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## CONVERSATION 2

*The Necessity of Overcoming the Prejudice of Political Philosophy  
as a Condition for Philanthropy*

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*Conversations on Philanthropy Volume I: Conceptual Foundations*

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2004

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## THE NECESSITY OF OVERCOMING THE PREJUDICE OF POLITICAL PHILOSOPHY AS A CONDITION FOR PHILANTHROPY

*Steven D. Ealy*

This paper addresses the question, “Why does the political solution to social problems appear to be the default position in contemporary America?” A complete answer to this question would take us to the heart of the dynamic of American society, and would involve considerations of historical development, contemporary politics, and political philosophy. An answer to this question is central to any effort to move away from government and toward independent voluntary action as a means of dealing with social and community problems. An alternative to the default move to government control is crucial if philanthropy is going to have an independent life of its own as opposed to simply being one more piece of equipment in the political toolbox.

A complete answer to the question at hand is not provided here; rather, I deal with one component of the problem. This paper approaches the subject not by examining contemporary attitudes or the immediate historical framework for the development of American philanthropy, but by examining how political philosophy frames our understanding of social life.

In the first section of this paper, I will examine a major premise underlying political philosophy identified by Leo Strauss: the notion that “the political association...is the most comprehensive or authoritative association” in society. I will offer a critique of this position based on the argument that “the political” exists in the modern world only by analogy, and that the use of the political analogy allows many assumptions, perhaps true of the ancient Greek *polis*, to be applied without serious thought to the modern state. In the second section, I argue that this question is of more than historical interest, as an examination of both conservative and liberal arguments will demonstrate.

The focus of that section will be the arguments made by conservative political commentator George Will in *Statecraft as Soulcraft: What Government Does* and those of William James in “The Moral Equivalent of War.” In the final section of this paper I will consider alternatives to the position of pre-eminence given to the state by all three of these writers.

Among other things, my discussion of Strauss and Will is intended to emphasize the underlying irony of much contemporary political action and debate. Many conservative political writers (including Will himself on occasion) point to “collectivistic liberalism” as the intellectual source for the growth of government. Neither Leo Strauss nor George Will is a part of the liberal establishment, yet their arguments provide a foundation for the development of government as expansive and intrusive as that supported by the left.

## I

In an essay entitled “What is Political Philosophy?” Leo Strauss argues that political philosophy as a discipline is committed to an unwavering search for the truth, especially in regard to the question of the good society. But this total dedication to pursuing the truth appears to be challenged by Strauss himself when he contrasts political philosophy with what he identifies as “social philosophy.” Strauss writes, “Political philosophy rests on the premise that the political association—one’s country or one’s nation—is the most comprehensive or the most authoritative association...” (Strauss, 1959, 13).<sup>1</sup> This position presents a number of difficulties to the individual interested in discovering what the “good society” would look like.

A major difficulty with Strauss’s view is that his “premise” predetermines the answer to one of the most important questions that must be addressed in uncovering the good society—the question of where ultimate authority should reside. The prejudgment of political philosophy places this authority with or within the political system, but there are at least two alternative views contending against this position.

One view, which holds that there need be no central “comprehensive and authoritative” authority at all, can be further subdivided. The better-known half would be anarchism, which sees no need for social authority at all. Each man, independent and autonomous, should make his own decisions in isola-

tion, and society should leave it to the “invisible hand” to coordinate any spillover benefits or ills to other equally autonomous and independent individuals. But it is possible to oppose the notion of a single authority and still see that (empirically) some authority does seem to rule in most social situations and that (normatively) authority is not per se illegitimate. Authority thus may be free-floating, attached to different institutions at different times and under differing conditions, and variable. We can tentatively identify this view as “polycentricism,” which maintains that there are independent sources of authority and judgment that act informally but collectively in determining community standards of behavior and the focus of collective (but voluntary) action. A model for this view is represented by the work of Michael Polanyi on the nature of the scientific community (Polanyi, 1964, 15-17, 42-62).<sup>2</sup>

The other position contending with the Straussian supremacy of politics maintains that some institution or group other than the political is deserving of the privileged position in society. To complete the spectrum of possibilities, we simply need to note that there are other challengers for the title of “most comprehensive and authoritative” institution. Among these challengers would be religious institutions, business and economic concerns, and legal and market mechanisms. Strauss recognizes this challenge to his position—the “social philosophy” he contrasts political philosophy with “conceives of the political association as a part of a larger whole which it designates by the term ‘society’” (Strauss, 1959, 13).

A second difficulty presented by the Straussian perspective, although not as obvious as the first merely on the basis of this initial quotation, is the claim that the appropriate model for political action is the classical understanding of politics. That is, the political community is truly “most comprehensive,” and not only for external matters (defense and security) but also is the locus of the most important internal matters (education and morality) with which human beings must deal. To use the phrase made popular by pundit George Will, political philosophy (at least the Straussian variety) sees “statecraft as soulcraft.” Although American conservatives are often identified as proponents of “limited government,” most are proponents of governmental restraints in some areas and governmental activism and expansion in other areas. George Will is a leading spokesman for an activist brand of American conservatism. A current example of conservative expansionism would be the Bush administration’s establishment of an office to coordinate volunteerism in American society.

The implication of the Straussian view of politics for an understanding of the proper role of philanthropy is straightforward: if political institutions are both authoritative and concerned with all aspects of human life, all activity—even those actions normally deemed private or charitable—must be subsumed under political review and control. Thus from this perspective, even if the decision was made to allow “private” philanthropic activities to be carried out, they would do so under the guidelines of the comprehensive and determining political agenda. Although progressivism may have set the immediate institutional and historical setting for the development of American philanthropy, I would argue that a broader intellectual understanding of the status of the political order in human life, one akin to that described by Strauss, underlies the specific details of progressivism.

This understanding of politics, Strauss argues, grew naturally out of the Greek *polis*. Although modern mass industrial society no longer shares the important characteristics that made the *polis* distinct, we still live in the shadow of the *polis* intellectually. We live in its shadow, first, in that many of the terms still used in political and social discourse had their origins in classical Greek thought. We live in the shadow of the *polis*, second, in that the Greek *polis* is taken by many today to be the model of the healthy and well-functioning society.

One approach to these issues is offered in a closely reasoned essay by the political philosopher Eugene F. Miller, “What Does ‘Political’ Mean?” (Miller, 1980). After examining the various things to which the word *political* is applied, Miller concludes, “the meaning of ‘political’ is neither univocal nor empirical” (Miller, 1980, 57). This conclusion leads Miller to a consideration of Aristotle’s understanding of univocals and equivocals. Miller explains: “things named univocally have in common both the name and the definition answering to the name; things named equivocally have a name in common, but a different definition” (Miller, 1980, 57). Whereas Aristotle identifies a number of types of equivocals, Miller concerns himself with only two: the *pros hen* type of equivocal and the equivocal based on analogy.

The Greek term *pros hen* literally means “to one” (Miller, 1980, 59). Miller states, “things of this type have the same name because of a common reference or relation to some one thing,” and notes that Aristotle’s favorite examples of *pros hen* equivocals are “healthy” and “medical” (Miller, 1980, 60). If the word *political* is to be understood as a *pros hen* equivocal, it must have a “focal meaning”; that is, it must have “many senses pointing in many

ways to a central sense.”<sup>3</sup> So, Miller asks, what is the primary experience to which the word *political* refers? He concludes, “The primary instance of something political, and thus the central or focal meaning of the term, is the political community, the *polis*. Other things are called political by reference to this primary instance” (Miller, 1980, 61).

This *pros hen* understanding allowed Aristotle and his contemporaries to use the term *political* by reference to the Greek *polis*, Miller continues, but this is not an adequate foundation for understanding the modern use of the term, for the *polis* no longer exists.<sup>4</sup> Miller finally concludes that the modern usage of *political* can be salvaged through Aristotle’s understanding of analogy: “the state or nation bears an analogical likeness to the *polis*; and the term ‘political,’ when applied to both, is an equivocal by analogy” (Miller, 1980, 66-67).

For our immediate purposes, the crucial element in Miller’s argument is his discussion of the absence of the *polis* from the modern world. “The *polis* has been superseded by the modern ‘state’ or ‘nation’, and this type of association is something very different from the *polis*,” Miller argues, going so far as to suggest that “a persuasive case can be made that the two are fundamentally opposed” (Miller, 1980, 64).

