

CHAPTER THIRTEEN

The Stoic sage in the Original Position

Mary Margaret McCabe

I

Impartiality is surely central to understanding social engagements, and beyond that to understanding how we might constrain both moral and political relations. But it is a deeply opaque concept, and its significance to us as we engage with others unclear: what is it to be impartial? And why should impartiality be of any interest to me?

The Greeks may not have had a single word for ‘impartial’; but they do have some illumination to offer. First, consider some forensic contexts:

This being the dispute, and about these things, I beg and require you all to listen alike to me as I defend myself in justice against the charges laid – just as the laws require which Solon, in establishing them and himself well-disposed towards you and a man of the people, thought should be authoritative not only by being enacted, but also by virtue of the oath of juries. In this he did not distrust you, as it seems to me, but he saw that the defendant can escape neither accusations nor calumnies, which the prosecutor has the advantage of explaining first, unless each of you, the jurors, observing piety towards the gods, also receives with goodwill the just things said by the second speaker and, presenting himself as an *equal and common* hearer to both sides, thus makes his decision about all of the matter in hand. (Demosthenes, *De corona* 6–7)

Here Demosthenes describes a jury’s obligation to be an ‘equal and common hearer’ of both sides: and our first thought (and the thought of many

I owe many debts in respect of this paper: to Peter Adamson, Hugh Benson, Tad Brennan, Luke Brunning, John Cottingham, Brian Feltham, David Galloway, Brad Hooker, Jacob Klein, Peter Rhodes, Malcolm Schofield, Harvey Yunis, and especially to Charles Brittain and to the editors, for their invaluable help, comments and disagreement. I would also like to express my gratitude to the Leverhulme Trust, which funded the Major Research Fellowship during the tenure of which I wrote this paper. It is for my dear friend Malcolm, with love and admiration.

translators)¹ might be that his jurors are enjoined to be impartial.² Indeed the ‘equal and common’ locution seems to have been in regular use, so that Prodicus, in Plato’s *Protagoras*, is able to play on it:

Prodicus said, ‘You seem to me to speak well, Critias. For those who are present for such discussions should be common hearers of both sides to the conversation, but not equal. For these are not the same thing: it is necessary to hear both in common, but not to distribute the verdict equally to each side, but to give more credence to the wiser, less to the more ignorant.’ (Plato, *Protagoras* 337a)

Such passages tell us something about the objects of judgment (they may not be equal); something about the judges themselves (they should listen ‘in common’); and something about the grounds for the judgment made (preference to the wiser, for example). So an obligation lies on the judges to take up an attitude of some kind to what they do, should do, decide, should decide, on the basis of the appropriate sorts of reasons, not influenced by inappropriate considerations. This does indeed sound like what we might think of as impartiality; and in what follows I shall suggest that the connection between what is ‘in common’ and impartiality is not insignificant.

Impartiality seems to have something to say about reasons (I gave that examination script top marks because it was full of good, well-founded arguments to answer the question, and not because the candidate slipped me a banknote stuck to the penultimate page, nor because he has a sick dog). And it works when those reasons treat like for like: roughly the same sorts of reasons should be appropriate for the same sorts of things, over and over again.³ In one way, thus, impartiality describes how reasons are generally applicable; it considers how the reasons weigh up in particular instances. Of course, there is always a question about how such general rationality works: what makes such reasons *the same sort of reasons*?

Further, impartiality seems to exert an obligation on agents, to take the appropriate sort of attitude to reasons and the objects of impartial judgment. But one might wonder why such a rational consideration issues in action at all in particular cases. For there seems to be nothing about what is generally applicable that makes it motivating as such. Indeed, impartiality resists partiality: and partiality – to my own interests, or those of people I

¹ E.g. Vince and Vince 1926 *ad loc.* translate ‘until he has given a fair and impartial hearing to both sides’.

² Greek offers variants on *isos kai koinos*. Compare Demosthenes 29.1 or a comparable combination of expressions e.g. at Aristotle, *Politics* 1295b25.

³ There are other views about this feature of reasons: see Dancy 1993.

favour – seems to be a natural inclination, an evident source of motivation. It is a base feature of human moral psychology, many would argue, that we tend towards and are motivated by our own interests.⁴ So even if we can see that there are some reasons for impartial treatment of others, what makes those *reasons for me*? What is it that makes me have any concern at all for the demands of impartiality when my own interests may pull in a quite different direction, just because they are my own, partial to me?

Thirdly, impartiality seems to be imperative. If my partial reasons are reasons too, why should the impartial ones trump them? We might think that impartiality is a virtue – the virtue of overcoming our natural inclinations in favour of one or the other or in favour of ourselves – but we then owe an account of what it is about impartiality that makes it *demanding* on us, in the way that virtues are.

In trying to articulate such an account, I shall talk about three mythical figures: the Stoic sage; the person who sits in Rawls' Original Position (call her an OPee); and an Archangel. I shall argue that the Stoic sage allows us to see at the outset how complex it might be to account for the demands of impartiality, especially when we are talking about community or commonality – such as we might find in social or civic institutions.⁵

II

The Stoic sage is a queer sort of bird. He is rarely, if ever, instantiated; were he to turn up, he might be thought to inherit a kind of detachment from ordinary interests that characterize some Platonist accounts of the philosopher outside the Cave.⁶ The Stoics – like Plato – offer eudaimonist answers to the questions of ethics, within which a demand for too much detachment, too much otherworldliness, risks ending up with no purchase on anyone at all, even someone as peculiar as the Stoic sage. Still, he performs a crucial rôle in Stoic ethical theory: of representing what moral perfection would be like, were there ever to be any.

But the eudaimonist background poses a primary challenge to any suggestion that this kind of moral perfection includes impartiality. The Stoics offer a naturalist account of our motives and dispositions, the theory of *oikeiōsis*.⁷

⁴ See, e.g., Frankfurt 2004: 3–32. ⁵ So for *politeia* broadly construed, see Schofield 2006c: 30–5.

⁶ Stoic theories about knowledge and virtue rely heavily on their Platonic antecedents. See e.g. Long 1988, Striker 1996: 221–80, McCabe 2002.

⁷ See e.g. Long 1993, Striker 1996: 281–97, Inwood 1985: 182–201, Annas 1993: 262–76. The present paper picks up on McCabe 2005, and discusses an aspect of *oikeiōsis* I missed completely then.

