

CITIZENSHIP AND TRUST: POLITICAL FRIENDSHIP AND SOLIDARITY©

Eduardo Mendieta
Stony Brook University

Templeton Lecture Series
April 18, 2007

do not quote without permission

Introduction: Public Somatology, Trust and Political Friendship

Citizenship is a political category that binds public affect, or what I would like to call public somatology, to a legal order. Citizenship is a bundle of rights and duties, but it is also a bundle of emotions, passions, desires, in short, affect. A public somatology is matched or accompanied by a moral psychology of citizenship, for certain ways of feeling enable certain moral attitudes, certain moral attitudes in turn command certain affect or emotional responses. At the core of the bundle of passions and emotions that make up a civic somatology and moral psychology of citizenship is trust. Trust, curiously, is both an affective response and a moral attitude. Trust exhibits most lucidly the entwinement between affect and a moral sanction that is fundamental to citizenship.

Law may guarantee our status as citizens, but it is a form of trust, or rather, political friendship, as I will show, that moves us to feel as citizen, to be engaged, invested, committed to a certain notion of citizenship. Trust, thus, is not just an interpersonal affect that takes place between two, but it is also an affective response among many, and between individuals and strangers with whom they share the adscription of citizenship. Citizenship is the routinization of trust, as well as the expansion of its horizon of reach. We trust our co-citizens, above any other strangers.

Nationalism and patriotism are surely some of the ways in which trust is both mobilized against strangers, sometimes for nefarious uses, and instigated in order to expand our loyalties and make them more enduring, with ennobling and edifying consequences. But it is through political friendship that citizenship expands and takes root in the hearts of citizens.

At the phenomenological level, trust is a form of vulnerability in which subjects open themselves to the solicitous care of another, the other in whom one trusts. Trust, therefore is also dialogical, reciprocal if not symmetrical, but always a form of vulnerability and powerlessness. For this reason, trust also entails loyalty, fidelity, solicitude, and gratuitous generosity. Trust, like generosity, is without condition, to use a Derridian formulation. Trust, solicitude, loyalty, and solidarity, in fact, are some of the virtues that make true citizens, good citizens, noble citizens. This catalogue of virtues is indispensable for the efficacy of citizenship, but it also constitutes the bundle of passions that make up what I called civic or public affect, or a public somatology. By public somatology I mean also things like civic politeness, civic solidarity, civic loyalty that conform a certain *modus vivendi* that involves, mobilize and educates the entire spectrum of passions and emotions. We are not born citizens. We become citizens. We become citizens by being educated into a public somatology that varies from nation to nation, from country to country, from ethnic group within nations to ethnic group. It is this public somatology, with its attendant moral psychology, that Kant sought to categorize and describe in his *Observations on the Feeling of the Beautiful and the Sublime*¹, and his lectures *Anthropology from a Pragmatic Point of View*².

Our citizenship is guaranteed by a legal matrix, one that has surely evolved and expanded not solely because of the internal unfolding of the law, but mostly because of the affective investment of citizens who have sought the inclusion of new rights to citizens, thus expanding our concept of citizenship, or the guarantee of respect of rights suspended or abrogated to a derogated and marginalized group of citizens. It is the legal matrix of citizenship that assures citizens right to the state, that is right to participate in self-legislation, as well as rights from the state, that is right to the non-interference of the state in the pursuit of our happiness. While it is the legal matrix that makes us citizens de jure, or nominally; it is public affect that makes us citizens de facto, and substantively. Another way of saying this is to claim that citizenship, if seen solely or merely as a legal-political structure and category, would suffer from a motivation deficit. When law is the only guarantee of citizenship, then that polity is already lost.