While some of the differences may appear to be superficial, such as size, the key difference between the *polis* and the state is intellectual. Miller underlines the importance of the different intellectual foundations of *polis* and state by arguing, “The modern vocabulary of politics originates in political theory that specifically opposes the sort of authoritative community that the *polis* represented. The *polis* was understood to aim at the good or happy life for man, and the education of its members in virtue was thought to be required by this aim” (Miller, 1980, 64). Modern society, on the other hand, “is the web or network of human relationships that arise from the striving of individuals to attain their private ends, and the ‘state’ is the agency that guarantees the means or conditions for this striving. Far from having a comprehensive authority over the life of man, the state has only the authority that is necessary to secure the rights of individuals and the safety of the whole society” (Miller, 1980, 64). Miller concludes this contrast by reiterating the Aristotelian position that the *polis* is the most authoritative community and arguing “it is doubtful if the state can be understood as a species of the genus community at all” (Miller, 1980, 65).

The burden of this paper is to deal with the twin prejudices on the part of political philosophy—that political institutions should be the most authoritative and that the political system has the “regime responsibility” for shaping the moral life of its citizens—and to show that these positions do not fit well with the nature of modern society. Miller’s discussion of the differences between the Greek *polis* (the experiential foundation for Greek political philosophy) and the modern state, is a first step in decoupling classical moral and political philosophy from the modern practice of politics, but it is not sufficient.

As Miller’s discussion of the meaning of the word *political* suggests, even when we are using that term to describe the modern, mass, democratic, religiously neutral state, the very words we use continue to carry some of the resonance of their earlier application and usage in the ancient, small, and religiously and morally committed communities of Greece. Thus there is a psychology built into the very political language we use that inclines us toward the position articulated by Strauss.

The difficulty in overcoming the “prejudices of political philosophy” can be underlined by noting that the conclusions I draw from Eugene Miller’s thoughtful analysis of the word *political* diverge radically from Miller’s own conclusion:

In order to speak intelligibly of political things and to understand them, we are compelled to seek some insight into the nature of the polis as a distinctive kind of human community and into the fundamental differences between the polis and other ways of associating to achieve common purposes. Since this insight is no longer available to us directly from experience, we must turn attentively to the classical writings in political philosophy, whose theme is the polis and its right ordering (Miller, 1980, 72).

From my perspective, a large part of our problem in limiting government to its proper role in social life stems from the political philosophy smuggled into our thinking by the use of an analogical language that keeps pointing us back to ancient Athens and its expansive political institutions. That difficulty will only be intensified if we turn for an understanding and clarification of contemporary political concerns to the very writers whose views have distorted the nature of modern social and political life.

## II

Thus far my discussion may perhaps be construed to suggest that these are arcane issues of interest only to a few specialists in ancient Greek thought, but in the remainder of this paper I address the more immediate political relevance of the preceding argument. In 1981, George Will, today known as a conservative newspaper columnist and political commentator on television, delivered the Godkin Lectures at Harvard University, which were published under the title *Statecraft as Soulcraft: What Government Does* (Will, 1983). Will’s book can be seen as an extended essay on the conservative understanding of political life, and indeed Will writes in the preface, “My aim is to recast conservatism in a form compatible with the broad popular imperatives of the day” (Will, 1983, 12).

Will begins by referring to an opinion written by Justice Felix Frankfurter. In *West Virginia v. Barnette* Frankfurter wrote, “Law is concerned with external behavior, and not with the inner life of man.” While claiming that he does not understand what Frankfurter meant, Will claims to be sure that what Frankfurter said was untrue. He then states forthrightly, “the purpose of this book is to say why that proposition is wrong” (Will, 1983, 20). Let us turn to an examination of the argument Will builds against Frankfurter. It will be obvious, as this discussion proceeds, that Will parallels closely the views of classical political philosophy discussed in the first section of this paper.

What does Will understand the place of politics and the role of government to be? There is, scattered throughout *Statecraft as Soulcraft*, mention of at least five separate (but overlapping and self-reinforcing) functions for the political system. First, and upon which all of the other functions build, is politics’ responsibility for the “the steady emancipation of the individual through the education of his passions” (Will, 1983, 27). Will raises a couple of cautions along the way—he says that this is a purpose that politics shares with religion, and one that requires prudence—but ultimately he accepts as legitimate the classical view that political institutions have primary responsibility for moral education.

There is a two-fold argument at the heart of classical political thought that Will also appears to accept: (1) there are natural standards for human conduct—that is, there is a natural standard of excellence; and (2) government’s agents are the teachers and enforcers of those natural standards. This

discussion recurs when Will talks of “law as tutor” (Will, 1983, 77). Perhaps the strongest statement Will makes in this regard is his claim that “The abandonment of soulcraft was an abandonment of a pursuit of excellence,” (Will, 1983, 43) suggesting that there could be no such pursuit outside of politically controlled channels.

The second function to be performed by the political system grows out of the first: the “creation of social cohesion which proceeds from shared adherence to a public philosophy and shared emulation of exemplary behavior and values.” Such cohesion is not the result of “spontaneous combustion,” Will notes in an oblique critique of the liberal concept of spontaneous order, but instead is a product of actions by the state, or “by statecraft that is soulcraft” (Will, 1983, 55).

A third function of government, according to Will, is to provide the foundations for the production of wealth: “Government produces the infrastructure of society—legal, physical, educational, from highways through skills—that is a precondition for the production of wealth” (Will, 1983, 125). Will argues that conservatives need to adopt “an affirmative doctrine of the welfare state,” (Will, 1983, 126) a political arrangement that he argues may be necessary for the full development of human capital. Will extends this creative power of government to include the establishment of economic structures and mechanisms: “a ‘free-market’ economic system is a system; it is a public product, a creation of government” (Will, 1983, 125). Even more sweeping is Will’s conclusion that “any important structure of freedom is a structure, a complicated institutional and cultural context that government must nurture and sustain” (Will, 1983, 123). Will seems incapable of considering the possibility of human creativity apart from governmental encouragement and management.

In a variation on an earlier point, but one important enough to list separately as a fourth function, Will asserts that “the aim of politics...is a warm citizenship, approximating friendship, based on a sense of shared values and a shared fate” (Will, 1983, 142). This “social warmth,” or community, “depends, to some extent, on policies which generate the feeling that we are and ought to be in some corporate enterprise that stands for something” (Will, 1983, 143). Note that Will is unclear on how crucial public policy is for promoting “warm citizenship,” as well as on exactly what public concerns it is that these policies should be addressing. Will maintains that, because state

action has alleviated most of the physical distress we once confronted, we now have “societies in which the most important problems are of the spirit” (Will, 1983, 143). Man has other needs that cannot be reduced to physical or material needs—metaphysical, spiritual, moral, and emotional—and which society cannot afford to ignore. The implication appears to be that state action must now be directed toward the amelioration of man’s spiritual, moral, emotional, and metaphysical distress.

Fifth, he says, “an aim of prudent statecraft is to limit the state by delegating many of its chores to intermediary institutions” (Will, 1983, 145). At this point Will acknowledges the potential dangers of government, and the passage is therefore worth quoting at length:

Government can become, to a dangerous degree, an interest group, as self-interested as any other, and more abusive than most. But government can apply to itself a kind of antitrust policy. With all its dimensions, from law through rhetoric, government can encourage strength in private institutions just as surely as totalitarian regimes work to enfeeble such institutions (Will, 1983, 145).

The key point to note in Will’s discussion is the presumption that the right to act resides with the government. While government may choose to delegate some of its “chores” to private institutions, those chores are always the responsibility of government first. Although Will acknowledges the existence of “private institutions” that may be used to achieve governmental objectives, he does not speak of “independent institutions.” There seems to be no real sense of the importance of “countervailing power” or alternative, freestanding, private centers of authority that could pursue alternative goals or intervene in the policy process.

Will concludes *Statecraft as Soulcraft* with a paean to politics that is so breathtaking in its sweep and implications that I will quote it without any additional comment:

Politics involves an endless agenda of arduous choices; it can be thrilling and noble. Certainly a sense of the complexity and majesty of politics is indispensable to the care of our time (Will, 1986, 165).

I have presented, in rough outline form, Will’s case against Felix Frankfurter and his argument for why law should be concerned with “the inner life of man.” As Will explains it, this concern with the inner life provides the foundation for government—the state—to attend to the most inti-

mate of human relationships and to manipulate the economic system<sup>5</sup> in order to alleviate man's physical and metaphysical distress. The checks on the use of this political power appear to be internal to government itself—self-application of an “antitrust policy,” as Will puts it. The presumption throughout this book is that the most important human concerns—the care for excellence, the creative energies of society, and the moral and spiritual vision of a people—are all somehow embodied in and controlled by the political structures of society. Intermediary institutions, the private sector, a relatively free market mechanism, voluntary associations—all of these appear to be of secondary importance, useful at times because government may choose to delegate a few chores to them.

