each *polis* initially forms for the purpose of self-sufficiency, and then develops to better achieve this good.[16] But a city bound only by mutual advantage and justice--for instance, a purely commercial society—without the care and concern of friendship would remain a mere alliance. Even if its laws were just, it would fail to be a true *polis*:

> It is clear then that a state is not a mere society, having a common place, established for the prevention of mutual crime and for the sake of exchange. These are the conditions without which a state cannot exist, but all of them together do not constitute the state, which is a community… for the sake of a perfect and self-sufficing life. Hence there arise in cities family connections, brotherhoods, common sacrifices, amusements which draw men together. But these are created by friendship, for to choose to live together is friendship.[17]

The *polis* exists so that citizens may jointly pursue the conditions under which they can enjoy the good life. This mutual pursuit of such a life by citizens constitutes the basis of civic friendship, and it differentiates the *polis* from other forms of association, in particular from alliance.

Aristotle also rejects the intense intimacy of Plato's model of civic friendship. Aristotle is especially critical of Plato's proposal in the *Republic* that women and children be held in common such that nobody knows who their parents or children are:

> But the unity which he [Plato] commends would be like that of the lovers in the *Symposium*, who, as Aristophanes says, desire to grow together in excess of their affection… Whereas in a state having woman and children in common, love will be diluted…as a little sweet wine mingled with a great deal of water is imperceptible in the mixture…there is no reason why the so-called father should care about the son, or the son about the father, or brothers about one another. Of the two qualities which chiefly inspire affection—that a thing is your own and that it is precious—neither can exist in a state such as this.[18]

Aristotle‥s objection is both pragmatic and principled. Achieving the extreme unity and affection proposed in the *Republic* is impossible, and pursuing it will undermine actual relationships within the *polis* that display affection. Intense intimacy is neither an attainable nor an appropriate relationship for citizens qua citizens. Aristotle explicitly rejects the idea civic friendships can possess the intimacy of the best personal friendships. Yet, this does not mean fellow citizens cannot be friends; in fact, they should be.[19] Maximal unity, however, is not the appropriate standard for *poleis*, which ought to have some difference within them. A legislator thus should not aim at Plato's ideal of civic friendship, even if he could achieve it. Instead, the legislator should aim at the form of civic friendship appropriate to community in which he lives, with its specific differences.

3.2   Stasis, Injustice, and the Form of Government

The most important feature of civic friendship for Aristotle is unanimity or concord, a kind of political agreement. According to Aristotle, "It is about things to be done, therefore, that people are said to be unanimous, and, among these, about matters of consequence and in which it is possible for both or all parties to get what they want; e.g. a city is unanimous when all its citizens think that the offices in it should be elective."[20] Unanimity, concord, or *homonoia*, is literally a type of like-mindedness characteristic of personal as well as political friendship. Not every form of like-mindedness or agreement counts as *homonoia*. *Homonoia* concerns things that are to be done. Agreement about celestial phenomena is thus not *homonoia*. Moreover, the practical matters that require agreement depend on the nature of the friendship. Friends of virtue will agree about a wider range of matters concerning the good than friends of utility, who only need to agree on more immediate interests. The range of concord for civic friendship also differs. In the *polis*, concord can only exist where there is agreement among citizens on issues of

authority, the constitution, and significant matters of policy.[21]   Many of these issues will be disputed during political deliberation. However, once deliberations are complete, and a decision has been made, all parties must agree to carry out that course of action. Agreement on these issues is important because they are the issues that are most likely to spawn revolutions in the event of disagreement.

The agreement in question includes the willingness of citizens to reconcile themselves to decisions that they collectively reached during their deliberations, "to do what has been resolved in common," even if they opposed those decisions during deliberation.[22]   For example, agreement about who should rule might mean, „if Cleanthes is properly elected there is agreement that he should hold that office." The agreement of *homonoia* is opposite to *stasis*, but it remains compatible with difference and disagreement when properly handled.   Whereas Plato regards *stasis* as a fundamental deficiency of mutual affection connected with injustice, Aristotle sees *stasis* as the lack of agreement about who should rule and what form that rule should take. This might happen to be connected to injustice, but it need not be. As descriptive matter, Aristotle"s view seems more accurate, even if it reveals comparatively little about the cause of *stasis*. Enmity and faction, even when they do not produce a revolution, are bad for the *polis* because they inhibit citizens and legislators from pursuing the good life.

In explaining why legislators should aim at friendship even above justice, Aristotle identifies *homonoia* with civic friendship. He writes, "Unanimity seems, then, to be political friendship, as indeed it is commonly said to be; for it is concerned with things tat are to our interest and have influence on our life,"[23] and "Agreement is the friendship of fellow citizens."[24] The most important job of legislators and statesmen is to ensure that citizens achieve the agreement of *homonoia*.[25] There are many measures that legislators should take to promote civic

friendship; I will postpone the discussion of specific policy questions until the next section, after we have considered the more specific causes of *stasis*. At this point, I would like to direct our attention toward the importance place of the constitution in civic friendship.

Aristotle identifies the civic friendship of different constitutions with relationships within the family.[26] Just as the relationship between siblings differs from that of parent and child, and of husband and wife, so too does the relationship between citizens in a monarchy differ from that in a democracy or aristocracy. Aristotle explains:

> The friendship between a king and his subjects depends on the excess of benefits conferred... such too is the friendship of a father... the friendship of man and wife, again is the same that is found in an aristocracy; for it is in accord with excellence... the friendship of brothers is like that of comrades... like this, too, is the friendship appropriate to timocratic government; for the citizens tend to be equal and fair; therefore rule is taken in turn, and on equal terms; and the friendship appropriate here will correspond. [27]

Just as we can speak of different forms of friendship within the family, e.g. brothers and spouses, we can speak of different forms of civic friendship. The basis for identifying two people as brothers is not whether their relationship is grounded on virtue or utility, whether they would be good brothers, or whether the parties are mutually committed to being brothers. We determine whether they are brothers by finding out whether the two share a common parent. The same holds for different forms of constitutional rule. The relationship between citizens of a democracy is different from the relationship of the masses to the wealthy in an oligarchy. The objective structure provided by the *polis* determines the form of their relationship.[28]

Each of these constitutions is structured around a different conception of justice, and use different standards to apportion power. Whereas justice as a complete virtue concerns all aspects of an individual's conduct, political justice is narrower.

> [We] must not forget that what we are looking for is not only what is just without qualification but also political justice. This is found among men who share their life with a view to self-sufficiency, men who are free and either proportionately or

arithmetically equal, so that between those who do not fulfill this condition there is no political justice but justice in a special sense and by analogy.[29]

However, there are different kinds of political justice. Proponents of democracy generally prefer arithmetic equality (power as determined by the number of persons), and proponents of oligarchy prefer proportional equality (power in proportion to the degree of wealth). Aristocratic rule is also proportional (in relation to virtue).[30] What makes these all kinds political justice is that they are standards of apportioning power and honor within the *polis*.

Aristotle directly connects the different standards of equality and justice characteristic of different constitutions with different forms of friendship. He writes:

> But justice seems to be a sort of equality and friendship also involves equality, if the saying is not wrong that 'love is equality'. Now constitutions are all of them a particular form of justice; for a constitution is a partnership, and every partnership rests on justice, so that whatever be the number of species of friendship, there are the same of justice and partnership; these all border on one another, and the species of one have differences akin to those of the other.[31]

Not all constitutions are equal; some standards of equality and justice are better than others. Like Plato, Aristotle believes that the virtuous are the most deserving of honor and power. Consequently, constitutions that reward the virtuous appropriately are the most just in the full sense of the word. However, other constitutions do establish meaningful standards of justice; they (imperfectly) provide for self-sufficiency and the conditions of the good life, and in so doing establish a real civic friendship among citizens. Aristotle"s recognition of this leads him to be more welcoming than Plato of the goods provided by deficient constitutions.

Social and political unity requires that citizens agree about how political power should be distributed in their community, and about who legitimately holds that power at any given moment. This is the most immediate practical consequence of constitutions. The legislator will have knowledge of both the ideal constitution and of the one that is best suited to his community"s particular situation.

> Hence it is obvious that government too is the subject of a single science, which has to consider what government is best and of what sort it must be, to be most in accordance with our aspirations, if there were to be no external impediment, and also what kind of government is adapted to particular states. For the best is often unattainable, and therefore the true legislator and statesman ought to be acquainted with that which is best in abstract, but also with that which is best relative to circumstances.[32]

The best constitution for a particular community will be the one that is „best relative to circumstances." Such a constitution is not necessarily the same as the ideal constitution, and circumstance sometimes requires that a *polis* adopt or keep a defective constitution.[33] Aristotle rejects the call for *justitia fiat, periat mundis*. A constitution that is able to preserve a semblance of justice is better than one that completely fails to maintain justice. Yet, even if a constitution is the best relative to the circumstances, it does not follow that the constitution will be free from troubles and challenges.

However, Aristotle goes further in recognizing the extent to which the legislator must deviate from the best:

> We should be able further to say how a state may be constituted under any given conditions;... when formed, how it may be longest preserved; this supposed state neither having the best constitution nor being provided even with the conditions necessary for the best, nor being the best under the circumstances, but of an inferior type.[34]

Civic friendship consists in agreement within a particular political community about fundamental political matters. Citizens agree to the arrangement, even if it is not optimally just (either ideally or with respect to their particular circumstances), because they believe that it provides the greatest opportunity for them to flourish. The dangers posed by *stasis* give those in power a reason to act more justly to diminish hostility towards the constitution. The unpredictability of *stasis* also gives those who have less power reason to push for justice rather than make revolution.

Aristotle devotes more attention to the actual causes of *stasis* than Plato by carefully documenting numerous actual revolutions under many different types of regimes.[35] Generally speaking, injustice breeds resentment, dissent, faction, and eventually revolution. But Aristotle also identifies numerous other causes of *stasis*, such as: insolence, fear, excessive predominance, contempt, disproportionate increase in some part of the state, election intrigue, carelessness, neglect about trifles, and so on. Usually, however, *stasis* stems from a disagreement about justice and equality. The typical conflict is between the wealthy and the poor multitudes, and the tensions between these two groups will likely persist whether the laws are just or not. Addressing these tensions thus requires efforts to address the conflicting perspectives of the poor and the wealthy, in addition to efforts to ensure justice.

In the *Nicomachean Ethics*, Aristotle clearly identifies injustice as a prominent cause of *stasis*. Injustice both breeds resentment on the part of those who are victims and introduces dysfunction into the implementation of the prevailing constitutional and legislative standards. Justice, in contrast, tends to promote civic friendship. Aristotle explains:

> Each of the constitutions may be seen to involve friendship just in so far as it involves justice… in the deviant-forms [of government] as justice hardly exists, so too does friendship…. For here there is nothing in common to ruler and ruled, there is no friendship either, since there is not justice; e.g. between craftsman and tool... There seems to be some justice between any man and any other who can share in a system of law or be party to an agreement; therefore there can also be friendship with him in so far as he is a man. Therefore while in tyrannies friendship and justice can hardly exist, in democracies they exist more fully; for where citizens are equal they have much in common.[36]

The *polis* is supposed to enable citizens to jointly pursue the common good, self-sufficiency, and other conditions conducive to *eudaimonia*. Unjust constitutions, however, inevitably lead one segment of the citizenry to exploit another as a mere tool. The exploited group rightly resents their mistreatment and will form a revolutionary faction when they have the opportunity or their

conditions become intolerable. Note, however, that while such civic friendship is diminished, it does persist to the extent that there is some degree of justice.

Injustice in the form of government certainly threatens civic friendship, but so too does personal vice.[37] Unjust individuals threaten one another, the constitution, and the common good.[38] Tyrannies and oligarchies are especially vulnerable to the problem posed by individual injustice. Such injustice poses a particular danger if the individuals occupy a position of power. Tyrants readily abuse their power and alienate the masses or anger powerful individuals who are capable of revenge. The propensity of unjust individuals to cheat one another and to cut corners also makes sustained agreement impossible. Aristotle explains that oligarchs frequently fall out with one another because "the rich, if the constitution gives them power, are apt to be insolent and avaricious."[39] Aristotle is thus deeply pessimistic about the possibility of widespread complete virtue because complete virtue is very rare. Even the best legislators fail to make a substantial percentage of their fellow citizens wholly virtuous.

Given the importance of the legislator's character, Aristotle identifies three virtues for political office: "loyalty to the established constitution; then the greatest administrative capacity; and excellence and justice of the kind proper to each form of government; for, if what is just is not the same in all governments, the quality of justice must also differ."[40] Loyalty, ability, and justice are all necessary for a stable *polis*. Unfortunately, there is no reason to suppose a *polis* will have the good fortune to find all of these qualities in the same person. A *polis* facing a dearth of citizens with these qualities is considerably less stable for that reason. Yet, it has no choice but to make do with what it has. If one quality is rare in the *polis*, when it is discovered in some individual, then the *polis* should be less demanding that the individual possess the other qualities. In contrast, if someone is an excellent military commander in *polis* overrun with

excellent commanders, then there would be no need to put up with a skilled commander who is also unjust. In both cases the standard is set by what best preserves the constitutional order.

While high levels widespread of virtue cannot be expected, the best legislators are able to encourage widespread civic friendship. This is because a community of friends is the community that is most conducive to the acquisition of complete virtue. Aristotle writes:

> It is thought to be the special business of the political art to produce friendship, and men say that excellence is useful because of this, for those who are unjustly treated by one another cannot be friends to one another. Further, all say that justice and injustice are specially exhibited towards friends; the same seems both good and a friend, and friendship seems a sort of moral habit; and if one wishes to make men not wrong one another, one should make them friends, for genuine friends do not act unjustly. But neither will men act unjustly if they are just; therefore justice and friendship are either the same or not far different.[41]

Creating a community of civic friends is thus an essential step toward fostering complete virtue among citizens.[42] To say that the legislator places a higher priority on friendship than justice may simply mean that a legislator will be most successful in encouraging flourishing by aiming at civic friendship.

Any time the legislator passes a law regarding how a group of citizens is to behave, or that sets qualifications for offices and citizenship, the law will have an impact on civic friendship. If the legislator is to encourage civic friendship, he must try to get the citizens to treat one another well, which means the legislator must pass essentially just laws. By aiming at friendship, the legislator will thus seek to create laws that lead the citizens to treat one another well. Just laws alone may not ensure that a *polis* is unified and stable. But a *polis* where there is widespread agreement on practical matters and a strong civic community would be unified, stable, and just. Aristotle's concern to avoid *stasis* is motivated by an awareness of the goods that civic friendship makes possible, just as much as by the dangers and threats posed by *stasis*. As Susan Bickford argues:

> Aristotle's argument here is not a narrowly instrumental one about how to stay in power, nor a simply conservative one about the value of stability. Rather, he is making an argument about what is necessary to preserve the conditions for politics, about how to keep the conflict between rich and poor a political (rather than mortal) conflict, by exercising a particular kind of attention in legislation and in general interaction.[43]

The "particular kind of attention" that she stresses is precisely the kind of attention characteristic of civic friendship. Citizens of a *polis* meet one another, not an imaginary world where their interests align perfectly, but in their actual *polis*, to rule their community as it is.[44]

Aristotle is the first philosopher to recognize that the form of civic friendship varies according to the form of government and accompanying conception of justice. Yet many commentators read his account of civic friendship as an extension of his account of personal friendship. I argue, however, that we should not try to understand Aristotle"s account of civic friendship by looking to the three kinds of personal friendship: utility, pleasure, and the good. Although Aristotle"s account of civic friendship similarly distinguishes between three different forms, those forms are demarcated by structural features, shaped by the constitution they share and the accompanying conception of justice.

Aristotle famously distinguishes between three kinds of personal friendship. While all friendships involve mutual affection, each kind of friendship has a different source.[45] Friends can feel affection because of their personal qualities, or because they find each other amusing or useful.[46] These three motives (utility, pleasure, and good character) are the features that differentiate the three kinds of personal friendship.[47] The best and most stable form of friendship is between men of good character, who know each other intimately, spend a substantial amount of time together, and desire the best for each other. Because their shared love of the good provides the foundation for their friendship and men of good character usually remain so, their friendship possesses the highest degree of stability. This stands in contrast to utility friendship.

Aristotle notes that utility friends "do not love each other for themselves, but in virtue of some good which they get from each other".[48] As a consequence, utility friendships tend to be very unstable. Each person participating in the friendship is motivated by their own good.[49] If one of the friends then ceases to be useful, or if one judges that he gives more than he receives, the friendship will falter. Similarly, friendships of pleasure are short lived in comparison to those of the good, as pleasure is more fleeting than goodness.

Those who interpret civic friendship as an instance of one of the personal forms of friendship argue that civic friendship is a friendship of either utility or of the good.[50] Initially, virtue friendship seems to be a promising candidate because the relationship between citizens is not instrumental in the way that utility friendships seem to be. Virtue friendships are the most stable, and civic friendship is supposed to stabilize the *polis*. The *polis* should be grounded on the right conception of justice and *eudaimonia*; citizens should be devoted to the common good over their private interests in public life. Friendships of the good, however, require intimacy, similar excellence of character, and depth of agreement on a broad range of issues.[51] In his criticism of Plato, Aristotle is clear that wide intimacy will not be found (or even desired) in a *polis*. Shared excellence, though desired, cannot be found because real virtue is so rare. Friendships of character require also similarity of wealth, birth, and social circumstances, which citizens as whole do not share. Aristotle"s critique of the intense unity of Plato"s account of civic friendship should give us further pause in supposing that Aristotle might have a friendship of virtue in mind for citizens. Civic friendship lacks the similarities, intimacy and excellence of character that makes virtue friendships so good.

Utility is offered by some as an alternative to virtue both because of the demandingness of virtue friendship and because of the important role of the *polis* in achieving a good life.[52] In

some passages, Aristotle does appear to identify political friendship explicitly as a form of utility friendship. However, it is also clear in those passages that Aristotle is discussing commercial transactions that take place within the *polis*, rather than the broader relationships between citizens and their political activities. Moreover, friendships of utility are normally unstable because they are grounded on the parties" narrow interests, rather than justice, flourishing or the good.[53] This does not fit with Aristotle"s view of how citizens should relate to one another in the best *poleis*. As I show in the next section, Aristotle is clear that citizens should, as such, be motivated by the pursuit of the common good, and that civic friendship is good in large measure because it provides stability. These are two features that both utility and pleasure friendships conspicuously lack.

Perhaps, then, civic friendship is a mixture of different kinds of friendship.[54] For Aristotle, a mixed friendship is mixed because the parties have different motives or understandings of the relationship. Mixed friendships, however, are among the most fraught with difficulties because the differing expectations that accompany differing motives make it harder to satisfy all parties. Such friendships thus fail to acquire the needed stability. Aristotle clearly indicates that citizens should understand their relationship to one another in light of the common good and the form their government with its standards of justice. But it is unclear how such a robust understanding is supposed to emerge from a mixed personal friendship. Instead, it seems that the mixed approach simply identifies some features of civic friendship and notes that some personal forms of friendship share those features.

Those, including John Cooper, Bernard Yack, Suzanne Stern-Gillet, who defend the application of the categories of personal friendship to the civic relation face a dilemma. In explaining how civic friendship possesses some essential trait of utility or virtue friendship, they

must attenuate or abandon some other defining feature of that kind of friendship. This dilemma can be avoided, however, by recognizing that although civic friendship possesses some of the characteristics of personal friendship (e.g. it is useful, or it is concerned with justice), it cannot be mapped onto the three forms of personal friendship. This interpretation is also more consistent with Aristotle"s emphasis on differentiating a wide range of relationships and feelings that are called *philia*. Friendships can be differentiated on the basis of their excellence, function, and motive, all of which seem to vary between the personal and civic friendships:

> The friendship between parents and children is not the same as that between ruler and ruled, nor indeed is the friendship of father for son the same as that of son for father, nor that of husband for wife as that of wife for husband; for each of these persons has a different excellence and function, and also different motives for their regard, and so the affection and friendship they feel are different.[55]

Aristotle identifies the relationships between ruler and ruled as being different from each other and from other friendships, as possessing their own particular motives, feelings, excellences, etc. Notice that he makes no effort to categorize them as friendships of virtue or utility. Civic friends are friends in virtue of what they share in common, not in virtue of the extent to which their relationship approximates other kinds of friendship. While civic friends cannot have the kind of relationship necessary for personal intimacy, they do share their life together in a *polis*, and that is the basis for their relationship.

Even if civic friendship were an instance of one of the three forms of friendship, many of the politically significant attributes prized by Aristotle fail to be illuminated by so characterizing it. By setting aside questions about which form of personal friendship best describes civic friendship, we can see more clearly the richness of Aristotle"s account civic friendship than if we focus only on its attributes as a means for determining which form of personal friendship it most closely resembles. This approach relieves the interpreter of the burden of disregarding or qualifying those aspects of the personal friendship that do not fit neatly.[56] The friendship

between citizens depends on the form of government, the appropriate standards of justice particular to that form of government, the kinds of social intercourse appropriate to maintaining that kind of social and constitutional order. The moral and political structures of the *polis* provide the basis for distinguishing civic from personal friendship, and one kind of civic friendship from another.

3.3   The Practical Priority of Civic Friendship over Justice

I now turn to the arguments Aristotle offers for the primacy of friendship over justice at the beginning of Book VIII of the *Ethics*. These arguments do not show that legislators should be unconcerned with justice. Aristotle takes that for granted. Nor do these arguments assume that there is any inherent conflict or tension between the demands of civic friendship and of justice. Instead, they show why considerations of friendship should take priority in the practical deliberations of legislators.

> It seems that city-states too are held together by friendship, and that lawmakers are more concerned about it than about the virtue of justice. For concord seems something like friendship; but they seek concord above all else; and civil strife, which is enmity, they above all else expel. Moreover, if people are friends there is no need for the virtue of justice, yet if they are just they still need friendship. Furthermore, among types of just actions, that which is most just is thought to be characteristic of friendship.[57]

One might interpret the first sentence of this passage as making a mere observation about the priorities of legislators, a description of what people think, without recommending or endorsing the view. However, the passage goes on to offer the reasons in support of the claim that legislators ought to prioritize civic friendship. These reasons are consistent with what Aristotle says elsewhere. For instance, in the *Politics* he writes, "For friendship we believe to be the greatest good of states and what best preserves them against revolutions."[58] This passage also

articulates a clear reason why civic friendship is and ought to be a higher priority in the minds of the legislators than justice.

It is perhaps surprising that Aristotle would place a higher priority on civic friendship than on justice give both the tradition from Hesiod through Plato regarding injustice as the primary cause of *stasis*, and that Aristotle himself regards injustice as the most common cause of *stasis*. Aristotle‟s first reason for placing a higher priority on friendship than justice is that "concord seems something like friendship; but they seek concord above all else; and civil strife, which is enmity, they above all else expel."[59] We can see from our discussion of *stasis* why the legislator would seek to expel enmity above all else. Its destruction of social order and erosion of moral values makes the pursuit of *eudaimonia* virtually impossible for everyone. *Stasis* and *homonoia* are opposites, which seems to suggest that the expulsion of *stasis* by definition requires the pursuit of *homonoia*. A *polis* that agrees on authority and constitution will not break out into revolution, for revolutions always have one of two purposes: to change the constitution, or to change the office holders. Aristotle explains:

> Hence arise two sorts of changes in governments; one affecting the constitution, when men seek to change from an existing form to another…the other not affecting the constitution, when, without disturbing the form of government…they try to get the administration into their own hands.[60]

Even if the *polis* is not ideally just, and even if the best people are not in office, the *polis* will not collapse in faction and enmity if *homonoia* prevails.

Yet, taken on its own, this would be an unsatisfactory account of why friendship should be a higher priority than justice to the legislator. For the pursuit of justice might turn out to be a better means of expelling *stasis* than the direct pursuit of *homonoia*. Aristotle believes that moderate injustice is preferable to the complete collapse of justice that inevitably accompanies civil strife, especially given the uncertain outcomes of revolution. Even defective constitutions

provide opportunities for those in power, and sufficient order for many of those out of power, to pursue the good in a limited manner. Civic friendship is thus a higher priority than justice to the legislator of a *polis* because justice, while generally conducive to unity, on its own fails to secure stability.

There are two causes of *stasis* that stand in tension. First, *stasis* becomes more likely as the laws of the *polis* come into conflict with the form of government and its standards of justice. Second, citizens may pursue laws appropriate to the form of government too rigidly, thereby advocating policies that cannot generate *homonoia* in the actual political circumstances of their *polis*.

> The legislator should therefore endeavor to have a firm foundation according to the principles already laid down concerning the preservation and destruction of states; he should guard against the destructive elements, and should make lots, whether written or unwritten, which will contain all the preservatives of states. He must not think the truly democratic or oligarchical measure to be that which will give the greatest amount of democracy or oligarchy, but that which will make them last longest.[61]

In order to preserve *homonoia*, the legislator must know how to preserve every form of government. The best way to preserve an oligarchy is thus not always to do what is most just on the oligarchic standard. The most oligarchic measure may anger the democratic element, so the oligarchy might best secure oligarchic justice by making some concessions to the democratic element. However, if the legislator goes too far in deviating from the standards set by the constitutional form, the laws and form of government will increasingly come into conflict with each other and foment tensions that lead to *stasis*. Sustaining agreement about the constitutional order among the differing elements within the *polis* must take priority over both justice in the both the complete sense and justice as the purest standard of the constitution.

This commitment to sustaining *homonoia* is a commitment to civic friendship. A clear example of the subordination of justice to civic friendship is demonstrated by those just

individuals who have the misfortune to live in an unjust *polis*. Aristotle thinks that the just might

in rare circumstances, form a faction. But of all people, the just are the least likely to do so:

> Those who excel in virtue have the best right of all to rebel (for they alone can with reason be deemed absolutely unequal), but they are of all men the least inclined to do so.[62]

The just are unlikely to start a revolution, but we should look closely at why. The just will

normally take measures to make a *polis* more just, to temper injustice, and in so doing foster

unity, but they will not generally form a faction. One reason is that the just are small in number,

and thus often incapable of forming a faction that could topple the existing powers. But another

reason why the just rarely form factions is because such individuals place a higher priority on

homonoia than on justice of laws. The passage above states that although the virtuous have the

greatest reason to rebel, they are the least likely to do so. If they placed a higher priority on

justice than civic friendship, then the virtuous would instead be the most likely to revolt. Even

though they are limited in number, they are also highly skilled, and would likely be capable of

organizing a coup.

Thus, even supposing that the laws are appropriate to the standard of justice embodied in

the constitution to the greatest extent politically feasible, *stasis* remains a threat. Destabilizing

social divisions can emerge under the best constitution with the best laws. There are least two

ways in which a *polis* could become divided. First, a *polis* could face social divisions; for

example, we could assemble just citizens from a number of different city-states, but they would

not form a unified *polis* unless they mingled together and formed a new identity. Second, a *polis*

could be divided politically. There could be substantial political disagreement over some

particular issue, or a deep division on ideological grounds. This division could emerge from

changing interests or shifting perceptions, even if the policies are in actuality just. Such a change

is particularly likely if the composition of the *polis* itself changes. Both social and political divisions can in this way erode concord and move the *polis* toward enmity.

Aristotle also argues that the citizens in a *polis* need to maintain friendly social relations with one another if the *polis* is to achieve real unity. Let us imagine a *polis* composed of two or three distinct linguistic communities, an impossibility for Aristotle. Each linguistic group would need its own markets, temples, and theaters. Communal activities like festivals, marriages, and funerals would also take place primarily within these communities. The mere fact that these linguistic communities are socially separate in no way entails that they disagree about issues of justice, constitutional essentials, policies, or elections. Yet those social divisions would make the *polis* considerably more vulnerable to faction. This scenario would change little if all those in the *polis* spoke the same language, but remained socially distinct. So long as the social divisions are somewhat rigid, there is a significant challenge to the unity of a *polis*. Aristotle points to just this sort of social division:

> Another cause of revolutions is the difference of races which do not at once acquire a common spirit… Hence the reception of strangers in colonies, either at the time of their foundation or afterwards, has generally produced revolution.[63]

Demagogues can and often do use social division to create fear, distrust, anger, and resentment between the groups within a community.[64] So a legislator concerned with avoiding *stasis* may prefer structural injustice in the constitution to sharp social division.

Throughout his discussion of *stasis*, Aristotle draws special attention to tensions between social and economic classes. He is concerned with how easily those divisions can be exploited.[65] But Aristotle also discusses the varied political interests of the economic classes. He remarks, "Revolutions break out when opposite parties, e.g. the rich and the people are equally balanced, and there is little or no middle class; for, if either party were manifestly superior."[66] The division between the wealthy and the poor is not purely social. Different economic classes also generally

have different political interests.[67] The poor may want lower prices of food or interest rates, while the wealthy would prefer to raise them. Yet, Aristotle's emphasis on the dangers of class interest and social division do not lead him to attempt to eliminate these differences, the route Plato takes in abolishing property. Instead, he thinks that the problem of conflicting economic interests will persist whether the constitution and laws of the state are just or not.

Aristotle also points out in numerous places that trifling affairs can spark revolutions. He states, "Causes of another sort are…carelessness, neglect about trifles, dissimilarity of elements,"[68] and later "In revolutions, the occasions may be trifling but great interests are at stake. Even trifles are most important when they concern rulers."[69] Minor disagreements need not reflect injustices in the laws or constitution, but they can become serious when they concern important interests. They can thus spark discord, particularly if they involve prominent citizens. The presence of civic friendship may decrease the incidence of such trifling occasions and reduce any destabilizing effect they might have on the *polis*. This is because civic friendship makes other citizens less likely to be drawn into conflicts with each other over small matters. So although justice is generally aligned with civic friendship, the legislator must often deliberately pursue lesser and imperfect standards of justice in order to preserve the agreement essential to civic friendship.

Aristotle identifies a number of legislative measures that can promote civic friendship, all of which are generally separate from immediate concerns of justice. For example, the legislator can require citizens to participate in and contribute to communal meals, setting requirements and standards for who is able to attend the meals and who pays for them. The laws regulating communal meals are particularly interesting because they are not obviously concerned with issues of justice in the legal or constitutional sense. They reveal one way in which a concern

only for justice in the legal sense is insufficient for fully fostering civic friendship. Communal

meals encourage citizens to forge friendships with one another.[70] The legislator determines

where, when, and how often such meals occur.

By mandating that citizens spend some of their leisure time together and interact with one

another in a variety of capacities, the legislator increases the degree of both civic friendship and

justice within the *polis*. Aristotle explains that the degree of justice within a *polis* is proportional

to the extent of the association between citizens:

> And the extent of their association is the extent of their friendship, as it is the
> extent to which justice exists between them. And the proverb „what friends have
> is common property" expresses truth; for friendship depends on community.…
> And the claims of justice differ too; the duties of parents to children and brothers
> to each other are not the same nor those of comrades and fellow-citizens.… There
> is a difference, therefore, also between acts that are unjust toward each of these
> classes of associates, and the injustice increases by being exhibited towards those
> who are friends in a fuller sense.[71]

As people grow to have more in common, their friendship grows along with the degree of justice.

Laws regulating mandatory military service, attendance at civic functions (assemblies, courts,

religious events, etc.), education, and physical training, all affect the quantity and quality of

interaction between citizens. Consequently, these laws also affect the nature of civic friendship

within the *polis*. The legislator is thus in a position to force citizens to share things, but he must

exercise great caution in doing so. This relationship between friendship and justice can be seen in

more personal relationships as well. Aristotle believes that familial relationships naturally

exhibit a very high degree of justice. Yet, the legislator could not take it as his name to increase

the number of brothers, as we saw in Aristotle‟s critique of Plato. Instead, the legislator can

bring citizens together in a way appropriate to their status as fellow citizens.