The first *oikeion* thing for each animal, [Chrysippus says], is its own constitution and the awareness of this. For it is not likely that nature should allow that the animal should be alienated⁸ from itself or that, having made it, it should be neither alienated nor made *oikeion*. So it remains that as constituted it should be *oikeion* to itself; for thus it thrusts aside what harms it and pursues what is *oikeion*. . . . Since animals have an extra faculty of impulse, which they use to pursue what is *oikeion*, for them what is natural is to be organized in accordance with their impulse. But since reason has been given to the rational animals, in accordance with a more complete arrangement, then living in accordance with reason has been given to them; and reason supervenes as the craftsman of impulse. (Diogenes Laertius 7.85–6)

This theory is robust enough, they supposed, to account for why we⁹ ever act for the sake of others:

As it is manifest that by nature we shrink from pain, so it is evident that it is by nature itself that we are impelled to love those to whom we have given birth. From this it is born that indeed the common commitment of men to men is natural, so that a man should regard no man as alien, just because he is a man. (Cicero, *De finibus* 3.62–3)

Chrysippus relies heavily on his naturalist teleology: if animals are natural creatures, then they will function in the best possible way from the outset, as part of their fundamental nature.¹⁰ Further, animals have some perception of their own constitution. For all animals first perceive their own natural disposition and what belongs to it or fits it; and this explains their behaviour in favouring their own interests, rejecting those of others (it explains, thus, their partiality to themselves):

For perception leads us to the knowledge of the first *oikeion*, which is the account we said would be the best starting point for the elements of ethics. We should not ignore that as soon an animal is born it perceives itself. . . . [but] there are some so slow and far from understanding as to deny altogether than an animal perceives itself. For they suppose that perception has been given to it by nature for grasping external objects, and not at all for grasping itself. (Hierocles, *Elements of Ethics* 1.35–46)

For the animal foundation of *oikeiōsis*, thus, two separate claims are made: the first is cognitive (that animals ‘perceive themselves’), the second is psychological (that animals pursue their own interests). The argumentative relation between the two claims is complex. Self-perception accounts

⁸ ‘Alienation’, *allotriōsis*, is treated, here and elsewhere, as the converse of *oikeiōsis*.

⁹ And animals, too: Cicero, *De finibus* 3.63.

¹⁰ See Brunschwig 1986, Inwood 1985: app. 1 on the point of these apparent appeals to chronology.

for how animals can perceive what interests are their own and then pursue them. But self-perception also gives those interests content as belonging to the perceiving self; the motivational aspect of self-interest is thus not antecedent to, but coincident with, self-perception.¹¹ Conversely, that animals have such interests determines how they put effort into self-perception (we strain our eyes, and not our ears, to some barely visible object).¹² So self-perception and self-interest are mutually implicated.¹³ Moreover, this complex relation allows for both perception and interests to be amplified and enlarged – so that the animal's sphere of interest, and its sphere of attention, can increase as interest and perception inform each other. This, in turn, accounts for the ethical content of the theory of *oikeiōsis*: perception can provide the starting point for an ethical theory, as Hierocles promises, by virtue of the fact that self-perception is so closely tied to self-interest and its natural origins.

This ethical theory, moreover, has moral ambitions. It casts *oikeiōsis* not merely as a description of the natural state of animals, but as a process of moral development for humans, beginning from a child's sense that it is a living creature, without knowing what it is to be such a creature (Seneca, *Epistulae Morales* 121.10–13) all the way through to the perfection of the sage.¹⁴ For – as Hierocles' famous image of the circles around us makes clear – we are enjoined to bring more and more of what initially seemed alien into our own inner circles, the circles of me and mine. Indeed, in so doing we should promote the attitudes of *oikeiōsis* towards the furthest Mysian;¹⁵ even to encompass the whole human race.¹⁶

All of these having been thoroughly surveyed, it is for the well-tempered man,¹⁷ in his proper treatment of each [of the circles of *oikeia* around him] to bring them together towards the centre, and keenly to keep transferring those from the surrounding circles into those that are surrounded . . . Thus a clear proposal has been set out, about how we should treat our relations, since we have already been taught how one should use oneself and one's parents and siblings, and then one's wives and one's children: for it is laid down that one should treat those from the third circle in the same way as these [from the second], and again our other relations in the same way as these . . . for it would arrive at what is reasonable if, through our own initiative towards them, we cut down the distance of our relation to each person. (Hierocles *ap.* Stobaeus 4.84.23 [with omissions])

¹¹ E.g. Hierocles, *EE* 3.2–19. ¹² E.g. Hierocles, *EE* 1.55–62. ¹³ E.g. Seneca, *Ep.* 121.6–15.

¹⁴ Despite Plutarch's objection that when he becomes a sage, the sage still does not recognize his own perfection: *De communibus notitiis* 1062b.

¹⁵ See Anon., *Theat.* 5.18–6.31. ¹⁶ Cicero, *Fin.* 3.62–3.

¹⁷ I prefer here the version of Long and Sedley 1987 to that of Konstan (Ramelli and Konstan 2009), who translates 'starting with the most stretched out one'.

And it may have political ambitions, too: repeatedly Stoic sources and their opponents report how this theory is supposed to provide the principles for civic community¹⁸ and justice.¹⁹ How far can those ambitions be met?

The natural process of *oikeiōsis* has three distinct elements which turn up repeatedly in the sources.

- self-perception (a cognitive element)
- self-interest (a psychological element)
- an injunction: to draw those at the furthest reaches of the human race from us into the domain of our self-interest; or to observe the demands of justice (a moral or ethical element)

The first two elements are common to humans and animals, at least at the most generic level;²⁰ and they are, as I have suggested, inextricable, because self-interest is both grounded in self-perception and explains why self-perception should have any interest for us, for these selves that we are. The combination of the first two elements describes what creatures are like: they both perceive themselves and have natural interests towards themselves: this explains their natural activities. In humans, then, *oikeiōsis* involves an attitude to ourselves, an attitude of *partiality*, if it is to explain our natural impulses – towards what is *oikeion*, what is appropriate, what belongs to us.²¹ The third element is peculiar to humans, and a feature of adult moral development, by some kind of amplification of natural *oikeiōsis*. So *oikeiōsis* also explains, somehow or other, how our attitudes may be developed and improved, still in line with the naturalist cast of Stoic teleology. And it explains, more particularly, how we both may, and should, improve our attitudes towards others. How?