In the following I want to approach the centrality of trust to citizenship in terms of political friendship, for it is in the latter form that trust is best expressed among citizens and within a

polity. Trust is uncoerced and gratuitous, and in this it resembles friendship, which is at its best when it is most non-instrumental and solicitous. But before arriving at this family relationship between trust and friendship, a detour is necessary. I want to take a short historical detour and illustrate the centrality of trust and friendship in citizenship by looking at the role of affect in the process of citizenship development. I will look at *Brown vs. Board*, with half a century of hindsight, in order to evaluate and gauge what I call the motivational deficit of citizenship when only looked at through the litigious lens of the law and political machinations. Then, I will turn to Aristotle, Cicero, and Kant, to argue that political friendship is not just moral excellence, but also, and perhaps most centrally, the highest actualization of the political nature of the human being. In and through political friendship we exhibit the excellence of civic virtue. In the fourth and last part, I turn towards the link between political friendship, trust, solidarity and pedagogy of freedom.

The motivation deficit and legal fortuity

In May 17th, 1954, the Supreme Court announced two decisions that have assumed unquestionably landmark status. *Brown v. Board of Education* and *Bolling v. Sharpe* were announced the same day. *Brown v. Board of Education* is the catch all title given to a group of four lawsuits that sought to challenge segregation in four different states: Kansas, South Carolina, Virginia, and Delaware. This fact must be recalled because if we fail to note it we may more easily buy into the illusion that the Supreme Court was responding to one challenge, and that its decision was therefore more magnanimous and fair than it actually was. *Brown* represents the delta of a long series of litigations and concerted efforts across states; it was not one plaintiff, but many, knocking at the doors of the Supreme Court. Only this much is uncontested, but the rest has come under severe scrutiny, particularly recently because the decision celebrated its fiftieth anniversary. This celebration was accompanied by the publication of some extremely important works of social and legal history. I would like to rely on at least two of these books in order to advance and illustrate the general theses I defend here about the relationship between law, citizenship, social geography, and civic affect.

One of the most celebrated and noteworthy books dealing with *Brown* is Richard Kluger's *Simple Justice*. The book was first published in 1975, but was reissued in 2004 with an

additional final chapter that looks back on the 50 years of *Brown*³. Kluger's book is social history, that is, history from below. The book is made up of several, very closely and thickly narrated stories of the main protagonists that converged to bring to fruition the Supreme Court's *Brown* decision. Behind every great legal decision stand the moral and civic courage of many citizens. In the case of *Brown*, Kluger thought that the protagonists were ordinary citizens who confronted every imaginable and unimaginable kind of threat and harassment, survived, prevailed, and continued to fight for their rights. In Kluger's gripping narrative we encounter the stories of Reverend Joseph Albert DeLaine, who initiated the litigation to dismantle Jim Crow and "separate but equal" apartheid segregation. Chapter one of the book, entitled "Together Let us Sweetly Live," opens with the following passage:

Before it was over, they fired him from the little schoolhouse at which he had taught devotedly for ten years. And they fired his wife and two of his sisters and a niece. And they threatened him with bodily harm. And they sued him on trumped-up charges and convicted him in a kangaroo court and left him with a judgment that denied him credit from any bank. And they burned his house to the ground while the fire department stood around watching the flames consume the night. And they stoned the church at which he pastured. And fired shotguns at him out of the dark. But he was not Job, and so he fired back and called the police, who did not come and kept not coming. Then he fled, driving north at eighty-five miles an hour over country roads, until he was across the state line. Soon after, they burned his church to the ground and charged him, for having shot back that night, with felonious assault with a deadly weapon, and so he became an official fugitive from justice. In time, the governor of his state announced they would not pursue this minister who had caused all the trouble, and said of him: Good riddance. All of this happened when he had decided the time had come to lead⁴.