Laws regulating the distribution of property also are important for maintaining concord

within the *polis*. Aristotle‟s discussion of the conflict between the democratically inclined

masses and the oligarchically inclined wealthy reveals not only an area of potential conflict, but an arena of policy for promoting unity.[72] Property gives citizens an interest in state.[73] While there is always the question of what distribution of property is most just, there remains the related but also distinct question of what distribution best promotes the unity of the *polis*. When the answers to these two questions differ, the promotion of unity should take priority. Aristotle writes:

> As for private territory, one part must be near the border and the other near the city, so that, since two lots are distributed to each all will share in both places. For, this accords with equality and justice, and creates a more common outlook on wars against neighboring peoples. Where this arrangement does not exist, some think that a feud with neighboring people is a small matter, whereas others are concerned about it—ignobly so.[74]

Aristotle recommends the two-plot border/city system because it is better able to preserve concord among the citizens on matters of relations with neighboring *poleis*.[75] There could be other just and equitable ways of arranging property, e.g. productivity or some tradeoff between size and desirability. However, land distribution aims both at justice and civic friendship.

The pursuit of civic friendship thus requires attention to many facets of the *polis*: its ideal of justice, the narrower interests of citizens, the general tone of civic interaction at common meals and religious festivals, and the character of citizens. Aristotle also argues that the legislator should pay attention to the moral education of citizens. Yet, generally decent citizens who nonetheless lack complete virtue will typically treat one another well, engage in the common activity of politics, and jointly pursue common aims. They possess a common interest in having a stable *polis* as protection against injustice and as essential element of flourishing. Their relationship with one another is rightly regarded by Aristotle as a type of friendship, albeit one that differs from personal friendships.

The social harmony generated by civic friendship allows fellow citizens who do not know each other well (or at all) to be able to interact in civic capacities quickly and effectively. Even before they meet they will be disposed to treat each other as though they were already friends of a sort. They will also generally refrain from harming one another. Aristotle explains:

> Those who have many friends and mix intimately with them all are thought to be no one‟s friend, except in the way that is proper to fellow-citizens, and such is possible to be the friend of many and yet not be obsequious but a genuinely good man; but one cannot have with many people the friendship based on virtue and the character of our friends themselves.[76]

Civic friendship is a relationship that can include as many people as there are in the *polis*. One cannot share the deepest of friendships with all of one‟s fellow citizens (as we saw in Aristotle‟s rejection of Plato), but one can still remain friends with them. Shared languages and traditions in the *polis* facilitate this broad social unity among by providing their fellow citizens with common ground. Aristotle thus proposes that the relation of civic friendship ought to exist among all of the citizens of a *polis*.

In conclusion, I have argued that Aristotle‟s account of civic friendship abandons the hyper-unified and harmonious civic friendship of Plato. For Aristotle, civic friendship must be appropriate both to the plurality of *poleis* generally and to each specific *polis* as determined by its constitution and corresponding conception of justice. Aristotle‟s embrace of diverse forms of civic friendships is driven by concern about the dangers of civil strife, so much so that it recommends means of preserving civic unity even within deeply flawed regimes. In Aristotle, we first see recognition that conceptions of justice are inextricably linked to the nature of civic friendship within a society. The ways citizens relate to one another shape, and are shaped by, the form of their political association. In the next chapter, I build upon this insight as a part of my discussion of contemporary liberal accounts of civic friendship. Both the structural and

normative features of the civic relationship provide the starting point for understanding liberal

approaches civic friendship.

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[1] Some have suggested that the difference is actually not as great as it seems. They claim that while *philia* does have a broad range, the noun *philos* does not, and is reserved for what we would take to be close friends. David Konstan, "Greek Friendship," *The American Journal of Philology* 117, no. 1 (1996).

[2] Plato also discusses *homonoia* in the context of civic friendship, but he does not identify them as closely as Aristotle does.

[3] One difference in the connotation of these competing translations concerns the extent to which they emphasize affective elements of „nous".

[4] I separate Aristotle"s references to political friendship"s commercial elements from those that concern the broader civic and governance elements. The ready-money transaction aspect of political friendship seems clearly distinct from *homonoia* of *poleis*, the relationships between rulers and ruled, and the relation of citizens broadly speaking.

[5] Noting the role of constitutional forms in shaping civic friendship is not an entirely new idea. For example, Stern-Gillet uses the variation as reason to reject civic friendship as being a topic about which Aristotle could say much. Suzanne Stern-Gillet, *Aristotle's Philosophy of Friendship* (State Univ of New York Pr, 1995), 153-4.. Rather than thinking Aristotle had little to say about the topic, we should regard his discussions of justice and stability as also being about civic friendship where appropriate.

[6] "For friendship we believe to be the greatest good of states and what best preserves them against revolutions; and Socrates particularly praises the unity of the state which seems and is said by him to be created by friendship." Aristotle, "Nicomachean Ethics," 1262b5-10.

[7] Aristotle, "Politics," 1261a15-23.

[8] In a similar vein he writes, "Again a state is not simply made up of only so many men, but of different kinds of men; for similars do not constitute a state."ibid., 1261a15.

[9] Plato was likely attracted to the familial ideal in part because it could not be dissolved. As Aristotle notes, "One's friendship to oneself resembles the friendship arising from kinship; for neither bond can be dissolved by one's own power; but even if they quarrel, the kinsmen remain kinsmen; and so the man remains one as long as he lives." Aristotle, "Eudemian Ethics," 1240b30. There is a sense in which fellow citizens share this feature.

[10] Aristotle, "Politics," 1263b32-35.

[11] Ibid., 1328b5-15.

[12] "The lessons taught are that either unity or diversity can provide internal stability to a regime. But Aristotle opts for a position seemingly midway between the homogeneity of Socrates' Republic and the heterogeneity of Madison's extended republic. He does so for the sake of the moral self-sufficiency of the polis, which, as noted, requires enough disagreement that people find it necessary to talk about right and wrong, but not so much disagreement that such talk is ruled unacceptable for public debate." Patrick Coby, "Aristotle's Three Cities and the Problem of Faction," *The Journal of Politics* 50, no. 4 (1988): 899.

[13] Ronald J. and Moore Terchek, David K., "Recovering the Political Aristotle: A Critical Response to Smith," *The American Political Science Review* 94, no. 4 (2000).

[14] "For a state is not a mere aggregate of persons, but, as we say, a union of them sufficing for the purposes of life; and if any of these things is wanting, it is impossible that a community can be absolutely self-sufficient." Pol 1328b15-19. See also "Nor does a state exist for the sake of alliance and security from injustice, nor yet for the sake of exchange and mutual intercourse; for then…all who have commercial treaties with one another, would be citizens of one state." Aristotle, "Politics," 1280b31-39.

[15] "Households multiply as it were through the sending out of colonies (when children and grandchildren set up hoses of their own); a union of such households is the most natural cause of the village, which supplies more than daily needs. Finally an association of several villages forms a city which achieves self-sufficiency."Anthony Price, *Love and Friendship in Plato and Aristotle* (Oxford University Press, USA, 1990), 193-94.

[16] Aristotle, "Politics," 1252b15-29.

[17] Ibid., 1280b29-80b38.

[18] Ibid., 1262b10-24.

[19] "Those who have many friends and mix intimately with them all are thought to be no one's friend, except in the way proper to fellow-citizens, and indeed such people are also called obsequious. In the way proper to fellow-citizens, indeed, it is possible to be the friend of many and yet not be obsequious but be a genuinely good man." Aristotle, "Nicomachean Ethics," 11b15-19.

[20] Ibid., 1167a29-33.

[21] Aristotle, "Eudemian Ethics," 1241a30-35. and Aristotle, "Nicomachean Ethics," 1167a22.

[22] Aristotle, "Nicomachean Ethics," 1167a26-28.

[23] Ibid., 1167b3-5.

[24] Aristotle, "Eudemian Ethics," 1241a30-35.

[25] "It seems that city-states too are held together by friendship, and that lawmakers are more concerned about it than about the virtue of justice." Aristotle, "Nicomachean Ethics," 1155a23-30.

[26] Each of the constitutions may be seen to involve friendship just in so far as it involves justice. The friendship between a king and his subjects depends on an excess of benefits conferred.Ibid., 1161a10-12.

[27] Ibid., 1161a10-61b10.

[28] Yack also emphasizes the structural aspect of community over affect, "… for Aristotle community is a structural feature of everyday social interactions rather than an ideal of solidarity and harmonious living. Sentiments of love, sympathy, and solidarity will often develop in Aristotelian communities. But they will grow out of the same sources as much of the conflict and competition in communal life: the sharing of goods, activities, and identities by different kinds of individuals."Yack, *The Problems of a Political Animal : Community, Justice, and Conflict in Aristotelian Political Thought*, 33.

[29] Aristotle, "Nicomachean Ethics," 1134a26-29.

[30] "Further, this is plain from the fact that awards should be according to merit; for all men agree that what is just is in distribution must be according to merit in some sense, though they do not all specify the same sort of merit, but democrats identify it with the status of freeman, supporters of oligarchy with wealth (or noble birth), and supporters of aristocracy with excellence." Ibid., 1131a24-29.

[31] Aristotle, "Eudemian Ethics," 1241b11-17.

[32] Aristotle, "Politics," 1288b20-28.

[33] For example, a city with only a few wealthy families may be well suited for democracy. A city with a large number of powerful and wealthy families may be better suited for oligarchy. A lack of usable farmland might make a city more dependent on trade or empire which might affect who should hold power.

[34] Aristotle, "Politics," 1288b27-33.

[35] This is the project of Politics V. "in the Republic of Plato, Socrates treats of revolutions, but not well, for he mentions no cause of change which peculiarly affects the first or perfect state.... he conceives that nature at certain times produces bad men who will not submit to education;... but why is such a cause of change peculiar to his ideal state, and not rather common to all states, or indeed, to everything which comes into being at all?" Aristotle continues on to note that constitutions change in all sorts of ways not explained by Plato‟s linear degradation. Ibid., 1316a-b.

[36] Aristotle, "Nicomachean Ethics," 1161a30-61b5.

[37] "But bad men cannot be unanimous [*homonoia*] except to the small extent, any more than they can be friends, since they aim at getting more than their share of advantages, while in labor and public service they fall short of their share; and each man wishing for advantage to himself criticizes his neighbor and stands in his way; for if people do not watch it carefully the common weal is soon destroyed. The result is that they are in a state of faction, putting compulsion on each other but unwilling themselves to do what is just." NE 1167b8-15

[38] "What share insolence and avarice have in creating revolutions, and how they work, is plain enough. When the magistrates are insolent and grasping they conspire against one another and also against the constitution from which they derive their power, making their gains either at the expense of individuals or of the public." Aristotle, "Politics," V.3 1302b5-10.

[39] Ibid., 1307a19-21.

[40] Ibid., 1309a34-b40

[41] Aristotle, "Eudemian Ethics," 1234b23-31.

[42] Cooper emphasizes this aspect of civic friendship consistently and effectively. Cooper, "Aristotle on the Forms of Friendship."; Cooper, "Political Animals and Civic Friendship".

[43] Susan Bickford, "Beyond Friendship: Aristotle on Conflict, Deliberation, and Attention," *The Journal of Politics* 58, no. 2 (1996): 405. Bickford denies that civic friendship is necessarily involved here, perhaps because she has a communitarian model of CF in mind. See pages 407-411

[44] While Bickford explicitly rejects civic friendship as offering a meaningful contribution to stability, she interprets civic friendship as a watered down version of utility friendship. Such friendship would contribute little to stability, but it is not Aristotle"s civic friendship.

[45] Aristotle, "Nicomachean Ethics," 1155b16-56a5.

[46] Ibid., 1156a6-21.

[47] It should be noted that some friendships are mixed in the one party is in the relationship for utility and the other for pleasure, e.g. the relationship between artists and their patrons. Ibid., 1164a6-17.

[48] Ibid., 1156a10-12.

[49] Ibid., 1156a14-17.

[50] See for exampleAnnas and Cooper who reduce it to utility friendship,

[51] "But one cannot have with many people the friendship based on virtue and the character of our friends themselves, and we must be content if we find even a few such." Aristotle, "Nicomachean Ethics," 1171a19-21.

[52] "Now all forms of community are like parts of the political community...and it is for the sake of advantage that the political community too seems both to have come together and to endure, for this is what legislators aim at, and they call just that which is to the common advantage. "ibid., 1160a8-14.

[53] "Civic friendship, then, as the special form of friendship characteristic of this kind of community, is founded on the experience and continued expectation, on the part of each citizen, of profit."Cooper, "Aristotle on the Forms of Friendship," 645. Interestingly, Cooper cites a conversation he had with Rawls as the reason for his interest in civic friendship.

[54] For example Elena Irrera, "Between Advantage and Virtue: Aristotle"s Theory of Political Friendship," *History of Political Thought* 26, no. 4 (2005).

[55] Aristotle, "Nicomachean Ethics," 1158b.

[56] Even John Cooper, who identifies civic friendship as a form of utility friendship, tellingly gives it its own separate treatment because it is so different from other utility friendships. Cooper, "Political Animals and Civic Friendship". Julia Annas similarly suggests that Aristotle ought to have more sharply differentiated the civic and personal. "He would have done better to make the sort of distinction that he employs in book V when dealing with justice, and say that there are two different but related senses of *philia,* one used of objectively based social relationships like those between ruler and ruled, merchant and client, etc., and one used . of relationships based on personal affection." Annas, "Plato and Aristotle on Friendship and Altruism," 553.

[57] Aristotle, "Nicomachean Ethics," 1155a23-30.

[58] Aristotle, "Politics," 1262b5-7.

[59] Aristotle, "Nicomachean Ethics," 1155a24.

[60] Aristotle, "Politics," 1301b5-9.

[61] Ibid., 1319b35-20a4.

[62] Ibid., 1301a39-b02.

[63] *Ibid., 1303a25-29.*. In at least some of the examples that follow the different races both speak Greek.

[64] It is worth noting that Aristotle thought slaves should be of different races as important for preventing them from revolting. Perhaps he is trying to keep the slaves disunified in the same way that he wants the *polis* unified. See *ibid., 1330a25-28.*. As Kraut emphasizes Aristotle is following Plato"s lead in the *Laws* that the slaves be ethnically and linguistically heterogeneous (in Kraut"s Commentary on BooksVII and VII of the *Politics*). This is also a tactic used to prevent workers from forming unions in the US and elsewhere.

[65] Aristotle discusses the tensions between the wealthy and the poor throughout Book V of the *Politics*. See also the Oxford Classical Dictionary"s (3rd edition) discussions of CLASS STRUGGLE and *STASIS*, which points out the acknowledged debt to Aristotle of Marx and his historical materialism. Simon Hornblower and Antony Spawforth, *The Oxford Classical Dictionary*, 3rd ed. (Oxford ; New York: Oxford University Press, 1996).

[66]Aristotle, "Politics," 11304a40-b2.

[67] "Both the rich and the poor, Aristotle argues, misunderstand the nature of political equality (and thus what constitutes just political power). The wealthy think that because they are unequal-i.e., superior-with respect to wealth, they should be unequal (superior) in all other respects as well (e.g., with respect to political power). Similarly, the poor, because they are equal to the rich in terms of freedom, think they should be equal to them in all other respects *(Pol* 1280a, see also 1281a). These perceptions complicate the problem of adjudicating between conflicting claims to rule. Even if a philosopher or a political scientist *could* resolve these claims, there-remains to be taken into account the citizens' own belief in their right to exercise political power." Bickford, "Beyond Friendship: Aristotle on Conflict, Deliberation, and Attention," 404.

[68] Aristotle, "Politics," 1302b2-5.

[69] Ibid., 1303b18-20.

[70] "But it is safe to assume that he favors the *sussitia* not because it is an efficient way of feed the population, but because it contributes in some way to virtue and good relations among the citizens, Plutarch portrays the Spartan *sussitia* as the locus of political discussion and proper amusement …Aristotle also seems to recognize these among its advantages…At V.11 1313a41-b6 he says that tyrants often forbid *sussitia* and other institutions of leisure, because they want the citizens to be unfamiliar to and distrustful of each other. So he sees common meals as a way of fostering civic friendship." Richard Kraut, *Aristotle Politics: Books Vii and Viii* (Clarendon press, 1997), 110.

[71] Aristotle, "Nicomachean Ethics," 1159b28-60a8.

[72] Consider, for example, Alexander Hamilton's promotion of a public debt held the wealthy as a means of ensuring their commitment to the success of the new constitutional order the United States. If the government collapsed, or had insufficient taxing power to raise revenues, the wealthy would be unable to collect on the debts owed to them.

[73] "There is another reason property ownership is important to Aristotle: It provides citizens with a tangible stake in their republic. He wants them to see not only that their own good depends on their own efforts and perseverance but also that their good is intimately tied to the good of the republic. When this occurs, citizens have a stake in their own property and in their republic as well." Terchek, "Recovering the Political Aristotle: A Critical Response to Smith," 908.

[74] Aristotle, "Politics," 1330a14-2.

[75] Moreover, the legislator could be in the unfortunate circumstance of being force to pick between two distributions where justice and concord come into conflict. Under one distribution each individual would get the appropriate quantity of productive land, but the distribution would be arranged in such a way as encourage disagreement on foreign policy. Under the other distribution, the land quality may be unequally productive, but be equally exposed to foreign threats.

[76] Aristotle, C. J. Rowe, and Sarah Broadie, *Nicomachean Ethics* (Oxford ; New York: Oxford University Press, 2002), 1171a15-20.

4. TWO APPROACHES TO A TENSION BETWEEN JUSTICE COMMUNITY AND STABILITY

The absence of civic friendship can be devastating to political societies. Conflicting conceptions of community and justice have long been the cause of instability, even civil war. Sectarian division, as seen in the establishment of religious communities as dominant political powers, led directly to the religious wars that wracked Europe for centuries. Aristotle and Plato praise civic friendship because it helps prevent such conflicts. Unfortunately, civic friendship often contributes to social, political and economic subordination of others within the society.[1] Throughout history political stability has often come at the price of justice. I argue, however, that the ideals of political liberalism provide the basis for a conception of civic friendship that simultaneously serves the ends of community, stability, and justice. It can help us to find the right kind of fraternity to go along with our equality and liberty.

In looking for a kind of civic friendship appropriate to liberal democracy, there exists a tension between the kind of community that many members of pluralist societies want and the reality of what is readily practicable. One reason for this tension is that, within a pluralist society, citizens have differing conceptions of what a good community looks like. Some fully embrace the variety of cultures in a cosmopolitan fashion. Others might prefer to delve into a single religious community, eschewing the broader society as corrosive to proper commitments. Many desire to live in a community, like Friendlyville, where neighbors help one another out. Others worry that the warmth and friendliness of such communities often accompanies a narrow, suspicious, and intolerant attitude to those deemed as outsiders or deviants.[2] Broadly speaking, people want differing degrees of social harmony and unity, and have different conceptions of what that unity should look like.

A further challenge to civic friendship arises as pluralist societies confront the fact of divergent interests. The narrower material interests of individuals and groups within a society come into conflict on a regular basis. A moderate scarcity of goods and resources ensures that the many projects and forms of assistance sought by citizens cannot all be realized. Conflicting interests and competing conceptions of the good each possess the potential to undermine or preclude civic friendship. They present two prominent loci for entrenched political conflict. Liberalism, in advocating equality and liberty, addresses both kinds of conflict since citizens share an interest in stable freedom. Much of the contemporary literature on civic friendship is thus primarily concerned with the problems of order, stability, and the logistics of implementing a conception of justice in liberal society.[3]

Like Aristotle, I take questions of justice, interest, stability, and civic friendship to be deeply intertwined. Differing conceptions of justice and divergent ways of securing justice create different forms of civic friendship. Divergent interests can serve to strain the bonds of community, exacerbating tensions from social and political differences. In this chapter, I examine two prominent approaches to these problems. The first approach emphasizes the practical problem of stability. The second, in seeking to establish a certain sort of community, requires problematic hypotheses about civic motivation and recommends inappropriate measures. I show how both of these approaches manifest fundamentally different kinds of civic relationships than those of political liberalism, and justice as fairness more specifically.

The first approach is the coordinating approach, which attempts to make acting in accord with the preferred conception of political justice rational from the standpoint of each citizen‟s narrow self-interest. I argue that an exclusive reliance on mutual self-interest impoverishes the civic relationship, depriving it of an effective moral foundation and relegating the possibility of

genuine mutual concern to the status of a happy accident. It substitutes mere reliance for trust, risks disingenuous rhetoric in place of genuine exchange of reasons, and encourages citizens to leverage political power for ultimately personal aims.

The second approach, comprehensive community, depends upon citizens accepting and being moved by a comprehensive conception of the good community. This approach might rely on citizens" mutual commitment to a set of moral principles or on citizens" personal affection for other individuals in their community or for community as a whole. I address communitarian principles in section 2, and communitarian love in section 3. The comprehensive community approach, whether motivated by the belief that robust agreement on the good is necessary for stability, by the belief that it is desirable for its own sake, or both, either unreasonably excludes some from full participation in the political life of the community or depends on affective demands that are unreasonable to expect of all members political society. Like the coordinating approach, the comprehensive communitarian approach establishes the wrong kind of relationship among citizens. It fails to establish a cooperative relationship befitting citizens as free and equal.

To help orient our analysis, I frame the discussion around how each approach achieves stability. This also reveals much about the kind of relationship that would exist between citizens. I also draw on Rawls"s analysis of stability. Rawls helpfully divides the problem of stability into two smaller problems, enabling us to more carefully consider different aspects of how we might secure social unity around a political order and its concordant conception of justice. The first problem of stability is that of isolation. Rawls identifies Hobbes"s state of nature and the prisoner"s dilemma as paradigmatic examples of the problem of isolation.[4] The most rational thing for particular individuals to do when they make decisions on their own leaves them all worse off than they would be if they cooperated in making their decision.[5] Isolation threatens

stability because from the individual standpoint, especially one that presumes the non-cooperative behavior of others, there is no reason to cooperate with principles of justice.[6]

The problem of isolation is distinct from the problem of actually getting individuals to follow through on the best course of action, the problem of assurance.[7] Even if the parties can determine which principles would be best from the standpoint of all, there is a problem of ensuring that everyone will cooperate by acting in accord with those principles. The problem of assurance is one of sticking to the best course of action. There will always be pressures and incentives for individuals to become free-riders or cheaters, to seek the benefits of cooperation without themselves accepting any of the costs of cooperation. To take the prisoner's dilemma again, if all parties can recognize that they are in a prisoner's dilemma and that cooperation will bring about the optimal outcome, they still have individual incentives not to cooperate. Even if the parties do cooperate for a time, their cooperation will be unstable because each party stands to gain by not cooperating. More generally, the problem of assurance asks us to look at what is required to sustain cooperation over time, from one generation of citizens to the next.

This discussion sets the stage for the next two chapters, where I develop and defend a conception of civic friendship implicit in political liberalism and more specifically in justice as fairness. Such friendship is the principled concern among members of a political society for one another, grounded in an agreement on fundamental principles of justice, and characterized by reciprocity and mutual trust. It is a relationship of stable social and political cooperation, characterized by divergent interests, disagreement about most daily political matters and by differences in conceptions of what is truly good and valuable in life. Such civic friendship resolves both problems of stability and establishes a foundation for the more robust kinds of community sought by those with communitarian sympathies.

In this chapter, I lay the foundation for this conception of civic friendship by attending to three features of the civic relationship: A) the role and character of civic trust; B) the nature of reasoning and deliberation; and C) the kind of regard that citizens have for one another. The character and role of trust is basic to the assurance problem. Trust can ensure that citizens will cooperate without fear of being exploited through their participation. The ability to successfully and continuously engage in political deliberation is also essential to the assurance problem. An inability to successfully exchange reasons is akin to being in a marriage where the parties lack the ability to communicate and, consequently, to sustain their relationship. Finally, the political structures and norms of political reasoning shape the regard that citizens have toward one another. I pay special attention to the attitudes of those who hold economic and political power and of those who are comparatively disadvantaged.

4.1   The Coordinating Approach

When the members of a political society adopt a coordinating approach, they act strategically to best achieve their individual interests as they understand them. Since my focus is on civic friendship in liberal democratic societies, let us assume that citizens generally regard a liberal democratic framework as being the best means available for them to obtain their ends, given various facts about society (e.g. wide pluralism). In other words, they believe that liberal democracy solves the isolation problem, leaving only the problem of assurance. Indeed, political philosophers today agree that some form of democratic government which protects the freedoms of its citizens is the best solution to the isolation problem.

The coordinating approach attempts to establish a framework under which the pursuit of individual ends is consistently in compliance with those liberal democratic principles of justice. Effective means of coordinating the behavior of citizens might include penalties and rewards,

institutional design (e.g. separation of powers), market mechanisms, as well as social and political screens. Part of the appeal of this approach is that it rests stability upon the reliability and universality of self-interested motivation. As a description of how many political decisions are made, self-interest seems to be the rule. Politicians and interest groups carefully calculate their interests and seek to leverage their power in ways to maximize those interests. The coordinating approach seeks to harness these motives and direct them in a way that benefits most people most of the time, and in a way that protects the basic rights of all citizens. I argue, however, that we should reject the coordinating approach because it establishes an impoverished civic relationship and deprives itself of important moral resources which are necessary for sustaining the cooperation of free and equal members of society.

A coordinating approach to the problem of assurance might be especially attractive if we are willing to divorce the ideal at which we aim from the particular reasons we might have for cooperating with that ideal. Solving the assurance problem, then, only requires individuals to cooperate on terms set by political principles. It does not require that they cooperate for specifically moral reasons. Their opinions, beliefs, feelings, dispositions are only relevant insofar as they effect behavior. This approach reduces the assurance problem to an empirical problem of social engineering which economics, psychology, political science, and sociology could help solve. Turning to the empirical sciences may be attractive because they purport to offer a means of solving the problem of assurance without invoking deep ethical, religious, or metaphysical disagreements.

Variants of the coordinating approach appear prominently throughout the history of political philosophy. Bentham‟s utilitarian state, which at times often seems to presume a kind of psychological egoism, provides a good example of the coordinating approach. And when

Kant suggests that we could design our state assuming we have a kingdom of devils, not angels, he evokes (though does not necessarily advocate) a coordinating approach to institutional design.[8] Hobbes in particular has often been read as assuming that citizens possess narrowly egoist motives and, on the basis of this assumption, adopting a coordinating approach. On Rawls"s reading, the Hobbesian sovereign is introduced precisely to resolve the two problems of stability.[9] The sovereign adjusts the expected rewards of cooperation and non-cooperation to make cooperative behavior in each individual"s narrow self-interest.[10] Fear of punishment sustains citizens" commitment to do their part in cooperative agreements even when they choose to form the cooperative bonds from recognition of mutual benefit and the common good.[11] At times, even Rawls seems to advocate a coordinating solution to the assurance problem. For example, he states the problem of assurance requires us to find "some device for administering fines and penalties," i.e. establishing a system of punishments.[12]

The coordinating approach reduces the assurance problem to the level of self-interest. It thereby subsumes the problem related to conflicting conceptions of the good in two ways. First, it regards the practical political consequences of "value differences" as overrated. Individual behavior is better explained in terms of narrow individual interests instead of broader ethical commitments. The implication is that narrowly self-interested motivations of wealth, ambition and power played a larger role in creating past conflicts than genuine moral and religious disagreement. Second, the approach attempts to remain neutral with respect to much pluralism. Discouraging theft through the threat of imprisonment, for example, does not require settling moral or religious disputes. The coordinating approach thus avoids taking sides in many sectarian disagreements by eschewing all such views in favor of a focus on narrow individual interests.[13]

Indeed, the ubiquity of conflicting interests presents at least as great a threat to social cooperation as the fact of reasonable pluralism. Many conflicts result from moderate scarcity. Determining which principles we should adopt for the distribution of scarce resources is a question of justice, and establishing the cooperative relationship to abide by those principles is not merely a matter of building common ground between conflicting conceptions of the good. Struggles over wealth, power, and social recognition often emerge even where there is relative agreement about justice. Such conflicts are every bit as endemic to society as the fact of pluralism. Let us call this the fact of divergent interests. Divergent group and individual interests create pressures to not cooperate whenever one party stands to gain either by non-cooperation or to lose by cooperating. Arguably, the pressures created by such divergent interests have been a greater source of civil strife than the fact of pluralism, though the relationship between the two is complicated.[14] Most of the history of political philosophy thus recognizes that conflicting interests can cause civil strife and revolution. Liberalism in particular, with its emphasis on mutually beneficial contracts as a model of cooperation, addresses the challenge that conflicting interests pose to social and political unity.

An exclusive focus on mutual self-interest, however, undermines the civic relationship, depriving it of an effective moral foundation and diminishing genuine mutual concern to irrelevant epiphenomena. A society where citizens were motivated only by narrow self-interest would completely lack bonds of civic friendship.[15] While a coordinating approach is not without appeal, it is ultimately flawed for this reason. This becomes apparent when we focus not on the policies that adherents of the coordinating approach might adopt, but on how citizens are supposed to regard one another and the role of moral reasons in their political discourse.

Civic friendship is absent within the coordinating approach because the members of the political society merely coordinate behavior instead of genuinely cooperating. They rely on one other; they do not trust. Citizens" endorsement of basic economic and political institutions is not grounded in a concern for their fellow citizens. It is grounded only in their judgment that the institutions merely provide the best available means for them to pursue their interests given the circumstances of pluralism and divergent interests in which they find themselves. While friendship may emerge within subgroups, and some sub-communities may flourish, there will few if any bonds that tie all members of the political society to one another. Proponents of the coordinating approach argue that such a broad bond is unnecessary for stability, justice, or community. They contend that a stable network of overlapping sub-communities is sufficient for those aims. Discussions of prisoner"s dilemma situations often describe mutual actions in accord with the optimal outcome as cooperative. However, using the term „cooperation" in such cases can misrepresent what is actually going on by blurring the distinction between group cooperation and the coordinated behavior of a set of individuals. At the individual level, it misses the difference between a person"s cooperating with others to achieve a common good and complying with rules that just so happen promote the common good.

There is substantial disagreement about what exactly constitutes cooperation, e.g. whether it can be reduced to individual intention, whether it requires something like shared agency among members of a plural subject, etc. But cooperation requires, at a minimum, something like a shared will, the intention that cooperative actions be done *together*.[16] The coordinating approach structures incentives in such a way that acting in the agreed upon way is explained by each individual"s interests, without recourse to the plans and intentions of others with whom one acts. Each individual is concerned only with their own reasons, their own aims,

their own interests. Of course, it is entirely possible that some particular individuals will genuinely wish to engage in cooperation, but they will also worry that others cannot be trusted to do their part. So even if some individuals try to cooperate, as a whole the members of such a society do not cooperate. If individual aims are all that the parties pursue in politics, for instance, then they are merely coordinating their behavior with one another in light of governing laws, rather than genuinely cooperating.

One consequence of focusing on coordination in lieu of cooperation is that it limits the reasons available in political deliberation. Only two kinds of reasons are available within the coordinating approach to limit the means used to secure stability: principle based reasons grounded in the governing conception of justice, and prudential reasons about what is actually effective in motivating citizens. First, the relevant principles of justice serve to constrain the sanctions, rewards and penalties, used to secure cooperation. For example, a liberal utilitarian might restrict the scope of coercion because a broader scope would yield widespread disobedience, necessitating measures which would cause more unhappiness than happiness. Or a Kantian might worry that certain measures would inappropriately interfere with individual autonomy. Of course, such the foundational principles may obviate the need for rewards and penalties for those individuals who accept and are motivated by the principles. However, the coordinating approach proceeds on the assumption that sanctions will be needed to secure stability. Many individuals may not be motivated by the founding principles or may even reject them (whether or not they endorse the institutions they engender). The principles offer reasons which limit policy options (e.g. through a process of judicial review or some other constitutional check), but those reasons need not play an animating role in the lives of citizens. The

coordinating approach thus depends on compliance with institutions, not cooperation based on shared political values.

The second kind of reasons available within the coordinating approach is prudential reasons about what policies are most effective in ensuring compliance and advancing individual interests. The penalties for non-cooperation and rewards for cooperation must be sufficiently strong and enforceable to make cooperation seem rational to enough individuals to secure stability. This approach places a tremendous burden on enforcement mechanisms which often turn out to be very inefficient.[17] The failures of alcohol prohibition and difficulties in the war on drugs today highlight the challenges of such an approach. Narrow self-interest, especially when understood through a prisoner's dilemma reward matrix, provides a narrow (even if supposedly universal) foundation for cooperation.