III

One answer might run like this: if I have a sense of what is appropriate to me, I shall be able to cleave to what is me and mine, and to keep away from what is alien, strange, not-mine, inappropriate. This explains, for example, my attitudes to my own bodily parts (I both look after them, and deploy them)²² and my attitudes to those I hold dear – my children, my family and my friends.²³ For *just as* I care for myself and my bodily

¹⁸ Cicero, *Fin.* 3.63–4. ¹⁹ Plutarch, *Stoic. rep.* 1038b on Chrysippus on justice.

²⁰ Hierocles treats the perception and the interests of animals as on a continuum that runs from animal perception and interest all the way to the fully developed sage; but compare Cicero, *Fin.* 3.67, who does not suppose that this generates any kind of right for animals.

²¹ See Cicero, *Fin.* 3.16–7. ²² E.g. Seneca, *Ep.* 121.6, Hierocles, *EE* 151.2–3.

²³ E.g. Cicero, *Fin.* 3.62.

parts, seek to preserve myself, protect, even love myself, *so* I care for those I hold dear, those I think of as mine. My sense of love for my family, that is to say, is founded on the thought that these people are somehow mine, *in the same way as* my bodily parts are; and the attitude that follows is then explained by my fundamental love of self. But this sense of me and mine is flexible, just because self-perception can develop: I can acquire new friends, form associations, join communities, become a full member of a political association. When that happens, I deploy the comparison (just as I care for myself, so I care for me and mine) to broaden my sense of me and mine, to enlarge my sense of self to include a wider and wider swathe of people.²⁴ This enlargement, the Stoics advise, should be actively sought: so that I can extend the purview of ‘me and mine’ to include ‘even the furthest Mysian’. In the end, the whole of mankind becomes of concern to me: what is more, this is the aim of the ‘well-tempered man’.

What is happening here? First of all, I perceive myself and my narrow sphere of activity; and at the same time see my interest in it. So both my self and my interests, the objects of my self-perception, would come into view, if self-perception and self-interest are interconnected, at the same time.²⁵ Then I recognize that there is another circle surrounding this one; and another surrounding that and so on. But if this is what I perceive,²⁶ then I may perceive that my interests may themselves be widened outwards, further and further until I encompass the whole of humanity. On this account, what I do – well-tempered person that I am – is to extend my natural partiality to my narrow self to include in its ‘circle’ those who seem at first to be other than me. Once I expand my interests in this way, the surrounding circles become included in me and mine, and part of my own interest.

This process is a development of the two basic natural attitudes of self-perception and self-interest. It is repeatedly expressed as one that involves bringing things *together*: so as bringing together my soul and my body,²⁷ or my body parts,²⁸ or my family members.²⁹ This is reflected in the pervasive prefixing of ‘together’³⁰ to the descriptions of both the active verbs and

²⁴ See Hierocles, *EE* 9.1–4. Hierocles’ circles draw the outside in; the process can be described in the opposite way just as well, in my view, so that what we have is extension of the self, rather than contraction of the others. This is helpfully parallel to modern talk of extended egoism.

²⁵ Hume’s scepticism about this possibility is a long way away.

²⁶ Notice that much of Hierocles, *EE* is designed to explain how complex this perception is; more below.

²⁷ E.g. Hierocles, *EE* 4.4–22. ²⁸ E.g. Cicero, *Fin.* 3.63. ²⁹ Hierocles *ap.* Stobaeus 4.84.23.

³⁰ Note the careful deployment of *sun-* compounds throughout Hierocles, *EE*.

the groupings; and this occurs at the very beginning of the process, where self-perception itself, perception of the self and of the body parts, is seen as a joining together of the whole animal.³¹ So in the process, as more is brought into my sphere of interest, so what is perceived is enlarged, extended outwards to include more and more; this may be a matter of expanding my attitudes, or, more literally, of expanding my self.³² Just as I move from caring for my mind to caring also for my body, so I grow myself and my partiality outwards, as it were, to include others in the scope of 'me and mine', until I think of the furthest Mysian as included in my nearer circles: as being more 'me and mine' than before.³³ This explains my concern for others: to care for others, I extend myself. In the end, perhaps, my self is so huge as to be vanishingly present, my care for others explained by the fact that I cannot locate myself anywhere in particular in this well-tempered circle. Or else my interest in others is utterly partial, since everyone, if I succeed in pulling the circles right in, is assimilated to me. On either account my partiality becomes all-encompassing.³⁴ Call this extend-*oikeiōsis*.³⁵

Well, so far so bad, for my present purposes: for this theory, it seems, is the complete denial of *impartiality* – and even in some contexts thoroughly reprehensible. Suppose my interest in my children is an extension of my interest in my hands and feet – they are to me as an extension of myself. My children, then, will be as objects for me, as conducive to my own interests. This kind of concern for one's nearest and dearest has a pathological aspect: it allows to none of them their own identity, just mine – I will see them always from my own point of view, and never in the light of theirs. That, one might think, would not be conducive to an admirable moral theory, nor, if it applies more widely, to a good account of what we should say about the structure of the city or the state. Yet the Stoics wanted this theory

³¹ Note that Hierocles works his way up to the claim that the perception of self is *sunaisthēsis*, *EE* 2.2–3. We should not be too swift to translate *sunaisthēsis* as 'consciousness'; as I have argued elsewhere (McCabe 2012), this may import the wrong starting point to discussions of self-perception, so that the importance of the 'together' prefix is thus missed. On this see e.g. Long 1993 on Nagel 1979; the rest of Long's excellent account, however, insists rather on self-perception as proprioception, certainly a component of Hierocles' account. Inwood and Gerson 2008 have 'reflective awareness'; I shall suggest in what follows that this comes closer to the mark.

³² This is congenial to the Stoic thesis that the world is a material unity, e.g. Calcidius, 293.

³³ It is significant, for this account, that the second circle includes my body, which might reasonably be thought to be me, rather than mine.