Near the end of *Statecraft as Soulcraft*, Will quotes William James as follows: “Civilization is always in need of being saved. The nation blest above all nations is she in whom the civic genius of the people does the saving day by day . . .” (Will, 1983, 161). I believe that there is a deeper connection between Will's conservative activism and James's progressivism than is generally assumed, and therefore conclude this section with a brief discussion of James's very important essay “The Moral Equivalent of War” (James, 1987). This is a rich essay, deserving of more attention than I will give it here.<sup>6</sup> This brief discussion of James is designed to do two things: to point back toward progressivism as an important foundation for the political and social development of America during the twentieth century, and to show an underlying connection between American liberalism and American conservatism (at least the “conservatism” represented by Will).

The issue James confronts is this: How can the martial virtues, which are both essential to the development of civilization and at the same time a threat to civilization, be maintained and made safe as the world becomes more pacific? James writes,

A permanently successful peace-economy cannot be a simple pleasure-economy. In the more or less socialist future towards which mankind seems drifting we must still subject ourselves collectively to those severities which answer to our real position upon this only partly hospitable globe. We must make new energies and hardihoods continue the manliness to which the military mind so faithfully clings. Martial virtues must be the enduring cement; intrepidity, contempt of softness, surrender of private interest, obedience to command, must still remain the rock upon

which states are built (James, 1987, 1289-90).<sup>7</sup>

James's solution to the problem he sets forth is, first, to recognize that the martial virtues are “absolute and permanent human goods” (James, 1987, 1290). Patriotism and military ambition are but variations on man's “general competitive passion.” The second step is to transfer these virtues and emotional energies toward some non-militaristic goal. He suggests, for example, “instead of military conscription a conscription of the whole youthful population to form for a certain number of years a part of the army enlisted against *Nature*.” (James, 1987, 1291). James envisions armies of American youths working in coal mines, on freight trains, on fishing ships, and in other settings, being disciplined and trained in the way the military forces discipline and train recruits, but toward peaceful and socially productive ends.

But for this vision to come to fruition, James notes, we must approach social problems as the “moral equivalent of war,” for without the passions released by war, we will not have the energy or focus to address these challenging but more mundane problems. James writes, “I have no serious doubt that the ordinary prides and shames of social man, once developed to a certain intensity, are capable of organizing such a moral equivalent as I have sketched, or some other just as effective for preserving manliness of type. It is but a question of time, of skillful propagandism, and of opinion-making men seizing historic opportunities” (James, 1987, 1292).

James believes that the martial spirit can be bred and maintained without war, because examples of “strenuous honor and disinterestedness” can be found everywhere. “Priests and medical men are in a fashion educated to it, and we should all feel some degree of it imperative if we were conscious of our work as an obligatory service to the state” (James, 1987, 1292). James continues,

We should be *owned*, as soldiers are by the army, and our pride would rise accordingly. We could be poor, then, without humiliation, as army officers now are. The only thing needed henceforward is to inflame the civic temper as past history has inflamed the military temper (James, 1987, 1292).

The historical point that should be made is that twentieth century America, in an amazing way, carried out the strategy James outlined in 1910. Think of the various New Deal programs which mobilized hundreds of thousands of Americans toward building or rebuilding the country's infrastructure, the development of the Peace Corps and Vista, the War on Poverty, the War on Illiteracy, the War on Drugs—all of these as a part of the great progressive

effort to channel human energies into the “moral equivalents of war.”

The political point that I want to make is that there is a connection between James’s view that we should see “our work as an obligatory service to the state” and Will’s view that “An aim of prudent statecraft is to limit the state by delegating many of its chores to intermediary institutions.” In both views the center of power, the creative center, is the state, and the citizenry are properly seen as secondary to, and subjects of, the state. When George Will can write, “My purpose here is only to sample the range of possible uses of assertive government to achieve conservative goals,” (Will, 1983, 130) is his world of conservatism really far removed from the liberal or progressive world of William James?

The question to be raised concerning the place of philanthropy in social life, based on either James’s or Will’s understanding of politics, is simple: is there any place in their society for an independent and vital philanthropic enterprise? The answer in both cases, I believe, is clearly negative. At best, philanthropy might achieve the status of an intermediary institution to which government might delegate a chore or two, but certainly not the status of independent institutions from which alternative visions of the good life could flow and which could legitimately participate in the public life of the community as a proponent of those views. Hence, in the concluding section of this paper I will briefly point to alternative ways of thinking about the relationship between politics and private life that hold out the possibility of a more robust philanthropy.

### III

I began with a discussion of Leo Strauss’s claim that “the political association...is the most comprehensive or authoritative association in society.” I will conclude with a brief discussion of Michael Polanyi and Michael Oakeshott, two twentieth century thinkers who offer alternatives to the political vision of Strauss and Will, and whose views are more compatible with the development of an independent philanthropy.<sup>8</sup>

Michael Polanyi was a successful research chemist whose professional work led him to consider the broader implications of science as an institution; first, to an examination of the nature of the scientific enterprise and questions of scientific governance, and then, to a consideration of the institutional

arrangements appropriate for complex societies. In 1948, Polanyi delivered a brief radio address under the title “Planned Science,” (Polanyi, 1998, 106-111) in which he described the scientific enterprise and explained why true science is resistant to central planning. In this address, Polanyi searches for a metaphor to describe the scientific enterprise, and he rejects the image of men building a house, with the blueprints as the plan. Science is systematic, he says, but “the nature of scientific systems is more akin to the ordered arrangement of living cells which constitute a polycellular organism” (Polanyi, 1998, 109). Scientists cooperate by adjusting their research to the findings and research of other scientists working in the same field as they pursue their own work, just as in embryonic development healthy cells adjust their growth to that of the surrounding cells.

But this image too proves inadequate. “The actual situation...may perhaps be better captured by using Milton’s simile, which likens truth to a shattered statue, with fragments lying widely scattered and hidden in many places. Each scientist on his own initiative pursues independently the task of finding one fragment of the statue and fitting it to those collected by others” (Polanyi, 1998). But Polanyi finds even this to be inadequate, for whereas it will be obvious when the statue is incomplete (setting aside certain contemporary works of art), science always appears to be a complete whole.<sup>9</sup> Polanyi therefore modifies Milton’s image by stipulating that the shattered statue always appears to be complete even as new pieces are being added and that its meaning is modified—to the surprise of those watching—with each addition. Polanyi notes that this is crucial in understanding why central planning in science cannot work:

No committee of scientists, however distinguished, could forecast the further progress of science except for the routine extension of the existing system. No important scientific advance could ever be foretold by such a committee. The problems allocated by it would therefore be of no real scientific value. They would either be devoid of originality, or if, throwing prudence to the winds, the committee once ventured on some really novel proposals, their suggestions would invariably prove impractical. For the points at which the existing system of science can be effectively amended reveal themselves only to the individual investigator. And even he can discover only through a life-long concentration on one particular aspect of science a small number of practicable and really worth-while problems (Polanyi, 1998, 110).

In a number of studies Polanyi continues his critique of central planning in science and his understanding of the “self government of science.” The scientific enterprise, he finds, involves what Polanyi calls “general authority,” characterized by rules of art and individual freedom to pursue research, “governed” by a loose set of institutions that publicize and evaluate scientific activity and maintain professional standards (Polanyi, 1957, 57-60, *passim*). He then extends his analysis to consider the cognitive limitations on central planning in complex organizations and societies—some of this work paralleling that of Hayek.<sup>10</sup> Although Polanyi uses the term “polycentric” in a technical sense in his papers, I think it can be helpful to think of that term as applicable to an understanding of society which sees multiple sources and locations of social power, none of which are “comprehensive and authoritative” in a final sense—just as there is no “final authority” in science (except in a very temporary and localized way).

A fruitful avenue for future research would be to relate Polanyi’s discussion of the self-government of science to a consideration of civil society. The concept of civil society, so popular right now, can be particularly important only to the extent that it is developed with an understanding that community and intermediary institutions are actually independent, control their own affairs, and have the resources and power to influence the direction(s) of social change (as opposed to being merely “delegates” of governmental chores).