The coordinating approach thus avoids relying on mutual trust to secure stability. It instead attends to incentives to cheat or free ride. The mere fact that individuals have agreed to a course of action does not imply that they can be trusted to follow through on that agreement.[18] In structuring incentives, the approach assumes that agents possess self-interested reasons that are independent of the motives of other agents. In fact, the coordinating approach dispenses with trust altogether, and in its place offers mere reliance. Annette Baier distinguishes between trust and reliance in the following way: "What is the difference between trusting others and merely relying on them? It seems to be reliance on their good will toward one, as distinct from their dependable habits…compatible with ill will toward one, or on motives not directed on one at all."[19] A coordinating approach seeks to avoid depending on the good will of others by counting upon individuals to act in their own narrow interests.[20] Knowing that incentives are so

structured, citizens can rely on one another to act in accord with their agreement. Thus trust is absent, and goodwill is at best superfluous to the civic relationship.

The absence of trust could be a virtue. Citizens may have strong incentives to keep the agreement in the face of a wide range desires and attitudes that they may have toward each other. And trust requires vulnerability, which makes many individuals uncomfortable.[21] On the coordinating approach, even if citizens intensely dislike one another, abiding by the terms of their agreement remains in their own interest. Knowing that others are motivated to do their part even in the face of utter indifference to our welfare or even antipathy toward us, can give us the confidence and security to live our lives as we wish.

The coordinating approach secures conditions of liberty, which leaves citizens free to live their lives with minimal interference from their fellow citizens or government. This is no small achievement. History is replete with examples of tyrannical and oppressive regimes where citizens could not do this. Hobbes, and others who are attracted to the coordinating approach, often think that this minimal relationship is the best that we can hope for. The alternative, they worry, is war, conflict, and oppression. Given the opportunity, citizens might abuse, exploit, and oppress one another. A coordinating approach replaces such conflicts with the peace of indifference that comes from focusing on one‟s self-interest within a well-structured state.[22] Dependence on feelings of civic friendship is regarded as unreliable in the best circumstances and dangerously naïve in most.

Yet, because trust is absent on the coordinating approach, civic friendship is missing as well. In turning to reliance in place of trust, the need for good will is replaced with at best a benign indifference. Rawls is thus skeptical that complete dependence on narrow self-interest

can really succeed in stabilizing a just state. He points out that sanctions which, in isolation, make particular cooperative behaviors rational are not sufficient to make a regime stable.

> Here we suppose that political and social cooperation would quickly breakdown if everyone, or even many people, always acted self- or group- interestedly in a purely strategic or game theoretic fashion. In a democratic regime stable social cooperation rests on the fact that most citizens accept the political order as legitimate, or at any rate not seriously illegitimate, and hence willingly abide by it.[23]

Even a coordinating approach must concern itself with perceptions of legitimacy. These perceptions are extremely difficult to secure through sanctions, especially from those who might have legitimate grievances.[24] Sanctions by their nature aim at the outcome of compliance rather than at the motivations or reasons for support. A reliance on sanctions often accompanies an assumption of non-compliance, which paradoxically reinforces tendencies to free-ride and cheat.[25] The coordinating approach can thus undermine the perception of legitimacy, thereby generating greater non-compliance, but sanctions only exacerbate the problem.

Rawls identifies two problems with the focus on self-interest within the coordinating approach.[26] First, people often do not act in their narrow interests. Second, if we nonetheless do assume that individuals nearly always act in their own self-interest, then we cannot establish the legitimacy of the political process. Self-interest is assumed to underlie the political acts of one"s fellow citizens, the politicians they elect, and the subsequent acts of government. Why, then, should citizens regard government actions as anything more than ambitious acts of politically powerful groups and individuals? Citizens who disagree (and maybe even those who agree) with those actions and policies have little reason to regard them as genuinely legitimate. The policies run counter to the objector"s interests and are not grounded on shared reasons. Even if the policies are consistent with constitutional principles, those in the opposition may doubt the intentions and commitments of those with power, and vice versa.

On the coordinating approach, the source of security for rights (i.e. sanctions) is distinct from the conception of justice which grounds those rights. The injustices that will inevitably arise in even a generally just state are thus especially threatening to the perception of legitimacy. The policies of the state seem to be merely products of the relative power of different groups pursuing their interests. The legitimacy of institutions is thereby threatened, since just and unjust laws alike result from the pursuit of self-interest in politics. Even well-off citizens know that their rights are only respected because others find it in their interest to do so, not out of recognition that they deserve respect. This rationale offers the virtue of avoiding hypocrisy, but it does little to instill confidence. Consider the standpoint of someone who believes they suffer from some injustice. Justice is presumed to be motivationally inert, except insofar as individuals see it as falling within their own narrow interests.

The civic relationship of the coordinating approach is therefore thin and impoverished. In relying solely on self-interest, the approach deprives itself of other resources which can motivate more robust forms of cooperation. In a sense, the approach is tantamount to the achievement of a *modus vivendi*, which is a real and significant achievement in comparison to prior alternatives. It is, however, an achievement that falls short of achieving robust cooperation on matters of justice, and the substantive goods they bring about. The pressure not to cooperate grows in part out of "legitimate interests".[27] However, the fact that the problem of assurance arises because of these interests does not mean that the solution must also come through the manipulation of those interests.

4.2   The Comprehensive Communitarian Approach

If the coordinating approach is characteristic of liberalism generally, then communitarian critiques of liberalism seem plausible. Such critiques object to an asocial atomism, wherein

individuals are reduced from complex, socially embedded beings to theoretical abstractions devoid of relationships to others.[28] Other critiques object to a perceived superficialization of value, wherein ethical commitments are regarded as little more than fashions or tastes to be adopted and dropped and whim.[29] Others lament the dearth of community, worrying that an overly individualistic liberalism undermines the meaningful bonds between the members of liberal society.[30]

In contrast, a comprehensive communitarian approach seeks to establish a robust moral community that achieves stability through widespread commitment to a conception of the common good.[31] On this approach, an agent"s narrow interests, so important on the coordinating approach, may play a subordinate role or no role at all in decisions about whether to cooperate, depending on the particular moral framework. Instead, mutual knowledge of shared moral commitments and the bonds of personal affection promise to provide straightforward solutions to the assurance problem by establishing a solid basis for trust that other parties will abide by the terms of cooperation.

In this section, I consider how the civic relationship is shaped when members of a political community understand their political relationship with one another in terms of liberal comprehensive doctrines that entail obligations of solidarity. Differing comprehensive doctrines can justify similar institutional structures. This can make it difficult to see what is at stake in debates between liberals, especially since the application of these doctrines to hard cases is never straightforward.[32] I propose that the difference between comprehensive approaches and political liberalism can be seen more clearly in the civic relationship than in policy or institutional differences. As we examine this relationship we must take care not to treat the political relationship as though it exists in a social vacuum. Rather, it stands alongside and is partially

shaped by the host of other relationships personal, economic, and other social relationships that emerge in free societies.

In subsequent chapters, I argue that political liberalism establishes a family of relationships united by mutual respect and equality, and that just as fairness in particular creates an attractive and stable political culture. I argue here that comprehensive approaches which rely on a shared comprehensive moral doctrine, such as communitarian forms of utilitarianism, or ties of personal affection such as a generalized love, all establish an exclusionary and less stable relationship than that that of political liberalism. I focus on partially comprehensive doctrines that seek compatibility with pluralism by relying on a narrower set of claims, thus avoiding or remaining neutral with respect to broader moral and religious views. Some comprehensive moral doctrines might moot the problem of assurance by making compliance with the principles of justice unconditional, claiming, for example, that rights are absolute and may never legitimately be impinged. Such strong moral demands are not necessary, however. Assurance can be resolved by ensuring sufficiently widespread cooperation to give citizens confidence in their mutual cooperation rather than by trying to establish an absolute commitment to a single comprehensive doctrine. This relies only on the weaker moral claim that cooperation is required provided most others are willing to cooperate on the same terms.

A comprehensive communitarian approach solves the problem of assurance by relying on citizens" mutual commitment to their shared comprehensive doctrine. For example, Rawls notes that if the parties in the prisoner"s dilemma were both committed utilitarians then they would cooperate since their cooperation would maximize utility.[33] Similarly, if the parties identified with one another such that they took sufficient interest in each other"s interests, then they would be reluctant to pursue a course of action that left the other worse off. Or if the parties were neo-

Aristotelian *phronemoi*, they would cooperate provided that they knew of their mutual commitments liberal virtue.[34] The values or broader interests of the parties give them reasons to cooperate.

However, the trust exhibited in such examples is not political trust; it is instead grounded in comprehensive values. Others are not trusted merely as fellow citizens, but as fellow utilitarians, Aristotelians, or Kantians. Individuals who reject the comprehensive doctrine are thus not to be trusted, at least not in the same way as those who share the values.[35] This is especially likely to create problems when those individuals are vocal in their rejection of the dominant doctrine. Such individuals, even if they ultimately endorse the basic structure, seem to reject the "true" foundations on which it rests. Comprehensive trust is thus narrower because it extends only to fellow adherents of the doctrine, leaving it vulnerable to perceptions of betrayal. According to Baier, one difference between trust and reliance is that violations of trust lead to feelings of betrayal, whereas violations of reliance lead to disappointment.[36] And Bernard Yack argues that the Aristotelian political community is unstable precisely because it depends on a shared conception of the good life and the ties of personal affection, which can generate feelings of betrayal and ultimately lead to violent strife.[37] Comprehensive trust is liable in this way to extensive feelings of resentment and betrayal, especially under conditions of pluralism.

If we judge our fellow citizens not only with respect to the principles of justice, but by the standards of the comprehensive doctrines they are supposed to share, it may undermine not only our confidence in their goodness, but also our confidence in the security of our political association. Differences within and between comprehensive doctrines will threaten not only the unity of groups, but also that of the entire political community. Moral failures in non-political contexts may then be thought to represent a lack of the values necessary in political contexts.[38]

Although the comprehensive approach can allow for a distinction between private morality and politics, that distinction is entirely based on the values within the comprehensive doctrine. So while the approach may generate different rules for different contexts, all such rules nonetheless depend upon conceptions of the good. Consequently, violations of rules in any context represent a violation of deeper values, and this makes betrayal and distrust more likely.

Those who reject a shared comprehensive foundation are thereby relegated to a space of normative and deliberative subordination. This may be surprising, given liberal commitments to protecting pluralism and equality. A defining feature of liberal theory is its egalitarianism. Comprehensive liberal accounts offer citizens legal equality and equal status within their respective moral doctrines, important forms of equality to be sure. Indeed, the institutions enjoined by justice as fairness will be largely similar to those proposed by Kant and Mill. However, if most of a society endorses a single partially comprehensive doctrine, the reasons others who reject that doctrine have for cooperating with institutions are not really the right reasons. They may be cheerfully tolerated or rejected as illegitimate, but not accepted as appropriate.

At best, those who respect outsiders might attempt to translate their reasons into the language of the comprehensive grounding, or perhaps to translate the comprehensive doctrine"s reasons into those of the outsiders" views. But having settled the question of what institutions are best, if sufficiently many citizens endorse or willingly endure those institutions, then there seems no need to substantively engage holdout citizens so long as they are not disruptive. A yet more worrisome possibility is that those who reject the doctrine might feel pressured into expressing support for it. Although liberals oppose using the coercive power of the state to do so, there could well be non-state or non-coercive pressures. What characterizes both such

possibilities is a lack of effort to find shared reasons that all parties could accept. Those who might reasonably reject the comprehensive foundations of the basic institutions are thereby excluded from being civic friends in the same way that adherents are. Their cooperation will depend only on reliance, as in the coordinating approach.

Consider, for example, the perspective of the least well off in a society ordered by a version of utilitarianism which emphasizes solidarity. The least well off can see that their cooperation helps others, and is partially constitutive of the common good. However, from the standpoint of the cooperative agreement, it is not important that they themselves benefit from cooperation as long as their cooperation benefits the common good. Even if the least well off benefit from the cooperation of the most advantaged it is only because raising their welfare just happens to raise the average or total welfare of society. So, if those who are least well off do not accept utilitarianism or do not prioritize the welfare of others highly, then utilitarians do not sincerely offer reasons that the least well off should accept.

By way of an analogy, consider an organization, perhaps an academic department, which is in the process of drafting by-laws. Suppose the reasons offered by some members are rejected as fundamentally illegitimate. The members can still vote, are eligible (and expected) to serve on various committees. However, the members are largely ignored during deliberations because they offer the wrong kind of reasons. Since the rest of the department sees no need to consider reasons that might appeal to the dissenters, their formal equality is inadequate because it cannot overcome their marginal position.

In addition to the mere lack of reciprocity, there exists the real possibility of antagonism. Reliance on a single comprehensive doctrine deprives a community of more widely shared values which contribute to a stable relationship of civic friendship. This is true even if the

citizens who adhere to a comprehensive grounding are able to establish some sort of mutually respectful or workable friendship with those who reject it (after all, in pluralist societies many individuals become friends with those who hold different doctrines). The depth and variety of pluralism gives nearly all citizens some common ground with at least some others who do not share their comprehensive doctrines. This could provide the basis for a stable network of overlapping relationships, even if some citizens reject the grounds on which the network is established. However, when fundamental questions arise, e.g. constitutional referenda, polarizing political controversies, or significant elections, the absence of shared values poses a greater danger to the stability and unity of that political society.

A society structured on the basis of a comprehensive doctrine will include citizens who cooperate with one another just because they are committed to the reasons provided by the doctrine, or who are committed to the doctrine because of how they feel about one another. Utilitarianism often relies upon the latter. In *Theory*, however, Rawls‟s critique of utilitarianism with regard to stability focuses on the stringency of its affective demands and the requirement that citizens strongly identify with the interests of other citizens. Both of these are features of personal friendship that might apply to civic friends as well. Rawls doubts that this strong identification with the interests of other citizens is necessary, and argues that the intense feelings of sympathy upon which utilitarians must rely do not provide a stable foundation.

A society structured by utilitarianism takes an interest in each person only as a part of the general welfare. The utility principle essentially asks the least well off to accept their position because it maximizes the total or average utility of their society. The implication that the least well off will suffer their plight out of concern for those who are better off is odd. As a practical matter, utilitarians typically argue those who benefit the most should act to help the least well off

out of a sense of sympathy or solidarity with the less fortunate. Consequently, a principle like the difference principle could be quite attractive to some utilitarians, since it would lead to the least well-off being as well off as they as a group can be. The better off will take pleasure in everyone"s happiness. The least well-off will be satisfied because they are doing well enough and their needs are not neglected. Still, this approach requires, as Rawls notes, a significant level of sympathy and identification with the least well off on the part of the better off, or a strong commitment to the utility principle.

In thinking about the civic relationship and the nature of civic commitments, we should pay special attention to those who do not accept the principles of justice as true and those who are the least well off members of the society. These two groups have the greatest reason not to cooperate and are also the groups most likely to suffer oppression. How a society treats these groups and how these groups regard their society says much about the general civic relationship. Even among approaches that reject the possibility of broad social unity, instead seeking stability through overlapping network smaller private and civic relationships, the situation of members of these two groups is telling. This lack of reciprocity is characteristic of the comprehensive communitarian approach more broadly. The absence of reciprocity unnecessarily restricts the grounds of cooperation among least well off, among those who already have the greatest reason not to cooperate.[39]

According to utilitarianism, the least well off are expected to accept their position as just either because of their commitment to the comprehensive doctrine, i.e. as a sacrifice or condition required by justice, or because of their personal commitment to their fellow citizens, i.e. as sacrifice or condition endured for the sake of others as expressed by those principles. They might also be satisfied that their access to primary goods is adequate to pursue their conception

of the good. Yet, neither the truth of the doctrine nor concern for others justifies the position of the least well off in terms of their legitimate interests.[40] It‟s not that their interests are irrelevant. They constitute a part of the common good in the case of utilitarianism. They have the same fundamental legal rights as other citizens, and they have interests in those rights. Rather, in comparison to other principles of justice, their interests as members of the least well off group do not enter into the justification for the principles.

Let us look more closely at why the least well off cooperate. One reason might be that they are content with their lot; they are able to pursue their conception of the good. Alternately, a member of the least well off might be grateful for the benefits they receive under the arrangement and respond with feelings of civic friendship. Yet, when they regard themselves as members of the group least well off and consider their position in relation to the more fortunate, the fact that the benefits enjoyed by the most advantaged promote the average or aggregate good will only matter to one who identifies with that broader good. Rawls suggests that this identification requires a high level of sympathy and benevolence from everyone, but especially on the part of the less fortunate.[41] Such sympathy can be expressed through a commitment to the utility principle, and next to the basic structure that satisfies that principle. In contrast, the difference principle can say to the least well off that the cooperative scheme is designed to maximize the welfare of those in your social position. The least well off cooperate with justice as fairness not just because it promotes the welfare of others or the group as a whole, but because the cooperative scheme in a meaningful way advances their own interests as members of the least well off group.

The least well off thus seem to have very different kinds of reasons than the better off. The difference principle applies to their situation not in virtue of their cooperation on the same

terms as others, but because of the contingent fact that their well being happens to further the happiness of the whole. There is thus a lack of reciprocity in the reasons the different groups have for accepting the utilitarian basic structure. This is not to say that the least well-off under the utilitarian version of the difference principle suffer injustice. Instead, the absence of reciprocity, the appeal to a strong sense of identity or to the truth of the utility principle, establishes the wrong kind of relationship between the least well-off and the better off.

This lack of reciprocity is inappropriate to the fair cooperation of free and equal citizens, and it is a problem for liberal theories that take the freedom and equality of their citizens seriously. One alternative, as in the coordinating approach, is that their narrow interests make cooperation advantageous under a set of sanctions. Yet, this approach takes their interests into account in the wrong way. As we saw in coordinating approach, there is no real cooperation, no trust, and an unnecessary dismissal of moral values which could legitimate their condition. In the context of liberal democracies, the basic structure may treat the least well-off well enough to secure stability. However, it establishes a relationship among citizens where the well-off members may regard their success as coming at the expense of the least well off, and the least well-off may regard the benefit of others as coming at their expense. While each might be sufficiently satisfied with their situation so as to not rebel, it is not the best kind of relationship available to citizens of liberal democracies.

4.3   Love: An Alternate Communitarian Grounding

Another alternative to the coordinating approach emphasizes the bonds of community that arise from love and care, rather than commitments to abstract moral theories. Such models can be found within the writings of moral sentimentalists like Hutcheson.[42] Some feminist care ethics and some socialist movements also appeal to differing versions of love and solidarity as

the basis for political community. Different moral and religious traditions offer a range of accounts of widely inclusive love, such as *agape* or *caritas*. They promise a warmer, stronger sense of community than the more atomistic liberalisms of the coordinating approach. Moreover, love, as a form of caring, appears neutral with respect to doctrinal and ideological differences of pluralist society. Love seems to offer an immediacy that can precede and stand independent of such differences. When love is grounded in a robust religious or moral doctrine, it offers the possibility of a deeper and more robust community than the account of liberal civic friendship implicit in political liberalism and justice as fairness. I argue, however, that in its robust comprehensive form, love cannot serve as the basis of cooperation in a pluralist society, and stripped of its comprehensive grounding, the love is either too weak or too arbitrary to ensure the stability of just institutions.[43] Consequently, love is an unreasonable foundation for political cooperation in pluralist societies.

I have already suggested that civic friendship has been neglected in part because it is difficult to define. Being clear about what love is, and what it would mean to have a civic friendship of love involves a further set of difficulties. Love comes in numerous forms, more forms than friendship since many forms of love lack the mutuality of friendship. I set aside questions about which of the many competing accounts of love is correct, narrowing our focus to a form of love that can serve as a basis for political unity.

An adequate account of civic love should address both the isolation and assurance problems. Further, such an account should be clearly different from barer accounts civic friendship. An adequate account of civic love must also explain how citizens sustain their ongoing relationship with its attendant disagreements stemming from divergent interests, aims, and values. Such love will be concerned with the broader good of the beloved, not just their

welfare in some comparatively narrow respect. Yet, the love needs to be of the sort that can extend to all members of the political community, and so it cannot depend on intimate knowledge that is impossible in large political communities. If love is to serve as the basis for political cooperation, it cannot reduce that love to mere sentiment.[44] Civic love must shape the form of union, of the basic structure of their society, because some institutional structures are simply incompatible with certain kinds of love. For example, the relationship between the dominant and subordinate classes in societies with slavery, Jim Crow, colonialism, and misogyny are inconsistent with any plausible conceptions of love for a pluralist society.

Let us begin by considering one prominent account of love that seeks to ground a political community. Pope Benedict XVI has written extensively about the role of love in institutional structures and in the political community.[45] As a large, complex, multipurposed, reasonably stable institution that takes love as fundamental value, the Catholic Church has worked through many problems that emerge when considering love as a broad social value embedded in institutional and interpersonal practice, rather than as an element of small private relationships. Agapic love, or something like it, offers the promise of solving the problem of assurance because successful agapic relationships exhibit trust, cooperation, mutual aid, and support.

Loving individuals treat one another well and generally know that they do so. If citizens know that their fellow citizens genuinely love them, not merely as a feeling but through their actions as fellow citizens, then they can rest assured that each will do their part to the best of their ability in the cooperative endeavor of their political community. Of course, the love of fellow citizens may well come into conflict with the loves of personal friendship, family, or of other citizens. Consequently, love as mere feeling offers little guidance on how to organize or

structure our community.[46] Benedict's account is concerned with how love affects the organization of the basic structure and the motivations of citizens of liberal societies. Importantly, love, on Benedict's view, cannot replace justice.[47] Nor can justice replace love.[48] What love offers is a more complete and robust concern for others.[49] Love goes beyond the minimum standards of justice and takes up the more robust aims of living well.[50] In this way, love might offer both stronger bonds of community and secure the stability of justice, if it could avoid dependence on a comprehensive doctrine. Benedict writes within a specifically Catholic tradition, so his complete view cannot serve as the basis for civic friendship in a pluralist society.[51] But might a similar kind of love be capable of grounding civic friendship in pluralist society?

In what follows, I first raise some concerns about whether love can adequately sustain cooperation in light of the conflicting interests and values of pluralist societies. Second, I consider some concerns about the kinds of reasons love offers in political deliberations. On what basis might citizens trust one another in a community grounded on love? We might answer that citizens who experience the love of their fellow citizens will come to trust in their good intentions and cooperate with just institutions because they care for one another. In contrast to the utilitarian view, the beneficiaries of agapic love know that their fellow citizens care for them directly, not merely as a constituent element of the common good. As with comprehensive moral doctrines, such love seems to go beyond merely political trust. Trust always entails a level of vulnerability to the trusted, e.g. vulnerability that the other will do what they are trusted to do, and love seems to even require higher levels of trust and vulnerability. In the case of the agapic community, we trust other citizens to do their part because they love us, and we cooperate because we love them in return. Agapic love is not mere sentiment; it is also one's duty and it

serves as a principle of institutional organization. The deontic and institutional character of such love gives security and stability to its expression. Individuals in need of love, who are vulnerable or at risk, need not depend on whims of others" feelings. Political passions in particular possess a mercurial character, whereas agapic love is supposed to possess stability. The principled organization of fundamental institutions on the basis of love thus promises to ensure that real needs are met.

However, relying on love creates a danger. It leaves the community especially vulnerable to feelings of betrayal, resentment, and cynicism. Liberal democratic politics are characterized by pervasive and enduring disagreements. The fact of divergent interests and the fact of pluralism inevitably lead to the normal disagreements of politics in liberal societies. The practice of politics is further characterized by shifting loyalties and alliances, in addition to the conflicting ambitions of aspirants for political offices, which invites hard feelings. Because love is more demanding than justice, requires strong affections, and because makes strong claims about our responsibilities to one another, *perceived* failures can easily be interpreted as failure to love, as indicative of moral vice or outright betrayal. Loss in political life can be a tough and bitter experience. Those who lose may perceive an absence of love, even while conceding there was no substantive injustice or cheating by the other side. Since love makes serious demands on both motivations and actions, the possible grounds for distrust grow. Others become targets of criticism not only on account of their actions, but their feelings and attitudes as well. The politics of a liberal society, with its attendant disagreements, conflicts, and contests, thus cannot consistently meet love"s demands. A cooler relationship of civic friendship could, however, more readily withstand such pressures because it makes fewer and weaker claims. When one"s

goals are not met or satisfied, there is less of a sense of betrayal precisely because the relationship is cooler.

One way of responding to this challenge is to emphasize three features of healthy loving relationships: an ability to navigate disagreement in good faith, a lower incidence of hurtful acts, and forgiveness in the face such acts. However, each of the features, which might work well in private relationships, is ill-suited to the demands of political unity. The first feature, navigating disagreement in good faith, is not unique to loving relationships. It is an important element of how most accounts of civic friendship handle the turbulence of political life. There is some question, an empirical one, as to how greater depth and intensity of love might change how the parties respond to disagreement. It is unclear to what extent a greater degree of love, as opposed to trust, respect, or reciprocity (features of both love and cooler friendships) accounts for the capacity to disagree in good faith. Disagreement with those we love is sometimes easier and sometimes harder to manage when we want to count on the supportive agreement of the beloved. In any case, the betrayal and cynicism discussed above are greater threats in closer relationships.

The second feature of loving relationships that could help to mitigate these dangers is that they have a lower incidence of hurtful acts that prompt feelings of betrayal. If most citizens do in fact act lovingly toward their fellow citizens, then on occasions when some particular citizen acts wrongly (criminally or in political life) there will be a network of other citizens who will respond in solidarity to the aggrieved. This will lead the aggrieved parties to properly focus their discontent on the individual perpetrators instead of losing trust for fellow citizens generally.[52] However, while this line of response may work well in individual cases of wrongdoing, it works poorly for cases in which citizens feel aggrieved by the policies, decisions, and institutions of society. These are precisely the cases that pose the greatest danger to the political life of a

community because they can lead to a rejection of the basic structure or of the legitimacy of governing laws. In a democratic society, those who feel aggrieved may well blame their fellow citizens for establishing the objectionable policies or at least supporting those who did.[53]

The third feature of loving relationships that is supposed to offer stability is the presence of forgiveness. Both love within families and the agapic love advocated by Benedict exhibit a disposition for individuals to forgive one another. Yet, one only need consider the profound difficulty of forgiveness in families and other personal relationships, rent by feelings of betrayal, to see the dangers of founding a political community on such love.[54] As Bernard Yack has pointed out, love and intimacy can exacerbate feelings of betrayal and thereby undermine political stability, which actually occurred in ancient Greece. Christian accounts of *agape* can perhaps rely on a belief in the unconditional nature of God's love and forgiveness to manage feelings of betrayal and maintain a cooperative spirit. While turning the other cheek might thus sustain cooperative attitudes in the face of some adversity, doing so is extraordinarily difficult for those who feel betrayed. Absent a widespread and highly demanding comprehensive doctrine, or implausible depth of commitment, the kind of trust required by love cannot reasonably sustain liberal politics.

A love based account of community further faces three problems with respect to reasons. First, it is unclear what reasons could ground the kind of love necessary for a robust community. While citizens may not be indifferent to one another, many citizens likely will not feel a morally robust love for all of their fellow citizens. Second, even assuming that love can organize the basic structure of society along something like Rawls's two principles, it is unclear how it might further structure ongoing political deliberation. Third, it is unclear what limits exist on love's reasons. Part of love's value is that it fosters a deeper communal life through caring for the

whole person, not just concern for one another qua citizen. However, the content of what it means to love the whole person is often filled in and organized by comprehensive doctrines which are not widely shared. Love thus extends far beyond the political realm.

Let us each of these problems more carefully. First, a love based account of civic friendship struggles to provide a reasonable explanation of why all members of a political community should be motivated by love for all fellow citizens. Agapic models, in part because they are selfless and demand potentially significant personal sacrifice, face an especially strong challenge. Proponents can point to the social reality that most people love some of their fellow citizens in a variety of ways. But showing that most people can love all of their fellow citizens is a taller order. If this demanding love is not already a feature of society, how will it come to be? We might attempt to offer some set of reasons in favor of such love. Christian accounts of *agape* explain how God"s love of humanity grounds individuals" agapic love of humanity.[55] Given the fact of pluralism, however, such reasoning will not work for all reasonable citizens. Alternately, we might attempt to socialize civic love in a way similar to the utilitarian attempts to socialize sympathy. However, doing so does not seem much easier, and has the further problem of undermining reciprocity of the civic relationship.

Supposing that we could somehow resolve this problem of ensuring that all citizens love one another, a second problem concerns how that love must shape their political relationships. A civic friendship of love in a pluralist liberal democracy would involve citizens caring for each other"s welfare, and seeking what is good for each other. They would recognize that the freedoms and rights of liberal democracy contribute to each other"s wellbeing. It is entirely plausible that they would establish something like the difference principle, since in seeking what is good for all citizens, they might be especially concerned for the most vulnerable and least

advantaged members of their society. They would thus have a relationship on which they can ground a robust community. If the citizens" love is sufficiently strong and it is of the right kind, their relationship might then be stable.

However, in the course of building their community of citizens, they will need to make many decisions. What reasons does their love provide to guide their deliberations? The Catholic Church offers a robust theological account of what love entails and how it must be organized according to principles of subsidiarity, the common good, and so on.[56] In contrast, loving utilitarians turn to the utility principle and advocates of an ethics of care recommend focusing on the specific contexts of the decisions. Each could plausibly endorse a liberal democracy. Yet, such civic love still needs to be organized beyond the institutions of the basic structure. Pluralism suggests that citizens will disagree about many fundamental values, principles of right conduct, questions of policy, etc. They will disagree even without vice or ignorance because of their different experiences, different ways of weighing evidence, etc. Love does not eliminate the conflict between citizens" legitimate interests. This creates a dilemma. If love does not offer guidance beyond the basic structure, it is incapable of grounding the robust community it purports to establish. And if it does offer such guidance, the content of that guidance must be filled in by comprehensive doctrines, which is incompatible with pluralism.

Ultimately then, love"s reasons are not shared reasons in the sense that public reasons are in a pluralist society. Love offers reasons to each individual based on their understanding of their duty of love to their fellow citizens. We can make sense of a single individual acting out of agapic concern for others, and also of individuals coordinating their efforts with one another to more fully realize a shared aim. Yet, while individuals acting from the same conception of love will act from shared reasons, other citizens, including those they might seek to help, need not

share those reasons. This weakens love's ability to solve the problem of assurance, which requires us to know that others are doing their part.

The third concern about love, that its scope extends too far, poses an even greater danger. Since love involves pursuing the good of the whole person, it requires us to act on the basis of what that whole good is. This constitutes an open invitation to conflict, given the coercive power of the state and the fact of pluralism. Yet, love does not entail willing that the state be the means by which citizens pursue complete goods. Citizens can also act individually or through non-state institutions, and private organizations without coercive power can pursue such complete goods. However, in acting through non-political means, citizens would not really be acting in their capacity as citizens. When acting through the state, with its coercive power, to promote comprehensive goods, serious conflicts and injustices become inevitable.

These three problems emerge because love is more robust than a commitment to justice alone. If we each have an unconditional obligation to love the other members of our society, then our joint political membership gives us heavy responsibilities to one another, and especially to the least well off among us. These others need not do anything to merit love, though love makes the same demands of all. In a society whose members are moved by such love, a very strong sense of community might well emerge. Such love would ensure both that citizens seek justice for one another, and that they have the support and social resources to flourish in the face the personal difficulties. Yet, the unconditional nature of love's obligation, combined with the difficulties in finding reasons to ground love and ways to use love's reasons in ongoing political deliberation evoke an increasingly implausible conception of civic love.

Nor is a political community grounded on such love desirable. Agapic love, when modeled on God's love for creation or relatedly on parents' love for their children, is non-

reciprocal in two senses.[57] First, the lover will love even if the beloved is incapable or unwilling to return that love. Second, in the ideal (and hopefully normal) case, where the love is returned, the love is different in kind. A child"s love for the parent has a different grounding than the parent"s love for the child. As such, this love, while genuinely valuable, is not an appropriate relationship for citizens to have with one another. The lack of reciprocity raises two dangers: paternalism and maternalism.[58] Paternalism, where the state or body politic impinges on the autonomy and freedom of its citizens, is a real danger for a community grounded on robust civic love. Paternalism is a danger for political communities grounded on love because of the broader scope of reasons with which it is concerned.