³⁴ Annas 1993: 268 objects that this just spreads our partiality thin: presumably, however, the point is the normative one, that we should actively cultivate a thickly spread partiality for the entire human race.

³⁵ See McCabe 2005.

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also³⁶ to serve as an account of the foundation of justice. So they need to tell a different story from the extending of one's ego to include the whole of the human race: the extended ego does not give us a foundation for justice at all. Either the Stoic theory does not do what it sets out to do; or it is broken-backed.

IV

In his discussion of *oikeiōsis* at *De finibus* 3.62–8 Cicero claims that a parent's love for her child is the foundation of the community of the human race. For, he argues, from the natural affinity between parent and child it comes about that 'the common commitment of men to men is natural, so that no man should regard another as alien by virtue of being a man' (3.63). As with other accounts of *oikeiōsis*, Cicero adduces the relation between parts of animals and the symbiosis of various animals to argue that men especially are inclined to make social unions 'for the sake of others'. Indeed the cosmos itself is

as if a common city and state of humans and gods, and each of us is a part of that world; from which it follows by nature that we put the common advantage before our own. For as the laws put the salvation of all before the salvation of individuals, so the good, wise and law-abiding man consults the interests of all, rather than of someone in particular or of himself. (*De finibus* 3.64)

Were this not so, Cicero goes on, there would be no place for justice and benevolence:

And **since** the nature of man is such that a kind of civic law intervenes between him and the human race, so that he who preserves that is just, who leaves it behind, unjust. But just as while the theatre is communal, yet the seat which each occupies can rightly be called his own, so in the communal city, or the world, the law does not oppose the idea that each thing of his own should belong to each. (*De finibus* 3.67)

Cicero's argument is quite brief. He is not especially exercised by the psychological dimension of *oikeiōsis*, content with some short claims about the nature of animal intercourse and parental love. And yet what he says subtly differs from extend-*oikeiōsis*. He focuses, in the first place, on the

³⁶ See Inwood 1985, Annas 1993: 275, on whether here we have two theories (on Annas' account, a 'disjunctive notion' applying to the personal and the social) or just one. In my view, there is one theory, but two versions of it, themselves derived from different parts of Stoic theory; in our sources the two different versions are sometimes to be found mixed up: McCabe 2005.

political aspect of *oikeiōsis* ('each thing of his own should belong to each') and takes himself to show something directly about justice. So his argument is especially in need of a defence against the objection that *oikeiōsis* cannot after all provide an account of justice (but only of an inflated ego). Second, the relation he imagines to occur here has a negative cast: instead of treating someone else as part of oneself, or as internal to one's interests, one is exhorted *not to regard them as alien*, nor to infringe the sphere of someone else's interests. This looks more like a general instruction about how each should behave towards any other than the particular extension of oneself to include others. Third, unlike Hierocles' circles, it seems to engage with others as such, as distinct people with interests. Consequently it moves beyond the concern for the self, to a concern for others, and for any others who share one's community. This, finally, seems to generate the thought that *each* person has some kind of entitlement, just by virtue of being human: so it moves from 'me' to 'each'. The parallel with the theatre may be telling: each person takes up just one seat in the theatre; so in the state each person has exactly his own place and position, in the enjoyment of which no one else's rights are infringed.

Now this readily *describes* something like a just distribution; but can it defend or explain it? What is it about *oikeiōsis* that *justifies* the imperative to care for others rather than myself, or to give me reason to distribute the seats at the theatre so that each has one, none more than one? In response, I turn to Hierocles, who is interested in the theatre too.

V

Oikeiōsis begins with self-perception, and our grasp of our own interests. But self-perception is a tricky business. Extend-*oikeiōsis* treats the self that is perceived as the object of its perception: I perceive myself as perceived (perhaps this allows me to pick out who I am, in contradistinction to others). If that is the basis of my sense of my own interests, it is easy to see why I should enlarge my interests by enlarging myself to include the whole of the inhabited world; and hard to see how others would figure in my moral progress except instrumentally, or how we could find here a foundation for impartiality or justice.

However, ancient discussions of self-perception seem to turn not only on the self as the object of its own inner perception, but also on perceiving the self *as a perceiver*, as the subject of perception.³⁷ At the first stages of

³⁷ Compare Kosman 1975 and McCabe 2007 on how to take this emphasis on the subject in Aristotle.

oikeiōsis, thus, in perceiving myself *as a perceiver*, I would also perceive myself as the possessor of interests. *Oikeiōsis*, on that interpretation, would start with my perception of my own point of view, where my point of view just is the place from which I have interests; once again self-perception and self-interest would be inextricable. This, indeed, seems to be how Hierocles – who gives a long and progressive account of how animal self-perception works – develops the idea: and his argument is, I shall suggest, carefully structured to make a vital point about the rôle of *oikeiōsis* in explaining human communities.

Hierocles' text is incomplete but extensive.³⁸ He begins with the claim that animals perceive their own parts and themselves just as they perceive external objects: the self is the object of perception, and perception is just as much of the inner as of the outer world. This allows individual animals to perceive that they are different from others; that sense of self and other is tied up with their perception of their own interests, especially in the cases where the other is an enemy. And it allows them to deploy their own body parts (naturally suited in various ways – the tortoise's shell, the antelope's horns) to defend themselves against their enemies – so that their self-perception involves recognizing that they themselves are the agents which will make the defence. Then a lengthy discussion of whether self-perception is continuous argues for proprioception even in sleep,³⁹ on the basis that the perceiving soul is what holds the animal, body and soul, together (4.4–22). But this move turns Hierocles' attention away from the self as the object of perception towards the self as subject of perception, as exercising the power of perception as a whole (4.45–53);⁴⁰ and this is inextricable from value, since in this way the animal 'is pleased with itself' (6.40). So the natural tendency which is exemplified in self-perception makes two connected points: the first is that the perceiving self is as such a unity; and the second is that this kind of unity is itself where the animal's natural interests lie: this is what it is for it to have *oikeiōsis* in relation to itself (6.1–3). Self-perception, both here and from the outset (when Hierocles talks of animals' defences against aggressors) involves seeing things from one's own point of view, recognizing one's own interests from the point of view of the perceiver itself.

Much of Hierocles' argument concerns itself with animal natures. But clearly for him what we should say about animal nature carries over to what we should say about human nature. Equally clearly he takes his

³⁸ See Bastiannini and Long 1992, Ramelli and Konstan 2009.