In Kluger we also read about Thurgood Marshall, "Mr. Civil Rights" and the ways in which he became a titanic figure by arguing civil rights cases and encouraging other Blacks to litigate against segregation. We also learn about Justice Warren, and how he was the arbiter and author of the *Brown* decision, and how he worked diligently to ensure complete unanimity in the decision. Warren understood that a momentous decision such as *Brown* would have to be

pronounced with one loud and unambiguous voice, even if brief, unhurried, and unemotional. In general, Kluger's book 2004 reissue gives us the opportunity to revisit the question raised by *Brown*. The book is one of the few works that have placed at the center of their social narratives the moral and political courage of citizens, and how this courage transformed the very moral fabric and image of our society. As Randall Kennedy put it in *The New Republic* (July 5-July 12, 2004), Kluger showed eloquently that "*Brown* was not simply a legal declaration from on high. It was also a response to a moral demand from below"⁵. In more than one way, then, Kluger showed through his monumental social history of *Brown* that citizens can transform their society and enact new moral images that may lead to new forms of social reality.

During 2004 Michael J. Klarman also published *From Jim Crow to Civil Rights: The Supreme Court and the Struggle for Racial Equality*⁶. Like Kluger's book, Klarman's work will also surely become a classic of legal and social history. Unlike Kluger's, however, Klarman's books takes a different approach, although oddly enough both books converge in their general conclusions. Whereas the focus of Kluger was more circumspect and delimited, namely the activity of those persons most directly linked to the production of the conditions that gave rise to *Brown*, Klarman aimed to paint a larger canvass. An analogy may be useful here. Klarman's work is reminiscent of the work of the French Annales School historians, most immediately identified with the name of Fernand Braudel. Like the Annales School historians, Klarman was interested in the way in which little historical details form part of larger social trends of history, or what Annales historians called the *longue durée*, the long duration or the long view⁷. Thus, Klarman's hefty *From Jim Crow to Civil Rights*, offers us a social history of *Brown*, but in the process we learn about the shape and trends in Post-World War II United States. There are no heroes in Klarman's book, as there are in Kluger's. Nor is there a rational logic of legal enlightenment in it. Concurring with Derrick Bell, Klarman attributes little power and consequence to legal precedent and coherence, and more power to legal fortuity. Indeed, Klarman explicitly denies any primacy or autonomy to what he calls the "legal axis," in Supreme Court decisions. Court decisions are not possible without prior civic activism, and once they have been pronounced, they are not self-enforcing. They must be translated into legislation by either Congress or by Presidential fiat. To echo David Hume, the law does not move citizens to action, but the passions of moral outrage and its consequent civic activism do.

Yet, as Kluger is adamant in his almost hagiographic narrative of racial uplift and slow

but deliberate triumph over the forces of racial prejudice and white supremacy, Klarman is sanguine about the cumulative effect of *Brown* on race relations in the United States. Klarman's book is one of the most meticulously researched works on the Supreme Court, but the book is animated by a series of questions that once answered leave us with a massive act of deconstruction and demystification. Thus, Klarman asks at the outset: to what extent, if at all, did *Brown* educate the American citizenry about race relations? Did *Brown* have the direct effect of jump-starting the civil rights movement in the sixties that led to massive demonstrations? Did *Brown* contribute to the desegregation of the South? To what extent did *Brown* bring about a peaceful social revolution in American society by legal enactment? And to what extent can we attribute to *Brown* the power to bring about racial justice on the basis of the unfolding inner logic of the law, or in other words, to what extent can we attribute to law, and in particular constitutional law, a positive, progressive, enlightening power that if left to its own devices would bring about transformative results?

Klarman is unequivocal in his answers. *Brown*, like other momentous decisions by the Court, did little to educate the US citizenry about race relations. In Klarman's view, *Brown* expressed legally what had become common knowledge by the fifties, that the doctrine of racial supremacy with a polity divided by racial apartheid was intolerable. *Brown* did little to segregate the south, as the statistics reveal too clearly. Of the 1.4 million black children in the Deep South not one attended a desegregated school by 1960, and by 1964 only one in a hundred attended a desegregated school⁸. Notwithstanding almost two decades of litigation by the NAACP, the results were meager and un-enforced. In fact, Klarman suggests that *Brown* may have retarded the emergence of a militant civil rights movement by giving Blacks the hope that litigation, the way of the courts, could bring about racial justice.