Maternalism, in contrast, is an unreciprocated form of loving that is inappropriate for the mutual relationship of citizens.[59] Feminist care theorists rightly draw our attention to the importance of caring relationships to liberal society. Care is often modeled on the love of mothers for their children. Such care is necessary within the family and for perpetuating society. Care is an important element of many social justice movements and it contributes in important ways to forming the bonds of community. However, without denying importance of maternal care to a just society, nor excusing the neglect of reproductive labor in liberal theory, we can nonetheless detect several features of the maternal relationship that makes it a poor model for the civic relationship.

Motherhood is intimate, narrow in scope, characterized by the dependency of the beloved, and unreciprocated, at least in the form in which it is bestowed. Whereas paternalism is problematic in large measure due to its infringement upon the legitimate autonomy of others, maternalism risks too much self-sacrifice and a denial of the legitimate self-interests of caring citizens.[60] Even if such self-sacrifice does not effectively deny the interests of those who provide

care, citizens still may reasonably expect reciprocity in their dealings with one another. They expect to be treated in ways similar to how they themselves treat other citizens.

Feminist critiques of liberalism, like their communitarian counterparts, rightly emphasize our social nature. We are not the purely autonomous unencumbered selves sometimes imagined in liberal theory, and concern for one is an essential part of a just society. The question, however, is whether reciprocity must be a part of that caring relationship. Consider the contrast in the kind of reasons offered between love-based approaches and justice as fairness. The difference principle provides one of the clearest examples in justice as fairness of a commitment to reciprocity. The principle offers the least well off a reason to cooperate from their own standpoint, not merely that of an abstract conception of justice or the standpoint of some other for whom they care. Care based accounts of civic unity, in contrast, do not offer such reasons. They would require instead that the least well of be self-sacrificing in virtue of their position within a non-reciprocal relationship.

Ultimately, then, neither maternal, nor paternal, nor agapic love can serve as the basis for the civic relationship. While many private loving relationships do exhibit reciprocity, many do not. Moreover, grounding a community on love creates a consistent pressure to act on the basis of comprehensive doctrines, and this pressure is incompatible with the cooperation of free and equal citizens in a pluralist society. If this pressure were eliminated, the kinds of reasons that sustain and structure civic love would break down, leaving unorganized and unreciprocated sentiment. Love also faces dangers from betrayal and cynicism due to its significant demands and expectations in combination with its inevitable failures and shortcomings.

Rejecting love as providing a foundation for practical political stability does not imply that the comprehensive bonds of love play no role in civic friendship. Strong affective ties

enhance citizens" sense of justice "because of the greater concerns for the beneficiaries of just institutions."[61] Love offers us reason to enter into a relationship of civic friendship with our fellow citizens as a way of ensuring their just treatment. Similarly, for some individuals, agapic love may underlie their relationships of family and friendship, and to humanity as a whole. However, from the comprehensive standpoint, a person may resist thinking of the civic relationship as being the relationship of *agape*.[62] Another way of stating this point is that agapic love can support an overlapping consensus without worrying that justice as fairness supplants or distorts that agapic love.[63]

I opened this chapter with a discussion of the tension between community, stability, and the demands of justice. Pluralism within societies makes it difficult to achieve stable cooperation that satisfies both the demands of justice and of community. The coordinating approach regards self-interest as the glue of a just society. The coordinating approach rightly recognizes that there are problems posed by the conflicting legitimate interests of citizens. It is rightly wary of the political role of fully comprehensive doctrines. Yet, the coordinating approach is ultimately flawed. As Rawls notes:

> [S]ocial unity in a democracy cannot rest on a shared conception of meaning, this corollary does not imply, as one might think, that therefore social unity must rest solely on a convergence of self- and group-interests, or on the fortunate outcome of political bargaining. It allows for the possibility of stable social unity secured by an overlapping consensus on a reasonable political conception of justice. It is this conception of social unity for a democratic society I want to explain and defend.[64]

The coordinating approach unnecessarily eschews the moral and social reasons available, and perhaps necessary, for securing cooperation.

In contrast, the comprehensive communitarian approach gives trust, affection, and commitment an important place. As we will see in the next chapter, many of the benefits from comprehensive associations can be found within what Rawls calls the morality of association. It

is difficult to imagine a society with a healthy degree of civic friendship that does not also possess many meaningful comprehensive communities. However, this is not the level at which citizens should understand the relation to one another as citizens. As Rawls claims:

> Justice as fairness does indeed abandon the ideal of political community if by that ideal is meant a political society united on one (partially or fully) comprehensive religious, philosophical, or moral doctrine. That conception of social unity is excluded by the fact of pluralism; it is no longer a political possibility for those who accept the constraints of liberty and toleration embodied in democratic institutions.[65]

Liberal variants of comprehensive communitarianism, whether relying on a moral doctrine or feelings of love and community, likewise establish the wrong kind of relation among citizens. The relationship they do establish may be good and valuable, but it is not the most appropriate kind of relationship for free and equal members of a reasonably pluralist society.

In the next chapter, I develop an account of civic friendship implicit in Rawls‟s works. This new account incorporates elements of the coordinating and comprehensive approaches, yet is distinct from both. The civic friendships of political liberalism and of justice as fairness do not substitute for comprehensive friendships, in the political realm or more broadly. Rather, such friendship is the foundational relationship among all citizens that shapes the society in which comprehensive relationships take place.

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[1] Consider, for example, the way in which white men in the antebellum South enjoyed a kind of civic friendship with one another. There unity was dependent on, and necessary for, the continued subordination other members of their society. The civic friendship of patriarchal slave states of Aristotle and Plato‟s day equally sustained injustice.
[2] Bellah, "Community Properly Understood," 15-16.
[3] Modern liberal-democratic societies are characterized by an irreversible pluralism, that is, by conflicting and incommensurable conceptions of the human good (and, Rawls now stresses, of metaphysical and religious conceptions as well). The grounds of social unity are not hard to specify in homogeneous communities. But where are they to be found in societies whose members disagree so fundamentally?
[4] I do not assume that the prisoner‟s dilemma is a universal tool for analyzing questions of justice and stability. It does provide a clear example of the isolation and assurance problems, but the dilemma puts too much emphasis on the rewards matrix as opposed to other values that might drive decisions. Further it obscures the difference between different kinds of goods cooperation yields and different kinds of incentives for non-cooperation.
[5] We should keep in mind that there are different kinds of goods can be achieved through cooperation. Economies of scale, pooling risk, gains from exchange and specialization, self-binding, and information exchange are very

different from each other, but can all require cooperation to achieve. For more on this see Joseph Heath, "The Benefits of Cooperation," *Philosophy and Public Affairs* 34, no. 4 (2006): 316-18.. As Heath argues, failure to appreciate the variety of goods that result from cooperation beyond the goods of mere exchange makes Rawls‟s principles of justice seem more redistributive than they are.

[6] "The isolation problem is to identify those situations and to ascertain the binding collective undertaking that would be best from the standpoint of all.‟ Rawls, *A Theory of Justice*, 238.

[7] "The assurance problem is different. Here the aim is to assure the cooperating parties that the common agreement is being carried out. Each person's willingness to cooperate is contingent upon the contribution of others. Therefore, to maintain public confidence...some device for administering fines and penalties must be established." Ibid., 238.

[8] Immanuel Kant, "Toward Perpetual Peace," in *Practical Philosophy The Cambridge Edition of the Works of Immanuel Kant* (Cambridge ; New York: Cambridge University Press, 1996). Even though Kant isn‟t advocating that we actually design a state along these lines, if we were to do so it would require a coordinating approach.

[9] "Hobbes connected the question of stability with that of political obligation. One may think of the Hobbesian sovereign as a mechanism added to a system of cooperation that would otherwise be unstable without it. The general belief in the sovereign's efficacy removes the two kinds of instability." Rawls, *A Theory of Justice*, 435.

[10] Hobbes need not be interpreted as providing the same kind of solution as is offered by rational choice theorists. As Tony Laden argues, Hobbes recognizes the importance of social reasons, the norms of a group to which the agents belong or that arise from the particular features of their relationship. Laden, "Evaluating Social Reasons: Hobbes Vs. Hegel." These reasons may provide the basis for solutions to the assurance problem that differ from strict rational choice theory. However, the Hobbesian approach ultimately evaluates reasons from the individual standpoint and misses out on the ways in which we are more fundamentally social.

[11] Hobbes explains part of the purpose of government is to ensure "that those who have once consented for the common good, to peace and mutuall help, may by fear be restrained, lest afterward they again dissent, when their private Interest shall appear discrepant from the common good." Thomas Hobbes, *On the Citizen (De Cive)*, ed. Richard Tuck and Michael Silverthorne, Cambridge Texts in the History of Political Thought (Cambridge ; New York: Cambridge University Press, 1998), Ch. V, Par. IV. and "Therefore before the names of Just, and Unjust can have place, there must be some coercive Power, to compell men equally to the performance of their Covenants, by the terrour of some punishment, greater than the benefit they expect by the breach of their Covenant; and to make good that Propriety, which by mutuall Contract men acquire, in recompence of the universall Right they abandon: and such power there is none before the erection of a Common-wealth."Thomas Hobbes, Karl Schuhmann, and G. A. J. Rogers, *Leviathan : A Critical Edition* (Bristol: Thoemmes Continuum, 2003), Book I, Chapter 15, Paragraph 4.

[12] Rawls, *A Theory of Justice*, 238. He also suggests in various places that there should be, pace Bentham, an "artificial identification of interests" ibid., 49,173, 399. As we will see, justice as fairness, while not neglecting the significance of such interests, does not rely such an identification as the solution to the problems of stability.

[13] One might, of course, object that this preference for narrow interests is itself a controversial moral position.

[14] Factions separated by conflicting interests may also have conflicting conceptions of the good, and the rhetoric surrounding such conflicts tends to emphasize the moral disagreements over the material for self-interested reasons.

[15] "Among persons who never acted in accordance with their duty of justice except as reasons of self-interest and expediency dictated there would be no bonds of friendship and mutual trust." Rawls, *A Theory of Justice*, 427.

[16] Even Michael Bratman‟s approach, which fully reduces cooperation to individually held intentions, requires agents to intend that actions be done together, not merely that all parties just happen to act so. For examples Michael Bratman, "Shared Intention," *Ethics* 104, no. 1 (1993): 106. and Bratman, "Shared Cooperative Activity," 328. On a view like Margaret Gilbert‟s, which makes use of irreducible plural subjects, the requirement is even clearer. Gilbert, *On Social Facts*, 154-57..

[17] There is an interesting question about whether the sanction regime should assume non-compliance as the norm. Systems of sanctions that assume non-compliance tend to be less effective in practice than those that assume compliance. Because assuming non-compliance tends to reinforce self-interested tendencies to free-ride and cheat. Pettit, *Republicanism : A Theory of Freedom and Government*, 216-19. While compliance centered approaches may be more effective they seem to cut against the assumptions of the coordinating approach, where cheating and free-riding are normal in PD situations.

[18] Ullman-Margalit notes an important difference in two kinds of distrust that would in turn. Hard distrust, associated with Hobbes, is modeled by the prisoner‟s dilemma, where cooperation is not in equilibrium and the parties always have a significant incentive to cheat. Soft distrust, associated with Rousseau, modeled by stag hunt

problems, finds cooperation to be in equilibrium, but is grounded in risks to reaching that equilibrium point. She argues that if agents recognize that the soft distrust model might fit their situation, then it will be substantially easier to get trust off the ground. Edna Ullmann-Margalit, "Trust out of Distrust," *Journal of Philosophy* 99, no. 10 (2002): esp 534-6. I note the distinction to see that a coordinating approach may not need to be as severe as using a Hobbesian sovereign.

[19] Annette Baier, "Trust and Antitrust," *Ethics* 96, no. 2 (1986): 234. Pettit also makes this point. See Philip Pettit, "The Cunning of Trust," *Philosophy and Public Affairs* 24, no. 3 (1995): 206.

[20] Pettit argues that the "potential long-term rewards of maintaining a certain relationship" can be a basis for trust if one believes that those rewards will motivate a person to act accordingly. Pettit, "The Cunning of Trust," 209. However, this is precisely what the coordinating approach doubts will be sufficient, which is why it restructures the incentives for cooperation.

[21] "Trust then, on this first approximation, is accepted vulnerability to another's possible but not expected ill will (or lack of good will) toward one." Baier, "Trust and Antitrust," 235.

[22] There are circumstances where a coordinating approach is the best available option. Rawls suggests that an overlapping consensus is likely to emerge out of a liberal modus vivendi. In a modus vivendi, principles of freedom and toleration are accepted to avoid war and conflict, as a means for adherents of conflicting doctrines to each pursue their good, but not because those principles are just. Such a modus vivendi, in many ways embodies the coordinating approach, especially after periods of civil war where trust and mutual concern are largely absent.

[23] John Rawls, *Justice as Fairness: A Restatement*, ed. Erin Kelly (2001), 125.

[24] Unjust ideologies, e.g. racism and sexism, depend on sanctions and have been painfully stable. However, they are also marked by fierce resistance. A coordinating approach whose primary aim is stability, while citizens are motivated by self-interested reasons, may have a harder time recognizing and addressing such ideologies. This is not to say that the ideologies are supported by the principles that the coordinate approach aims to stabilize.

[25] Again, Pettit makes a similar point about deviant centered enforcement strategies. Pettit, *Republicanism : A Theory of Freedom and Government*, 216-19.

[26] "It is unrealistic--or worse, it arouses mutual suspicion and hostility--to suppose that all our differences are rooted solely in ignorance and perversity, or else in the rivalries for power, status, or economic gain."John Rawls, *Political Liberalism*, Paperback ed. (Chichester, New York: Columbia University Press, 1993, 1996), 58.

[27] Rawls, *A Theory of Justice*, 435.

[28] Charles Taylor, "Atomism in Persons," in *Powers, possessions, and freedom : essays in honour of C. B. Macpherson*, ed. C. B. Macpherson and Alkis Kontos (1979), 187-90., Sandel, "The Procedural Republic and the Unencumbered Self," 90-91..

[29] Ronald Beiner, "The Moral Vocabulary of Liberalism," *Nomos* XXXIV(1992): 145-50., MacIntyre, *After Virtue*., William Galston, "Liberal Virtues," *The American Political Science Review* 82, no. 4 (1988).

[30] Bellah, "Community Properly Understood.", Adrian Oldfield, *Citizenship and Community : Civic Republicanism and the Modern World* (London ; New York: Routledge, 1990).

[31] "A moral conception is general if it applies to a wide range of subjects…It is comprehensive when it includes conceptions of what is of value in human life, and ideals of personal character, as well as ideals of friendship and of familial and associational relationships, and much else that is to inform our conduct." Rawls, *Political Liberalism*, 13.And also "Thus, a conception of the good normally consists of a more or less determinate scheme of final ends, that is, ends we want to realize for their own sake, as well as attachments to other persons and loyalties to various groups and associations. These attachments and loyalties give rise to devotions and affections, and so the flourishing of the persons and associations who are the objects of these sentiments is also a part of our conception of the good." Ibid., 19-20.

[32] E.g. there was an extensive debate among comprehensive liberals and between political and comprehensive liberals over the Yoder decision. A debate about whether liberalism in whichever form requires that Amish children meet the same public education requirements as other children or if they should be permitted to withdraw more fully from liberal society. Amy Gutmann, "Civic Education and Social Diversity," *Ethics* 105, no. 3 (1995).

[33] Rawls, *A Theory of Justice*, 238fn.

[34] Beiner, "The Moral Vocabulary of Liberalism," 150-53.

[35] Keeping in mind a distinction between trust and reliance, we might be able to rely on those who don''t share our values to act in accord with their own values. In this way we might be able to predict that others will reliably tell the truth, for example. However, if that commitment is grounded in fundamentally different values it is not the same kind of trust.

[36] Baier, "Trust and Antitrust," 235. This distinction is a little imperfect, since it would suggest stoics are incapable of trust as their happiness is never dependent on the actions of others. Nonetheless it does helpfully capture something about the difference between trust and mere reliance.

[37] I do not think that Yack is correct in claiming that Aristotle's polis depends on personal affection, but if it did he is correct that it would be less stable for that reason. Bernard Yack, "Community and Conflict in Aristotle's Political Philosophy," *The Review of Politics* 47, no. 1 (1985).

[38] E.g. marital infidelity indicating political untrustworthiness. A more interesting case for liberals might concern a suspicion about whether individuals who believe homosexuals are morally bad can properly reconcile those beliefs with the political equality of all citizens.

[39] Of course this particular lack of reciprocity with the least well off, and the dependence on sympathy with others, is specific to utilitarianism. Something similar will hold for other comprehensive groundings. We could tell the least well off that their circumstances are just not because it is best we can do for them as the least well off, but because it is ordained by natural law or supported by a sufficiently large number others to constitute a social contract. Unless the least well off happen to accept that natural law doctrine or believe that the support of others constitutes normative justification for themselves, the justification may seem inadequate. In any case, it lacks the reciprocity found in a requirement that they be offered reasons they could reasonably be expected to accept.

[40] Rawls, *A Theory of Justice*, 437-40.

[41] "It is evident then why utilitarians should stress the role of sympathy in moral learning and the central place of benevolence among the moral virtues. Their conception of justice is threatened with instability unless sympathy and benevolence can be widely and intensely cultivated." Ibid., 155. As a historical point Rawls might be right, but immediate sympathy or identification of interests are not the only reasons available to utilitarian citizens. Laden, "Evaluating Social Reasons: Hobbes Vs. Hegel."Laden, "Evaluating Social Reasons: Hobbes Vs. Hegel."Laden, "Evaluating Social Reasons: Hobbes Vs. Hegel."Laden, "Evaluating Social Reasons: Hobbes Vs. Hegel."In accepting their relationship they might take on a new practical identity that issues reasons independent of their sympathy or identification. However, in this case such reasons still depend on their accepting a relationship with the other members of their society as utilitarians.

[42] I have in mind approaches that emphasize the concern for others more fundamental than the utility principle itself.

[43] A third possibility is that love without its comprehensive grounding , but nevertheless committed to justice, just is the principled concern of citizens for one another, i.e. the civic friendship of justice as fairness defended in the next two chapters. However, such a concern cannot serve as the basis of the more robust and intimate community usually sought communitarians.

[44] The mere affect of love, obviously will not work. Not only does mere feeling fluctuate and vary from one individual to the next. Mere feeling does not clearly entail terms of social cooperation. Love as a stable basis of social cooperation must be principled and organized if it is to shape the basic structure.

[45] Benedict XVI, "Deus Caritas Est," in *God is love : Deus caritas est, Encyclical letter of the Supreme Pontiff Benedict XVI to the bishops, priests, and deacons, men and women religious, and all the lay faithful, on Christian love* (2006). and Benedict XVI, "Caritas in Veritate," in *Charity in truth, Caritas in veritate : encyclical letter of the Supreme Pontiff Benedict XVI to the bishops, priests and deacons, men and women religious, the lay faithful, and all people of good will on integral human development in charity and truth* (2009).

[46] "As a community, the church must practice love. Love thus needs to be organized if it is to be an ordered service to the community."Benedict XVI, "Dce," 26. "Without truth, charity degenerates into sentimentality. Love becomes an empty shell to be filled in an arbitrary way… It falls prey to contingent subjective emotions." Benedict XVI, "Civ," 3. A point Rawls makes as well in Theory. Rawls, *A Theory of Justice*, 90-91.

[47] "Charity demands justice, recognition and respect for the legitimate rights of individuals." Benedict XVI, "Civ," 6.

[48] "Love—caritas—will always prove necessary, even in the most just society. There is no ordering of the State so just that it can eliminate the need for love." Benedict XVI, "Dce," 28.

[49] "It is characteristic of mature love that it calls into play all man's potentialities; it engages the whole man, so to speak." Ibid., 17.

[50] Justice is the "minimum measure" of love Benedict XVI, "Civ," 6.

[51] For instance the following obviously will not work for all members of a pluralist society, "Love of neighbour is thus shown to be possible in the way proclaimed by the Bible, by Jesus. It consists in the very fact that, in God and with God, I love even the person whom I do not like or even know. This can only take place on the basis of an intimate encounter with God, an encounter which has become a communion of will, even affecting my feelings.

Then I learn to look on this other person not simply with my eyes and my feelings, but from the perspective of Jesus Christ."

[52] Not surprisingly though, victims of crimes tend to be less trusting of their fellow citizens then those who have not been victims. Putnam, *Bowling Alone*, 138. If this tendency remains even where victims have support, then it may cast doubt on the efficacy of agapic line of defense.

[53] Had Martin Luther King Jr. had less faith in his fellow citizens, the Letter from a Birmingham Jail could easily have been an angry condemnation of the complicity of his fellow citizens rather than an invitation to reconsider opposition to or silence on civil rights, and to join the cause of justice.

[54] This is reason to avoid the family metaphor and familial language of republicans like Oldfield to understand and guide the construction of our civic relationships. Aristotle, of course, also uses the familial metaphor for civic relations. However, I think his intent is to move from thinking of the civic relationship in purely kinship terms (as was the norm in many poleis) to thinking in terms of justice relationships. Oldfield appears to move in the other direction. Oldfield, *Citizenship and Community : Civic Republicanism and the Modern World*.

[55] "*We have come to believe in God's love*: in these words the Christian can express the fundamental decision of his life. Being Christian is not the result of an ethical choice or a lofty idea, but the encounter with an event, a person, which gives life a new horizon and a decisive direction" Benedict XVI, "Civ," 5.

[56] "Charity is at the heart of the Church"s social doctrine…It gives real substance to the personal relationship with God and with neighbor; it is the principle not only of micro-relationships (with friends, with family members, or within small groups) but also macro relationships (social, economic and political ones). Ibid., 2.

[57] Agape is also sometimes modeled on brotherhood, e.g. the love we might have for one another as children of God.

[58] This my term for Schwarzenbach"s critique of care ethics that use motherhood as a model for the political relationship. Schwarzenbach, *On Civic Friendship : Including Women in the State*.

[59] The lack of reciprocity in women"s care for men has been an important issue for some feminists. Sandra Lee Bartky, *Femininity and Domination : Studies in the Phenomenology of Oppression*, Thinking Gender (New York: Routledge, 1990)..

[60] The loving care of parents still matters from the standpoint of justice. In Rawls"s reasonable moral psychology (discussed in ch4) such love

[61] Rawls, *A Theory of Justice*, 436.

[62] Jackson expresses deep skepticism about coopting and compromising meaning of charity by Rawls. Timothy Jackson, "Love in a Liberal Society," *Journal of Religious Ethics* 22, no. 1 (1994): 30-34. Jackson continues on to argue that expunging appeals to benevolence from the public discourse would be bad for both stability and justice. He may be right that the difference principle does not satisfy religious requirements of charity, but is mistaken in reading the difference principle and demands of public reason as restrictions on the comprehensive demands rather than setting the conditions under which they are exercised.

[63] I do not mean to suggest that Benedict endorses justice as fairness. In point of fact, he endorses a natural law conception of justice. So the complete argument from Benedict"s *agape* to justice as fairness requires showing how a natural law conception of justice is compatible with the overlapping consensus or showing why justice as fairness is otherwise preferable to natural law.

[64] John Rawls, "The Idea of an Overlapping Consensus," *Oxford Journal of Legal Studies* 7, no. 1 (1987): 1-2.

[65] John Rawls, "The Priority of Right and Ideas of the Good," *Philosophy and Public Affairs* 17, no. 4 (1988): 269.

5. THE PRINCIPLED AND MUTUAL CONCERN OF FELLOW CITIZENS

> The ideal of fraternity is sometimes thought to involve the ties of sentiment and feeling which it is unrealistic to expect between members of the wider society. And surely this is a further reason for its relative neglect in democratic theory. Many have felt that it has no proper place in political affairs. But if it is interpreted as incorporating the requirements of the difference principle, it is not an impracticable conception.[1]

The ideal of civic friendship has struck many as hopelessly naive. Perhaps talk of civic friendship conjures up a fantasy of a community bound by love, so devoted to one another that its members consistently sacrifice their own interests for the good of others.   Even a casual observer of our politics can see a myriad of ways in which self-interest and incivility run rampant.   Partisanship and strategies of divide and conquer are prevalent. From time to time one sees a small group of true believers tilting at windmills of common good at the expense of narrow interests, but the oddness of such groups, and the frequent failure of their quixotic quests, only highlights the broad reign of self-interest. The pursuit of civic friendship might strike a skeptical or cynical citizen as hopeless at best, but perhaps even dangerous if the friendly harmony sought stifles the real substantive disagreements between citizens. Civic friendship might seem to invoke precisely those comprehensive conceptions of community rejected in Chapter Three.

Yet Rawls laments the neglect of civic friendship in recent democratic theory. Unfortunately, this neglect not only applies to democratic theory at the time of *Theory's* publication, but also to the subsequent scholarship on Rawls.[2] To neglect civic friendship is to neglect the way in which justice as fairness forms the relationship between citizens, a relationship which is as important to the success of justice as fairness as the institutional

components of the basic structure. The ties between citizens constitute an essential element of justice as fairness, important for understanding liberal community, the exercise of public reason, political stability, and for society"s ability to realize the principles of justice. Civic friendship, at least the friendship of justice as fairness, is not predicated upon intense feelings of mutual affection; it does not require deep perpetual self-sacrifice.[3] Rather, it is grounded in a principled concern for all of one's fellow citizens. This concern differs from personal affection in important ways, but it remains a morally valuable form of caring.

My argument in this chapter has three parts. In section one, I explain the role of both personal affection and principled concern in the development civic friendship for Rawls. Personal affection helps explain how citizens come to be motivated by the principles of justice. However the principles themselves are expressions of a more general and less personal concern for one's fellow citizens. For Rawls, the difference principle in particular "expresses…a concern for all members of society."[4] In section two, I consider the kind of desires and attitudes that are characteristic of civic friendship. Civic friends act in ways analogous to personal friends. According to Rawls, the principles of justice foster the kind of care and community sought by communitarians without recourse to the unrealistic assumptions and problematic measures discussed in Chapter Three. In section three of this chapter, I conclude by examining the duties required by civic friendship. Many of the duties of justice as fairness are more concerned with preserving the friendly relationship between citizens than with preserving an institutional structure.[5]

The argument in this chapter addresses a significant lacuna in Rawls scholarship by showing the importance of civic friendship to justice as fairness. I develop scattered and seemingly fragmentary remarks into a more robust theory of civic friendship. And, by

explaining the form that civic friendship takes within justice as fairness and why it is rightly regarded as a form of friendship, I establish a foundation for exploring questions of stability and legitimacy in Chapter Five.

5.1   Personal Affection and the Development of Civic Friendship

Theory presents an account of the moral development of citizens, which helps to explain how their relationship grows out of a concern for one another as individuals. Rawls asserts that "relations of friendship and mutual trust"[6] between citizens are essential for stability and seems to suggest that "the bonds of friendship" that come from a shared conception of justice are part of what makes "our secure association possible."[7] Civic friendship is fundamental to justice as fairness. However, there is a potential problem in relying on the account of civic friendship and political society found in *Theory* as representative of Rawls's considered or final view. His most explicit comments on civic friendship and discussions of political society take place in Part III of *Theory*, where he provides his account of stability. This poses a problem because the biggest shift from *Theory* to his later works is precisely in his account of stability.[8] Rawls introduces "the ideas of a political conception of justice as opposed to a comprehensive doctrine, and of an overlapping consensus, and of public reason" to fix the inconsistencies of *Theory's* account of stability.[9]   Further, *Political Liberalism* contains comapratively few references to civic friendship. One might reach the conclusion that Rawls, in changing his account of stability, abandoned the idea of civic friendship found in *Theory*.

Yet, Rawls does not abandon civic friendship in the revised account of stability. Civic friendship remains an integral part of the just state in *Political Liberalism*. The changes serve to clarify how citizens are to relate to one another, and the importance of this relationship to a just regime. Rawls notes that public reason specifies "the nature of the political relation in a

constitutional democratic regime as one of civic friendship."[10]   This relationship in turn "characterizes the nature of the regime."[11] There are changes in how Rawls describes the relationship between citizens and how civic friendship fits into his account of stability. However, these changes do not substantially alter his account of what civic friendship is. Both political liberalism and justice as fairness propose a civic friendship distinct from other forms of liberalism.   This form of civic friendship is conducive to justice, legitimacy, and stability. Furthermore, this civic friendship supports the kind of community sought by communitarians, without engendering the problems endemic to comprehensive approaches to community discussed in chapter 3.

Civic friendship, on Rawls's account, emerges when citizens cooperate with one another under mutually agreed to and mutually beneficial principles. Cooperation is secured because the principles are regarded as a fair and reasonable, not because of coercive threats. Yet a strategic alliance might be regarded as fair and mutually beneficial without becoming a friendship. Alliances are held together by the promise of benefit, not the bond of affection.   If civic friendship differs from mere alliance, one might think that it is because of some feeling of personal affection that holds between the parties. A dilemma emerges: either the bonds of civic friendship just reflect mutual benefit, and the agreement is consequently as unstable as as such arrangements often are, or the bonds supervene above mutual benefit and consequently contribute little to understanding what motivates the parties to abide by the terms of the agreement. However, justice as fairness cultivates an alternative, stable, moral concern for one another as persons. For Rawls, relationships of love and personal affection help explain how citizens come to have the needed capacities to be just. However, these feelings of personal affection are not what ultimately motivate the citizens to be just.

To explain the stability of the principles of justice, Rawls turns to friendship and mutual affection. While I will not fully address the issue of stability until the Chapter Five, I raise it now in passing to explore the moral motivation of citizens. Successfully addressing the problem of stability as it is presented in *Theory* requires a) showing that justice as fairness is collectively rational, and b) that citizens can be reasonably confident that others will do their part to keep the agreement. The collective rationality of the principles is demonstrated by their being chosen in the original position. This leaves a question of confidence. How can we be sure our fellow citizens will be motivated to do their part if we do ours? Rawls"s account of how a society structured by justice as fairness can achieve stability relies on three psychological laws. Rawls introduces these laws to explain how citizens come to care for one another and in so doing develop a strong sense of justice.[12] The three laws are as follows:

> First Law: Given that family institutions express their love by caring for his good, then the child, recognizing their evident love for him, comes to love them.

> Second Law: Given that a person's capacity for fellow feeling has been realized by acquiring attachments in accordance with the first law, and given that a social arrangement is just and publicly known by all to be just, then this person develops ties of friendly feeling and trust toward others in the association as they with evident intention comply with their duties and obligations, and live up to the ideals of their station.

> Third Law: Given that a person's capacity for fellow feeling has been realized by his forming attachments in accordance with the first two laws, and given that a society's institutions are just and publicly known by all to be just, then this person acquires the corresponding sense of justice as he recognizes that he and those for whom he cares are the beneficiaries of these arrangements.[13]

Rawls strongly emphasizes the affective tendencies of these laws. The laws "govern changes in the affective ties which belong to our final ends."[14] Moreover, "they assert that the active sentiments of love and friendship, and even the sense of justice, arise from the manifest intention of other persons to act for our good."[15]

As an interpretative matter, however, there are two problems in reading Rawls as relying heavily on broad and strong sentiments of personal affection to achieve social and political stability. First, overemphasizing the ties of personal affection obscures the more significant roles of civility, trust, and the sense of justice. More fundamentally it draws attention from the way in which the principles of justice rather than feelings of love structure the relationship between citizens.[16] The most important features of Rawls‟s account of civic friendship are grounded in trust and the sense of justice shaped by the two principles, rather than broad and deep affection.

The second law requires virtues of social cooperation, and applies to what Rawls calls the morality of association. The morality of association encompasses all associations from the family to the state.[17] The morality of authority (embodied by parental rule in the first law), in contrast, is primarily a matter of obedience to given rules. Children do not understand the justification for these rules or their place with a broader system of rules. They also do not need to understand the motivation or intention of their parents in issuing the rules. Of course, as children develop, it is important that they learn such justifications and come to understand their parents‟ intentions. In contrast to parental relationships, associations require a wide range of cooperative virtues beyond mere obedience. In associations we develop skills for discerning the ends, aims, and intentions of others, which allow us to respond appropriately to them.[18] A person needs to recognize that others have different points of view and to be able to see things from another‟s perspective. However, the virtues which enable cooperation also enable manipulation. In order to show that they are nonetheless conducive to justice, Rawls argues that such virtues develop along with friendships, which help to ensure their proper exercise.[19] When participating in associations governed by just public rules, people witness others acting justly and

benefiting from them. They come to appreciate and care for them, and they too acquire the inclination to do their part in the cooperative venture.