³⁹ See Long 1993. ⁴⁰ Compare *EE* 6.1–9.

account of perception to be understood in the broadest possible way. So self-perception as a general category includes all three of the following: the objective perception of the self; proprioception; the subjective perception of the self as perceiver. In different examples it has different roles, but the notion of self-perception is taken to cover all three. And perception includes both the perceptions of infants and the least well-endowed animals and the perceptions of fully developed moral agents. Throughout his argument balances the objective and the subjective aspects of self-perception, and balances, too, the way in which the unity of the animal is marked out from the others who might damage or benefit it. Some part of his point, then, is about identity, about the identity of the perceiving self set against the external world; and thus far his argument is uncongenial to extend-*oikeiōsis*. Call this identify-*oikeiōsis*.⁴¹ It is with this version of *oikeiōsis* that I shall be concerned henceforth.

VI

The later stages of Hierocles' text are damaged and vexed. But two fragments may illuminate the question of *oikeiōsis* and impartiality, both concerned to amplify how perception somehow connects things together – an animal and its parts (6.11–17), a body and a soul (4.39–52), a perceiver and itself (2.2–3).

The first makes it clear that his account of perception (and hence of self-perception, his topic throughout) is cognitively rich: when we think of human perception, that is to say, we should think of it not merely as a raw feel, as the mere input of sensible data, but rather as something that could be expressed as a complex proposition, modified and reflected upon.⁴² This shows up when Hierocles follows his restatement of the connection between self-perception and *oikeiōsis* by suggesting that perceptual impression itself can be modified and improved, even within the animal kingdom:

Being at this point in the argument, it would not be a bad moment to make clear the nature of impressions (*phantasia*). So, when an animal has developed a great deal over time [. . . of the articulation], the impression becomes clear and precise [. . .] not only of clarity, but also engraved somehow with strength, and through clear printings a grasp of the properties is accomplished. But from its beginnings and birth that is not how the impression is, nor the perception, but [. . .] also confused and using the imprinting as a general whole, and plausibly so; for that imprinting is still

⁴¹ McCabe 2005. ⁴² Compare e.g. Sextus Empiricus, *Adversus mathematicos* 7.242–6.

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thick and [...] not strong. Secondly, [...] through the confusion [...] inexperienced and uneducated [...] it grasps the perceptible thing as being within things precisely. That is why thus its impression is indeterminate. (*Elements of Ethics* 7.44–8.7)

In the second, he turns, by means of a series of points about what it is to love one's children (9.1–10), to considering civic life:

First we should bear in mind that we are an animal, but one that flocks together and needs another. For that reason we live in cities; for there is no man who is not a part of some city. Then we easily put friendships together; for from feasting together or sitting together in the theatre or being drawn up in the line in the same direction⁴³ [friendships arise]. And this is the most amazing thing of all, for often [...] having taken from battle [...] they show [...] goodwill. (*Elements of Ethics* 11.15–22)

What Hierocles says here is the beneficiary of all he has said so far about how self-perception and *oikeiōsis* somehow bring things *together*.⁴⁴ Hierocles wants to make a point about the development of political organization – that somehow doing things together makes us develop goodwill towards one another, and allows us to change from seeing others as enemies to having them as friends (that seems to be the point of the lacunose final clause). But he does not here argue that we form cities because we need to extend *ourselves* further out than our natural place. Rather, he tells us that communities – from families to civic communities – are held together by what they *do* together: feasting, going to the theatre, being drawn up on the same side in battle (three important elements of ancient civic life). What does that mean? And why should any of this be somehow the foundation of political unity?

Recall, first, that the theory of *oikeiōsis* is based on the interrelation of self-perception and self-interest. By this point in Hierocles' text, he has in place the thought that self-perception may be perception of the self as a perceiving subject; and this connects with self-interest, I have argued, by showing how things are, and are valued, from my point of view. But now he presses further that this might be something that we do together with others – in feasting, in going to the theatre, in being drawn up in

⁴³ Compare Thuc. 4.96.6: this locution is often used of battle-formations, and describes the direction in which different parts of an army are drawn up. It sometimes describes the attitudes of the subject, so here being 'put to fright'; compare the action that results, 'being put to flight', Thuc. 4.100.5. The central idea, however, seems to be the stance of the subject in a particular direction (whether that be emotional or physical). I take this to support my suggestion that what is important here is the point of view of the subject.

⁴⁴ Note the repeated *sun-* prefix at 11.15–19.

the battle-line. In each case, the activity is done together in ways that are contrasted with our attitudes to aggressors: we share, in feasting and going to the theatre, something like the same perspective, the same point of view. But if that is what happens when we come together in feasting, going to the theatre, becoming friends instead of enemies, we perceive not only our shared perspective, but something like a shared interest.

What is it thus to share a perspective, or to share an interest? Think again about feasting, and about the theatre. In feasting together we share the meal – not merely in the sense that the bread is divided between us, but in the sense that each enjoys the meal individually, and that enjoyment is part of what it is to feast together. Likewise, in the theatre, we are both seeing the same thing, our points of view somehow are focused in the same direction, centred on the same thing. Now this could mean two different things. Perhaps the feast and the theatre simply collect those who enjoy them together into a single beneficiary (doing it ‘together’ is like doing it as one) – so that the joint agent is just one agglomerated self. This would be congenial to what I have described as extend-*oikeiōsis*, and subject to the same objection that this tells us nothing at all about justice. Or perhaps in these civic joint enterprises, the activity is genuinely joint, something that two people do *together*, where that qualification tells us something essential about the activity, that it is joint (compare, for example, playing a game of chess, which is a joint activity, not something done without even a proxy).

In the latter case, how can we understand what happens in self-perception and self-interest? If the self-perception is *joint*, it must involve recognizing joint interests; we will both recognize our own points of view and those of others, our own interests and those of others. Then doing something jointly is itself the acknowledgement of those joint interests; we do things together, not as one, nor separately. This is a quite different account of the significance of the theatre from the notion that we each have some entitlement to a seat, or that this entitlement is an image for a just distribution. Instead, my joint activities, even as far as the organization of the state, involve my recognizing *both* that others have a point of view and interests like mine *and* that those points of view and interests give them a claim that is demanding on me exactly insofar as what we do is done together. Coming to see someone as a friend or a fellow-citizen instead of an enemy just is to see that his interests bear on mine in this way, as joint-enterprisers. Identify-*oikeōsis*, that is, acknowledges the claims of others on me, as individuals engaged on something that we do together; and this reasonably provides a foundation for justice.