Klarman is also quite explicit about what we could call the determinacy of law. Given the constitutional precedents available in 1954, *Brown* was hardly a decision that was consequent or easily derivable. Klarman puts it this way:

We have seen that all judicial decisions are the products of the intersection between the legal and the political axes. When the legal sources are relatively determinate, the justices tend to adhere to them, unless their political preferences to the contrary are very strong. The justices invalidated the grandfather clause in *Guinn* (1915) and the phony false-pretense law that supported peonage in *Bailey*

(1911) because these were transparent evasions of constitutional constraint, because the justices had not personal inclination to reach contrary results, and probably because they believed that public opinion supported the outcomes... Yet constitutional clarity is itself an ambiguous concept. Whether the transitional sources of constitutional law are thought to plainly forbid a particular practice depends on the personal values of the interpreter and on the social and political context. ...Because constitutional clarity lies in the eye of the beholder, no judicial interpretation can ever be a result simply of the legal axis; rather, all such interpretations are inevitably a product of the intersection of both axes. *Brown* illustrates the same point. To the justices who were most committed to traditional legal resources, such as text, original intent, precedent, and custom, *Brown* should have been an easy case –for *sustaining* school segregation. Jackson candidly conceded that barring segregation could be defended only in political, not legal, terms. Thus, the legal axis alone can never determine a constitutional interpretation, as judges always have to choose whether to adhere to that axis. When their preferences are strong, the justices may reject even relatively determinate law, because they are unable to tolerate the result it indicates. In 1954, most of the justices considered racial segregation –the doctrine that Hitler had preached—to be evil, and they were determined to forbid it, regardless of whether conventional legal sources sanctioned that result.⁹

This is a sobering conclusion for all those who believe in the blind innocence and benign impartiality of the law. It certainly gives tremendous credence to Derrick Bell’s notion of legal fortuity, namely the idea that Blacks derive a modicum of racial justice from the courts only when other extra-legal factors align to make a certain legal result desirable, independent from whether this result actually benefits Blacks directly.

Klarman’s answers prove most enlightening and demystifying when he turns to the relationship between *Brown*, the emergence of a militant, direct action civil rights movement, and the emergence of a consensus in the North and Washington, to intervene directly and actively on the side of Blacks. Klarman postulates that *Brown* did have the following direct result: it emboldened Southern racists to be more vocal and explicit about their ideologies of white racial supremacy and their contempt toward Blacks. *Brown* was taken by the South as a

direct and insolent assault on the culture and social fabric of the Southern way of life. *Brown* radicalized Southern whites to become defiant of the Court and the Federal Government. Many Southern politicians rode their political candidacies on the cart of a defiant posture to the North and the Supreme Court. This defiance instigated by politicians turned into grotesque violence against Blacks: lynchings, assassinations, riots, beatings, and so on. All of this was aided and abetted by the forces of law and order. According to Klarman it was this spectacle of racial hate and violence that galvanized Northern opinion to side actively with Blacks in their quest for racial justice. As Klarman put it: "...*Brown* was less directly responsible than is commonly supposed for the direct-action protests of the 1960s and more responsible for ensuring that those demonstrations were brutally suppressed by southern law enforcement officers....violence, when communicated through television to national audiences, transformed racial opinion in the North, leading to the enactment of landmark civil rights legislation."¹⁰ Or as he put in a more lapidary fashion, "By helping to lay bare the violence at the core of white supremacy, *Brown* accelerated its demise."¹¹