Standing out in importance among the many associations in which we participate is the political association where we are citizens:

> These principles [of justice] apply to the role of citizen held by all, since everyone, and not only those in public life, is meant to have political views concerning the common good. Thus we may suppose that there is a morality of association in which the members of society view one another as equals, as friends and associates, joined together in a system of cooperation known to be for the advantage of all and governed by a common conception of justice. The content of this morality is characterized by the cooperative virtues: those of justice and fairness, fidelity and trust, integrity and impartiality.[20]

Since all citizens are a part of political society, the morality of association holds between all of them. To some degree all members of society regard one another as "as equals, friends and associates." Concern for one another as friends can serve as a powerful motivation to treat one another justly even when one is not motivated by the principles of justice themselves. This echoes Aristotle"s claim that there is no need for justice between friends. Yet, the principles of justice underlie the association and it is cooperation with those principles that yields such feelings of friendship. Rawls contends following Aristotle, that without justice there could be no civic friendship.[21] In the morality of association a person will often exhibit the cooperative virtues out of fellow feeling and a desire to reciprocate benefits received, rather than acting on the basis of the principles that structure their cooperation.[22] Yet, Rawls does not think that ties of affection hold between all citizens. The ties between particular citizens help to develop the sense of justice, but civic friendship itself is a matter of sharing and acting from a conception of justice that is to the benefit of each.

The morality of principles moves beyond the limited personal range of the affections and friendships found in associations. When individuals reach this stage in their moral development

they are moved directly by the principles of justice. These principles have a wider scope than our affections and are consequently more likely to yield consistently fair results.

> Or, again, the institutional scheme in question may be so large that particular bonds never get widely built up. In any case, the citizen body as a whole is not generally bound together by ties of fellow feeling between individuals, but by the acceptance of public principles of justice. While every citizen is a friend to some citizen, no citizen is a friend to all. But their common allegiance to justice provides a unified perspective from which they can adjudicate their differences…Secondly, a sense of justice…goes beyond the support of those particular institutions that have affirmed our own good. It seeks to extend the conception they embody to further situations for the good of the larger community.[23]

In associations, a large part of the motivation to cooperate stems from a desire to reciprocate benefits received; when we see others promoting our good we desire to promote their good. In contrast, when one is motivated by principles, one seeks to satisfy the demands of underlying principles and not merely reciprocate the particular benefits or kinds of benefits that one enjoyed. This may mean attempting to ensure that others receive the benefit of the principles in ways that one's own self never has. Thus with the morality of principles, Rawls offers an account of how citizens become attached to and moved by the principles of justice themselves. This marks an important difference between the civic relationships established by the two principles of justice and the principle of utility. The principle of utility will rarely motivate individuals; rather, those individuals who are already motivated by love of humanity might choose the utility principle as a guide for their actions. The difference principle, however, can serve as motivation for just action independently, and sometimes against, our love and affection.

Similarly, whereas in the morality of association, one is concerned primarily with the welfare and esteem of those with whom one has a personal connection., in the morality of principles our concern extends further. Rawls, however, claims that "no citizen is a friend to all" and that society is "not generally bound together by ties of fellow feeling between individuals."[24]

This initially appears to run contrary to his claim in the morality of association that all citizens as citizens see one another "as equals, friends and associates."[25] But as a description of our sentiments in a large state, it seems quite plausible. The actual affective bond, the ties of fellow feeling, that holds between two complete strangers, raised with different traditions in different parts of the country, in different religions, etc, are weak at best. As citizens we may come to care for other citizens, but only those that we actually deal with directly or nearly so (as in a friend of a friend). Our experience in directly working with some of our fellow citizens will likely shape our attitude toward trust of our fellow citizens more generally, but at the associational level it remains a relationship with particular citizens. The morality of principles goes further. As a principle it can extend to persons we do not know and provide us with a way of relating to them. We are all affected by certain social and political institutions, which in turn are governed by principles of justice within a cooperative scheme that we can all accept. [26]

When citizens become attached to the principles themselves, after developing the bonds and virtues of associations, their cooperation further stabilizes and we can be assured that they will be good civic friends even to strangers. This is a further way in which justice as fairness provides stronger inclinations to cooperate with justice than its rivals. It fosters a deeper level of trust among citizens, free of the contingency of personal affection. Rawls argues that through accepting these principles civic friendship comes into full fruition. "The acceptance of the principles of right and justice forges the bonds of civic friendship and establishes the basis of comity amidst the disparities that persist."[27] The principles reflect a concern for all particular individuals, not just others *en masse* as in utilitarianism. When citizens accept justice as fairness they establish a relationship grounded on general concern, rather than personal affection alone. Rawls explains that the ideal of fraternity can be expressed through principles:

The ideal of fraternity is sometimes thought to involve the ties of sentiment and feeling which it is unrealistic to expect between members of the wider society. And surely this is a further reason for its relative neglect in democratic theory. Many have felt that it has no proper place in political affairs. But if it is interpreted as incorporating the requirements of the difference principle, it is not an impracticable conception. It does seem that the institutions and policies which we most confidently think to be just satisfy its demands, at least in the sense that the inequalities permitted by them contribute to the well-being of the less favored...On this interpretation then, the principle of fraternity is a perfectly feasible standard.[28]

One of the most interesting things about this passage is the move to express fraternity as a principle rather than a feeling. One of the primary reasons that civic friendship suffers the neglect it does in contemporary literature is precisely because it is difficult to imagine meaningful affective bonds holding across the hundreds of millions of people that make up some modern liberal states. A principle of fraternity, precisely because it is not thus affective, can more easily be adopted across even the largest states.[29]

The difference principle as a principle of fraternity might appear to simply be a principle that ensures that we regard our fellow citizens as free and equal. In what way does this contribute anything beyond what accounts of freedom and equality already provide? The difference principle expresses a concern for the welfare of each and it expresses the idea that our own advantages should not come unfairly at the expense of others. It establishes a foundation of reciprocity that ensures that in addition to any affection we have for those fellow citizens with whom we interact directly. It requires that we also take a concern in the welfare of each, even those we do not know. Yet, in moving beyond limited scope of personal affection to the principled concern of justice, it does not require that citizens abandon the personal concern or care in civic friendship. The principles of justice more firmly encourage the cooperation needed for stability and justice.

5.2   Justice as the Caring of Civic Friends

The principles of justice express a kind of concern for all fellow citizens, a concern that initially develops out of our attachment to particular citizens. Two questions arise: Does mutual commitment to the principles of justice actually establish a relationship rightly understood as friendship? Could such a principle-based friendship do the work that communitarians have sought from affective bonds? I believe that the answer to both questions is yes, and we can see this by pursuing two different lines of thought.   First, we must recognize the way in which political justice strengthens the bonds of personal affection and actively supports communities of personal care by establishing a foundation of political equality. The three psychological laws are reciprocal. Not only does personal affection lead us to care about justice, but justice as fairness secures conditions under which we can more easily form the valuable relationships of personal affection.   Second, we will see that justice as fairness gives rise to desires, dispositions, and cooperative attitudes that are similar to those found in relationships of personal affection. The fair cooperation of free and equal citizens reproduces them in political contexts without personal affection. Principled commitment devoid of personal attachment might be alienating in our personal relationships, but it is necessary for civic friendship to hold among millions of citizens who cannot personally know one another. Section two develops these two lines lines of thought in turn, showing that in acting in accord with justice as fairness requires citizens to express the care of civic friends.

In section one we saw that the unconditional love of parents helps citizens to develop a capacity to care for others. Citizens then care grow to care for others in their family and other associations, and hence care about the political institutions that affect them. Political justice strengthens sub-communities of personal care within a state. In seeing the positive effects of just

institutions, actions eventually come to embrace the principles of justice themselves. However, Rawls also argues that the laws are reciprocal in strengthening one another. A strong and widespread sense of justice "arouses more intense feelings of friendship and trust" between citizens.[30] Why should this be? Do we really think that a failure to recognize the other as fellow citizen would be a major obstacle to personal affection and intimacy at a personal or communal level? So put, the question obscures the political morality that lies beneath the concept of citizenship. The problem is not a failure to see another as having status of citizenship, but a failure to recognize the moral equal whom in recognition of that equality deserves the status of citizen. The moral recognition of political justice thus helps to establish a more equitable foundation for personal relationships.

We should quickly recall that some sort of broad based affection, such as benevolence cannot replace the principles. People"s interests will inevitably come into conflict, and benevolence itself won"t be able to settle whose interests should take precedence without recourse to some principles that the parties would themselves choose in a fair initial situation, i.e. the original position.[31] "Benevolence is at sea as long as its many loves are in opposition in the persons of its many objects."[32] The idea is that when two objects of our affection come into conflict we need some way to determine whose interests should take precedence. Assuming we care for them equally and are acting for their sake, we would seek to discovers reasons that they themselves could accept. For this reason, adding benevolence to the motive of the parties in the original position adds nothing to their deliberation. The conditions of the original position such as the veil of ignorance and the assumption of mutual indifference are able to accomplish the same end as benevolence without supposing the parties to have motives (such as a strong feeling of benevolence) that we cannot rely on the general public to have.

However, justice also contributes to relationships of personal concern, whether they are personal friendships or a person‟s feelings of general benevolence or love of humanity as a whole. Eamonn Callan introduces an excellent example to illustrate the importance of justice to our personal relationships. Callan responds to feminist critiques of liberalism, similar in some respects to those leveled by communitarians, which charge that impersonal justice supplants work that should be done by caring. He considers two personal relationships, each with and without the principled concern of justice as fairness. In both cases, the principled concern of justice as fairness strengthens personal affection and commitments.

Callan‟s first example is that of a woman, Rose Borris, who wants to learn how to read, but is opposed by her illiterate husband Albert.[33] She reports:

> It‟s hard to get out of your home when your man doesn‟t want you to do this. You‟re lucky if you can get out the door. That‟s why I didn‟t start in September. I had to fight with Albert all the time because he wanted me at home. He said I was never going to learn. Maybe he was afraid. But one day he said, "It‟s no use Rose. I can see what you want. I can‟t stop you.[34]

We can imagine that Albert dropped his objection for different reasons. Perhaps personal affection moved Albert. He loves Rose and sees that she will only be happy if she pursues her dream to read. He is not moved by abstract notions of justice or right, such ideas might not even occur to him. Second, we might suppose that Albert still objects strongly to her efforts at literacy, but recognizes that for reasons of law and justice "I can‟t stop you." He recognizes that Rose has the right to pursue her own ends, and that it would be unjust for him to persist in obstructing her. He might still think she is acting badly, but that there is no morally legitimate means for him to stop her. This recognition, while allowing Rose her autonomy, seems too cold and uncaring.

If this second sort of recognition, the assertion and grudging acknowledgement of rights claims, is all that is secured by liberal justice, then the community of justice seems deeply

unappealing.[35]   A contrast between the power of personal affection and the legalistic machinations of justice emphasizes what is sought by communitarians who remain leery of impersonal justice. Mere justice seems too juridical, too devoid of care to be the proper basis of community.[36] However, the apparent inadequacy of justice in this case is misleading. Justice may not be sufficient, but it does not purport to be. The issue is whether a commitment to justice strengthens the relationship. Justice as fairness does precisely this, as we can more clearly in Callan‟s second example.

Callan next turns to an example of a slave-owner who falls in love with one of his slaves. He asks us to suppose that the master sets her free because he sees that her servitude is cause of unhappiness for her. Since he loves her and desires her happiness for her own sake, he must free her. He does not consider abstract impersonal conceptions of rights or justice; he is moved by personal affection. For this master, slavery is not a problem in itself; his beloved has no right to freedom in his mind. Circumstances merely happen to require him to set her free because of his affection and the seemingly odd accident that slavery makes her unhappy.

Might the freed slave object that she is still not really being loved appropriately? In not recognizing her right to freedom, the master fails to care for her in an important way.[37] The problem is not the depth of the master‟s affection, but its failure to express the care of justice. The master may be doing what justice requires in freeing his slave, but the manumission is entirely too accidental, too contingent on his feelings for her. The master fails to see his beloved as entitled to freedom and equality. Justice as fairness involves the recognition of our right to participate in society as free and equal citizens. The deficient affections of the slave master can help us to see the need for justice in the relationship between Rose and Albert as well. If Albert does not recognize Rose‟s right to take reading classes, and believes that he makes a grand

concession in relenting, Rose would be justified in thinking Albert‟s decision misses something important, that his love, however deep and valuable, is still flawed.

Caring about someone‟s right to determine the course of their own lives, recognizing them as free and equal members of society, is an important part of caring for them as a person. Personal affection is not something opposed to the moral concern of political justice. If Rawls is correct about the reciprocal relationship between the principled concern of justice and the care of family and associations, then a well ordered society must support and encourage communities of personal affection. Without the kind of moral recognition that comes from accepting justice as fairness, relationships of mere affection remain deficient in the same way as the master‟s manumission without recognition is.[38] Even if we affection without justice were adequate, we can see that the acceptance of justice as fairness is still conducive to relationships of personal affection. Genuine friendships form more easily among those who recognize each other as free and equal than when the parties are in relationships of domination and subordination. And such recognition accompanies a greater degree of openness to the rights of others.

One might object that an alternative comprehensive conception of the good could also offer sufficient moral recognition. Suppose that Albert recognized Rose‟s rights on utilitarian grounds rather than those of justice as fairness. Such recognition would indeed be better than no recognition at all, but it depends on one‟s acceptance of that comprehensive doctrine. If Rose rejects that doctrine she might not be satisfied by the recognition provided by it.[39] Justice as fairness supports personal affection and sub-communities of political society whose members are bonded by affection. Whether other conceptions can do so, or do so as well a justice as fairness, is less important. The principles of justice and associated rights and attitudes stand alongside personal affection, not in its place. As explained earlier, the turn to principles allows us as

citizens to express more easily and completely our concern for those members of our political society whom we do not know. Justice as fairness actively supports sub-communities of care, and thus supports the personal affections and relationship whose importance communitarians stress.

We can now to turn our attention the question of whether a principled concern of citizens without the bonds of personal affection is rightly regarded as friendship. One might concede that valuable personal care requires the recognition provided by justice, but that justice without such care is no basis for community of civic friends. There are indeed limits to justice as fairness. Rawls clearly states that political society is not a community in the sense of a group united by some comprehensive doctrine.[40] However, justice as fairness does establish a meaningful civic friendship. The mistake is in thinking that desire of care stands in contrast to the demands of justice. Part of the appeal of a community of care is that its members want to help each other out because they care for one another as persons, not because abstract impersonal principles (or worse the impersonal force of law) demand it of us. I will argue that the moral concern of justice as fairness gives rise to desires similar to those of personal affection. This emphasis in justice as fairness on reasonable moral principles and a conception of citizenship does not detract from the value of that concern.

Rawls differentiates three kinds of desires: object dependent, principle dependent, and conception dependent. Object dependent desires are those that aim at simple objects or states of affairs.[41] I might want to sleep or eat, spend time with a friend or loved one. The distinctive feature of this category of desire is that we can explain the desire in terms of a state of affairs without recourse to broader principles or moral conceptions. Rawls includes personal affection in this category of desire. We can frequently explain our affection in terms of attraction to a

person, to particular qualities of him as an individual. We enjoy spending time with him; we find him attractive or funny. Rawls also includes vocations in the category of object dependent desires. If one desires to pursue a vocation on the basis of prospective income or enjoyment, we can explain that desire without recourse to principles or conceptions.

However, Rawls notes that "as many vocations include a moral description, the corresponding desire falls into one of the categories."[42] This aspect of vocations is something that is also true of relationships. Many relationships are intertwined with a moral conception. A mother"s relationship with her daughter may have a conception of the family as a part of it. I may regard some shared moral undertaking as crucial to my friendships, and understand our relationship in terms of that moral project. In such cases, we need to appeal to some kind of principle or moral conception to explain desires that we have as a part of our personal relationships. Principle dependent desires are those that require some principles, either a rational or a reasonable principle to describe them.[43] The disposition to tell the truth may result from a principle dependent desire because it relies on principle that we expect to govern our relationships.

Moral conceptions can also give rise to desires, and they are important in part because they can encompass a broad range of different principle dependent desires. [44] In the case of justice as fairness, sharing a conception of citizenship is important. Trying piecemeal to motivate fairness, justice, and each of the separate duties of civility, is not be feasible. When we regard our fellow citizens as free and equal members of society whose cooperation we seek on fair terms, we will come to adopt a wide range of interrelated moral principles and conceptions that give rise to certain desires. For example, the mutual concern of justice as fairness fosters the desire of citizens to cooperate in promoting the interests of the least advantaged. Notice that

such conception dependent desires are not unique to impersonal relationships like citizenship. The Aristotelian ideal of friendships of character is conception dependent. Character friendship requires excellence of character and equality in virtue. Such friendship might require that both parties conceive of the good life, and the place of their friendship in it, in a roughly similar manner. This shared conception gives the friends desires to help each other, to be generous, to make time for one another when other events in their life press on them, etc. Though much of their personal affection does not depend on principles or conceptions, but many of the desires that emerge within their friendship depends upon such principles and conceptions.

Yet like object dependent desires, the principle and conception dependent desires of personal friendship also cannot be shared among citizens broadly. Conceptions of the good include not only our comprehensive moral and religious values, but also our attachments to other people. The needs of particular friends will give us reasons to help those friends in particular ways. Rawls explains:

> Thus, a conception of the good normally consists of a more or less determinate scheme of final ends, that is, ends we want to realize for their own sake, as well as attachments to other persons and loyalties to various groups and associations. These attachments and loyalties give rise to devotions and affections, and so the flourishing of the persons and associations who are the objects of these sentiments is also a part of our conception of the good. We also can act with such a conception a view of our relation to the world -- religious, philosophical, and moral -- a reference to which the value and significance of our ends and attachments are understood.[45]

Yet, personal affection for friends, family, and other loved ones does not give rise to reasons that we can expect our fellow citizens to share as such.[46] This poses a challenge for a broad civic friendship. We cannot count on citizens to be moved to justice by object dependent desires of affection, nor can we count on other desires of personal friendship since they are a part of citizen"s comprehensive doctrines.

Yet one might object that the grounds for establishing a meaningful civic friendship seem shallow. A full response to this objection will need to wait until we have reviewed all of the duties and responsibilities of civic friendship within justice as fairness. At this point I will point out that these grounds come with one particular virtue of tremendous significance; namely that they are what make civic friendship possible across the wide diversity of a pluralist state. If there is to be any broad civic friendship in a society characterized by reasonable pluralism, it must rely on the narrow grounds of desires that come from shared principles and conceptions. It is upon these grounds that we must build civic friendship:

> Plainly, for us, the main case [of conception-dependent desire] is the ideal of citizenship as characterized in justice as fairness. The structure and content of this conception of justice lay out how, by the use of the original position, the principles and standards of justice for society's basic institutions belong to and help to articulate the conception of reasonable and rational citizens as free and equal. [47]

The desires that stem from the conception of citizenship lay a foundation of concern for our fellow citizens. For example, I may have a genuine desire to have institutions and policies that favor the least well-off. However, to explain my desire I appeal to the principles of political liberalism, and the conception of justice as fairness, stressing the importance of having society"s basic institutions structured by principles all reasonable persons could accept.

My desire for such institutions need not be grounded on how they advance my own rational interests or the interests of family and personal friends; indeed they might impede these interests in present circumstances. Nonetheless, I may still desire such institutions because they are fair, as justified by reasonable principles. However, in addition to my conception-dependent desires, I may also identify with the poor out of a feeling of charity or benevolence. This desire is object dependent since we can explain it without appealing to principles or broader conceptions. Yet, when we look at the particular duties of civic friendship, we see that most of

the acts that we might want members of a community to do out of personal care can also be motivated by the principled concern particular to justice as fairness. Those acts or duties that cannot be so motivated are usually those that we would want performed by those who stand in a more intimate relationship than that of mere fellow citizenship, e.g. the duties of parenthood. However, as we have already seen, justice as fairness provides conditions under which those relationships can flourish.

A second kind of objection is that civic friendship might be alienating. One major difference between the desires of civic friendship and the desires that arise in personal friendship and other communities of care is that former need not be object dependent. Some citizens might happen to come to feel deep affection for one's fellow citizens *en masse*, perhaps because they in a time of need they benefitted from the generosity of strangers in their community and now feel gratitude and affection toward all of their unknown fellow citizens. But this sentiment is not the basis of civic friendship according to justice as fairness. Civic friendship is not personal and it is not motivated by personal affection.

Such an impersonal relationship might seem ethically deficient as a form of care, even if ethically valuable care also requires the recognition of justice. Perhaps though justice happens to be a necessary prerequisite for community, it cannot establish real community or civic friendship. Moreover, Rawls explicitly differentiates political society from community. A society structured by justice as fairness "is not a community…if we mean by community a society governed by a shared comprehensive…doctrine. To think of a democracy as a community (so defined) overlooks the limited scope of its public reason founded on a political conception of justice."[48]

The objection continues that some of the behaviors of fellow citizens may simulate friendship, for example mutual aid, civility, reasonableness, etc, but omit that which makes friendship good. Ethically valuable caring requires personal concern for a particular person. Consider the following example from Peter Railton:

> Lisa has gone through a series of disappointments over a short period, and has been profoundly depressed. In the end, however, with the help of others she has emerged from the long night of anxiety and melancholy. Only now is she able to talk openly with friends about her state of mind, and she turns to her oldest friend, Helen, who was a mainstay throughout. She'd like to find a way to thank Helen, since she's only too aware of how much of a burden she's been over these months, how much of a drag and a bore, as she puts it. "You don't have to thank me, Lisa," Helen replies, "you deserved it. It was the least I could do after all you've done for me. We're friends, remember? And we said a long time ago that we'd stick together no matter what. Some day I'll probably ask the same thing of you, and I know you'll come through. What else are friends for?" Lisa wonders whether Helen is saying this simply to avoid creating feelings of guilt, but Helen replies that she means every word-she couldn't bring herself to lie to Lisa if she tried.[49]

Railton argues that Helen‟s reasoning is chilling because she locates the source of her obligation in an abstract conception of friendship rather than in her affection for her friend. In this example, Railton is particularly concerned with the kind of reasons that motivate Helen. He grants that Helen genuinely feels personal affection for Lisa, but objects that those feelings and desires do not enter into her moral deliberation about what she ought to do. Consequently, Helen‟s rational deliberative self is alienated from her affective feeling self.

This example actually vindicates the view of civic friendship that I advocate. It shows how a relatively impersonal conception can give rise to desires to treat another in a quite personal way. Railton objects to idealizing the estranged self; such alienation is inappropriate and misses much of the value of intimate personal relationships. Perhaps he is right about intimate relationships. However, civic friendship does not suffer this alienation precisely because the relationship between citizens often will not, and perhaps cannot, contain the personal affection and intimacy that are necessary for alienation. The absence of widely held sentiments

of affection seems to be a fact of modern states. Insofar as people have such feeling, they only seem to motivate people sporadically, as when a calamity strikes. We have already seen that seen that the conception of civic friendship requires that citizens have moral concern for their fellow citizens which can only be expressed through principles. Rather than alienating us, civic friendship as a principled concern can reconcile concern with the absence of personal affection.

Even if we imagine a situation in which a citizen genuinely feels affection for all her fellow citizens, this alienation will not pose a problem. Perhaps her care for the least advantaged members is an expression of a religious view of loving all God''s children, especially the least well-off in society. Need she civic friendship alienate her from her religious conviction? In adopting a view of herself and fellow citizens consistent with the political conception of the person, need she become estranged from her religious view? Rawls raises the possibility that citizens might not want to set aside their religious identities:

> There is a second sense of identity specified by reference to citizens' deeper aims and commitments.… It can happen that in their personal affairs, or in the internal life of associations, citizens may regard their final ends and attachments very differently from the way the political conception supposes. They may have, and often do at any given time, affections, devotions, and loyalties that they believe they would not, indeed could and should not, stand apart from and evaluate objectively.[50]

Part of the answer to this worry will need to wait until we look more carefully at the idea of an overlapping consensus in Chapter Five, but for now we should note that citizens should be able to support the principles of political liberalism from within their own comprehensive doctrine. So there should not be a substantial gap between our comprehensive values, including those that govern our personal relationships, and our political values with respect to general political questions.[51]

Insofar as our religiously benevolent individual is acting in a non-political setting, say at a food bank, there is no need for her to see her actions primarily in terms of civic friendship.

However, if she is discussing a political question with someone who holds a differing comprehensive doctrine, then she needs to be able to offer reasons that they can both accept. Offering such reasons need not require her to abandon her deeply held religious beliefs, it only requires her to recognize that she cannot reasonably expect those beliefs to provide reasons for all of her fellow citizens. Similarly she cannot expect her affections, such as benevolence, to provide reasons to those who do not share her feelings. Her offering of public reasons is thus a sign of civic friendship with those whom she is talking. She can similarly appeal to that civic friendship in order to explain why the other should also care about the least well off. Justice as fairness entails a principled concern for our fellow citizens, expressed through the principles of justice and duties of citizenship. We can reasonably expect our fellow citizens to share this concern.

If we are to achieve a kind of robust civic friendship, a morally meaningful social unity in a modern liberal state, it must be able to can reach across the vast variety of conceptions of the good found in reasonable pluralism. We must recognize that many citizens simply will not feel personal affection for other citizens. The political morality of justice as fairness requires a principled concern for one another. It supports communities bound by personal affection through the reciprocal nature of the three psychological laws, though it need not supplant personal affection in our motivation, such affection is not the only grounds for desire. A conception of justice and citizenship will give rise to desires which are related to civic friendship.

Will civic friends, citizens moved by justice as fairness and related conceptions, treat one another in a manner similar enough to personal friendship to lead us to think that civic friendship

can provide an adequate kind of caring for a political community? To answer this we must consider some of the specific duties enjoined by justice as fairness.

5.3   The Responsibilities of Civic Friends to One Another

While the principles of justice apply only to the basic structure, the whole view of justice as fairness is not so narrowly limited. Though some other liberal approaches are narrower, appealing to thin conceptions of justice cannot ground the duties necessary for robust civic friendship. Within justice as fairness, some of the specific duties of civility apply to how to regard and interact with our fellow citizens on a daily basis, interactions that are in themselves not overtly political. This should not come as a surprise because part of the motivation for justice as fairness is that we regard our fellow citizens as free and equal persons with senses of justice and their own conceptions of the good, with whom we seek to find mutually acceptable grounds for social cooperation. This gives rise to moral duties, the widespread practice of which are necessary to sustain cooperation. These responsibilities exist as a part of the political relationship among citizens, a consequence of their shared agency and joint political activity. These responsibilities are not merely individuals virtues required for democracy, but ways for citizens to relate to one another.[52] In a way this account echoes Aristotle''s claim that is worse to harm a fellow citizen than a stranger. Joint citizenship establishes a relationship and concordant responsibilities that we do not have with others.

Let us call citizens who fully embrace justice as fairness, who fulfill all of their legal and moral duties as citizens, civil citizens.[53] When we examine all of the duties and attitudes these civil citizens have toward one another it becomes yet easier to see their relationship as a kind of friendship. The civic friendship that holds between citizens under justice as fairness is a political relationship, built from the political conception of the person. The political conception of the

person is one where citizens are regarded as free and equal, and as having two moral powers.[54] The first moral power is the sense of justice which means that citizens can understand and apply the principles of justices, and that they have "a willingness, if not desire to act in relation to others on terms that they can also publicly endorse."[55] The second moral power is to hold and possibly revise a comprehensive conception of the good.

Recognizing the two moral powers in our fellow citizens yields certain natural duties including: civility, mutual respect, justice, mutual aid, not harming the innocent, etc.[56] These natural duties would be chosen in the original position because they substantially contribute to mutual cooperation on fair terms all can endorse. The natural duties then shape how citizens interact with one another just as the two principles shape the basic structure. I will group these duties into three categories: those that concern how citizens regard the law, those that concern how citizens regard one another, and finally those that concern how citizens engage in political deliberation.

A natural duty with respect to the law which might seem obvious, but needs discussion, is the duty to obey the law. Citizens have a legal duty to follow the law, and if the law is just a clear moral duty as well. This duty to obey the law is however problematic because inevitably some of the laws passed in a society will be unjust. Yet Rawls contends that "in a state of near justice at least, there is normally a duty (and for some an obligation) to comply with unjust laws."[57] Democratic societies use majority rule to make decisions about what the law will be. With a just and legitimate basic structure, most of the laws passed will be within the range of just options, even if not preferred by a minority. Our cooperation is predicated on the idea that when there is a just procedure for deciding these public matters, in this case majority rule, we will then abide by the outcome of that procedure. This is fundamental as a matter of basic justice and

cooperation.[58]   Out of respect for our fellow citizens, and to maintain our cooperative relationship, we have a duty to follow laws that we do not like.

However, the majority will also occasionally pass laws that are unjust through a legitimate and agreed upon procedure that normally yields just results. Immediate disobedience of any law that is thought to be unjust might lead the majority who supported it to think that the objector is not interested in cooperating, that she only wants things her way. Further, if one believes that a law is unjust, one should recognize the possibility that it is oneself, and not one's fellow citizens, that is mistaken. In recognition of this possibility, citizens should first try to change the law through legal means. Letter writing, lobbying, rallies, protests, and other attempts to convince (and listen to) one's fellow citizens show that one respects them and honors the procedures should be used to make collective decisions. Not only does this honor the procedures, but it shows trust in one's fellow citizens by appealing to their sense of justice and in their ability to reconsider the issue appropriately. Still, there remains a real possibility that unjust laws can be passed and remain in place despite the lawful efforts of some to change it.

Civil disobedience remains the last permissible option available to citizen of a basically just regime to persuade her fellow citizens that a law is unjust.[59] If the matter is sufficiently serious, civility demands civil disobedience.[60] On Rawls's view, civil disobedience is a political act, meaning that it is directed at persuading one's fellow citizens of an injustice. Civil disobedience, in contrast to mere conscientious refusal, is done in the public with fair notice, and using public principles to communicate the seriousness of the injustice to the public.[61] Those who engage in civil disobedience also willingly accept the consequences for their violation of the law. This willing acceptance of the penalties does two important things. First, it shows their fellow citizens that the objectors are willing to make a serious personal sacrifice to draw

widespread attention to the injustice. They are not simply disobeying at whim; rather, their sacrifice shows their sincerity. Second, accepting the penalty shows fidelity to the law.[62] The objectors accept the legal consequences of their action. If the objectors were to violate the law and then flee from the authorities or try to escape the legal consequences then other citizens could legitimately wonder whether the objectors respect the democratic procedures that produced the laws in the first place.

In accepting the legal consequences they make clear that they appeal to the public's sense of justice and that they accept the rule of law. The purpose of disobedience is not just to thwart the will of the majority, but rather to engage them in deliberation about matters of justice that the objectors believe the majority has overlooked.[63] The idea behind justice as fairness states is that society is a fair system of social cooperation. When one engages in civil disobedience, one claims that some injustice is grave enough to justify non-cooperation without breaking the civil relationship altogether. An important part of both obedience and civil disobedience is thus a concern for the relationship with one's fellow citizens that goes beyond the mere justice or injustice of law.