VII

Cicero's discussion of *oikeiōsis* is focused on justice far more heavily than is that of Hierocles' *Elements of Ethics*; conversely Hierocles relies far more on a complex discussion of perception to justify what he wants to say about human associations. But they seem to share something like a common source: some passages are very closely parallel and the account and the language of joint activity – such as sitting in the theatre together – is strikingly repeated in both contexts. If we put both texts together, I suggest, we may find there a radical account of the basis for justice based on our recognition of the identity and the interests of others as humans with their own points of view, their own subjective self-perception, within some kind of joint activity: the joint activity that is emphasized throughout both Cicero's text and Hierocles'.

Cicero insists that when we have fully developed political virtue, we will regard no human as alien:⁴⁵ I should not *regard* the furthest Mysian as alien, but should appropriate him to myself. Now this cannot mean (if it is to generate something about justice, let alone seats in the theatre) that I should regard him as somehow 'me and mine'; it cannot require me, that is to say, to develop a partiality towards him (I don't need to buy his tickets). Instead, it asks me to develop a community with him, where the community itself, the joint activity itself, acknowledges both his claims and mine. His claims are not demanding on me because they are mine, but because they are his and we are perceivers together, joint-perceivers. My attitude to him can be explained by *oikeiōsis* if it requires me to identify with him in the sense of recognizing that his claims are just like my own, and that those claims are founded on our joint or collective perception of ourselves as perceivers – as occupying our own points of view.

So where extend-*oikeiōsis* may be a strategy based entirely on prudence (if I extend my interests, then I extend what is interesting to me), identify-*oikeiōsis* requires me to come to recognize who the furthest Mysian *is*, in relation to me, and to recognize that he thus has a call on me, just because no human should be alien. That recognition takes me away from my own partiality, to acknowledging both that others have partiality of their own and to recognizing that joint activities arise between us. But now we can learn to do better: we can get beyond feasting and going to the theatre

⁴⁵ The negative formula is conducive to the point made here that each of the participants has an identity and a claim.

to full civic virtue in a city: and when we do that, that each has his own partial view is a part of the content of my own self-perception. That, in turn, leads to the acknowledgement of others' claims within my own point of view; and that brings their claims into parity with my own. That, if I have this Stoic argument right, is the origin of justice because it is the origin of impartiality.

VIII

This all may have the air of bootstrapping. However, it relies not on the mere insistence that we have communities and so must consider the interests of our fellows, but rather on how the Stoics take our consideration for others to develop from the first and basic moves of *oikeiōsis* – self-perception and self-interest. Consider the rôle played by the cognitive component: ‘as soon as an animal is born it *perceives itself*’ (Hierocles, *Elements of Ethics* 1.35–46, cited above). This perceptual cast carries all the way through the process of *oikeiōsis* among humans; and it is taken to develop through our moral lives.⁴⁶ Perception, then, needs to be a rich and broad concept (neither ‘conscious awareness’⁴⁷ nor proprioception alone will be sufficient for moral development, even if they may form a part of the perceptual capacity), one that includes both some kind of ‘seeing as’, and the possibility of a rich cognitive content to perception, such that it can be developed reflectively.

Even for animal self-perception, indeed, given the complexity of Hierocles’ account, the content of the perception needs to be complex.⁴⁸ For the animal needs – for defence and reproduction – to grasp something about *who it itself is* and to correlate that to its possession of interests.⁴⁹ This allows it a sense of where it begins and ends; and thence a sense of others, too.⁵⁰ This *self*-perception allows it to negotiate its way around the world; to predict and anticipate; to see where it has interests and where

⁴⁶ See Plutarch, *Stoic. rep.* 1038b.

⁴⁷ It is, on the Stoic view, in sharp contrast to the phenomenal feelings of pleasure and pain: Seneca, *Ep.* 121.6 ff.

⁴⁸ See Brittain 2002.

⁴⁹ The animal knows that these are its own limbs (Seneca, *Ep.* 121.6); that this organ or that one is the right one to use for some purpose (Cicero, *Fin.* 3.63); that this is where its own body ends and another’s begins (Hierocles, *EE* 2.67).

⁵⁰ The discussion of *oikeiōsis* is complemented, thus, by a discussion of alienation, *allotriōsis*, e.g. at Diogenes Laertius 7.85.

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it does not.⁵¹ Animals, therefore, have a basic sense of self; their natural functioning is *explained* by that.⁵² And that sense of self is complex: they see themselves *as* equipped with a weapon, different from another, able to move from here to there, associated with their offspring.

This 'sense of self' makes a transition to the rôle of reason in the life of virtue, either as the human animal develops or as the non-human animal is analogous to the human. So the animal's perception of self has a direct counterpart in reason's sense of the self which it controls.⁵³ That is why reason 'supervenes as the craftsman of impulse': this sense of self is somehow the source of normativity. So it is a sense that can somehow be *developed*; the theory of *oikeiōsis* describes, one way or the other, a fundamental kind of cognition that can be enlarged and improved. Perception of this kind is not basic or brute, but complex and susceptible to feedback from other perceptions and from reason itself. So *oikeiōsis* is a reflective business through and through, from its beginnings in the animal sense of self to its full development in the well-tempered man, and in the well-tempered man's perception of his joint activity with others. If there is bootstrapping, it is thus benign.

Does it give us justice and impartiality? Think about what happens when I identify with my child, and see her *as akin* to me. On the present account, this need not be to see her as an object of perception. Rather, I see that she sees: and in doing so I see that she is a self, like me; and I see that by virtue of seeing things from her point of view; and by virtue of seeing that, as she herself grows and develops, we are engaged on the process of her growing up together. Now if, in the course of reflection of this kind on my own identity and that of others, I come to realize that the identity of others is appropriate to me too, I do so by virtue of seeing things as they see them; of seeing their inhabiting their point of view, their sitting in their own seat in the theatre. But this is not merely a factual observation;

⁵¹ What is perceived, 'as soon as the animal is born', e.g. Hierocles *EE* 1.38 (cited in Section II above), are its body parts and their function, its 'own constitution', its 'natural state' (the right way up) – not *that it is perceiving or feeling* where the latter is (what we should expect for perceptual consciousness).