Michael Oakeshott also is a fruitful source of ideas worthy of further exploration and application in relation to the nature of politics and the foundations of philanthropy. I will discuss briefly two of Oakeshott’s concerns that are important for the issues raised in this paper. In his brief essay “The Claims of Politics,” Oakeshott provides an understanding of the relation between political institutions and the broader society that is quite different from that of Strauss and Will. Politics, Oakeshott argues, rather than being the central activity of the community, “is a highly specialized and abstracted form of communal activity”; rather than being the heart and soul of the community, “it is conducted on the surface of the life of a society and except on rare occasions makes remarkably small impression below that surface” (Oakeshott, 1993, 93).

What, then, is the function of the political system in the life of society? It is “primarily for the protection and occasional modification of a recognized legal and social order.” But political institutions are not the creators of, or creative forces within, that social order: “its end and meaning lie beyond itself

in the social whole to which it belongs, a social whole already determined by law and custom and tradition, none of which is the creation of political activity. . . . A political system presupposes a civilization; it has a function to perform in regard to that civilization, but it is a function mainly of protection and to a minor degree of merely mechanical interpretation and expression” (Oakeshott, 1993, 93).<sup>11</sup>

Oakeshott underlines the limited scope of the political system in the total life of civilization with his comment on two of the most important and well-known documents in English history: “Political activity may have given us Magna Carta and the Bill of Rights, but it did not give us the contents of these documents, which came from a stratum of social thought far too deep to be influenced by the actions of politicians” (Oakeshott, 1993, 93).

Oakeshott’s understanding of politics and society moves the “creative center” outside of government and into the society at large—the notion of a “creative center” in fact runs counter to the thrust of Oakeshott’s understanding of society. There are many sources of creativity and renewal in a society, some running in parallel lines and some running at crosscurrents. This is why Oakeshott maintains, “Each [modern European state] was the outcome of human choices, but none was the product of a design” (Oakeshott, 1975, 185). This same comment could be applied to almost all other human institutions—including those that appear clearly to be the result of a single design.

This leads to a second important notion developed by Oakeshott: the distinction between the “civil association” and the “purposive (or enterprise) association.”<sup>12</sup> The civil association is responsible for establishing “noninstrumental rules of conduct”—the law (Oakeshott, 1991, 454). Law is to be “non-instrumental” in the sense that it establishes “the rules of the game” but does not aim at any substantive goals to be achieved. “Enterprise associations,” in contrast, are characterized by a commitment to a substantive agenda for action. The law, Oakeshott argues, should be a neutral framework that sets minimal requirements that allow individuals to pursue their own substantive ends, either individually or collectively (through enterprise associations). Whereas there can be only one “civil association” in a community (although it can be divided into different units or branches), there can be multiple enterprise associations (with overlapping memberships) pursuing and promoting various causes and differing visions of the good society. Philanthropic institutions would clearly fall into the category of enterprise associations, and would

have the freedom to pursue their goals, as do other such associations (voluntary civic groups, churches, business enterprises, etc.). Of course, one of the major issues confronting modern society is the possible capture of the institutions of civil association by enterprise associations, and the subsequent effort to convert noninstrumental law into substantive laws.

The discussion in this final section of this paper has attempted to show that there do exist important alternatives to the classical model of politics espoused by many on both the right and left, alternatives that have a social depth that many economic models of social action seem to lack. All of the issues dealt with in this paper, however, are preliminary to the task of re-envisioning American philanthropy. Thus the purpose of this paper has been limited to trying to clear away one of the important intellectual roadblocks to the fostering of an independent and robust philanthropic enterprise. Overcoming the common prejudice of political philosophy that holds government to be the most authoritative and creative actor in our social life is a necessary condition for a renewed philanthropy, but in itself it is not a sufficient condition for such renewal.

#### NOTES

- <sup>1</sup> In saying this Strauss is restating the view articulated by Aristotle in *The Politics* 1252a.
- <sup>2</sup> Polanyi uses the concept of “polycentricity” throughout the essays in *The Logic of Liberty: Reflections and Rejoinders* (1998) to describe the complexity of some types of problems and the way in which the various components of a problem interface. I am using the term to suggest the notion of multiple *loci* of power within a system, sources that are not reducible to a common source.
- <sup>3</sup> G. E. L. Owen, “Logic and Metaphysics in Some Earlier Works of Aristotle,” in *Aristotle and Plato in the Mid-Fourth Century*, eds. Owen and During (Gotebog, 1960), p. 189, as quoted in Miller, 1980, p. 61.
- <sup>4</sup> “This principle is not sufficient to account for the meaning of the term as we use it today. The reason for its insufficiency is this: the primary instance by reference to which political things originally were named has disappeared as an object of everyday experience. ‘Healthy’ continues to be a *pros hen* equivocal, because health of the body is something that is as accessible to our experience as it was to that of the ancients. Yet the *polis*, which is the primary instance of

something ‘political,’ has disappeared from view.” (Miller, 1980, p. 63)

- <sup>5</sup> See Will, 1983, pp.124-125 on the subordination of economics to politics and morality.
- <sup>6</sup> See, for example, the very perceptive comments on the changing nature of war that forecast the development of the garrison state: “Every up-to-date dictionary should say that ‘peace’ and ‘war’ mean the same thing, now *in posse*, now *in actu*. It may even reasonably be said that the intensely sharp competitive *preparation* for war by the nations is *the real war*, permanent, unceasing; and that the battles are only a sort of public verification of the mastery gained during the ‘peace’-interval.” James, 1989, pp. 1283-84. Emphasis in original. This essay was published in February 1910, long before George Orwell made the same point so dramatically in his novel *1984*.
- <sup>7</sup> James, 1989, pp. 1289-90. This passage continues: “—unless, indeed, we wish for dangerous reactions against commonwealths fit only for contempt, and liable to invite attack whenever a center of crystallization for military-minded enterprise gets formed anywhere in their neighborhood.”
- <sup>8</sup> This is not to claim that there are not important differences—especially philosophical differences—between the two. (Mitchell, 2001) I have argued throughout this paper that the growth of the state, and the intellectual foundations for such growth, can be found on the right as well as the left. By the same token, some on the left are concerned with limiting the sphere of political action and protecting a sphere for private and civic action free from political control. For a recent example, consider William A. Galston: “There are multiple, independent, sometimes competing sources of authority over our lives, and political authority is not dominant for all purposes under all circumstances. Liberalism accepts the importance of political institutions but refuses to regard them as architectonic.” (Galston, 2002, p. 4)
- <sup>9</sup> Consider in this connection Thomas Kuhn’s discussion of “normal science.”
- <sup>10</sup> “The Span of Central Direction,” “Profits and Polycentrism,” and “Manageability of Social Tasks,” in Polanyi, 1998.
- <sup>11</sup> Consider the parallel argument made by Roger A. Lohmann: “If we look at public programs subsidizing the creation and continued operation of various nonprofit corporations, we will probably conclude that the state creates the commons. It is probably sounder, on the whole, to step back and view the state as arising out of the commons than to see the state as engendering the commons. Certainly, this view point is more accurate in the long-term histo-

ry of civilizations.” (Lohmann, 1992, pp. 183-84)

- <sup>12</sup> For a thoughtful discussion of the importance of enterprise associations for Oakeshott, and the dangers of confusing enterprise and civil associations, see Boyd, 2002.

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## COMMENT ON EALY

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I agree with Steve Ealy’s goal of moving “away from government and towards independent voluntary action [for] dealing with social and community problems,” and with his belief that philanthropy can be a powerful independent force in meeting this challenge. Political theory plays a central, yet so far not very helpful, role in how we think about these issues. When freed from its appropriation by statist, political theory offers us some insights vital for our task. In particular, I want to rescue the concepts of the “political” and the “public” from their current association with coercive government. Re-examining Aristotle gets us started.

### *Politics as Persuasion*

Aristotle’s view of politics included both a focus on the *polis* and a recognition that politics should be rooted in rational persuasion, not force. Only corrupt poleis depend on control over coercive power. A tension thus lies at the heart of Aristotle’s theory: legitimate political authority relies on rational agreement, and existing poleis are corrupt, with government rooted in force. Much of his *Politics* was an attempt to bridge this chasm (Aristotle, 1958; diZerega, 2000, 13-51).

Distinguishing Aristotle’s conception of politics from more coercive visions recovers the terms *politics* and *public* for our own use. In Aristotle’s sense, politics consists of free and equal citizens seeking to discover and serve what is good for their community. The term *public* refers to the kinds of values that apply to such communities. Ealy correctly rejects Eugene Miller’s equating of the state or nation with the *polis*, but I think he too quickly abandons the Classical tradition. Politics in Aristotle’s sense of rational persuasion regarding public values remains very relevant to our current task.