In addition to the letter of the law the clear intent of the law also matters. Catriona McKinnon begins her discussion of civility with what she calls a duty of good faith. This duty requires citizens to regard the law as an expression of the terms of their cooperation. Rawls explains this idea as follows:

> We have a natural duty of civility not to invoke the faults of social arrangements as too ready an excuse for not complying with them, not to exploit the inevitable loopholes in the rules to advance our interests. The duty of civility imposes a due acceptance of the defects of institutions and a certain restraint in taking advantage of them. Without some recognition of this duty mutual trust and confidence are liable to breakdown.[64]

Notice that this good faith maintains the trust necessary for continued cooperation. Yet the letter of the law may contain some loopholes and exceptions. A good example of the former is the 2008 safe haven law passed and amended in Nebraska. The state legislature, in an effort to reduce the pressures leading to abortion, unsafe child abandonment, and child abuse, passed a law permitting parents to leave children at hospitals with no questions asked. Most states have a similar law allowing parents to drop newborn infants at hospital within a few days or weeks of birth, but the Nebraska law contained no such restriction, leading to the abandonment of minors of all ages.[65] Were some parents to exploit this omission to abandon a child for reasons of convenience, fully knowing that legislature meant only to protect children at risk, they would be acting uncivilly. They are likely violating a host of other moral obligations, and incivility may be their least serious violation, but their actions would also represent an abuse of the law and public trust meant to protect the most vulnerable. Their fellow citizens would be justified in thinking that they have taken advantage of despite the apparent legality of the parents" actions. Such exploitation of the law undermines faith in the law"s ability to carry out its express purposes, and it undermines citizens" trust in one another to abide by the terms of cooperation.[66]

Duties regarding citizens" attitude toward the law have their foundation in the civic relationship that they have to one another, in maintaining trust and cooperation. The principles of justice are not simply abstract justifications for political institutions. Justice as fairness provides the terms for a cooperative relationship of civic friendship. Notice that there are similar kinds of duties within personal friendships. When we make promises to our friends we incur the duty to try to fulfill them fully, not merely satisfy the terms of the promise in the narrowest most technical sense. Or perhaps a good friend is doing something wrong (but not egregiously so) in the relationship, for example always 'forgetting' to bring a wallet when meeting for coffee. The

friend in forgetting his wallet is undermining trust in addition to leaving one with the bill. One might address this issue in a variety of ways: drawing his misbehavior to his attention, and then perhaps refusing to meet him for coffee, before (if ever) considering ending the friendship. In violating the obligations of friendship, one thus damages the relationship in addition to whatever immediate harm stems from the wrong. In both cases preserving the relationship requires good faith in abiding by the terms of jointly made decisions, and requires clear respectful communication about serious problems that arise in the course of the friendship.[67]

McKinnon considers the example of a neighbor who plays her music too loudly. Sensitivity to one‟s neighbors is a matter of acting in good faith, since "the duty of civility requires the exercise of judgment with respect to one‟s range of legal choices."[68] McKinnon claims that any time a citizen thinks her action is legal only because of a loophole she should refrain from doing that act. However, the legal permissibility of being an annoying neighbor or engaging in variety of forms of verbal harassment, are not necessarily loopholes. There may very well be good reasons why we do not have laws prohibiting these behaviors, and we might even regard such laws as unjust. While, I do not think that the good faith requirement for „restraint‟ applies here. Being a reasonable neighbor has more in common with the duty of mutual aid. McKinnon rightly points out a way in which these kinds of behavior are nonetheless important as a matter of civility more generally. The kind of responsiveness to the needs, concerns, and aims of fellow citizens characterized by being a good neighbor is important for trust. If one cannot be responsive to the relatively trivial and low cost concerns of being a good neighbor or complying with the manifest intent of laws, why should others trust one with the more difficult matters of justice? This aspect of civility concerns the attitude one takes toward other citizens.

The duty of mutual aid requires that we help one another out, when another is in need and we can do so at little cost to ourselves.[69] This duty is one that we only need to act on occasionally, so the cost is low by definition and further lowered by its infrequency. However, the benefit both to the individuals in need and to society as a whole is tremendous. Rawls explains:

> A sufficient ground for adopting this duty [of mutual aid] is its pervasive effect on the quality of everyday life. The public knowledge that we are living in a society in which we can depend on others to come to our assistance in difficult circumstances is itself of great value.... the primary value of the principal is not measured by the help we actually receive but rather by the sense of confidence and trust in other men's good intentions in the knowledge that they are there if we need them.... once we try to picture the life of a society in which no one had the slightest desire to act on these duties, we see that it would express and indifference if not disdain for human beings that would make a sense of our own worth impossible.[70]

Recognizing the needs of other individuals in our society, in the limited way required by the duty of mutual aid, comes from recognizing them as free and equal citizens. If citizens cannot rely on one another for mutual aid, then they come to doubt both the trustworthiness of their fellow citizens and their own worth in deserving aid. Actions like these indicate a very non-cooperative attitude, incompatible with justice as fairness. To be unwilling to fulfill the duty of mutual aid indicates a rejection of the concern that leads to the principles of justice. Justice as fairness recognizes the political equality of others because they are morally worthy (in the political sense).

This account of the duty of mutual aid invites two related objections. First, there are some individuals who seem perfectly trustworthy, but who would reject a duty of mutual aid. A trustworthy libertarian, could be honest, keep her commitments, and even be helpful and generous while denying that she has a *duty* to help others. Such cases point to a second more fundamental objection. Perhaps, justice constrained to legal duties in just society frees us from

our concern for other citizens individually. Even an egalitarian liberal might regard his duty of justice as discharged by living in and supporting a just state. Denying a duty of mutual aid does not entail denying those in need of aid are political equals. Yet the democratic ideal of justice as fairness goes beyond merely liberal respect. The principled concern that gives rise to these duties, the concern expressed by the two principles, also gives rise to the duty of mutual aid.

Can one fail to render mutual aid one and yet still recognize the other as a political equal? Here the analogy to personal friendship. If one needs help from a friend, but the friend is too "busy" watching a rerun of a bad television show to then that indicates the other does not truly regard one as a friend. Similarly, to prioritize one"s own trivial interests ahead of the real needs of others suggests that one does truly recognize the other as free and equal politically. Such a refusal to help suggests that one is not concerned with the other as a person, and regards them merely instrumentally as obstacles or aids to one"s own ends. We may be justified in expecting even greater sacrifices from our personal friends than from mere civic friends, but to render no aid whatsoever when one easily can, communicates that those in need do not really deserve anything. As we might have difficulty in trusting the bad neighbor to truly take one seriously as a political equal, we would struggle with trusting someone to regard us as deserving a full measure of justice if they will not offer even the smallest assistance in other circumstances.

Moral concern for our fellow citizens also requires that we explain ourselves when our actions affect others. This is the duty of mutual respect.

> Mutual respect is shown in several ways: in our willingness to see the situation of others from their point of view, from the perspective of their conception of their good; and in our being prepared to give reasons for our actions whenever the interests of others are materially affected... thus to respect another as a moral person is to try and understand his aims and interests from his standpoint and to present him with considerations that enable him to accept the constraints on his conduct.[71]

The duty of mutual respect is not limited to political questions, rather it comes into play whenever others interests „are materially affected". McKinnon"s good neighbor example is applicable here as well. Suppose that we wish to cut down a tree in our yard that provides shade to a neighbor or substantially alters the view from their window. The duty of mutual respect might require that one explain to the neighbor why the tree needs to be removed. We need not obtain our neighbor"s consent, but in explaining our action we show a respect for them and a willingness to see things from their point of view, and offer them the opportunity to see things from our point of view as well.[72] This sort of respect on non-political matters helps support the cooperation required by justice. Importantly, respect requires us to empathize with our fellow citizens, though the duty does not go so far as to require us to identify with the good of others, as utilitarianism would seem to ask. Personal friendship may in fact require more than the mutual respect of civic friendship.

The duty of mutual respect as described in *Theory* also hints at the importance of providing reasons the other can accept when constraints on conduct are imposed. This idea is more fully developed into the ideal of public reason, which brings us to the final category of duties those that concerns how citizens are to engage in political deliberation together. The duty of public reason regulates how we are to act when discussing the basic structure, the coercive use of political power, and other fundamental political questions. In particular it requires us to justify our decisions in terms of the mutually acceptable principles of political justice rather than our own comprehensive doctrines or personal interests. Rawls"s distinction between political and comprehensive doctrines and their role in political deliberation has been covered extensively by many others, so my remarks on public reason will be brief here. I emphasize that public reason is important not only because it shapes whether citizens will accept the legitimacy the

basic structure, but also because the exercise of public reason significantly shapes their relationship with one another.

The way in which the political discourse is conducted affects how many regard their fellow citizens and their willingness to cooperate. Rawls explains the importance of public reason as a relationship:

> Some might say that the limits of public reason apply only in official forms... but this does not go far enough. Democracy involves, as I have said, a political relationship between citizens within the basic structure of society into which they are born in with it in which he normally lead a complete life; it implies further an equal share in course of political power that citizens exercise over one another by voting and in other ways.... trying to meet this condition is one of the tasks that this ideal of democratic politics asks of us. Understanding how to conduct oneself as a democratic citizen includes understanding an ideal of public reason.[73]

The burdens of judgment show how well-informed rational people might disagree for reasons other conflicting interests. The recognition that others might reasonably have a different conception of the good and a different perspective on important political matters comes from recognizing the burdens of judgment, and the six ways in which reasonable disagreement might emerge.

Refusing to offer public reasons and denying the burdens of judgment leads to hostility. Rawls states that "It is unrealistic—or worse, it arouses mutual suspicion and hostility—to suppose that all our differences are rooted solely in ignorance and perversity, or else in the rivalries for power, status, or economic gain."[74] The denial of the burdens of judgment amounts to an accusation that others are ignorant or not moved by a sense of justice. If one believes that, then one is unlikely to trust one"s fellow citizens, thinking them incompetent or indifferent to the demands of justice. To be accused of such incompetence or indifference despite what one takes to be a manifest good faith effort is insulting, and leads to distrust of the one making the accusation.

A last aspect of civility concerns how citizens are to vote on political questions. There are two common views of voting that justice as fairness rejects. The first is that we should simply vote our self-interest. This idea is that having a just basic structure frees the individual to set aside concern for others and pursue his own interests. The second view is that we should vote the entire good as we see it. So instead of seeking only our own narrow interests, we should vote on all of our values, including those that are a part of our comprehensive moral or religious doctrines. Justice as fairness offers a third alternative:

> Whereas public reason with its duty of civility gives a view about voting on fundamental questions in some ways reminiscent of Rousseau's *Social Contract*. He saw voting as ideally expressing our opinion as to which of the alternatives best advances the common good.[75]

This common good is not that of utilitarianism, but the common good of the political community as understood in the political sense. The two other options create a gap between the political values that shape the basic structure and the actual values the shape the practice of politics. By turning to non-public reasons to shape one's voting one abandons the principles that underlie the civic relationship. Practical political disagreements could be motivated by mere self-interest, if justice as fairness permitted that citizens consistently vote only in their self-interest. This would have the result of undermining trust, and vindicate those who deny the burdens of judgment. This is why citizens should morally (not legally) be required to vote on the basis of the common good.

These requirements of political deliberation require skills on the part of citizens. The duties of citizenship would meaningless if citizens lacked the skills needed to fulfill them. Civility ensures that citizens listen to the reasons and arguments of their fellow citizens, which is necessary if they are to evaluate whether the basic structure and laws are reasonable. One of the most interesting features of McKinnon's discussion of the skills of civility is how little they

depend on formal civic education.[76] She connects participation in the sorts of organizations that foster self-respect with the acquisition of key skills of civility. "A person"s association with others in pursuit of self-respect requires that she be accepted by those others…To do this, prospective members must acquire and exercise two key skills of civility: acknowledgement of difference, and empathy."[77] To gain respect and esteem one must also develop another key skill of civility, "the ability to listen to others and to accept the possibility of modifying a view in the light of others" views."[78]

Coercion, bullying, and other means of securing compliance and cooperation cannot be reconciled with civility. McKinnon stresses that civility is not a thick value, but is rather an important component of any association that supports basic self-respect. These skills are necessary throughout all levels of society, and simply participating in ordinary groups and associations fosters the development of these skills. This fits well with Rawls"s view of moral development expressed in the three psychological laws. The morality of association lays animportant groundwork in terms of both skills and motivation for the morality of principles where citizens come to understand and be motivated by a conception of political justice. Civility ensures that challenges to political principles are met on their merits and that if citizens accept the principles they do so for the right reasons. In short, civility creates the political climate for citizens to evaluate the constitution and basic structure of society and make decisions about cooperating in light of their evaluations. Civility, as seen in the duties of good faith, appropriate obedience and disobedience, concern for the common good, and due exercise of public reason, is not just important for maintaining the trust to keep just institutions in place. Civility is essential for allowing just institutions to function, for enabling citizens to deliberate and act together.

However the literature on the virtues of liberal citizenship too often omits the civic relationship or only regards that relationship as a practical necessity for the stability of just liberal regimes. McKinnon, Galston, and Macedo each stress the duties and virtues as requirements on individuals. The virtues of liberal citizenship are thus reduced to individual virtues, perhaps required by justice, perhaps practical necessity. This way of regarding the virtues of citizenship is mistaken. The virtues are required as a part of the civic relationship. They are required by our principled concern for one another. The harms of civic vice are harms to civic relationship.

While harming that relationship may threaten stability, or more moderately, threaten our ability to accomplish certain acts of political cooperation, the real harm is to civic friendship. Reciprocity does show some regard for ones fellow citizens. Stability does suggest that citizens find their society decent enough to not revolt. But in their barest form they do little to evoke the goodness of civic friendship. In contrast, justice as fairness goes beyond minimal reciprocity and stability; it provides a strong foundation for the robust civic friendship sought by proponents of the importance of civic friendship.

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[1] Rawls, *A Theory of Justice*, 90.

[2] Schwarzenbach notes, "One might at first think that there are a number of exceptions to this rule, Rousseau being the most obvious one and perhaps Karl Marx or John Rawls (see below). None of these thinkers, however, uses the language of friendship per se as Aristotle did." And later "Most recently, John Rawls (although at one point calling his difference principle a "principle of fraternity") primarily argues in terms of a shared conception of justice and its habituated practice as the unifying force in his well-ordered society. Indeed, the argument that friendly feeling-or a shared interest in friendship could actually help bind citizens of the state together (and not simply lead to partiality, bias, and factions) is more often explicitly rejected by modern thinkers." Sibyl Schwarzenbach, "On Civic Friendship," *Ethics* 107, no. 1 (1996): 97-98. While I think she is mistaken in her reading Rawls, her general point that the ties of friendship do hold a state together and neglect of this is a deficiency in contemporary theory is in fact Rawlsian in spirit.

[3] Sacrifice may be important in democratic citizenship, but it is of a different kind then the skeptics fear. Allen, *Talking to Strangers : Anxieties of Citizenship since Brown V. Board of Education*, 34-37.

[4] Rawls, *Justice as Fairness: A Restatement*, 71.

[5] Of course, the relationship of civic friendship is what preserves the structures, as they depend on the cooperation of citizens. The point is that their justification appeals to the need to maintain trust rather than institutional stability.

[6] Rawls, *A Theory of Justice*, 435.

[7] Ibid., 4-5.

[8] Rawls writes, "Indeed, it may seem that the aim and content of these lectures mark a major change from those of *Theory*. Certainly, as I have indicated, there are important differences. But to understand the nature and extent of the differences, one must see them as arising from trying to resolve a serious problem internal to justice as fairness, namely from the fact that the account of stability in part III of *Theory* is not consistent with the view as a whole. I believe all differences are consequences of removing that inconsistency. Otherwise these lectures take the same structure and content of *Theory* to remain substantially the same." Rawls, *Political Liberalism*, xviii.

[9] Ibid., xix.

[10] Ibid., li.

[11] Ibid., lif.

[12] The three laws are meant to be general in nature and compatible with a wide range of particular psychological theories. In Rawls"s discussion of the well ordered society he discusses some of the more detailed theories and how they might relate to moral learning and stability. Rawls, *A Theory of Justice*, 399-405. It should also be noted that the three laws correspond directly to what Rawls calls the Morality of Authority, the Morality of Association, and the Morality of Principles. Ibid., §70-72.

[13] Ibid., 429-30.

[14] Ibid., 432. I believe that the final ends referred to here are those internal to justice as fairness itself, where political justice is an end that citizens share. Perhaps Rawls is claiming that all citizens include ties of affection in their final end.

[15] Ibid., 433.

[16] The distinction between object dependent and principle dependent desires is useful in differentiating the affection of civic friendship under utilitarianism from that under justice as fairness. Utilitarianism relies on object dependent affection, whereas justice as fairness relies on a principle dependent affection. This is to say that one cannot make sense of civic friendship under justice as fairness without making recourse to the ideas of justice that underlie it. The love of humanity and identification of interests that underlie utilitarian civic friendship can be understood without understanding the principle of utility.

[17] As a person develops they take on new roles in the family, students, friends, as citizens. The morality of association develops as the person takes on these new roles. Rawls, *A Theory of Justice*, 409-10.

[18] An example of the morality of association can be seen in a sports team. Being a part of a team is not simply a matter of following the dictates of a coach. One needs to be able to differentiate the mistakes that a teammate makes because they are not trying from those where they give their best effort and still come up short. Teammates need to understand that there will differences of opinion about judgment calls within a game. It requires the teammates to give their best effort.

[19] Rawls, *A Theory of Justice*, 411.

[20] Ibid., 413.

[21] Rawls says as much explicitly, "Indeed, without a common or overlapping sense of justice civic friendship cannot exist." Ibid., 417.

[22] "It would seem that while an individual understands the principles of justice, his motivation for complying with them, for some time at least, springs largely from his ties of friendship and fellow feeling for others, and his concern for the approbation of wider society." Ibid., 414.

[23] Ibid., 415.

[24] Ibid., 415.

[25] Ibid., 413.

[26] "Individuals in their role as citizens with a full understanding of the content of the principles may be moved to act upon them largely because of their bonds to particular persons and an attachment to their own society. Once a morality of principles is accepted…moral attitudes are no longer connected solely with the well-being and approval of particular individuals…, but are shaped by a conception of right chosen irrespective of these contingencies." Ibid., 416.

[27] Ibid., 454.

[28] Ibid., 90-91.

[29] While I sometimes follow Rawls in calling it a principle of „fraternity", „civic friendship" is better in that it lacks the sexist connotations.

[30] Rawls, *A Theory of Justice*, 436.

[31] "We must, however, distinguish the love of mankind and the sense of justice. The difference is not that they are guided by different principles, since they both include a desire to give justice. Rather the former is manifest by the greater intensity and pervasiveness of this desire…The love of mankind is more comprehensive then that of justice and prompts acts of supererogation, whereas the latter does not."Ibid., 167.

[32] Ibid.

[33] My discussion of the example follows and condenses Callan‟s. Eamonn Callan, *Creating Citizens: Political Education and Liberal Democracy*, Paperback 2004 ed. (New York: Oxford University Press, 1997), 82-87.

[34] Quoted in ibid., 82.

[35] For example Charles Taylor worries that about the liberal emphasis on "the priority of the individual and his rights over society."Taylor, "Atomism in Persons," 39.. Alasdair MacIntyre argues that the liberal talk of rights without a conception of the good amounts to an baseless fiction setting up irreconcilable conflicts of assertion and counter assertion of rights. MacIntyre, *After Virtue*.

[36] This is similar to the concerns of feminists, who argue that justice devalues the caring work of women. Schwarzenbach identifies civic friendship with this kind of care and the contribution of women to the *polis*, seeing it as prerequisite to justice. Schwarzenbach, "On Civic Friendship."

[37] As critical race theorists might note, perhaps this is because she isn‟t really counted as a person in the first place.

[38] We might wonder in what sense the affection without justice is deficient. We might mean that it is morally deficient according to any reasonable comprehensive doctrine. Whether this is true, which I think it is, the claim is not needed to show that justice provides fertile ground for sub-communities of care. It is certainly the case that an individual who an individual who fails to recognize another as free and equal is caring deficiently from the standpoint of justice as fairness, since that is precisely the recognition that justice as fairness, a moral (political) doctrine requires.

[39] Suppose that the freed slave were told by the master "I freed you because you seem like a good Christian" or "my utility calculation indicated I should free you". The slave might well still think an important part of who she is has not been recognized.

[40] Rawls, *Political Liberalism*, 42.

[41] "First, object-dependent desires: here the object of desire, or the state of affairs that fulfills it, can be described without the use of any moral conceptions, or reasonable or rational principles…Add to these attachments and affections, loyalties and devotions of many kinds, and desires to pursue certain vocations and prepare oneself for them." Ibid., 82.

[42] Ibid., 82.

[43] "Next, there are principle-dependent desires. What distinguishes these is that the object or team of the desire, or the activity in which we desire to engage, cannot be described without using the principles, rational or reasonable as the case may be, that enter into specifying that activity."Ibid., 82-83.

[44] ." Finally, there are also conception-dependent desires…These desires can be described by saying that the principles we desire to act from are seen as belonging to, and is helping to articulate, a certain rational or reasonable conception, or a political ideal." Ibid., 83-84.

[45] Ibid., 19-20.

[46] Again, some reasons within personal relationships will not be based on affection, e.g. those that depend on moral or ethical principles about family. However, in many cases the continuance of the relationship depends on affection. Even when it doesn‟t the moral conception is limited in scope (e.g. only extending to one‟s family) or in how widely shared it is. We do not all have the same beliefs about what family and friendship amount to. Consequently, such conception dependent desires are poor candidate for grounding the civic relationship.

[47] .Rawls, *Political Liberalism*, 83-84.

[48] Ibid., 42.

[49] Peter Railton, "Alienation, Consequentialism, and the Demands of Morality," *Philosophy and Public Affairs* 13, no. 2 (1984): 135-36.

[50] Rawls, *Political Liberalism*, 30-31.

[51] Ibid., 32.

[52] Consider the difference in describing public reason narrowly as avoiding appeal to one‟s own conception of the good versus offering reasons that one believes other citizens could reasonably accept. The problem is not that there is something so terrible about appealing comprehensive doctrines in themselves. The problem is that doing so can be an inappropriate way of justifying policy to one‟s fellow citizens.

[53] I take this term from title of Catriona McKinnon‟s insightful exploration of the duty of civility.McKinnon, "Civil Citizens."

[54] Rawls, *Political Liberalism*, 18-20.

[55] Ibid., 19.

[56] Natural duties differ from obligations in that they do not require an act of consent or other voluntary act. Natural duties are those that would be chosen by the parties in the original position. Rawls, *A Theory of Justice*, 98-101. While Rawls does not formally introduce the political conception of the person until *Political Liberalism*, that conception is essential to the original position.

[57] Ibid., 312.

[58] Rawls indicates the duty of fairness grounds obligations, whereas the duty of justice grounds the requirement to obey the law. Citizens do not need to consent either to a particular law or even to the regime if it is just, in order to be bound by the duty to obey. Ibid., 98-99, 296, 330.

[59] I supplement McKinnon and Rawls here with Hannah Arendt"s insightful essay Civil Disobedience. Arendt separates conscientious refusal from genuine civil disobedience. Both are politically important, but civil disobedience is invitation (or demand) for discussion with one"s fellow citizens where conscientious refusal is just a rejection of the demands one"s fellow citizens make. Hannah Arendt, *Crises of the Republic: Lying in Politics, Civil Disobedience on Violence, Thoughts on Politics, and Revolution* (Harcourt Brace Jovanovich, 1972), 51-97.

[60] McKinnon seems to make the slightly broader claim that civility demands disobedience whenever normal means have failed to yield change. McKinnon, "Civil Citizens," 147. I qualify the claim because if the injustice is slight enough, or an unjust law remains unenforced (as the so called blue laws), then civil disobedience may not be appropriate. Rawls suggests a variety of practical considerations why one might refrain from civil disobedience, such as its being unlikely to succeed or the presence of other justified disobedience campaigns.

[61] Rawls, *A Theory of Justice*, 319-27.

[62] Danielle Allen eloquently argues for the importance of sacrifice for democratic citizenship, and political friendship in particular. She writes, "Sacrifice is [political] friendship"s fundamental act, and a crucial political one in that it is the only action that reconciles agency and autonomy with not getting what one wants." As important as sacrifice is, so too is the proper recognition of that sacrifice by others. Allen, *Talking to Strangers : Anxieties of Citizenship since Brown V. Board of Education*, 134.

[63] The way in which civil disobedience and direct action more generally are meant to provoke joint deliberation rather than as means of coercion or secession is made forcefully by Martin Luther King Jr. in his Letter from a Birmingham Jail. Jr. Martin Luther King and JM Washington, *A Testament of Hope: The Essential Writings and Speeches of Martin Luther King, Jr* (HarperSanFrancisco, 1991), 290-92.

[64] Rawls, *A Theory of Justice*, 312. Following McKinnon I use the name „good faith" rather than „civility" as Rawls calls it because civility is much broader. The particular aspect of civility discussed concerns good faith. In *Political Liberalism* Rawls explains that the duty of civility to includes public reason among other things, each of which will be treated separately below.

[65] Some have suggested that this omission was deliberate, to help minors of all ages out of abusive situations, but the relatively quick reversal of the law suggests otherwise.

[66] Many individuals believe, or at least seem to think some of the time, that all legal acts are morally permissible. Such a conflation is dangerous to civic friendship.

[67] The importance open, respectful communication about problems is made especially clear by Tony Laden. I will discuss the issues he raises with respect to the civic relationship, deliberation, and legitimacy in Chapter Five. Here I note that openness to claims, and the possibility that those claims might be rejected, is essential to deliberation and the normative legitimacy of relationship. Laden, *Reasonably Radical : Deliberative Liberalism and the Politics of Identity*, 79-84.

[68] McKinnon, "Civil Citizens," 146-47.

[69] Rawls, *A Theory of Justice*, 98-99.

[70] Note that Rawls also explicitly reject the Kantian justification for mutual aid on the grounds that we may need such aid ourselves, so we cannot rationally will a maxim where we do not render it. Ibid., 298.

[71] Ibid., 297.

[72] It also requires an openness to the possibility that we are wrong, that our claims might be reasonably rejected. Laden, *Reasonably Radical : Deliberative Liberalism and the Politics of Identity*, 80-84.

[73] Rawls, *Political Liberalism*, 217-18.

[74] Ibid., 58.

[75] Ibid., 219-20.

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[76] Galston also identifies a large number of virtues that he sees as necessary to civil society that do not require formal civic education either. Moreover, his discussion of the virtue of political discourse is very similar to civility. But again he claims that the primary justification for all of the civic virtues is an empirical hypothesis of their instrumental necessity for the stability of the liberal state.   Though interestingly, there little explanation as to why this virtue of political discourse is so necessary. Galston, "Liberal Virtues," 1285.

[77] McKinnon, "Civil Citizens," 153.

[78] Ibid., 153.

6. STABILITY AND POLITICAL LEGITIMACY THROUGH CIVIC FRIENDSHIP

I have argued that justice as fairness, with its attendant principles, duties, and virtues, expresses the principled concern of civic friends. It gives shape to the relationship between free and equal members of society who seek fair terms of social cooperation. The two principles, and the difference principle in particular, help ensure that civic friends do not benefit unfairly at the expense of others in their society. The care citizens have for one is thus morally and politically significant even though it is not grounded in personal affection. Yet, all principles of justice express citizens" concern for one another, or lack thereof, and serve to structure the civic relationship. What, then, is so special about how the civic friendship of justice as fairness does so? In this chapter, I ask us to step back and look at the role civic friendship plays in democratic society more broadly, i.e. to look at the broader democratic ideal of political liberalism. Doing so sheds light on the distinctive features of the civic friendship of justice as fairness.

Historically, much of the philosophical interest in civic friendship developed out of the recognition that social unity tends to foster political stability, and its absence to foster instability. Civil war and debilitating political strife often emerge when social unity disappears or slips into antagonism. As we saw in Chapter Two, Plato and Aristotle were both interested in civic friendship for this reason. The historical emphasis on civil discord represents one kind of instability. However, alienation, a failure to identify with or recognize the value of political institutions, poses a distinct and neglected challenge.[1] Rawls"s approach to the problem of stability in both *Theory* and *Political Liberalism* is sharply different from his predecessors.[2] Rawls does not directly devote his discussion of stability to addressing actual causes of instability, such as divisions by class, race, gender, religion, ethnicity, and ideology. Instead, his discussion is taken up from within the standpoint of the original position, thus focusing on the

solution to the challenges of inequality and pluralism.[3] By approaching stability as he does, Rawls draws our attention to the way in which stability is secured, and to the alienation which occurs in its absence.

Civic friendship, as understood within political liberalism, addresses both civil discord and alienation. The resulting political arrangement is consequently more stable, but it offers a better kind of stability than the mere absence of conflict. Justice as fairness requires both the existence and the expression of a particular kind of civic concern. This civic friendship secures two important political ends related to stability. First, civic friendship is integral to the legitimacy of a democratic society. Second, such friendship assures the practical stability of a society structured by justice as fairness. In achieving these two aims, civic friendship creates a particularly attractive public political culture. The civic friendship established by justice as fairness ensures that "the least advantaged feel that they are a part of political society, and view the public culture with its ideal and principles as of significance to themselves."[4] Understanding justice as fairness as the agreement of civic friends helps to clarify the extent to which the agreement is normatively significant, not merely agreement as such or stability at the expense of normative force.[5]

In this chapter, I argue that the civic friendship of justice as fairness provides a legitimate foundation for enduring political stability. As Rawls's account of stability develops from *Theory* to *Political Liberalism*, practical questions about stability that concerned prior philosophers are superseded by a conception of stability intertwined with the legitimacy of the social order. This shift elevates the importance of civic friendship, from a means for obtaining stability and other social goods to a foundation for just political institutions independent of the principles of justice. In part one, I focus on how the civic friendship of justice as fairness establishes normative

criteria for political legitimacy. Because civic friends do not wish to coerce one another unnecessarily, the stability of the basic structure must come from the free, reasoned and willing cooperation of the members of society. Pursuing stability in this manner offers an independent check on the principles of justice, in contrast to an approach where coercion is legitimated by the principles of justice. In part two, I turn to consider traditional practical concerns about stability. Civic friendship is essential to the practical stability of just societies. It fosters needed trust, reciprocity, and the ability to confront collective problems that are insoluble by individual actions alone. I argue that the particular features of civic friendship found in justice as fairness are especially effective at securing practical stability. Such civic friendship is critical not just to stability, but also to legitimate stability.

6.1   Civic Friendship: A Legitimate Foundation for Stable Cooperation

Rawls famously opens *Theory* with the claim that justice is the first virtue of social institutions. But the preeminence of justice, he notes, does not entail that other considerations such as stability are irrelevant when selecting principles of justice. Rawls argues that we should take these other considerations into account when deciding on the relative desirability of two conceptions of justice.[6] As initially presented in *Theory*, stability is intuitive, meaning that individuals will reliably comply with their society's basic rules such that inevitable infractions by a few do not seriously undermine broader social cooperation.[7] Having settled on an ideal they can then turn to the question of its stability, a question which is also answered from within the original position. An individual in the original position will prefer a more stable conception of justice, which yields strong desires to cooperate with its principles and fosters at most weak desires to act unjustly.[8] This allows those within the original position to settle on fair terms of social cooperation as free and equal citizens. The idea is that by bracketing concerns about what

is immediately feasible in some specific political situation, those particularities will not interfere with settling on an ideal of justice.[9]   Throughout his works Rawls stresses the importance of developing a conception of justice before turning to the question of its stability, but he also stresses the importance of civic friendship, shaped by a shared commitment to reciprocity, in establishing stability. In *Theory*, however, the main role of stability is the comparatively narrow task of showing that justice as fairness offers a more reliable basis for cooperation than its main rival, utilitarianism.

In *Political Liberalism*, Rawls introduces a significant revision to his account of stability. The distinction between a political conception and a comprehensive doctrine, and the ideas of public reason and overlapping consensus, give the account of stability in justice as a fairness a new look. At the same time, however, the term "civic friendship" only appears a few times in *Political Liberalism*, and Rawls devotes little time to discussions of love and affection. While this may appear to challenge the thesis that civic friendship plays an important role in the revised conception of stability, the reverse is true. Each of these revisions offers greater clarity and insight into the basic relationship of citizens in a pluralist society. Neither the actual concrete shape of the basic structure, nor the formulation of the two principles themselves changes substantially. The big change between the two works is one of justification and, specifically, public justification. Rawls is concerned not only with the sorts of justification that philosophers are most concerned with, but with justification as ordinary citizens practice it and understand it. In the revised account of stability, civic friendship remains at the very center of how citizens ought to understand the legitimacy of their government and the political relationship they have with one another. The revisions introduced in *Political Liberalism* thus serve to elaborate the conception of civic friendship presented in *Theory*.