⁵² Note the contrast (and the dialectical engagement) between the Stoic account and the Epicurean interest in how things feel: e.g. at Cicero, *Fin.* 1.30.

⁵³ There are all sorts of difficulties here, over which I skate for present purposes. Crucial, I think, is that whatever account we give of the basic animal sense of self, it must be possible for that to develop (in cases of human development) into the rational analogue: self-knowledge. So the basic sense of self cannot be something like the raw feelings we have of our own experience, since those are not even on the same spectrum as the rational propositions that are the intentional objects of self-knowledge. Nor, however, can the intentional objects of this sense be themselves propositions, since the animal's sense of self is not rational. On this see Brittain's excellent paper (2002).

instead, it appropriates others to me. It comes to seem obvious to me that my own children matter to me just as much as I matter to myself: not least because I see that the world is seen through their eyes as through my own. My children are subjects, not objects: and my interest in them is as such. And thence I may see – by the reflection of *oikeiōsis* – that this is true of others, too: my friends and relations, my colleagues, my fellow-citizens. If my reflective impulse continues, I shall end up by seeing that everyone sees from their point of view as I do from mine. And if this derives from something about what it is to be the subject of perception, it can be completely general: from my sense of my own point of view, via my sense of the points of view of those dear to me, to a sense that anyone has a point of view, and interests from it, that matter.

Consider Shylock's meditation on revenge:

He hath disgraced me, and hindered me half a million; laughed at my losses, mocked at my gains, scorned my nation, thwarted my bargains, cooled my friends, heated mine enemies; and what's his reason? I am a Jew. Hath not a Jew eyes? hath not a Jew hands, organs, dimensions, senses, affections, passions? fed with the same food, hurt with the same weapons, subject to the same diseases, healed by the same means, warmed and cooled by the same winter and summer, as a Christian is? If you prick us, do we not bleed? if you tickle us, do we not laugh? if you poison us, do we not die? and if you wrong us, shall we not revenge? If we are like you in the rest, we will resemble you in that. If a Jew wrong a Christian, what is his humility? Revenge. If a Christian wrong a Jew, what should his sufferance be by Christian example? Why, revenge. The villainy you teach me, I will execute, and it shall go hard but I will better the instruction. (Shakespeare, *Merchant of Venice* Act III sc.1)

Understanding that others with whom I am engaged have interests just as I do makes those interests *somehow* demanding on me, because these are others just like me. If, from perceiving myself, I can see that these others perceive, I can also see that they suffer, and I can take that to matter. This may allow me to infer that this other perceiver just like me (jointly engaged with me) has a claim *on me*. That gives universalizability across those who can perceive, because the joint engagement can be widened, and so across the human race as a whole: he has a claim just like mine; so he has a claim. When universalization is complete, so is my *oikeiōsis*.

So this reflective process transcends the partiality with which my animal nature began, just because it is not merely neutral observation. Instead, we transcend partiality by seeing how it is a feature of everyone's point of view. We do that, however, not merely by reasoning that anyone may

have a point of view; but rather by associating ourselves with the point of view of others, and identifying them then, as we do ourselves in the first place (that is why self-perception is the basis for the whole process: seeing myself as seeing). In so doing we approach the attitude of impartiality; for our partiality is iterated for each point of view we are able to understand. In the process of identify-*oikeiōsis*, eventually partiality is thus left behind.

IX

This relation between self-perception and reflection and the attitude of impartiality has, I think, something strikingly right about it. Compare a modern thought-experiment (here is my second mythical figure): Rawls' Original Position is often described (if not by Rawls himself) as a classic account of how impartiality can be held to govern the structure of political institutions.⁵⁴

The assumption of mutually disinterested rationality, then, comes to this: the persons in the original position try to acknowledge principles which advance their system of ends as far as possible. They do this by attempting to win for themselves the highest index of primary social goods, since this enables them to promote their conception of the good most effectively whatever it turns out to be. The parties do not seek to confer benefits or to impose injuries on one another; they are not moved by affection or rancor. Nor do they try to gain relative to each other; they are not envious or vain. Put in terms of a game, we might say: they do not wish a high or a low score for their opponents, nor do they seek to maximize or minimize the difference between their successes and those of others. (Rawls 1971: 144).

In the Original Position – or so the thought-experiment goes – the people who are engaged in making agreements about political institutions (the OPees) make them with knowledge of general conditions and situations in the society that is being formed; but in ignorance of the particular circumstances in which they will find themselves once the society is formed. Behind the Veil of Ignorance they know what it would be, in general, to be a member of the society under consideration, and they know that the

⁵⁴ Rawls himself denies it the title of 'impartiality', reserving the latter for the ideal spectator sort of theory, Rawls 1971: 185–7. But impartiality is distinct from disinterest. For my present purposes I have rendered the OP in a crude manner (without considering, for example, whether it is a device for setting up or endorsing a political contract, or rather a representation of the dialectical process involved in political judgment). But on this see, e.g., the papers of Nagel, Dworkin and Fisk in Daniels 1975.

society will be somehow pluralist, but they do not know *which* member of that society they themselves will be – if indeed they are to join it at all. This ignorance means that the provisions they approve are conservative (they legislate in such a way that were they to turn out to be disadvantaged by the society, those disadvantages would be minimal), since they act to promote, or at least to defend, their eventual but unknown interests.⁵⁵

So the OPees think of their own interests; but they don't know *which person* they will be. Their stance, therefore, is *reflexive* (it refers to themselves, to their own interests) but also indeterminate – they are not able to identify themselves in the outcome. The outcome depends on their recognizing this very reflexivity: that they have interests, but that they don't yet know which person they will be. It is thus essential to the thought-experiment that the person who is making the decisions be *reflective*. Now the people behind the Veil of Ignorance are not taken to have any particular moral character; but the outcome of their ratiocination embodies the thought that only the right reasons should determine the distribution of rights, duties and benefit in a state: it does not matter who you are, for you to have the right to basic conditions of justice. The right political reasons, or so Rawls' neo-Kantian view claims, should be indifferent to who anyone in particular is. The OPees' attitude, then, is impartial; but that impartiality is founded on, coextensive with, partiality – the partiality of the people involved. And it is arrived at by reflective means: this reflectiveness is central to the impartiality of the result.⁵⁶ The impartiality of the result, in its turn, provides the basis for justice.