Like the Greek *polis*, liberal democracies offer their citizens a way to discover and address public values. I use the word *value* to differentiate my point from the economists’ term, public goods. Public values are ones that some citizens

believe should be manifested in societies as a whole rather than simply at the level of individual action. Sometimes this is because that is the only way they can be made manifest, such as a judicial system and reforms to improve it. In other situations, advocates of particular positions believe that their favored public values are already present but are inadequately manifested. Parks and child-care are examples. Putting the matter this way makes it an open question as to whether coercive political institutions can generally do the best job.

### *Polanyi and Polycentricity*

Ealy perceptively argues that the notion of polycentric institutions is central to an understanding of how philanthropy might become a stronger force in serving community needs. To see why, we must grasp how this concept applies in different contexts. Polanyi identifies different polycentric social orders (Polanyi, 1951, 176-80; 1969, 49-72). The market is a well-known example, so I will briefly look at another such order: science. In science, authority comes from freely arrived upon agreement among scientists that particular hypotheses are worthy of being taken seriously. Over time, the scientific community developed persuasive criteria by which this authority is justified, such as repeatable experiments, rational explanation, mathematical precision, and the capacity to make predictions. How these criteria apply varies from field to field, but evaluations by scientists in neighboring fields play a key role in keeping science a unified body of knowledge (Polanyi, 1962, 216; Ziman, 1978, 134-5). Always approached and never fully attained, the scientific ideal is universal agreement (Ziman, 1978).

Science has it easy. There are no time constraints on when an explanation must be accepted or rejected. Some arguments win acceptance only after their originators die in obscurity, as with Alfred Wegner and continental drift and with Gregor Mendel and genetics (Ziman, 92-4; Hull, 1988, 51-3). Some issues persist for decades with no generally agreed upon explanation, such as cosmology. Science is not bothered.

When we consider authority in human society at large, the institutional landscape becomes very different. Most social issues combine more complex values and empirical claims than do most scientific disputes. Relatively impersonal criteria are more difficult to apply. How long should a patent or

copyright last? Is it acceptable to cause the death of a species? Decisions like these require large-scale application if they are to work. Time constraints also play a more prominent role in the public realm. Lack of action can lead to great suffering.

### *Democracy, Authority, Polycentricity*

A central question of political theory is how liberal democracies address such social issues and manifest public values. Liberal democracies cannot be accurately described as hierarchies of coercive power, which is the traditional model of the state. Modern democratic polities are polycentric, manifesting many independent sources of political innovation, evaluation, and action (diZerega, 165-208; Kingdon, 1995). Federalist democratic systems involve yet another polycentric dimension (Ostrom, 1991). The closest approximation of a state in a modern democratic polity is the incumbent administration, but unlike a state it is not sovereign. Only in wartime do democracies act like states (diZerega, 1995). Abandoning the state model, which is derived from coercive power hierarchies, we can usefully conceive democracies in Aristotelian fashion as the outcome of people coming together to develop means by which to address common concerns, including evaluating just how common they are and whether to act on them (diZerega, 2001, 760-3; 1995, 296-7).

Recognizing the need sometimes to act, rational citizens adopt rules requiring less than unanimity to facilitate effective action, knowing that they may occasionally lose in the process. In *Federalist 58*, James Madison explained why:

It has been said that more than a majority ought to have been required for a...decision. That some advantages might have resulted from such a precaution cannot be denied. It might have been an additional shield to some particular interests, and another obstacle to hasty and partial measures. But these considerations are outweighed by the inconveniences...In all cases where justice or the general good might require new laws to be passed, or active measures to be pursued, the fundamental principle of free government would be reversed...[P]ower would be transferred to the minority (Rossiter, 361).

Despite the challenges of majoritarian decision making, the modern democratic-republican ideal has remained, as with Aristotle, agreement, not coer-

cion (diZerega, 2000, 13-51).

From this perspective, many market problems liberals associate with democracies can be considered information problems. Those charged as employees of the political community may take advantage of asymmetrical information and high organizing costs to abuse citizens for their own benefit and that of their allies. Asymmetries in information and organizing costs allow some people to use decision-making processes designed to serve public values to service their private interests instead, at the expense of the public in general. Inherent in any organized response to an issue, this problem is exacerbated in democratic institutions enjoying coercive power because the payoff for making decisions in one's own interests is far greater.

When Madison wrote, and particularly after political parties formed, high organizing costs beyond the local level made it seem that public values had to be addressed more centrally by government. Since then, as we have become ever more intertwined and interdependent as a society, the role of public values has in many ways increased, as F. A. Hayek acknowledged (Hayek, 1976, 7). By default, most citizens continue to assume that these values are most appropriately handled by government, because many other kinds of public values have been.

Nevertheless, our task is not to move from a state-centered to a polycentric polity, because we are already there, even if Strauss, James, and Will haven't figured it out. Rather, we need to strengthen the capacity for public values to be served successfully within civil society rather than by government. One reason for optimism is that information and organizing costs, even for complex public values, have fallen markedly in recent years.

### ***Philanthropy, Public Values, and Government***

Today many public values are served by both government and philanthropy, including art museums and libraries, parks and nature preserves, hospitals and clinics, schools and colleges, and housing and aid to the poor. The strongest argument for relying on government to supply these values is that civil society alone is inadequate to do so or applies too many strings. But as readers of this volume know, many costs accompany their governmental provision as well.

Some suggest that pursuing any public values through governmental

means is simply a case of "rent seeking." This judgment is often—I think very often—mistaken. Many citizens support government programs without self-interested motives and are active in grassroots philanthropy as well. For example, *Mother Jones*, a left-oriented magazine, published an article about the impact of social spending cuts on poor families (Mencimer, 2003). The magazine later reported that a reader had anonymously donated \$8,000 to meet a young woman's tuition needs for a year of college (Backtalk, 2004). As a reader of *Mother Jones*, the philanthropist most likely supported governmental social welfare programs, but when informed of their shortcomings in this particular case, contributed greatly to assist a needy person. *Were organizing and information costs low enough, it is possible that all such needs could be met outside the realm of government.*

How do we facilitate the optimum context for discovering public values and acting to provide them without relying on formally coercive mechanisms which have inherent cost inefficiencies and are prone to capture by corrupt agents, private interests, or fanatics? How do we liberate service to the public from the corruption and abuse that so often accompany formally coercive political action? How do we further empower civil society as an independent social process?

Philanthropy is a central player in the process of effectively serving public values by institutions other than formally coercive ones. Politics in its Aristotelian sense must take place today distributed throughout the political system, and it can succeed without eventuating in governmental action. Just as economists have demonstrated that markets are better than coercive political institutions for discovering and coordinating consumer ends, it is probable that many or most public values can be better discovered and served by philanthropic action rooted in formally voluntary relationships than in those where coercion is formally institutionalized.

The challenge, and it is a big one, is to enable those now originating proposals for government action to find practical nongovernmental alternatives. This would turn advocates of public values—or many of them, at least—into supporters of philanthropy and civil society rather than of governmental approaches to the addressing of public values. Many are already well aware of the drawbacks to government provision, but they often see little alternative.

Our attention then turns naturally to evaluation of the barriers to successful voluntary action in support of public values, barriers that often turn

those seeking such values toward the pursuit of formally coercive means of attaining their ends.

To give an example from environmentalism, most people who treasure wild nature are not statist. They love wild ecosystems and want some means or other of protecting them. Many nongovernmental strategies, however, are foreclosed by law. For example, neither National Forests nor Bureau of Land Management rangelands allow environmentalists to bid against logging companies and ranchers for control over logging or grazing rights. If they could, energy now employed trying to influence governmental policy would go instead towards bidding to protect natural values. Yet when environmentalists turn to the courts and politicians as the only alternative available to them, they are accused by politically privileged timber companies and ranchers of favoring “big government.”

The example of bidding rights indicates that the pursuit of voluntary approaches would not be confined to the nonauthoritarian (“libertarian”) right. In my view, many on the left would be more open to this approach than would George Will, followers of Leo Strauss, and others dominating the political right today, which makes Ealy’s critique important. Furthermore, freeing the term public would help bridge a semantic divide that does the cause of liberty no good at all.