In Klarman's provocative thesis I would like to emphasize the role of affect in bringing about certain indirect results of *Brown*. On the one hand, one must ask why Southern whites would resist with such vehemence attempts to integrate public facilities. As Klarman, along with Bell, Ogletree, Kennedy, and many other legal scholars have noted, the white southern response was so vehement and virulent because *Brown* took direct aim at one of the pillar institutions of racial segregation, namely grade school segregation. Most importantly, as was made patently clear by the many pronouncements by Southerners, *Brown* took aim at dismantling a barrier that hindered civic intimacy between the races. The thought of black and white children growing up and socializing together in their formative years was abhorrent to racist southerners. To many, such closeness and intimacy smacked of miscegenation¹². *Dread Scott* and *Plessy* had already established that Blacks should live in the American polity as abject subjects, with suspended or abridged citizenship, and marked with the scarlet letter of racial opprobrium. *Brown* sought to dismantle the wall that fractured the intimacy and affect among U.S. citizens.

On the other hand, the witnessing and broadcasting on television of the brutal violence against Blacks on the part of whites and officers of the law, accompanied by the almost military discipline by Blacks in taking on the onslaught of white mobs, galvanized Northern, and some Southern, public opinion. It has been claimed that the Vietnam War was lost on the screens of

American televisions. One could say that the Civil Rights movement was partly won because of the same television screens. The moral, however, should be quite explicit. The militant civil rights movement was less about litigation or political gain, and more about the moral education of US citizens by instigating their affect. What we can learn from Klarman, then, is that the law is at the intersection between two different forms of affect that condition the emotional life of the citizens of a nation: it either legitimizes and instigates an affect of abjection, derogation, and contempt, or it grants voice to a type of racial solidarity and empathy by dismantling legal boundaries that hinder interracial intimacy. As Randall Kennedy noted with respect to the salutary effect that Klarman's overall approach may have on the study of the interaction among the law, race, and culture in the US: "An educated citizenry aroused by decent passions will usually provide a more secure foundation for freedom than judges to whom we defer too much."¹³

Klarman's overarching conclusion is that *Brown* can only be properly understood if we put this ruling on a larger historical canvas, one that gives sufficient attention to the variety of forces at play during the second half of the 20th century. *Brown* cannot be understood if we do not factor in the determining, if external, forces that converged both to force and to educate the Supreme Court to rule against the apartheid doctrine of separate but equal. As Klarman avers, *Brown* was the result of the pressure exerted by a series of social factors that we too frequently neglect and overlook: "the Great Migration, the rising prosperity and political clout of Northern blacks, the ideology of World War II, and the Cold War imperative for racial change."¹⁴ Above all, we have to note that for both Kluger and Klarman, the law, whether in the books or as pronouncement from the Supreme Court, is either necessary or sufficient to bring about major social and political transformation. In fact, as Klarman affirms, it was the civic pedagogical role of the activism of the forties and fifties that educated the Supreme Court justices to seek an unanimous ruling that would send a unequivocal message to the polity. It was also the brutality of White Supremacist violence in the south, and the apathy of many in the north, that catalyzed both black and white US citizens to resist actively and vocally an intolerable, immoral, and grotesque apartheid that was anathema to the US as well as expensive liability in the world stage at the height of the Cold War.

Political Friendship and Moral Excellence

The concept of political friendship is eloquently and deliberately formulated for the first time by Aristotle in his *Nicomachean Ethics*, yet he was able to do so because he already had at his disposal a substantive corpus of reflection and thinking on the concept¹⁵. Homer's *Odyssey*, is an exploration of both male friendship and conjugal love. The *Iliad* is a study in martial courage, but also male friendship and love¹⁶. Nonetheless, it was Plato who gave us some of the most elaborate and extensive reflections on the relationship among friendship, the search for wisdom, moral excellence and civic virtue. Plato deals with friendship in many of his most important dialogues, such as *Lysis*, *Symposium*, and *Alcibiades*. Yet, it is in the *Gorgias* that Plato comes closest to articulating the concept of political friendship, for it is in that dialogue that Plato links the vocation of philosophy to moral happiness, and justice. For Plato, philosophy, the quest for truth, is a dialogic vocation, that is, a pursuit that is best done with and through friends. Indeed, philosophy is a form of friendship, or love, namely the friendship of those who seek wisdom and the love of it. In the *Gorgias*, most clearly, but also in the *Protagoras* and the *Republic*, Plato binds justice to wisdom as it is disclosed through and by philosophy. Justice for Plato is thus a love of wisdom, the good, and the beautiful. Kallipolis, the beautiful city, is the city in which justice, truth, and moral happiness, or *eudaimonia*, are conjoined through the love of wisdom. Love of wisdom is the highest form of friendship. Yet, it was Plato's student and *philos*, Aristotle, who took Plato's binding of justice, truth and moral happiness and articulated the concept of political friendship.