The Stoic sage, like the OPee, reflects on who is who when he does identify *oikeiōsis*, so that he treats each member of his community as having an *appropriate claim* upon the outcome. Unlike the OPees, however, the sage does so not on the basis of his ignorance of his position in the outcome, but on the basis of his moral knowledge: each member of the human race has a claim on him just like his own. This sage occupies something like the Original Position, we might say – except that he sits behind the Veil of Knowledge. And this difference is crucial to the contrast between the sage and the OPees. For their moral attitude is one of partiality (to themselves and those for whom they care) while his acknowledges the just claims of everyone, claims just like his own: when *oikeiōsis* is complete, partiality is left behind, and at that point the sage's attitude is impartial.

⁵⁵ See Rawls 1971: 126–9. Of course, this thought-experiment is only a small part of the complex and rich theory of justice Rawls advances, and does not bear the weight of the whole theory alone.

⁵⁶ Compare and contrast Nagel's account, Nagel 1991.

Contrast Hare's Archangel, the Ideal Observer:

First, consider a being with superhuman powers of thought, superhuman knowledge and no human weaknesses. I am going to call him the Archangel. . . . He will need to use only critical thinking. When presented with a novel situation, he will be able at once to scan all its properties, including the consequences of alternative actions, and frame a universal principle (perhaps a highly specific one) which he can accept for action in that situation, no matter what rôle he himself were to occupy in it. Lacking, among other human weaknesses, that of partiality to self, he will act on that principle, if it bids him act. The same will apply to other partialities (e.g. to our own friends and relations) which are hardly weaknesses, but which are, for reasons which I shall later explain, excluded from critical thinking, though they play a large part in intuitive thinking. Such an Archangel would not need intuitive thinking; everything would be done by reason in a moment of time. Nor, therefore, would he need the sound general principles, the good dispositions, the intuitions which guide the rest of us. (Hare 1981: 44)

Consequentialist accounts need to make plausible that we could compute the greatest good ranging over large numbers of persons. So we are asked to imagine the figure of the detached spectator, watching (as if making)⁵⁷ the computation from the outside. The Archangel must be without interests in the exchange (she is outside); so this detachment amounts to her being impersonal, merely watching from a vantage point. When she decides what is the best overall,⁵⁸ then, she should not relate that computation to herself and her position, lest she imperil her own status as an observer.⁵⁹ So her thinking about the good overall should contain no reference to herself and her position in its content.

The Archangel seems to occupy the abstracted stance from the outside, and to take a view of interests and benefits writ large, or whole. But in doing so, she is not required to be reflective *on herself*; and the interests in question are not particularly her own. Moreover, her account of what should happen next, while it may maximize the good, takes no account of the partialities of others. This figure no more sees things from another's

⁵⁷ She is imagined to watch the computation, in order to justify the thought that there is some computation to be made, but not to make the computation, except 'as if'.

⁵⁸ See Rawls 1971: 183–92: we could of course attribute various different psychological features to the Archangel – perhaps, for example, a perfect universal sympathy. This makes her very like the Stoic sage whose *oikeiōsis* is extended. For the thought-experiment to turn, however, on *observing*, it requires in the Archangel the sort of detachment I describe here (see, however, Smart's emphasis on benevolence, Smart and Williams 1973).

⁵⁹ Antecedently, I suppose, she might assure herself that she is the right person to make the computation by reflecting on her own disinterest; but that should not figure thereafter.

point of view than she has one of her own. As a consequence, I suggest, the Archangel should not properly be called impartial, just because partiality has no purchase on her either. But then the impersonal stance does nothing to show us why its deliverances should be demanding on the Archangel herself. To the laborious calculation of the greatest good of the greatest number, why not prefer inertia?

By contrast both the Stoic sage and the OPee make their decisions for a reason, because they have some interests in the outcome even if they don't determine which ones they are. Both are imagined to have, in different ways and at different stages of the process, partiality for themselves and theirs; and impartiality makes demands on them *by virtue of that partiality*. In the case of the OPees, the demand comes from the desire to protect their own position (or that of those in its ambit); in the case of the sage, it comes from universalizing the partiality of sitting in each seat in the theatre, seeing things from anyone's point of view. The Stoic sage, it seems to me, takes the prize for impartiality in the fullest sense: if you ever get to be a sage, you will come to see anyone and everyone as you see yourself. The sage's impartiality derives after all from his partiality – but the latter has a broad, even universal scope. That explains the moral demand of *oikeiōsis* and its founding justice; and it leaves the Archangel sitting on a pin.

I suggested that by thinking about the rôle of self-perception in the process of *oikeiōsis* we can pick out two versions of the theory, one (extend-*oikeiōsis*) based on perceiving oneself as an object, the other (identify-*oikeiōsis*) perceiving oneself as subject, where that is implicated also in our perceiving ourselves as having interests, as having a point of view. That, I argued, is connected to the thought, expressed in the sources, that not only can we see ourselves as a subject of perception, but also we can do so when we are the subject in joint activities. This joint self-perception can then amplify our perception of points of view, such that we see that others who are akin to us, or join with us in our various communal activities, have points of view as such, interests as such. But this perception may be thought to develop further, into those **interests** being demanding on us. Thence it would show why the Stoic sage should adopt an attitude of impartiality to every member of the human race, such that he concedes both that each has a point of view like any other, and that each has partial interests like any other. This generates a theory – anticipated by Prodicus' insistence on 'hearers in common' – in which the interests of others *qua* members of the human race are demanding on the sage, each counting for one, none for more than one. The sage is quite unlike the impersonal

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Archangel, who has no need to do anything at all, let alone provide the foundation for justice; and unlike the Rawlsian persons in the Original Position, who remain partial in their ignorance. Stoic impartiality is neither disinterested, nor ultimately partial; instead it gives full recognition and content to the imperative to observe the universal community of the human race.

PROOF

PROOF