I do not think that all public values can be provided outside government’s framework. But the extent to which they can be so provided is far greater than the extent to which they currently are. Therefore, the answer to Ealy’s question of why the governmental (*not political*) solution to social problems remains the default position is ultimately rooted in two factors. First, the mistaken but unilateral association of the public realm with government leads some to turn only to government to serve public values because it seems the only game in town. It inclines others to deny the reality of public values because of their personal hostility to government. Potential cooperation is nipped in the bud. The second factor is the relatively high organizing costs for supplying public values beyond the most local levels by nongovernmental means. With Ealy, my own work offers a rebuttal to the first of these dimensions, and it goes beyond Ealy in pointing out the importance of the positive work of lowering organizing costs in order to enable polycentric and voluntary philanthropic action to identify and effect public values.

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## COMMENT ON EALY

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Steven Ealy's provocative essay addresses core issues of politics and philanthropy and, in doing so, shows that intelligent discussion of these issues requires close attention to our use of language. In fact, his substantive thesis revolves around the claim that modern thinking about politics and philanthropy is misguided precisely because of the language in which it is framed: specifically, the language of politics that modernity inherited from the ancient Greeks. In Ealy's view, this traditional language has a built-in "psychology" or "resonance" that compels us to think about politics very much along the lines of the Greek political philosophers—a way of thinking that is both inappropriate and dangerous in a world where the modern state has replaced the ancient *polis*. In developing his thesis, Ealy takes note of some of my own reflections about the analogical uses of political language, but he draws a conclusion from them that is quite different from the one intended. My remarks will speak to the linguistic and substantive issues that Ealy raises.

**I**

Analogies presume a likeness or similarity, but not an identity, between things with a common name. They can mislead us in either of two ways: by leading us to presume a greater likeness than actually exists or else by causing us to overlook crucial differences that prevent the things so named from being identical. With a view to avoiding both of these errors in political discourse, my own essay emphasized that while the modern state or nation is like the ancient *polis* in some respects (both are ways of associating to achieve common purposes), in other respects, it is fundamentally different.

I had recommended an attentive study of the classics not to reinstate the *polis*, as Ealy implies, but for the following reasons: first, Greek political philosophy offers the best insight into the nature of the *polis* and thus into ways in which it is *both like* and *unlike* the kinds of associations that are prevalent today. This insight permits us to learn from the classics while avoiding possi-

ble errors of the kind that trouble Ealy. Second, whatever the historical epoch, the very experience of living in associations formed for common purposes gives rise necessarily to a certain kind of discourse—one that tries to articulate those purposes and deliberates about the best way to attain them. The classical political philosophers adopted this kind of discourse, and their writings instruct us about its contours and implications.

Consider, for example, that the Declaration of Independence speaks of the broad ends for which governments are organized ("safety and happiness"), and that the U. S. Constitution, in its Preamble, specifies various purposes for which the government is established (forming a more perfect union, establishing justice, insuring domestic tranquility, providing for the common defense, promoting the general welfare, and securing the blessings of liberty). Here the imperatives of human association itself, and not the residue of classical philosophy, were moving the authors of these documents to take up very basic questions about the purposes of a comprehensive association and to consider a range of alternative answers. Although moderns can think independently of the classics and, indeed, repudiate their principles, they cannot escape these practical imperatives.

**II**

The substantive concern that drives Ealy's thinking is the danger that expansive government poses to a sphere of life where individual freedom, privacy, and volunteerism can flourish. Ealy believes, as I do, that this sphere should be very wide. The question is whether its flourishing requires a radical displacement of politics of the kind that Ealy envisions, or whether flourishing is more likely to occur in a well-ordered political community.

**III**

In part I of his essay, Ealy seems to promise a linguistic solution to the substantive problem of expansive government. He leads us to expect that he will discard the language of politics altogether, since even its analogical meaning "keeps pointing us back to ancient Athens and its expansive political institu-

tions.” Yet in part III, where he outlines his substantive argument, Ealy speaks freely of “politics” and “the *political* system,” suggesting one of two things: either the intended linguistic purge cannot be carried through, or the word political is now being used in some non-analogical sense that remains unspecified.

Ealy defines his task in part III as one of deciding where “the political system” fits into what he refers to variously as “the community,” “civilization,” “society at large,” and “the civil association.” It seems that Ealy, having rejected the political community as the comprehensive association, is attempting to find a substitute. But what exactly is “society” or “the community”? These are exceedingly nebulous terms, and Ealy doesn’t provide his readers much help in figuring out to what entities they refer. Is there only one encompassing “community” or “society” for humankind at large, or is there instead a plurality of such associations? Is it even possible to recognize, identify, and demarcate these associations apart from political criteria? When people today use such terms as “the community” or “society at large” to refer to broad and inclusive associations, they typically have in mind such entities as “the United States of America,” “Canada,” or “Mexico,” associations whose very constitution and boundaries are political. Indeed, we recognize and identify these inclusive societies primarily by their political structure—the presence of border guards, police and military, the authoritative reach of their laws, and their self-identification as nations organized politically for common purposes.

“The community” or “society at large,” as we know it from our experience, is fundamentally a political entity and the locus of what Locke calls “political power,” namely “*a Right* of making Laws with Penalties of Death, and consequently all less Penalties, for the Regulating and Preserving of Property, and of employing the force of the Community, in the Execution of such Laws, and in the defence of the Common-wealth from Foreign Injury, and all this only for the Public Good” (Locke, Second Treatise, § 3).

#### IV

Ealy would curb expansive government by either effacing “the political” or reducing it to just another competitor for authority in some more comprehensive association, but neither option is viable. Political communities—comprehensive associations with final authority—are givens of our experience, and

they are unlikely to disappear. They can be constituted, however, in different ways. Our real choice is between better or worse constitutions, and here the tradition of political philosophy, which Ealy would discard, offers valuable guidance. Constitutions quite favorable to Ealy’s objectives—limited government, protection for a private sphere, encouragement for voluntary initiatives—have been inspired by the writings of political philosophers. One need only consider the salutary influence of thinkers such as Locke, Montesquieu, Hume, and Adam Smith on America’s founding generation. Recognizing legal and coercive institutions with final authority does not jeopardize the vigorous pursuit of private ends, but rather establishes the conditions under which this pursuit can safely take place. As Locke explains, the rule of law makes possible “a Liberty to follow my own Will in all things, where the Rule prescribes not; and not to be subject to the inconstant, uncertain, unknown, Arbitrary Will of another Man” (Locke, Second Treatise, § 22).

How does Ealy assess Locke and the other philosophers who articulated the principles of modern liberty? It is significant that George Will, in the book that Ealy criticizes, is himself attacking the early modern political philosophers as well as American statesmen such as Madison who adopted their principles. One might presume that Ealy would find common ground with those whom Will attacks, but his blanket rejection of “political philosophy” makes no exception for the early moderns whom the American founders admired.

#### V

Ealy’s broad aim is to nurture the private sphere, but his path—elevating “the community” or “society at large” above “the political”—is fraught with danger. No book does more than Helmut Schoeck’s *Envy* to disabuse us of the romantic notion that communities as such are favorable to individual freedom, spontaneity, and voluntary initiatives to benefit others. Quite the opposite is true, if we may credit the extensive anthropological evidence that Schoeck reviews. In most communities that have existed in the world, intense envy is directed at those individuals whose efforts or talents or good fortune allow them to stand out above others; and the ubiquitous fear of a destructive envy, operating through such supposed mechanisms as the “evil eye,” acts as an internal check on individuals who might otherwise try to get ahead, or amass

wealth, or become innovators or benefactors. Fear of envy gives rise to extreme secretiveness, the concealment of one's private affairs, and the avoidance of intimacy. It sabotages cooperative planning for the future and collective undertakings that might benefit the whole community. Schoeck explains that since envy can vent itself simply by remaining passive, "very often the envious man, while not indeed acting so as to harm another, will not voluntarily do anything out of what is called humanity, a feeling of decency (concepts still incomprehensible to the vast majority in the world), to avert another's harm." He illustrates this by citing Oscar Lewis's study of life in a Mexican village: "In general there is an absence of altruism, generosity, charity, and the spirit of sharing." "Doing favors for others is rare and creates suspicion." "Children are scolded for giving things to their friends or for being trusting and generous in lending articles to persons outside the family" (Schoeck, 57-76, 63-64).

Envy is by no means confined to primitive communities. Tocqueville, in his searching account of modern democracy, identifies "a depraved taste for equality in the human heart that brings the weak to want to draw the strong to their level and that reduces men to preferring equality in servitude to inequality in freedom." Ealy fears that governments will be tempted to engage in "soulcraft," but Tocqueville points out that democratic society itself exercises a kind of tyranny over the individual that "goes straight for the soul." Good laws, while less influential than a nation's mores, can help to curb this envious equality and deflect its intrusion into the human soul. They can also promote a "manly and legitimate passion for equality that incites men to want all to be strong and esteemed"—a way of loving equality that inspires voluntary initiatives to lift up the weak (Tocqueville, 52, 244).