Books VIII and IX of the *Nicomachean Ethics* are devoted to the analysis of friendship, and they are the *de rigueur* points of reference for any reflection on friendship, love, amity, and civic concord or unanimity. Friendship was already singled out in chapter IV, section 6, as one of the moral virtues that has to do with "social intercourse." In chapter IV, interestingly, Aristotle notes that "friendliness" is the mean between the extremes of flattery or obsequiousness and churlishness or contentiousness. This mean, however, does not have a proper name (1126b), or rather the virtue that is between these extremes is "without a name." Chapter VIII, on the other hand, affirms at the outset that friendship is either a virtue, or implies virtue, and furthermore, it is the type of virtue that is most essential to the human being, for without it, or its benefits, no one would choose to live. Friendship is the expression of human nature, and without it, humans

would not actualize their potential. Already at the outset, additionally, Aristotle links the virtue of friendship to the virtue of justice, in the following way:

Friendship seems too to hold states together, and lawgivers to care more for it than for justice; for concord seems to be something like friendship, and this is what they aim at most of all, and expel faction as their worst enemy; and when men are friends they have no need of justice, while when they are just they need friendship as well, and the truest form of justice is thought to be a friendly quality. (*Nichomachean Ethics*, VIII, 1, 1155)

This is a pivotal passage in the introduction to the first chapter on Friendship, for here we have several core ideas or tenets of political friendship. *First*, Aristotle is affirming that friendship, rather than law, is what holds together a polity. Even if law is necessary, it is not as indispensable and fundamental as friendship. Concord or unanimity, or in other words civic peace, is a product of friendship, or more precisely political friendship. And this is why rulers aim at promoting civic friendship rather than juridification and litigation. *Second*, friendship is prior to justice, for justice is a by-product of friendship. This is an extremely important claim, for it affirms that justice, and its dispensation, are motivated by friendship or friendliness. Even if we have justice, in the form of a legal matrix, or a legal tradition, we still require of the disposition of friendship for this justice to have enough effect or impact. *Third*, the “truest” or “highest” form of justice is considered a friendly quality, i.e. the extension of friendship towards those being taken care by justice. To achieve the highest and truest form of justice, friendship and friendliness are indispensable. We could say that friendship is both necessary and sufficient for a well order polity, while justice is merely, if even that, sufficient. *Fourth*, already here Aristotle is anticipating an argument that he only makes explicit much later, in section 9 of chapter VIII, 1160, where he addresses the reach or horizon of efficacy of both friendship and justice. In the first section to section 9, chapter VIII, Aristotle argues: “Friendship and justice seem, as we have said at the outset of our discussion, to be concerned with the same objects and exhibited between the same persons.” Friendship and justice are addressed to the same group of entities, and furthermore, both have the same extension, or reach (see 1160a 6-10). Aristotle scholar Paul Schollmeier summarizes Aristotle’s linking friendship and justice in the following

way: “We see thus that political friendship of the good kind includes kingship, aristocracy, and polity. We see also that kingship and aristocracy are altruistic constitutions that are more difficult to attain. For kingship and aristocracy aim at intellectual virtue and its activity. But polity is an altruistic constitution which is easier to attain, for polity aims at the activity of moral virtue.”¹⁷