In *Political Liberalism*, stability is not simply a practical matter of securing the cooperation of citizens with the conception of justice; rather the right kind of stability is a normative condition of legitimacy. Stability must be stability for the right reasons. Brute force, fear, or intimidation may succeed in coercing civic compliance, but would not be legitimate means of engendering cooperation. According to Rawls, a regime is legitimate only if the conception of justice structuring it is capable of sustaining the free and reasoned cooperation of its members. The idea is that legitimate principles of justice ought to be capable of securing their own support in a well ordered society without recourse to an external set of sanctions and incentives to jury-rig compliance. This normative conception of stability elevates the significance of both stability and civic friendship. In seeking the free and reasoned cooperation of our fellow citizens, we specify the nature of the civic relationship as one of civic friendship instead of domination or competition. Securing stability through such means determines the nature of the regime that we seek to stabilize. On this view stability is not simply a secondary desideratum for deciding amongst competing conceptions of justice, it is at the very essence of what that society is.

Rawls notes that we can approach stability either as a practical or as a normative problem. Both approaches deal with concerns that are critically important problems for philosophers and citizens alike. On the practical approach, we begin by supposing that we have found principles of justice or freedom around which we can structure our government and society, and that these principles are good, right, or true. We then have a practical problem of determining how to make the institutions that satisfy these principles stable. In contrast, political liberals take the second approach, conceiving of stability as a normative problem. Society must have stability for the right reasons; its principles must appeal to the reason and sense of justice of

its citizens.[10] The idea is that the basic fairness and justice of the founding principles should successfully encourage the cooperation of citizens.[11] Stability serves as a test for the legitimacy of the state. If stability can be achieved through free and willing cooperation on the basis of the basic reasonableness and justness of the society, then that society is legitimate. The liberal principle of legitimacy has always required the consent of the governed. Rawls's approach requires actual consent under appropriate conditions. The consent that matters for legitimacy is not the hypothetical consent of persons behind a veil of ignorance, but the support of actual citizens who find their society just. At stake in this debate over the practical and normative approaches to stability are the two questions of when, and for what purpose, citizens can justifiably use the state's coercive powers upon one another in a democratic society.

The significant difference between these two approaches concerns the relationship between the political principles and the reasons for stability. Where stability is conceived as a practical problem, the mechanism for securing stability must be in accord with fundamental political principles, but it may be causally independent.[12] Hobbes's *Leviathan* provides a clear example of this sort of stabilizing mechanism.[13] It is not acceptance of the principles of justice that creates stability, but fear of the absolute power of the sovereign. Of course, comprehensive liberals reject the sovereign in principle, as violating principles of justice, freedom, or autonomy. The difference between Rawls and the comprehensive liberals is not over the objectionable nature of a sovereign as a stabilizing mechanism, but over what the cause of stability ought to be. For adopters of a practical conception, stability can come through a wide variety or mixture of rational and non-rational means. The justness of a society, though relevant, need not be the primary basis for stability. What makes the sovereign an exemplar of the practical approach is

that his manipulation of interests to produce compliance with the law dispenses with justice in favor of self-interest as a motivation.

On the normative conception, in contrast, the principles must generate their own support and gain acceptance by appeal to the reason and sense of justice of citizens. Rawls explains:

> But, as a liberal conception, justice as fairness is concerned with stability in a different way. Finding a stable conception is not simply a matter of avoiding futility. Rather, what counts is the kind of stability, the nature of the forces that secure it...Expressed another way, citizens' sense of justice, given their traits of character and interests as formed by living under a just basic structure, is strong enough to resist the normal tendencies to injustice. Citizens act willingly to give one another justice over time. Stability is secured by sufficient motivation of the appropriate kind acquired under just institutions.[14]

Stability under an absolute sovereign does not legitimize the sovereign; it is only a test of the sovereign"s ability to maintain order. Similarly, if citizens are basically unjust, unable to resist temptations to cheat or free-ride, cannot trust one another to act justly, or find the prevailing regime to be deeply problematic, then legitimate government (as understood in justice as fairness) however just, may not be possible. But, if citizens come to view their society as just, believe that the expectations of them are reasonable, and freely choose to do their part because of this, that society has achieved something special. It can claim legitimacy in a way that a state which relies on coercion and indoctrination cannot no matter how just its laws may otherwise be.

Legitimate stability has two components 1) the people raised with in a just society must continue to cooperate on the same terms of justice; and 2) those terms must be able to be serve as the focus of an overlapping consensus.[15] Although the normative conception of stability is not primarily concerned with finding out which mechanisms will best stabilize a society, this does not mean that concerns about the virtues, skills, and dispositions necessary for stability are illegitimate. The normative approach does not require that the state cannot act to secure its own stability. Rather, it explains how a state can legitimately become stable by providing an ideal of

what stability should look like. Concerns about what is necessary for stability can be addressed, but this must be done within the context of criteria provided by a normative approach. For example, Rawls argues that the use of public reason can contribute to stability. In contrast, achieving stability by convincing others of the truth of a theory (which runs afoul of reasonable pluralism as opposed to showing how it can be supported from within their comprehensive doctrine) or coercing cooperation by sanctions, are illegitimate.[16]

It is significant, however, that those who adopt the practical approach to stability do not value stability at all costs. Instead, they seek to find the most effective means of securing the goods of freedom or justice. Their approach to stability is concerned with achieving the un-coerced acceptance of the state, not with the nature of the reasons that leads to that acceptance. Some regard the principles of justice or freedom as strictly prohibiting certain methods of pursuing stability, where such principles are lexically prior to stability. The challenge, then, is to find a way of securing stability without violating the principled constraints. On another variant, justice, freedom, and stability are among the most prominent of many social goods. These goods can come into conflict with one another. The challenge is to balance and pursue these goods without sacrificing too much from any one to acquire the others. In both cases, the end is to achieve stability without violating other principles; stability itself is not a test of the state‟s legitimacy.

The normative and practical approaches to stability are inextricably linked to how we understand the civic relationship. The difference between the approaches lies not just in how they see stability, but in how citizens regard one another and the nature of their association together. If citizens regard one another as mere assets or liabilities in the pursuit of their own individual aims, then they will more readily turn to the legal power of the state to coerce one

another to advance those aims. Their relationship is at best a mutually beneficial and enjoyable alliance. Similarly, if citizens are concerned with principles of justice only because they believe them to be right or true, then they will often be more sympathetic to indoctrination or other coercive measures available within their conception of justice. The relationship between citizens becomes one of fellow adherents to a comprehensive ethical doctrine. Their friendship is grounded in moral doctrine rather than a political relationship.

In contrast, if they cooperate as free equals within a framework that each must regard as just, then they have reasons independent of their principles of justice not to coerce one another. Reasonable moral disagreement and divergent legitimate interests can be expected, but since neither constitutes the foundation of their relationship, the stability of that relationship is not threatened. Instead, difference and disagreement are among the facts on which they build their relationship. They prefer some principles rather others because those principle support their cooperation as free and equal members of a society characterized by pluralism.

The principled concern that political liberals have for one another leads them to seek stability for the right reasons. Civic friendship is not merely instrumentally useful as a means of securing justice, nor does it result from the imposition of a robust moral framework. Civic friendship characterizes the very nature of the regime. Consequently, the normative conception of civic friendship differs from the emphasis within practical approaches on the strength of feelings of unity or duty.[17] Rawls explains:

> To make more explicit the role of the criterion of reciprocity as expressed in public reason, I note that *its role is to specify the nature of the political relation in a constitutional democratic regime as one of civic friendship*. For this criterion, when citizens follow it in their public reasoning, shapes the form of their fundamental institutions. … [continuing in a footnote] It is sometimes said that the idea of public reason is put forward primarily to allay the fear of the instability or fragility of democracy in the practical political sense. That objection is incorrect and fails to see that *public reason with its criterion of reciprocity*

characterizes the political relation with its ideal of democracy and bears on the nature of the regime whose stability or fragility we are concerned about. These questions are prior to the questions of stability and fragility in the practical political sense, though of course no view of democracy can simply ignore these practical questions.[18]

Reciprocity is not introduced merely as a practical solution to the instability of pluralist societies, though reciprocity does foster practical stability. Reciprocity does not merely establish a condition of democratic legitimacy, though it does do that. Nor is it simply a condition of justice or stability in some abstract disembodied sense. Reciprocity establishes a relationship of civic friendship among free and equal citizens, a relationship that should occupy a prominent place in our thinking about justice as fairness.

If we already regard our fellow citizens as deserving of fair treatment in some sense, then we regard them as people whose cooperation ought to be secured through reasons that they could reasonably accept. The activity of civic friends, a free, reasoned, and willing cooperation on the terms specified by justice as fairness, serves as an independent normative check on the conception of justice. If the basic structure as shaped by justice as fairness were unable to sustain the cooperation of those who live within it, then it would not be legitimate. Justice as fairness, then, would fail to satisfy the project of political liberalism. Our principled concern for our fellow citizens would require us to find another way to secure their cooperation, to try another conception of justice. This possibility of failure is what makes stability a meaningful test of legitimacy for a society.[19]

This implies that when seeking cooperation based on the free and reasoned agreement of our fellow citizens, we should not aim at convincing nonbelievers of the truth of our theory in order to achieve stability. One danger of attempting to convince citizens of the truth of founding principles is the oppressive use of education. Civic education becomes indoctrination when it aims at convincing individuals that principles of justice are true or complete explanations of

justice.[20]   Achieving normative stability requires that the state does not use all the tools at its disposal to bring those who reject its founding principles to accept them.   William Galston advocates a disconcerting view:

> If children are to be brought to accept these [liberal] commitments as valid and binding, the method must be a pedagogy that is far more rhetorical than rational. For example, rigorous historical research will almost certainly vindicate complex „revisionist" accounts of key figures in American history. Civic education, however, requires a nobler, moralizing history: a pantheon of heroes who confer legitimacy on central institutions and are worthy of emulation.[21]

That this pedagogy is more rhetoric than reason is not reassuring, especially if history is being distorted. Galston overlooks the danger that education can become oppressive when it resorts to fallacious reasoning, teaches false information, omits relevant information, or otherwise tries to inhibit an informed and reasoned evaluation of the principles.

Rhetoric may be the mechanism that convinces young citizens rather than the merit of the fundamental principles or, worse, the rhetorical power may cause the young (and later adults) to be unaware of injustices. Galston"s proposal is grounded in a judgment about what he takes to be the least intrusive education necessary for peaceful coexist and minimal public judgment.[22] Yet even if it is both effective at securing stability and not unduly manipulative, it fails to secure stability for the right reasons. Eamonn Callan argues persuasively that Galston"s moralizing history, especially if it encourages strong sentiments, may undercut liberal virtues because it invites the wrong kind of loyalty, one which inhibits critical assessment of one"s country.[23] While Callan is interested in the reasons that ground individuals" loyalty, the normative approach is concerned with the character of the reasons that lead to acceptance. There is thus a parallel between the wrong kind of loyalty and the wrong kind of stability.

Oppressive uses of education are oppressive in part because they require the adoption contestable beliefs. Galston, however, explicitly rejects such measures, noting that the state may

use civic education to present arguments for its own justice or legitimacy so long as it does not require belief or acceptance of them. Consequently, his approach may be insufficient for conferring legitimacy even if it does foster stability. Yet Galston might insist that children are not sufficiently rational to recognize the force of the arguments. Even in the case of older children who may appreciate arguments, many will reject arguments either out of skepticism, because they are committed to incompatible conceptions of the good, or even because some are inclined to reject anything an authority figure tells them. Galston, Amy Gutmann, and Adrian Oldfield, among others, believe that rational arguments are necessary but insufficient to inculcate the character needed to sustain their preferred institutions.[24] If they are correct, a purely rational approach to teaching young citizens the truth of founding principles is incapable of securing stability.

Advocates of this practical approach to stability generally argue that some duty, virtue, or disposition is necessary for stable cooperation, which in turn requires substantial action by the state. Again, Galston explicitly builds his argument for civic virtues on their instrumental necessity for stability in a modern democracy, and only later does he argue for their intrinsic worth.[25] Quentin Skinner holds that republican principles and policies are necessary for ensuring that the conditions of pluralism remain possible.[26] He argues that widespread civic virtue is necessary to defend against foreign and domestic threats that undermine pluralism and the conditions that make it possible.

These arguments suggest that we should not take for granted the success of justice as fairness in achieving normative stability. On the normative approach, the state‟s interest in civic education is ensuring that citizens have the skills and knowledge to meaningfully engage and evaluate the politics of their society, i.e. the skills necessary to make stability a viable test of

legitimacy. This does not imply an insensitivity to the rhetoric of civic education. But the skills and virtues that citizens need for the state to wield its coercive power legitimately do not require citizens to accept those principles as true.   Since the ties of civic friendship are not secured through coercion, the feelings of trust and reciprocity that they engender can provide a non-coercive foundation for the transmittal and adoption of civic virtues. Stability, at least in the form of sentiments of patriotism or feelings of solidarity, is not the aim of civic education on a normative approach.

Elsewhere, Galston more promisingly argues that civic education may be more successful if built on traditional civic knowledge and practice of civic skills, akin to service learning.[27] He further contends that the "virtue of political discourse also includes the willingness to set forth one's own views intelligibly and candidly as the basis of a politics of persuasion rather than manipulation or coercion."[28] If we seek to achieve stability for the right reasons, we are not engaging rhetoric to persuade citizens to accept the truth of the theory. The line between reasoned acceptance and rhetorical persuasion may at times be difficult to draw. In contrast to Galston and Skinner, the normative conception of stability can accommodate both of their addresses this tension without presupposing or inculcating any particular comprehensive doctrines, while remaining open to the empirical questions about what skills are needed for citizens to be capable of a reasoned acceptance or rejection the conception of justice.[29]

The normative conception of political liberalism instead focuses on reciprocity. The importance of this focus becomes apparent when we consider why anyone should care about hypothetical deliberations in the original position. The original position models conditions of equality, such that an agreement reached under those conditions would be fair to each. Let us consider two different reasons for why individuals outside the original position should care about

such results. First, they themselves might not want to be treated unfairly. This might be a kind of self-interested reason; the dangers of unfair and unjust treatment are great. Of course, individuals can also benefit or believe that they can benefit from injustice. Given the particularities of individuals" circumstances they might rationally conclude that injustice serves their interests. Yet we need not suppose unjust motives; more problematically, citizens might simply fail to connect their circumstances with injustice.[30] The great difficulties in recognizing unjust privilege are well documented by feminists and critical race theorists.[31] Danielle Allen argues that the neglect of the civic relationship invites unjust domination:

> If democratic citizens ignore the intricacy of their relationships, they will constantly produce public discussions that obscure the truth about what citizens demand of each other. Such decisions rest on domination more than justice, and over time blindness to patterns of imposition corrodes political legitimacy.[32]

Resistance to focusing on justice from within the standpoint of the original position may, then, stem from evaluating justice from an individual standpoint rather than as a fair system of cooperation.

A second reason to care about deliberations in the original position is that citizens may be concerned with fairness because they think fairness is desirable itself. They might still be self-interested, but not want to gain advantages unfairly at the expense of others.[33] The desire not to benefit unfairly reflects a principled concern for others. As Allen continues in response to the worry above, "Political friends remain attentive to the losses and benefits that constantly circulate through the citizenry, and they remain vigilant that this circulation not settle into patterns of domination that precipitate distrust."[34] Wanting to treat others fairly reflects real a concern for them. In political liberalism this concern involves a commitment to reciprocity and public reason. Justice as fairness further specifies this as caring about fair terms of cooperation and about the position of the least well off.

This care is a kind of civic friendship. If one suffers injustice, then all concerned persons have reasonable grounds for objecting to the underlying system of social cooperation.[35] Even if the injustice seems justified by the principles of justice, if those disadvantaged by the policies can reasonably object and must be coerced to cooperate, then civic friends would have good reason to reconsider the principles and basic structure. Citizens may still obey because of legal sanctions. Yet, because the framework does not seem fair and reasonable to them, that system could not obtain stability for the right reasons. The normative conception of stability thus offers reasons grounded in the civic relationship in addition to concerns about the principles of justice.

Another way of thinking about how the normative conception of stability is an expression of civic friendship is to begin by noting that state power is fundamentally coercive. In personal friendships, coercion undermines trust, and in the course of our personal friendships we don"t imprison others when they act badly. We don"t seize their property when they break an engagement. Insofar as we threaten our friends with violence, imprisonment, or loss of property over the ordinary course of friendships, we are not being good friends. This introduces an important disanalogy between personal and civic friendship. Civic friendship is different because it concerns the foundation of law and government. Laws demand obedience.[36] They are often backed by coercive penalties, fines, imprisonment, even death. Coercion may even make citizens more likely to trust by reducing the perceived vulnerability of cooperation, such that a mutual commitment to a framework with sanctions becomes an expression of the depth of each citizen"s commitment to that framework. The relationship between trust and coercion in this case is a largely empirical matter. The normative question in justice as fairness is whether actual citizens support the structure because it seems just to them. Citizens may, and indeed generally do, regard coercive sanctions for violating the law as fair. There need to be democratic

and constitutional checks on that coercion to ensure fairness in both the establishment of the penalties and the application of those penalties (e.g. laws are established by democratic legislatures, enforced with jury trials overseen by judges to ensure due process, opportunities to appeal, etc.).

The relationship among the citizens would change dramatically if we were to drop the demand for an overlapping consensus and instead pursue the two principles as a comprehensive doctrine. The relationship changes because of the possibility of coercion even if, as a practical matter, such coercion is not necessary. No doubt many of the basic institutions, formal rights and liberties, etc., would remain the same, but they could be secured by the state‟s coercive power, whose legitimacy is justified in turn by the truth of the principles, not by the free, reasoned, and willing cooperation of the members of that society. On the normative approach, in contrast, an absence of consensus should lead civic friends to reconsider the basic principles; it is possible that some other mutually agreeable principles could be found or improvements made to the conception of the original position.

The normative requirement limits the legitimate means available to the state for building support, leaving the just liberal society vulnerable, in a way akin to trust amongst friends.[37] Neal rightly asserts, "Attempts to lessen the fragility of political order would entail more coercive, anxious, and impatient attitudes toward pluralism, and a greater willingness to employ the power of the state in the service of comprehensive views."[38] By setting the condition that the basic structure must be able to gain the free, reasoned, and willing support of one‟s fellow citizens, one is limiting the means by which the conception of justice is pursued. These limits do not arise in a circular manner from the principles of justice themselves, but from an independent regard for our fellow citizens.

A much discussed aspect of this normative requirement is the demand that the public political conception must be able to be the subject of an overlapping consensus. To achieve an overlapping consensus, each citizen must be able to endorse the public political conception from within his or her own comprehensive doctrine. Brian Barry takes this need for overlapping consensus to demonstrate a weakness of Rawls''s revised account of stability, in part because he thinks it likely that a society will have conflicts between reasonable conceptions of the good and the principles of justice.[39]

> In *A Theory of Justice*, lack of "congruence" would be an inconvenience, because those with unreasonable views (conceptions of the good incompatible with the demands of justice) might have to be coerced. In *Political Liberalism*, it would be a catastrophe if there were people with "reasonable comprehensive views" that could not accommodate the demands of justice, since that would undermine the legitimacy of Rawlsian institutions.[40]

Barry''s reading of this as weakness stems from overemphasizing the significance of the two principles at the expense of the relationship of civic friendship within justice as fairness. His worry ultimately comes down to a worry about when and whether coercion is justified. By introducing the demand for an overlapping consensus, Barry argues, Rawls limits the grounds of coercion, thereby rendering the social order more fragile. Barry would be correct to note this limitation introduces vulnerability, but vulnerability and fragility are distinct. As Aristotle points out, friendships of virtue are the least fragile precisely because of the character of the friends involved. Yet, they remain vulnerable in the sense that friends may betray one another.

Before examining whether justice as fairness is fragile, and not merely vulnerable, we should note that some coercive measures are still permissible within the normative approach. The normative approach relies on the trust of civic friendship. Sanctions can play the role of expressing the parties'' mutual commitment to the ideals of justice. This means that some forms of non-cooperative behavior, such as incivility, may not be enforced by the law at all even

though civility is critical for stability. However, if a society were unwilling to enforce its principles at all, citizens could reasonably wonder they were really committed to abiding by those principles. The sanctions only need be strong enough for individuals to be assured that others can be expected to cooperate on the terms specified by the principles of justice. Civic friends do not wish to use coercive power as a means of securing cooperation, especially with respect to the basic structure. However, that basic structure is compatible with a wide range of coercive measures from taxation to traffic laws, protecting the environment to public health, criminal law and other coercive measures that might be enacted within a framework that is supported by the free, reasoned, willing cooperation of citizens.

The clearest example of this is a robust institution of civil law.[41] Civil law enforces contracts, assigns equitable compensation for negligence and liability, and resolves other disputes between private parties. The knowledge that such an institution exists can lead individuals to be more willing to trust one another by reducing, though not eliminating, vulnerability. The parties know that should non-coercive means fail that they can secure their interests through coercive legal means. This may lead them to be more willing to engage in trust-based agreements. Even when there are violations of trust, the presence of these institutions can encourage parties to resolve disagreements in the first place without recourse to coercion. In this way the presence of coercive power can contribute to stability without violating the conditions of normative stability.

Civic republicans, in contrast, have not shown as much interest in the question of legitimacy. Republicans generally avoid contractarian language and thus do not face the problem of explaining whether agreements to a social contract are legitimate. However,

republicans are concerned with both stability and the nature of the forces that secure it. Pettit articulates a practical approach to stability. He writes:

> The problem of stabilizing the republic, stabilizing the sort of ideal described in the last chapter, is one of the age old themes in the tradition…The challenge, then, is to identify devices whereby we might make the republic a resilient or stable phenomenon. … [at the beginning of the next section Pettit notes] The most obvious instruments of control are sanctions.[42]

On a practical approach, once we have found our ideal republic, we seek to secure it. Whether coercive sanctions are always the most effective means of control, they remain an obvious means of achieving stability. Pettit generally eschews coercive measures focused on free-riders and deviants, arguing that they are less effective because they undermine trust.[43] Pettit also proposes principled limitations (checks on power and requirements of contestability) upon the coercive forces that secure stability.[44] However, these limitations derive from the same conception of freedom that makes coercion appropriate in the first place. The limitations thus do not provide an independent check upon the legitimacy of that conception of freedom.

When trust is diminished, parties increasingly rely on coercive institutions. This marks a shift from mutual trust and reciprocity, to a dependence on coercion, even without a change in the concrete coercive legal institutions. For example, Robert Putnam notes a correlation between declining civic trust and an increasing number of lawyers and judges.[45] The increase is primarily due to preventive law rather than a greater number of lawsuits or criminal complaints. Increasingly detailed and expansive contracts spell out legal obligations concerning matters over which individuals previously would have trusted one another. Much legal research is concerned with preparing for lawsuits that may never emerge. When preventive law is thus widely practiced, parties rely on the coercive power of the courts and its power to compel cooperative behavior. In contrast, when parties trust one another, the contracts are much less detailed. The coercive legal institution is still present, but it is not used and it is not relied upon for particular

agreements. Instead, the coercive institution remains in the background, a context within which trust based relationships are established. While not illegitimating in and of itself, a greater reliance on coercion suggests a decline in the kind of trust necessary to have legitimating stability for the right reasons.[46]

Civic friendship, a principled concern for our fellow citizens, stands apart from the principles of justice. The principles themselves are an expression of our status as free and equal, and they shape the terms of our political relationships. However, when civic friendship is also grounded on our status as free and equal, it provides an independent check upon those principles. Commitments to reciprocity and public reason shape the political relation into one of civic friendship, and in turn determine the form of basic institutions. We then turn to the original position as a way to find principles of justice that can serve as a fair basis for social cooperation amidst the diversity of our society. Justice as fairness, with difference principle's focus on the least advantaged, ensures fairness and reciprocity with those who have the greatest reason object to the cooperative framework. We hope to find a fair basis for social cooperation in part because we ourselves wish to be treated fairly, and in part because, given that we are already civic friends, we wish to treat the other members of our society fairly.

But what guarantee do we have that the principles of justice derived in the original position will succeed in ensuring the fair treatment of all? The normative approach to stability offers a viable independent check upon those principles. Will the principles in fact be accepted as just and reasonable, and will those raised within a society structured by them continue to accept them? If yes, then civic friends can be satisfied both that the cooperative arrangement is fair and just, and that the other members of their society agree. They trust one another not just

because trust is a cost effective means of securing the principles, but because free and reasoned choice is a condition of legitimate cooperation.

6.2   Civic Friendship: An Attractive and Stable Political Culture

We have seen that civic friends seek stability through free and reasoned cooperation, and in so doing, they aim at securing legitimate cooperation. The normative force of stability among civic friends stands alongside the success of civic friendship in establishing an attractive political culture that is stable in the practical sense. The relationship that leads citizens to treat stability as a normative test of legitimacy also explains much about why the citizens wish to remain in that relationship. In explaining how civic friendship establishes an attractive political culture, I suggest we proceed in two steps.[47] First, we need to reframe the practical concerns about stability as they are understood within the normative approach. The practical success of institutions structured by a conception of justice in securing the support of citizens serves as a test of that conception‟s legitimacy. Second, we need to show how justice as fairness passes that test.

On a normative approach, the practical problems of securing stability are framed differently than on a practical approach. The normative approach to stability first selects the principles of justice and then asks whether they establish a cooperative arrangement that can serve as the basis for agreement in a pluralist society in a way that respects the freedom and equality of each member. This differs in important ways from the practical approach, which either proceeds from existing moral views and social attachments to find ways of balancing them, or institutes policies to forge agreement, compliance, or cooperation.[48] The normative conception of justice is developed with the fact of pluralism in mind, but this fact does not identify the specific doctrines of the society.[49] Civic friendship is the most significant source of

stability. It offers a much needed foundation for trust, a principled concern for one another which reinforces the motivation to cooperate at occasional cost to narrow self-interest, and finally the cooperative spirit to recognize and address situations that normally present problems to collective action. Civic friendship secures the stability of a society while ensuring that its stability is legitimately grounded.

The primary concern with stability is its normative role in establishing the legitimacy of relevant principles. Yet there is a secondary role: we may consider stability in choosing among the contending principles. Two problems of stability (isolation and assurance, discussed in Chapter 4) arise within the original position, where stability is a relevant desideratum to the parties behind the veil of ignorance. The parties can compare the costs and benefits, and the degrees of security, provided by rival principles of justice.[50] Given the constraints of the original position and the reasons they have for entering into it, the concerns about stability so situated already presuppose a certain relationship among the citizens.

Rawls shows how this political relationship provides a solid foundation for resolving the two kinds of instability, shaped by the two principles and especially the difference principle. As we saw in chapter 4, Rawls introduces three psychological laws to show how a person living in a well-ordered society will come to be moved by civic friendship, which can be seen in the principles of justice, personal affection for one's friends, and concern for broader groups of one's fellow citizens. These laws explain why individuals choose to cooperate. While distinct from the questions of legitimacy, this indicates how justice as fairness can satisfy the requirements for legitimacy by adopting a normative account of stability.

An example of how civic friends might approach a concrete problem with elements of both isolation and assurance will help to clarify the distinctive elements in the civic friendship of

political liberalism and justice as fairness. Consider the pollution problem, a classic example of the problem of isolation. The effect of any one person dropping trash is negligible, and even low levels of industrial pollution can be manageable. Consequently, from the standpoint of any particular actor, polluting may be more rational than expending the effort and time required to properly dispose of waste. However, the cumulative cost of such individual decisions can be quite high. Isolation threatens stability because there are numerous problems facing any political society that would leave the group worse off without a collective response. Resolving the problem of isolation requires determining the course of action that the group or its members should take that would leave them all better off. Deciding to address these problems as group is necessary for stable cooperation, especially with where these problems impact the basic structure of society.

The civic friendship that emerges under justice as fairness, accompanied by the sense of justice, can solve the problem of isolation. Rawls writes:

> Now it is evident how the relations of friendship and mutual trust, and the public knowledge of a common and normally effective sense of justice bring about the same result [as Hobbes sovereign in solving instability]. For given these...no one wishes to advance his interests unfairly to the disadvantage of others; this removes instability of the first kind [isolation].[51]

The principles of justice achieve two important aims. The first principle allows each person to know that everyone's essential basic rights are secure. The second principle ensures that each benefits from the cooperative arrangement as judged from the standpoint of the original position. Both of these principles express commitments that civic friends have for one another.[52] Within such a framework individuals can pursue their own interests, and know that their gains do not come from the exploitation of those less fortunate, and that should they be less fortunate they will not be victims of exploitation. Thus, each citizen can regard the terms of justice as fairness as an acceptable basis for their cooperation.

Compare two different ways of viewing the pollution problem. First, most individuals in a society will not want to live in a polluted environment. Individually they may still choose to pollute because their actions do little to affect overall pollution levels, yet they recognize that others are similarly situated. Each individual, recognizing the problem, enters into an agreement with others not to pollute. But suppose that the pollution is confined or moved to some narrow subset of the community. A large portion of the citizens are able to pollute, but they themselves do not suffer the consequences of pollution.[53] Individually, those polluters would seem to have little reason to enter into an agreement in the first place or even view the pollution as a problem.

In contrast, consider a political community whose members see that they are creating a large amount of pollution. They view this pollution as a product of the rules governing their cooperative arrangement (e.g. no penalties for polluting or no public funds for cleaning), so they collectively endeavor to find a solution to the problem. They may recognize that individually they have greater incentives to pollute than not, but this recognition does not mean they view the problem individually.

This second way of viewing the problem is clearly more responsive to concerns of justice.[54] The individuals recognize that the problem is a product of their social arrangement. Further, they recognize that the disparate impact of their actions may unfairly affect some more than others. Since they regard their political association as a cooperative endeavor rather than as a way for them as particular individuals to coordinate the maximization of their interests, they are more concerned with the terms and consequences of that cooperation for others. The civic friendship of justice as fairness gives them a principled concern for one another. They will be open to the claims of those who suffer the consequences of the pollution that the situation is unfair. This concern, combined with the direction provided by the two principles, enables

polluters to recognize that whatever benefits they receive by polluting are unfair, even exploitative. In this way the civic friendship of justice as fairness both resolves the broad question of social cooperation by settling on the two principles, and provides the motivation to address more specific isolation problems that arise.

The problem of isolation is distinct from the problem of assurance, i.e. the problem of actually getting individuals to follow through on the best course of action. Even if the parties can determine which principles would be best from the standpoint of all, the problem lies in ensuring that everyone will cooperate by acting in accord with those principles.[55] There will always be pressure and incentives for individuals to become free-riders or cheaters, to seek the benefits of cooperation without themselves accepting any of the costs of cooperation. Within the prisoner"s dilemma, all parties can recognize that the optimal outcome is cooperation, but they still have individual incentives not to cooperate. Even if the parties do cooperate for a time, their cooperation is unstable because each party stands to gain by not cooperating. The assurance problem thus concerns whether citizens will do their part in sustaining the institutions that the principles identify as just.

The pressure not to cooperate emerges only when transitioning from the standpoint of the original position to that of particular individuals because it is only as particular individuals that we stand to gain through non-cooperation.[56] But while the problem of assurance emerges in the course of everyday life, the parties behind the veil of ignorance can recognize the potential for the problem of assurance because they have general knowledge of human psychology and moral learning.[57] This is significant because it creates the space to evaluate the stability of a conception of justice without abandoning those features of the veil that help to ensure its impartiality and fairness.

A solution to the problem of assurance is found in the civic friendship that emerges under justice as fairness, especially its commitments to reciprocity as embodied in both the difference principle and the ideal of public reason. The morality of association gives rise to particular affective ties and cooperative virtues that support stability, and the morality of principles helps us to make sure that we are consistent in our commitment to acting justly and continue to seek justice for those fellow citizens with whom we may have no immediate ties.[58] As a general explanation we can see that the trust and commitment to justice in civic friendship helps assure the parties of their mutual commitment to cooperate. However, that this stable relationship would emerge is not guaranteed. Rawls discusses two reasons that the cooperative attitudes might fail to develop: distrust and resentment.[59] A society will inevitably fail to fully realize its principles, both because some people will inevitably violate them and because circumstances change, making a law that was once good no longer appropriate. Citizens who care about justice will likely find this frustrating, and it may erode their willingness to continue cooperating. They may come to resent small injustices or lose faith that others are doing their part.