In a similar vein, Madison identifies the "injustice of the laws of the states" as the most alarming "vice" that a new federal constitution should correct. Significantly for our purposes, Madison finds the primary source of this vice in "the people themselves" rather than in the state legislatures. The new government that he proposes is designed specifically to check abuses originating in the states as relatively small communities (Madison, 76-80). Communities as such tend toward injustice. A large and comprehensive community, organized politically, with a government that exercises legal and coercive authority with finality, is the best safeguard of those very liberties that Ealy wants to encourage.

## VI

Ealy gives detailed consideration to what *political* means, but little if any to the meaning of his other key term, philanthropy. Both terms are polysemous and of Greek origin. Philanthropy means literally the love of man. In perhaps its earliest surviving usage, the poet Aeschylus applied the term to the protagonist of his tragedy *Prometheus Bound*. Prometheus' *philanthropia*—his love of mankind—has led him to defy Zeus and bestow on the weak race of human beings the gift of fire, along with all the arts. Zeus's agents, Might and Hephaestus, both attribute Prometheus' defiance of Zeus to his man-loving (*philanthropou*) ways (lines 11, 28). For this misdeed the Titan is severely punished by Zeus, who had his own plan for improving the human race. As we see, the first recorded "philanthropist" is someone with a grandiose scheme to benefit humanity through the radical transformation of its material condition. To carry out his plan, he is willing to challenge the existing order of things and even to disregard natural or sacred limits. He prides himself in having a god-like wisdom as regards the good for man, and nothing will deter him from applying it. Prometheus' intent was to improve humankind's condition by giving it the arts and fire, along with what he calls "blind hope"—a precursor perhaps of the belief in the indefinite progress or perfectibility of the human race.

Ealy clearly dislikes progressivism's notion of philanthropy, as it emerged in late-nineteenth century America, but perhaps that notion is closer to the original than is Ealy's own understanding of the philanthropic enterprise. How would Ealy define philanthropy? Does he give it the same meaning as its original Greek application, or an analogous meaning, or a meaning that is different altogether, despite the common name? Is philanthropy a generalized love of man or a regard for particular individuals or groups? Is it rooted in aristocratic liberality? In a thirst for justice? In Christian charity? In natural sentiments such as benevolence or compassion? In the utilitarian calculation that benefiting others is the best way to look out for ourselves? And is philanthropy so obviously a good thing as Ealy presumes? Here one recalls literary depictions, by Dostoevsky and others, of persons with truly nasty dispositions who cannot tolerate the people around them but who profess great love for humanity and put forward grand but quite destructive schemes of reform.

As the idea of philanthropy gained momentum in nineteenth-century America, some important writers, including Thoreau, Melville, and Brownson,<sup>1</sup>

called attention to its undesirable features. Later a term (“do-gooders”) came into use to disparage philanthropists of the unattractive variety. Nothing intrinsic to the meaning of philanthropy certifies its goodness or makes it a private rather than a civic endeavor. Ealy’s essay warns of the dangers to liberty and privacy in the modern world. Are these dangers inherent to politics, as Ealy assumes, or do they result largely from the displacement of prudent statesmanship by reformist impulses and ideas, including the philanthropic impulse? Ealy wishes to protect philanthropy against the spirit of politics, but protecting politics against the spirit of philanthropy may be a task of equal or greater urgency.

## VII

Is it possible to give proper weight to politics without jeopardizing the private and voluntary philanthropy that Ealy recommends? In approaching this question, it is worthwhile to ponder this sentence in Adam Smith’s *Lectures on Jurisprudence*: “The law hinders the doing injuries to others, but there can be no fixed laws for acts of benevolence” (Smith, 1982, 449). Here Smith is acknowledging the indispensable role of law and government in a political community, but is also taking account of natural limits on their power to require virtue and to suppress vice. To understand his thinking, we must note that although Smith regards both justice and beneficence as virtues, he nonetheless identifies important differences between them. As Smith explains in the *Theory of Moral Sentiments*, justice is a virtue “of which the observance is not left to the freedom of our own wills.” Justice may properly “be extorted by force.” Smith’s reasoning here is that “the violation of justice is injury: it does real and positive hurt to some particular persons, from motives which are naturally disapproved of.” Since unjust injury or hurt naturally evokes resentment and retaliation, civil punishments are warranted in dealing with injustice. Beneficence, by contrast, “is always free, it cannot be extorted by force.” (Smith, 1976, 156ff.)

As Smith explains, the failure to act beneficently may disappoint someone’s expectation of receiving a good, but such inaction “does no positive hurt to anybody.” This failure, if excessive, will evoke moral disapprobation and therefore is blameworthy, but it is not a proper object of punishment, at least not by those whose expectations are disappointed. Smith gives the example of

a man who “shuts his breast against compassion, and refuses to relieve the misery of his fellow-creatures, when he can with the greatest ease.” Everybody would blame such conduct, Smith surmises, but nobody would imagine that those who had reason to expect more kindness “have any right to extort it by force.” Smith goes on, however, to add an important qualification to his principle that beneficent action must be free and unforced. Although it would be highly insolent and presumptuous “for equals to use force against one another” to compel beneficent acts, a nation may sometimes, through its laws, impose duties of beneficence upon its citizens. Smith explains:

The laws of all civilized nations oblige parents to maintain their children, and children to maintain their parents, and impose upon men many other duties of benevolence. The civil magistrate is entrusted with the power not only of preserving the public peace by restraining injustice, but of promoting the prosperity of the commonwealth, by establishing good discipline, and by discouraging every sort of vice and impropriety; he may prescribe rules, therefore, which not only prohibit mutual injuries among fellow-citizens, but command mutual good offices to a certain degree.

Having acknowledged that lawgivers may require certain beneficent actions of the citizenry, and also promote good habits, Smith immediately adds a strong note of caution:

Of all the duties of the lawgiver, however, this, perhaps, is that which it requires the greatest delicacy and reserve to execute with propriety and judgment. To neglect it altogether exposes the commonwealth to many gross disorders and shocking enormities, and to push it too far is destructive of all liberty, security, and justice.

The emphasis here is on moderation—finding the right mean between excessive legislation and none at all. Lawgivers must keep in mind that beneficence “is less essential to the existence of society than justice.” Since “it is the ornament which embellishes, not the foundation which supports the building,” imposing it is by no means necessary, although this is sometimes desirable. Clearly Smith wants to preserve a broad sphere of civic life where beneficence, in accordance with its very nature, remains free and unforced, but locating its boundaries is a matter of prudent judgment rather than hard and fast rules. Does Ealy, in speaking of philanthropy, have in mind something akin to Smith’s idea of beneficence? How, if at all, would his own thinking about justice and benevolence, and about compulsion and freedom, differ from that of Smith?

Would he be willing, as Smith is, to ground his prescriptions in an account of nature? Addressing these questions might be a fruitful way for Ealy to bring greater clarity to his provocative discussion of politics and philanthropy.

## NOTES

- <sup>1</sup> See Henry David Thoreau, *Walden*, Ch. I; Herman Melville, *The Confidence-Man*, Ch. 24; Orestes Brownson, *The Spirit-Rapper: An Autobiography*, Chs. 7, 8, 26.

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## COMMENT ON EALY

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Steve Ealy invites us to reject what he calls "the prejudice of political philosophy." He states his purpose clearly: "The burden of this paper is to deal with the twin prejudices of political philosophy—that political institutions should be the most authoritative and that the political system has the...responsibility for shaping the moral life of its citizens—and to show that these positions do not fit well with the nature of modern society." But Ealy's "burden" is, in fact, more than the effort "to show that these positions do not fit well the nature of modern society."

The controversial core of Ealy's paper is his claim that these twin positions are (1) actually prejudicial to the very philanthropic enterprise per se and (2) that the Progressives' project and that of political philosophy are much closer than we have heretofore appreciated. Put differently, Ealy's claim is that the alternative to the Progressive, statist agenda is not to be found in political philosophy, because political philosophy is the problem rather than the solution.