The danger posed by these attitudes gives rise to the duty of civility discussed in Chapter 5. As initially stated, the duty of civility seems to be simply a matter of following the law and not exploiting loopholes. The idea is that there may always be ways in which institutions are imperfect, but such imperfections are usually not an excuse for not cooperating. Returning to the idea of reciprocity in the second and third psychological laws, we could look at the imperfections of society in two different ways. First, we might regard the imperfections as evidence that others are not cooperating, thereby undermining our own willingness to cooperate. Second, the duty of civility directs us to cooperate despite these defects. Seeing that our fellow citizens are willing

to cooperate in the face of inevitable imperfection will further incline us to cooperate when we come to be disadvantaged by the imperfections of institutions.

With the duty of civility in place, Rawls explains not only how trust and the cooperative attitudes emerge, but also how these attitudes can remain stable in the face of infractions of justice. In this way civic friendship, which incorporates non-legal duties like civility, resolves the assurance problem:

> And since each recognizes that these inclinations and sentiments are prevalent and effective, there is no reason for anyone to think that he must violate the rules to protect his legitimate interests; so instability of the second kind [assurance] is likewise absent. Of course infractions will presumably occur, but when they do feelings of guilt arising from friendship and mutual trust and the sense of justice tend to restore the arrangement.[60]

Civic friendship provides us with the reasonable faith that our fellow citizens are willing to do their part within a cooperative framework, i.e. that they do not intend to unfairly advance their interests at the expense of others. Most people will fail to fully live up to the ideals of justice on some occasions, but when they fall short they tend to regret it, and these occasional failures do not undermine their general trustworthiness. Just as guilt can motivate us in personal friendships, it can also move us in the political context.[61] Recall from Chapter 4 that the civic friendship of justice as fairness grows reciprocally with trust in family and other associations within the political community. The principles and our ordinary social and political attachments thus reinforce one another in resolving the two problems of instability. Citizens must both trust and be trustworthy, if the cooperative arrangement is to pass the normative test of stability. They must trust, and experience that trust as justified. The just and legitimate political structure both fosters and depends upon such trust.

Let us now turn to look more closely at the trust engendered by civility and the other duties that comprise civic friendship.[62] Stability within a society structured by justice as fairness

depends on a wide variety of different kinds of trust.[63] At the political level, citizens need to justifiably trust that institutions and officials act in accord with the conception of justice.[64] If citizens believe that basic institutions are undermining justice, only advance the narrow interests of some, or cannot be trusted to perform their functions, then their legitimacy is compromised. While this form of trust is important for both stability and legitimacy, it relates only indirectly to civic friendship, reflecting the kind of institutions that would be chosen by those who regard one another as free and equal. More basic to civic friendship is the trust that citizens have in one another.[65] It is this trust that the duties of citizenship support most directly.

The trust of civic friendship is especially important in a society moving from non-ideal circumstances toward a society fully shaped by justice as fairness; indeed such a transition may be the permanent condition of humanity. Citizens may not yet be fully accustomed to offering public reasons, and will often rely upon their own comprehensive doctrines for justification within the public sphere. They may be unaccustomed to offering reasons to those who don"t share their religious views, or worry that in offering reasons that are non-religious they are subordinating their religious commitments to a non-religious political culture. They might even worry that without God there cannot be civic friendship.

Or consider the problem of self-interest that arises because the parties in the original position do not know how their actual interests will be affected. In actual transitions, individuals will be acutely aware of how their interests are affected. In moving from non-ideal circumstances toward justice, the actual legitimate interests of some individuals may be adversely affected.[66] Such individuals will likely find cooperation more difficult, but that difficulty does not necessarily reflect a desire for unjust benefits. Citizens may legitimately and vigorously pursue their own interests within justice as fairness. They should not, however, do so

unfairly at the expense of others. While desiring a more just order, they may be reluctant to support some particular change. Even when their reluctance is not well supported by solid public reasons, it is not necessarily illegitimate or an indication of non-cooperation. Of course, these infractions could well be indicative of illegitimate aims, non-cooperation, or efforts to actively undermine the cooperative framework. The strains that accompany a transition to justice as fairness will result in a numerous acts and attitudes that are not in accord with the demands of public reason, reciprocity, or the two principles.

Such infractions present a challenge of how to respond, a problem distinct from determining what actually motivates such individuals. Without full knowledge of individual intentions, infractions can support two interpretations: they are indicative of some vice or merely manifestations of the strains of commitment. This challenge demonstrates the need for trust in order to overcome the strains of commitment. A pessimistic assumption of illegitimacy would seriously undermine the willingness of citizens to continue cooperating on the terms proposed in justice as fairness, an inability to overcome the problem of assurance. Citizens are likely to respond to infractions in ways that undermine the willingness of those undergoing the strains of commitment to cooperate. Suppose that someone's non-cooperative behavior emerges because of the strains of commitment. Accusing such an individual of fascism or bigotry may strain their commitment to the point of breaking.[67] The trust and good faith of civic friendship, while necessary to overcome the strains of commitment, thus also exposes one to a certain level of vulnerability. Such can be the cost of trust, but the costs of distrust can be higher. This is not some special vulnerability of justice as fairness. It is a general feature of trust relationships.[68] Some degree of vulnerability will afflict any trust-dependent political order, which is nearly every political order.[69]

I have been arguing that justice as fairness gives form to the concern of civic friends. The principles express the concern that citizens have for one another in a way that shapes institutions and civic friendship, which yields stability. We might, however, worry that emphasizing the role of a conception of justice in this trust is merely the preoccupation of political philosophers. As an empirical matter, the trust of others depends on how much one interacts with others and on the quality of those interactions. Expressions of theoretical commitments are unreliable as an indication of trustworthiness. Robert Putnam has shown that those who are victims of crime, for instance, are less trusting than those who are not. Those who have had positive experiences of community are more trusting than those who have not.[70] Indeed, levels of civic trust began to decline in the United States in the mid-sixties because of a generational shift that correlates with declines in levels of civic activity. Moreover, the data suggest that experiences of the trustworthiness of others early in life determine how much one trusts others later in life.[71] This shift does not seem to track liberal/conservative political ideology, commitment to the constitution, or other aspects of the basic structure. This suggests that conceptions of justice may play very little role in how much citizens trust one another.

Putnam notes several other factors that influence social trust. Those who exhibit the most civic trust are those who are involved in civic and social organizations.[72] And whether or not someone will be active in civic and social organizations is highly and negatively correlated with how much television one watches. Individuals with televisions in their bedroom are markedly less active in this sense, and those who grew up with a television in their bedroom are yet further disengaged.[73] Such habits seem to have little to do with one"s conception of justice. Yet they may well track social trust more reliably than knowing whether someone would endorse some version of the difference principle. Why, then, should we think that the civic friendship of

justice as fairness will yield a special kind of trust, let alone higher or even sufficient levels of trust?

There are two important points to make here. First, the above empirical observations indicate that a conception of justice cannot exist in the vacuum of philosophical space, or as political belief divorced from the day to day actions of the members of a political community. Justice as fairness is not simply a theoretical system, the product of which is two abstract principles of justice. Justice as fairness is instead concerned with how citizens relate to one another. Recall that in political liberalism "the role of the criterion of reciprocity…is to specify the nature of the political relation in a constitutional democratic regime as one of civic friendship." The three psychological laws show how the civic relationship established by justice as fairness grows out of and shapes the myriad of other relationships in society.

This brings us to the second point. The trusting civic friendship of justice as fairness is marked by a commitment to reciprocity and the inclusion of all members of society. Reciprocity is at the heart of civic friendship in justice as fairness, and it is an essential component of social trust. Reciprocity is not simply a formal principle, the acceptance of which is necessary to secure a certain kinds of goods (relative peace, stability, freedom, civic friendship, etc). Neither is reciprocity simply one rule among many that regulates the interaction of citizens.[74] Instead, reciprocity shapes the relationship between the members of a society at all levels from principles of justice, and those principles in turn shape the virtues and duties of citizenship that we have already examined.[75]

Putnam"s research suggests that social trust, and civic, political, and community involvement, are highly reciprocal. Individuals who engage their fellow citizens in one way are thus more likely to do so in many ways. For example, individuals who contribute to one charity

are more likely to contribute to multiple charities. Members of one club, like the Kiwanis, Rotarians, or Knights of Columbus, are likely to belong to multiple organizations. Further, those who are active in any such associations are more likely to vote and engage in other forms of political activity, and they place higher levels of trust in their fellow citizens. Similarly, those who are politically active are more likely to participate in other associations. Those who are active in social and religious organizations are more likely to be politically active is precisely because they tend be more committed to reciprocity.[76] While not all of this activity necessarily activity that contributes to stability, the correlation of such activity and generalized trust may provide empirical support for Rawls‟s claims about the reciprocal benefits of the moralities of association and politics.[77]

Trust and reciprocity, however, are not the only mechanisms through which civic friendship contributes to stability on a normative approach. Civic friendship also supports social unity and affective ties between citizens; it provides a degree of social unity appropriate to pluralist society. Rawls sharply differentiates this civic friendship from more robust notions of community which rely on partial or complete comprehensive doctrines.[78] When we look to what unifies a large political society as a whole, it will be mutual commitment to the conception of justice. Rawls‟s discussions of overlapping consensus usually emphasize the relationship between the comprehensive doctrines of particular citizens and the political conception of justice. Citizens must be able to endorse the political conception of justice from within their comprehensive doctrines. The political conception of justice gives citizens a common moral aim. This common aim, in turn, provides a measure of social unity. However, this way of discussing social unity, while correct, neglects another aspect of the social unity.

Unity comes not only from how citizens regard a common political conception, but also from how they relate to one another. The shared principles of justice as fairness mean that each citizen regards all of their fellow citizens as free and equal, and as expressing their concern that no one should be unfairly disadvantaged for the benefit of another. This way of regarding one‴s fellow citizens is important for social unity. Compare the relationship between citizens in a society where justice as fairness serves as the basis of an overlapping consensus with one with similar institutions in the basic structure, but where the principles of justice merely serve as a *modus vivendi* within separate enclaves. Citizens regarding one another as equals, in whom they take a principled concern, and sharing fundamental political values have a different relationship than citizens who are indifferent to each other, even when they follow similar rules.

The resulting social unity is important for stability for the simple reason that a people who feel bound together by shared (political) values will be more likely to stick together and treat one another in accord with those values than people who are not so bound. Rawls explains:

> Although a well-ordered society is divided and pluralistic, its citizens have nevertheless reached an understanding on principles to regulate their basic institutions. While they cannot achieve agreement in all things, the public agreement on questions of political and social justice supports ties of civic friendship and secures the bonds of association.[79]

Agreement on the basic matters of justice as fairness allows each citizen to act on their regard for all of their fellow citizens as free and equal. This establishes a fraternity based on a principled concern rather than just personal affection.[80] Civic friendship as a relationship, as opposed to mere commitment to the principles of justice, is thus an essential component of how citizens acquire the dispositions to act justly and come to be moved by the principles of justice themselves. These social bonds help to secure stability, even if (or perhaps because) they lack the passionate intensity of other relationships of love and friendship.

However, citizens will still be bound to some fellow citizens by affection. Recall that the morality of association applies to the relationship of citizens as well as other kinds of associations. Every citizen will be bound to other particular citizens in their civic capacity. Perhaps they work together on an electoral campaign or in support of some piece of legislation; perhaps they attend school board meetings or participate in fundraising together. In such relationships, ties of affection can emerge when the parties cooperate with one another in accord with the principles of justice. These particular political friendships are normal in political societies, but they should not be confused with the more general civic friendship that holds among citizens broadly. Affection binds each citizen to some other citizens, but it is agreement on the principles of justice that unifies them all. Yet, particular relationships can further promote stability.[81] A society without any such ties, a society where citizens were indifferent or hostile to one another, would be deeply unattractive to us and to its members.[82] As such it would be less stable. When citizens see that their society is conducive to relationships of personal affection, and see that those for whom they care benefit from justice, they are more supportive of the conception of justice and of the society structured by it.

Civic friendship, when built upon an overlapping consensus rather than upon the mere calculation of interests, is less vulnerable to instability as the balance of power changes among the cooperating parties. If the parties cooperate only because they do not have the power to force others to do things the way they want to do them, then the system does not have stability for the right reasons. If one party were to gain enough power to have its way then it would stop cooperating unless it was committed to cooperation for the right reasons.[83] This sort of stability over a change in relative power is especially important given the fact of pluralism. If those who reject foundational values are not fully committed to certain basic institutions, then society

would be in danger of becoming unstable if they were to gain power. If stability is achieved by controlling who wields power or through the manipulative promulgation of certain values, then we can question whether cooperation is a demonstration of the legitimacy of the principles or just the effectiveness of the state"s restrictions and self-promotion. On the normative approach, in contrast, stability across changes in power helps to demonstrate the legitimacy of the principles. It shows that people accept the principles or basic fairness of the social order rather than simply playing along until they can grab enough power to rule as they wish. Civic friendship, with its principled concern, does not rely on narrow calculations of interest to secure stability, and consequently it can remain stable across different balances of power. Cooperating parties not only seek fair treatment for themselves, but are also committed to not advancing their own interests unfairly at the expense of others. Civic friendship is thus an essential component of how citizens acquire the dispositions to act justly and come to be moved by the principles of justice themselves.

Civic friendship, I have argued, is integral to Rawls"s account of normative stability as necessary to legitimacy and as the practical means through which legitimate stability is secured. It stabilizes a society structured by justice as fairness, and it ensures that the basic structure is legitimate. The problem of stability as understood within justice as fairness is a problem of ensuring that the two principles of justice are a legitimate basis of social cooperation among free and equal citizens. Stability in this sense requires citizens to cooperate because they regard the principles of justice as fair and just, not because of coercion or narrowly egoistic calculations. This requirement is ultimately a requirement of civic friendship, because citizens seek the free and reasoned cooperation of one another, because they take a principled concern in one another, because they do not want to benefit unfairly at the expense of others, and because they do not

seek to coerce the compliance of their fellow citizens. Such civic friendship fosters the trust, reciprocity, and social unity that make their cooperation stable and that are essential to navigating the problems of isolation and assurance. Finally, the kind social unity characteristic of civic friendship in justice as fairness is appropriate to a pluralist society because it persists across the changing power relationships of its members.

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[1] Rawls, *Justice as Fairness: A Restatement*, 128-29.

[2] For example, Aristotle devotes all of Book V of the *Politics* to instability, laying out a variety of different ways in which a polis can undergo *stasis*, with numerous historical instances of each. Plato‟s eccentric proposals concerning the abolition of the traditional family, and allocation of material resources in The Republic, are introduced because factions formed on those bases. Much of modern political philosophy‟s concern with stability is devoted the details of sectarian religious conflict, often engaging in theological arguments in favor of tolerance or fallibility in order to justify the coexistence or elimination of divergent faiths. More recently class conflict, racial and ethnic strife, and religious division outside Christianity have drawn more attention as being significant as sources of political instability.

[3] While he is obviously concerned with conflicts that result from pluralism and the discontent of the least well off members of society, his approach is to set aside those identities temporarily, so that those identities are not used as justification for unwarranted coercion of others.

[4] Rawls, *Justice as Fairness: A Restatement*, 129.

[5] Habermas, for example, argues that the agreement Rawls seeks "would no longer be of interest from the point of view of acceptability, and hence of validity, but only from that of acceptance, that is, of securing social stability." Jurgen Habermas, "Reconciliation through the Public Use of Reason: Remarks on John Rawls's Political Liberalism," *The Journal of Philosophy* 92, no. 3 (1995): 122. In seeing stability in light of civic friendship, we can more easily see how justice as fairness is in concert with the aims of deliberative democracy.

[6] Rawls, *A Theory of Justice*, 3-6.

[7] "And finally, the scheme of social cooperation must be stable: it must be more or less regularly complied with and its basic rules willingly acted upon; and when infractions occur, stabilizing forces should exist that prevent further violations and tend to restore the arrangement." Ibid., 6.

[8] "One conception of justice is more stable than another if the sense of justice that it generates is stronger and more likely to override disruptive inclinations and if the institutions it allows foster weaker impulses and temptations to act unjustly…It is evident that other things equal, the persons in the original position will adopt the more stable scheme of principles." Ibid., 398.

[9] Ibid., 10-19.

[10] Even on a practical approach, an important part of that stability will entail public acceptance of the governing institutions as legitimate, or at least acceptable. However, this could come from appeals to emotion, national solidarity, religion, educational indoctrination, etc. The practical approach will use as many of these as needed and permitted by the particular conception of justice. The normative approach requires narrower grounds, appeals to reason and the sense of justice.

[11] For Rawls, this requires that citizens affirm justice as fairness from within their reasonable comprehensive doctrine because it appeals to their reason.

[12] "In one way we view stability as a purely practical matter: if a conception fails to be stable, it is futile to try to realize it. Perhaps we think there are two separate tasks: one is to work out a conception that seems sound, or reasonable, at least to us; the other is to find ways to bring others who reject it also to share it; or failing that to act in accordance with it, if need be prompted by the penalties or enforced by state power. As long as the means of persuasion or enforcement can be found, the conception is viewed as stable." Rawls, *Political Liberalism*, 142.

[13] Rawls, *Justice as Fairness: A Restatement*.

[14] Rawls, *Political Liberalism*, 142-43.

[15] "Stability involves two questions: the first is whether people who grow up under just institutions (as the political conception defines them) acquire a normally sufficient sense of justice so that they generally comply with those institutions. The second question is whether in view of the general facts that characterize a democracy's public political culture, and in particular the fact of reasonable pluralism, the political conception can be the focus of an overlapping consensus. I assume this consensus to consist of reasonable comprehensive doctrines likely to persist and gain adherents over time within a just basic structure." Ibid., 141.

[16] There are places in *Theory* where Rawls suggests penalties rather than a sense of justice may motivate some individuals. "It can happen that there are many who do not find a sense of justice for their good; but if so, the forces making for stability are weaker. Under such conditions penal devices will play a much larger role in the social system…Yet none of this nullifies the collective rationality of the principles of justice; it still to the advantage of each that everyone else should honor them." Rawls, *A Theory of Justice*, 505. He says this while claiming that the two principles will do a better job of fostering a sense of justice and that stability grounded on such a sense is superior to that from penalties.

[17] One of the things that I argued in the Chapter 2 on Aristotle is that the different kinds of regimes that Aristotle identifies have different kinds of civic friendship grounded in different ideas of reciprocity and proportion.

[18] Rawls, *Political Liberalism*, li. Emphasis mine.

[19] "Thus a conception of justice may fail because it cannot gain the support of reasonable citizens who support reasonable comprehensive doctrines; or as I shall often say, it cannot gain the support of a reasonable overlapping consensus. Being able to do this is necessary for an adequate political conception of justice." Ibid., 36.

[20] Teaching the principles as true or complete would require adopting a comprehensive doctrine that reasonable citizens could reasonably reject. As such, it is incompatible with treating them as free and equal.

[21] Galston, *Liberal Purposes : Goods, Virtues, and Diversity in the Liberal State*, 243-44.

[22] Ibid., 253.

[23] Callan, *Creating Citizens: Political Education and Liberal Democracy*, 101-05, 10-12.

[24] Galston, *Liberal Purposes : Goods, Virtues, and Diversity in the Liberal State*; Gutmann, "Civic Education and Social Diversity."; Oldfield, *Citizenship and Community : Civic Republicanism and the Modern World*. Cite specific portions

[25] Galston, *Liberal Purposes : Goods, Virtues, and Diversity in the Liberal State*, 240-46.

[26] Quentin Skinner, "On Justice, the Common Good and the Priority of Liberty," in *Dimensions of Radical Democracy: Pluralism, Citizenship, Community.*, ed. Chantal Mouffe (London; New York: Verso, 1992), 211-24.

[27] William Galston, "Political Knowledge, Political Engagement, and Civic Educatoin," *Annual Review of Political Science* 4, no. 1 (2001): 218-19.

[28] Galston, "Liberal Virtues," 1285.

[29] Rawls explains , "Classical republicanism I take to be the view that its citizens of a democratic society are to preserve their basic rights and liberties... They must also have to a sufficient degree the 'political virtues'... With classical republicanism so understood, justice as fairness as a form of political liberalism has no fundamental opposition. At most there can be certain differences on matters of institutional design and the political sociology of democratic régimes." Rawls, *Political Liberalism*.

[30] The idea here is that injustice suffered by another is not my problem because it is perpetrated by yet some other person. One might care about justice and the treatment of others, but not connect it with their own circumstance since they regard injustice as bad action by another rather than as a problem with a system from which they benefit.

[31] A narrow focus on one"s individual circumstances makes oppression very difficult to see, even when coupled with a concern to act rightly, because of its systemic nature. The problem is further exacerbated by false consciousness, where the real reason we come to have certain beliefs and attitudes is not apparent to us. For examples of this with respect to sex: Marilyn Frye, *The Politics of Reality : Essays in Feminist Theory*, The Crossing Press Feminist Series (Trumansburg, N.Y.: Crossing Press, 1983), 3-10.; and with respect to race Tommie Shelby, "Ideology, Racism, and Critical Social Theory," *The Philosophical Forum* 34, no. 2 (2003): 165-72..

[32] Allen, *Talking to Strangers : Anxieties of Citizenship since Brown V. Board of Education*, 171.

[33] Rawls argues that the we should be able to justify the institutions and framework to someone who cares about their own interests, but need not dwell on justification for the hardest and narrowest forms of egoism. In a well-ordered society, citizens will develop and be moved by a sense of justice. Rawls, *A Theory of Justice*, 497-98. Recall also the argument from Chapter 4 about the natural and reciprocal development of the principled concern of civic friendship.

[34] Allen, *Talking to Strangers : Anxieties of Citizenship since Brown V. Board of Education*, 171.

[35] Even if the injustice seems justified by the principles of justice, if those disadvantaged by the policies can reasonably object and must be coerced to cooperate, civic friends would have good reason to reconsider the principles and basic structure in a way that those who simply accept the principles as just or true do not.

[36] This demand need not be heeded. Citizens can violate the laws for any number of unjust reasons, or purposefully violate laws in acts of civil disobedience or conscientious refusal.

[37] In section 2 we will look at the issue of trust in civic friendship more carefully.

[38] Patrick Neal, "Does He Mean What He Says? (Mis)Understanding Rawls's Practical Turn," *Polity* 27, no. 1 (1994): 102.

[39] For example, Barry thinks that a person who believes travelling contributes to his good, but that who cannot afford to do so, is required to revise his conception of the good to reconcile his conception of the good with the limitations of his circumstances in a just society. Acting on his desire to travel in this case would be contingently unjust on his reading. Brian Barry, "Review: John Rawls and the Search for Stability," *Ethics* 105, no. 4 (1995): 889.

[40] Ibid., 890. Barry argues that the "Hobbesian" means of securing stability are justifiable in *Theory*, but not under the revised account of stability in *PL*. The congruence of the just and the good eliminates the need for such measures, which is why it would inconvenient but not catastrophic for the congruence not to obtain.

[41] I refer to civil law within a common law system of government. Civil law concerns disputes between private parties, and stands in contrast to criminal law. I am not referring to the civil law legal system found in most of Europe and South America.

[42] Pettit, *Republicanism : A Theory of Freedom and Government*, 210-12. Moreover, Pettit is clear that the checks he introduces relate to the "feasibility" (206-7) of the Republican ideal, which is a specifically practical concern. Rawls sharply distinguishes worries about feasibility from the normative questions about stability. He further characterizes the question of mechanisms for stability as a "regulatory challenge" (210).

[43] Some liberal advocates of a practical approach share Pettit"s skepticism about so-called deviant centered approaches. Galston writes, "[E]very community creates a complex structure of laws and regulations that they will be accepted as legitimate – hence binding – without direct recourse to threats or sanctions." However, Galston"s concern here remains practical. A state whose citizens did not accept its laws as legitimate would be largely incapable of pursuing collective ends. Galston, "Liberal Virtues," 1282.

[44] Pettit 212-218

[45] Putnam, *Bowling Alone*, 143-57. Similarly he has shown increase in the use of private security, such as guards, that has taken place while the levels of crime have not substantially changed. The number of both lawyers and private security guards has steadily increased 75% from 1970 to 2000. While crime rates only slightly grew overall, and fell over a substantial period of that time. The actual number of lawsuits has not increased proportionately to the increase in lawyers.

[46] The reliance is not necessarily illegitimating because the institutions could still enjoy the reasoned support of free and equal citizens. However, as the general trust begins to decline, citizens may begin to trust each other less as citizens and to regard the institutions of the basic structure as instruments serving the narrow interests of those in power rather than furthering the principles of justice.

[47] These two stages should not be confused with the two questions on Rawls"s account of stability which concern the well-ordered society and overlapping consensus.

[48] "To this end, we do not look to the comprehensive doctrines that in fact exist and then draw up a political conception that strikes some balance of forces between them… To do so would make it political in the wrong way." Rawls, *Political Liberalism*, 39-40.

[49] "In framing the political conception so…we are not so much adjusting that conception to brute forces of the world but to the inevitable outcome of free human reason." Ibid., 37.

[50] Suppose, for example, that justice as fairness and utilitarianism propose a largely similar basic structure. However, one conception is substantially more stable than the other because that conception will gain the strong support of more citizens. Such a conception might then be preferable because it is more stable.

[51] Rawls, *A Theory of Justice*, 435.

[52] Even though the original position presupposes mutual indifference, the reasons for structuring the original position that way are based on the principled concern of civic friends. It reflects their mutual commitment to find a fair system of social cooperation among free and equal members of society.

[53] Suppose that the pollution is collected and moved to some area, or originates from some specific point, e.g. a power plant or factory.

[54] A strongly individualist conception of justice could try to account for the disparate impact of pollution as a violation the rights of the individuals adversely affected by the pollution, but if the members are indifferent or hostile to one another then the polluters" commitment to justice would need to be quite strong to motivate them to care about the problem.

[55] "The assurance problem is different. Here the aim is to assure the cooperating parties that the common agreement is being carried out. Each person's willingness to cooperate is contingent upon the contribution of others. Therefore, to maintain public confidence...some device for administering fines and penalties must be established." Rawls, *A Theory of Justice*, 238.

[56] "Nevertheless, from the perspective of any one man, both first person and free-rider egoism would still be better. Of course given the conditions of the original position neither of these options is a serious candidate. Yet in everyday life an individual, if he is so inclined, can sometimes win even greater benefits for himself by taking advantage of the cooperative efforts of others." Ibid., 435.

[57] Ibid., 125.

[58] This is from the argument in chapter 3

[59] Rawls, *A Theory of Justice*, 6.

[60] Ibid., 435.

[61] "Similarly, within the framework of the morality of association, the natural attitudes of friendship and mutual trust give rise to feelings of guilt for not fulfilling the duties and obligations as recognized by the group. The absence of these feelings would imply the absence of these attachments." Ibid., 425.

[62] Recall, for example, the duties of obedience (and conditions of disobedience), mutual aid, respect, and public reason.

[63] As we already saw, Rawls thinks that trust within families is important developmentally for developing the capacity to trust in associational contexts and the political context, both of which are necessary for stability.

[64] This trust is compatible with recognizing that the basic institutions still require vigorous oversight. The trust is neither unconditional nor unquestioning.

[65] Rawls, *Justice as Fairness: A Restatement*, 125.

[66] "The so-called strains of commitment are strains that arise in such a society between its requirements of justice and citizens' legitimate interests its just institutions allow. Important among these strains are those between the political conception of justice and those permissible comprehensive doctrines. These strains do not arise from a desire to preserve the benefits of previous injustice. Strains such as these belong to the process of transition but questions connected with this are covered by non-ideal theory and not by the principles of justice for a well- ordered society." Rawls, *Political Liberalism*, 17-18.

[67] This can be especially difficult given the gap between individual moral vices with respect to racism, sexism, religious intolerance, etc. and the related more complex institutional and political forms of oppression.

[68] "Trust then… is accepted vulnerability to another's possible but not expected ill will (or lack of good will) toward one." Baier, "Trust and Antitrust," 235. This vulnerability remains even a well-ordered society, there main difference is that in such a society there is better evidence of the cooperative disposition of others.

[69] Some political orders can dispense with the generalized trust of widespread civic friendship, and may even depend on a lack of trust between factions, e.g. many dictatorships. However, even dictatorships depend on a high degree of trust among the limited few who share power.

[70] Putnam, *Bowling Alone*, 138.

[71] Ibid., 141.

[72] Ibid.

[73] Ibid., 138. Putnam takes television to be a part of a trend entertainment becoming increasingly a private activity. He suggests that much computer activity follows a similar pattern.

[74] One might think of it as a rule chosen by some democracies, like video review is in many sports. It is a rule that might affect how the game is played, even determine outcomes in certain circumstances. However, it doesn't substantively change the sport into some entirely new game.

[75] As understood in justice as fairness, reciprocity is a relation between citizens expressed by the principles of justice that regulate a social world in which everyone benefits with respect to an appropriate benchmark of equality defined with respect to that world. This brings out the further point that reciprocity is a relation between citizens in a well-ordered society expressed by its public political conception of justice. Rawls, *Political Liberalism*, 17.

[76] Putnam, *Bowling Alone*, 135-39. Putnam"s discussion of reciprocity is rather Humean. It is a general willingness to repay favors, or to help out while trusting the others will help one when needed. It does not entail a commitment to public reason. I am not aware of any studies on reciprocity that isolate the Rawlsian sense of reciprocity from more general kinds of reciprocity.

[77] We should be careful in how we think about and describe these phenomena. Strictly speaking, they measure discrete actions and memberships, they measure reported levels of trust, etc. Friendship, civic or otherwise, is difficult to measure in qualitatively meaningful ways. How exactly do gifts, frequency and duration of communication, reported levels of affection, similarity of values, length of relationship, etc, correspond to the strength of a friendship? Close friendships may involve all of these things, but do so in widely disparate ways. In the data I discuss about associations and political activity, it is important to remember that there are numerous actual relationships between people. The data tell us something about these relationships.

[78] "[S]ocial unity in a democracy cannot rest on a shared conception of the meaning, value and purpose of human life. This corollary does not imply, as one might think, that therefore social unity must rest solely on a convergence of self- and group-interests, or on the fortunate outcome of political bargaining. It allows for the possibility of stable social unity secured by an overlapping consensus on a reasonable political conception of justice. It is this conception of social unity for a democratic society I want to explain and defend." Rawls, "The Idea of an Overlapping Consensus," 1-2. See also ibid., 10.

[79] John Rawls, "Kantian Constructivism in Moral Theory," *Journal of Philosophy* 77, no. 9 (1980): 540.

[80] While Rawls offers the difference principle as a principle of fraternity, it is not one of fraternité in the sense of the French Revolution. Fraternité is a much more radical and intense unity that came to prominence as an ideal during the rise of the sans-culottes. Stephen Samuel Smith and Jessica Kulnych, "Liberty, Equality, And ... Social Capital?," in *Social Capital: Critical Perspectives on Community and "Bowling Alone"*, ed. Scott McLean, David A. Schultz, and Manfred B. Steger (New York: New York University Press, 2002), 127-31. Fraternité invokes comprehensive values and appeals to an ideal of community not possible for a pluralist society. Rawls might not have

[81] Conversely personal animosity, especially among important leaders or factions within the society, could potentially weaken stability. However, because justice as fairness emphasizes the shared conception of justice as the basis of social unity, and even those who might dislike one another remain committed to that conception, there is reason to hope that justice as fairness is less vulnerable than its rivals.

[82] This is a point that Tomasi makes forcefully with his black box thought experiment. He notes that most liberals would likely choose to live in a society if they knew nothing about except that it completely satisfied their preferred conception of justice. Such a choice is unwarranted on the basis of that information alone, since it could turn out to be miserable in any number of ways. Tomasi, *Liberalism Beyond Justice : Citizens, Society, and the Boundaries of Political Theory*, xiii-xvi. While I think we can indeed imagine such a society, it is hard to imagine a fully just society afflicted with deep animosity and indifference actually existing without degenerating into injustice and conflict.

[83] This expresses Rawls's worry about the problems with a modus vivendi. Rawls is optimistic that a modus vivendi could turn into a genuine overlapping consensus, which would have stability for the right reasons. Rawls, *Justice as Fairness: A Restatement*, 190-98.

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