I agree with Ealy's proposal: we need a critique of what political philosophy has to offer concerning the necessary and sufficient conditions for the pursuit of liberty, responsibility, and happiness in the contemporary world. First, we need to realize that we are actually living in the modern world and not some ancient fantasyland, nor, I would add, in some futuristic utopia. We need a modern solution for the problems of modernity, rather than a premodern, or again I would add, a postmodern alternative. Second, we both agree that political philosophy, to the extent that it does indeed approach coherence and relevance, is generally antagonistic toward the modern project, especially the claim that limited, decentralized government and an independent private sphere are more conducive to human liberty, communal responsibility, and personal happiness.

Ealy's central figure is Leo Strauss, a German émigré who has had an enormous impact on both political philosophy and contemporary American conservatism. Ealy is particularly concerned about the Straussian "prejudice" that gives a privileged position to the Aristotelian concept that "the political solution to social problems appears to be the default position in contemporary

America,” and that perhaps America—these are my words, not Ealy’s—is ill-founded because no provision was made at the creation of the Constitution for the cultivation of public virtue. Ealy’s case against political philosophy is this: (1) Political philosophy is essentially Straussian political philosophy, and it is grounded in the ancient world and puts the *polis* first, and (2) the influential conservative commentator George Will, in arguing that statecraft is soulcraft, relies on the Straussian and the ancients’ claim that the political association is authoritative.

Why are these twin positions prejudicial in the modern world? Because, says Ealy, “we still live in the shadow of the *polis* intellectually...[T]he Greek *polis* is taken by many today to be the model of the healthy and well-functioning society.” Will’s “five functions of the political system” provide a paean to politics. Will’s government will concern itself with the “inner life of man.” Moreover, says Ealy’s Will, “the aim of politics...is a warm citizenship, approximating friendship, based on a sense of shared values and a shared fate.” The secondary institutions are precisely that, and they are useful only if and when government should decide to delegate chores from time to time. In other words, neither Strauss nor Will sees a place “in their society for an independent and vital philanthropic enterprise,” because they see the paramount importance of the *polis* and believe that the task of the *polis* is the moral education of the citizenry.

But here comes the really controversial part: isn’t such a twin prejudice, challenges Ealy, identical to putting “the amelioration of man’s spiritual, moral, emotional, and metaphysical distress,” in the direct hands of the state? Isn’t there an important connection between Will’s “breathtaking” appeal to the centrality of the political association and the Progressive William James’s 1910 appeal to the “martial virtues” that would “inflame the civic temper” in a moral equivalent of war against whatever terrible social ills had infected America? Ealy thus portrays the Progressive left as being in the same family tree of political philosophy as the Straussian branch of the contemporary Conservative right. Ealy’s point is this: there is an important “underlying connection between modern American liberalism and American conservatism (at least the ‘conservatism’ represented by Will.” And they both are connected to the foundational claims of political philosophy, the prejudice of which is articulated by Leo Strauss.

Now this claim by Ealy challenges the well-known antagonism of the

Straussians toward the Progressives. Let me express a certain initial skepticism concerning this challenge. The Progressives aren’t interested in the idea of statesmanship because they are not essentially moved by “doing the best with what one has,” a hallmark of Aristotelian politics. Nor are they particularly interested in promoting citizenship; for the Progressives, politics is far too complicated to be left to the ordinary citizen working through the rough and tumble of the deliberative process. Politics, in fact, is dirty rather than enriching, as far as the Progressives are concerned, and what they advocate is the replacement of partisan politics with the science of administration, under the guidance of experts, rather than with the art of the statesman. One last note of caution about drawing too close a connection between political philosophy and Progressivism: the ancients genuinely endorsed generosity to others as a personal virtue; the Progressives view philanthropy as a public obligation.

Ealy concludes with a discussion of Michael Polanyi and Michael Oakeshott—and by implication Hayek—all of whom he contrasts with Strauss, Will, and James. According to Ealy, the former challenge the idea that the political association is the most comprehensive and authoritative association and thus provide a view “more compatible with the development of an independent philanthropy.” Polanyi rejects the metaphor of the scientific enterprise as men building a house from blueprints. Life, instead, he claims, is “polycentric.” Oakeshott argues that rather than being a central activity, politics “is a highly specialized and abstracted form of communal activity.” He suggests that “the political system has a limited importance.” Accordingly, Oakeshott moves the “creative center” outside of government and posits, instead, the existence of multiple creative centers within society. And, quite correctly, Ealy sees this shift as “a necessary condition for a renewed philanthropy, but in itself it is not a sufficient condition for such renewal.” And thus ends this challenging essay.

Ealy concentrates on the critique of modernity from the right, or premodern perspective, and virtually ignores the left, members of which I think are just as prejudiced against the modern project. There is, for example, a widespread left-inspired criticism of classical political philosophy in general, and of Strauss in particular, within the very field of political philosophy itself. Put differently, Strauss and political philosophy are not synonymous. There is, in fact, within contemporary political philosophy a fundamental antagonism toward both Strauss and limited government and the private sector, which exceeds anything that can be attributed to Strauss and his followers.

To be sure, both Strauss and his critics emphasize the vices of modernity, and they both express an embarrassment—a critical component of prejudice—with respect to the modern project. From Hegel to Heidegger, by way of Marx and Nietzsche, the emphasis is on what is wrong—banal, unheroic, mediocre, and self-indulgent—with modernity and why we need a non-modern solution to the problems of modernity. There is indeed something that political philosophers, both left and right, abhor about what Ealy correctly identifies as the hallmarks of modernity: the economic market system and limited political government. Political philosophy, for the most part, impeaches modernity, but I would suggest that ancient, premodern political philosophy is perhaps more compatible with modernity than is the postmodern alternative, if for no other reason than that the ancients recognized the existence of metaphysical foundations. Postmodernists suggest that only power matters, and thus that personal philanthropy is simply another form of the exercise of individual power.

Let me put Ealy's thesis in my own terms: We know that modernity has its faults, but we need to do the best we can with what we have. And modernity is what we have, and philanthropy is what we can do to improve the human condition consistent with an adherence to limited government and free markets. But how do we know this will work out? Ealy emphasizes the necessity of the doctrine of spontaneous order, and I suggest the sufficiency of the concept of self-interest rightly understood. Ealy is surely correct to say that Polanyi, Oakeshott, and Hayek identify the necessary condition for a robust private philanthropy; I would add that Tocqueville points out the sufficient condition.

We need to build on Ealy's call that we, in effect, shift from *public policy* to *private action*. But we need then to move forward and make the case for *public action* on the foundation of *private action*. I don't think that Polanyi, Oakeshott, and Hayek have a definitive answer to the important question here: How do you know that spontaneous action produces better and more orderly outcomes? Why is this not, ultimately, also a "prejudice?" Are we not, if we don't take the next step, replacing "the prejudice of political philosophy"—seeing the state or *polis* as the most authoritative actor in our social life—with "the prejudice of the market," the notion that the market ought to be the authoritative source for the distribution of values?

Is conscious *public action* possible, or are we left with the alternatives of *public policy*, endorsed by political philosophy, or *private action*, endorsed by the spontaneous market? Why be privately philanthropic under either the authorita-

tive or the spontaneous model? If the political philosophy model treats economics as subservient to politics, the market model suggests just the reverse. If political philosophers err in identifying spontaneity with anarchy, then market supporters err in identifying statesmanship with coercion. Is there, possibly, a third way?

I think we need a Tocquevillian, modern *public action* solution for the problems of modernity, one that retains spontaneous human initiative and yet appeals to the civic dimension of human existence. One that overcomes the ancient appeal to communal duty without relying exclusively on the invisible hand of the marketplace. As I read Tocqueville, he warns that reliance on ancient sacrifice is inappropriate. But he also warns that the market system may well encourage self-interest wrongly understood: the notion that I help others by helping myself. Tocqueville is arguing for self-interest rightly understood: By helping others, I help myself. In short, that is the case for being privately philanthropic in the modern world.

As Tocqueville said, self-interest rightly understood is not "a sublime doctrine," one that is among the highest of individual virtues. But it is reliable; it brings out the best in modern man; it produces "orderly, temperate, moderate, careful, and self-controlled citizens." Most importantly, it provides an alternative to both the paternalistic state and the market state. It does not encourage an attachment to the prejudice of political philosophy, nor does it encourage us to abandon the fact that we are, by nature, at least partly political animals. The doctrine that "virtue is useful" leads humans "to help one another and disposes them freely to part of their time and wealth for the good of the state." And when we support this practical approach with the dissemination of the "sublime utterance" of Christianity—"we must do good to our fellows for love of God"—we have, in effect, provided the second dimension of the sufficient condition for personal philanthropy that is absent in both the classical model and the market alternative.