Next, Aristotle engages in a discussion of the object of love, or friendship, and the corresponding types of friendship that are concomitantly possible. From the outset, we know that things, or “lifeless objects” are not proper object of love, because they can’t reciprocate. Thus, according to Aristotle, I cannot say, ‘I love my Car,’ or ‘I love my House’, or ‘I love my sex doll,’ etc, because they can’t properly reciprocate. Perhaps Aristotle would admit of a metaphorical use of such expressions, but surely not in earnest. Only the lovable is the proper object of our love or friendliness, and according to Aristotle, these are what are good, pleasant, and useful, in themselves; but again, so long as they can reciprocate. This discussion leads Aristotle to claim that the object of friendship and love, is that which can reciprocate in terms of bearing goodwill and wishing well. These, if you remember the discussion of the moral virtues in earlier chapters of the *Nicomachean Ethics*, are called *beneficence*. Thus, we have as object of our friendship entities that can reciprocate in terms of their beneficence. As such, they are not object, but rather subjects. Thus, friendship is always already dialogical and intra-human. We are friends with those creatures who can, in principle, reciprocate with their good will and wishing well, and who in turn, expect from us to treat them with beneficence. Reciprocity does not, however, mean or entail equality. Aristotle does in fact recognize that there can be friendship among un-equals, though it is a strained and derivative form of friendship.

Indeed, it is the inequality among friends that leads Aristotle to explore the different kinds of friendships that are to be had. He distinguishes among three kinds, equal in kind to those entities that are the object of our loving or friendliness. There are those whom we love because of their utility, and those whom we love because we derive from them some pleasure. The first type is friendship of utility, the second friendship of sex or pleasure. Both forms of friendship are pursued not in virtue of what the other person has in themselves, or is in themselves, but in virtue of what they provide to me: either utility or pleasure, both of which are measured and gauged by my own interests and desires. These two forms of friendship are therefore considered by

Aristotle to be incidental, i.e. contingent, ephemeral, circumstantial, and pragmatic. They are bound to dissolve as soon as our interests and utility have been satisfied, and our pleasure has been satiated or dissolved. As against these forms of friendship, Aristotle delineates a third type, which he calls perfect friendship. This friendship is among men who are good and equal in virtue. Perfect friends are good in themselves. They are our friends for themselves, not because of what they provide to me. These friendships are permanent, but they are also rare, for men who are virtuous, and good in themselves, are rare. Perfect friendship, which is permanent, is only possible among equals in virtue and goodness.

As was already noted, friendship among unequals is possible, but such friendships dissolve or become untenable. Aristotle speculated whether among very unequal men, men who are unequal in power, social standing and virtue, whether they actually can become friends at all. He asks “In such cases it is not possible to define exactly up to what point friends can remain friends; for much can be taken away and friendships remain, but when one party is removed to a great distance, as God is, the possibility of friendship ceases.” (VIII.7. 1158b) This raises the question whether a perfect entity, like God, needs friends, or just simply whether good and virtuous men need friends at all. Aristotle does address this issue later in book IX, section 9, which deals precisely with the “Need of Friendship.”

If perfect and enduring friendship are only possible among good and virtuous men, why would they need it when it is their very goodness that would make them the object of friendship, rather than the seeker or subject of friendship. Perfectly virtuous men seem to be self-sufficient, and thus, not to need of others, who are potentially inferior, and a moral liability. Aristotle affirms “It is also disputed whether the happy man will need friends or not.” The question had arisen whether perfectly virtuous men, who as such are therefore happy, need friends at all. Virtue and goodness are components of *eudaimonia*, moral happiness or virtuous happiness. The happy man, then, is the supreme exemplar of justice, goodness, and virtue. Why would they need friends? According to Aristotle, friendship and friends, are among the greatest of external goods. It would seem strange, ponders Aristotle, not to also assign friendship and friends to the completely virtuous man. This leads him to argue:

Surely it is strange, too, to make the supremely happy man a solitary; for no one would choose the whole world on condition of being alone, since man is a political creature and one whose nature is to live with others. Therefore the happy man lives with others; for he has the things that are by nature good. And plainly it is better to spend his days with friends and good men than with strangers or any chance person. Therefore the happy man needs friends. (IX.9. 1169 a)

Thus, the epitome of human excellence, is by nature a friend and someone who needs friends. For by nature the human being is a political creature, a creature of sociality and social discourse. Chapter IX, in fact, concludes that the essence of friendship is living together. Thus, friendship is indispensable not just to the political community, for all communities are components of the political community, and in this way, friendship is indispensable to social amity and concord, but also to the very actualization of the human being. As a scholar put, “The entire free citizenry of the *polis* was held to be related in the manner of a friendship. Politics came thus to be seen as the means for the exercise of friendship.”¹⁸

Cicero in his extremely important small treatise *De Amicitia*¹⁹ addresses directly the question of the relationship between the need for friends and friendship and human nature. Cicero asks: “Does the fact that people need friendship mean there is some weakness and deficiency in themselves?”²⁰ If friendship was indeed an expression of weakness or a deficiency then we would pursue them only for instrumental reason. They would be fettered to a *quip pro quo*. Cicero admits that friendships and friendship in general fulfill some utility and pragmatic needs, but these are aleatory and not essential to both friendship and human nature. For Cicero, friendship is expression of something natural and profoundly important to the human being. As he writes: “As for its origins, do these not, rather, lie in something altogether more primeval and noble, something emanating more directly from the actual process of nature? For goodwill is established by love, quite independently of any calculation of profit: and it is from love, *amor*, that the word friendship, *amicitia*, is derived.”²¹ Friendship arises from an “inclination of the heart.” Just as Aristotle believes that friendship is the actualization of a human potentiality, so does Cicero believe that to remove human from the sociality of friendship would be to deprive them of that which makes them complete, or through which they obtain moral perfection. Like

Aristotle, furthermore, Cicero also believes that friendship is the expression of moral goodness. For Cicero, friendship arises from “goodness of character.” And it is from this goodness of character that all “harmony, and permanence, and fidelity, come...” When friendship is present, and “reveals its brilliant light, and perceives and recognizes the same illumination in another person, it is impelled in his direction and receives its beams.”²²

Immanuel Kant, who on most registers is usually juxtaposed to Aristotle and the ancients *tout court*, held on to the moral relevance of friendship. Friendship was a recurring themes of his lectures on ethics, and not just because he considered it to be the “hobby-horse of all poetical moralists” where they sought “nectar and ambrosia.”²³ In his lectures Kant approaches the question of friendship in terms of what motivates humans to action. On the one side we have the motive of self-love, or that which arises from within. The other motive is external, or from without, and this is the motive of duty. Friendship arises when these two motives enter into conflict, and in Kant’s view, it is the resolution between inner and outer compulsion. For the pursuit of one’s own inner compulsion is the pursuit of one’s own happiness, while the pursuit of outer or external motives, is the pursuit of someone else’s happiness. Friendship is the means by which my happiness and the happiness of others is reconciled. “It looks as if a man loses, when he cares for other people’s happiness; but if they, in turn, are caring for his, then he loses nothing. In that case the happiness of each would be promoted by the generosity of others, and this is the Idea of friendship, where self-love is swallowed up in the idea of generous mutual love.”²⁴ When we take the other side of the equation, namely when we pursue our own happiness without regard for that of others, this is certainly morally permissible, but there is no moral “merit” in it. We are not forced to be friendly, so long as we do not impose obstacles in other people’s pursuit of their happiness. Faced with the choice whether to pursue friendship or self-love, Kant argues that we should choose friendship on “moral grounds.” But, for practical ends or reason, we are likely to choose self-love. Yet, there is no moral merit in the pursuit of one’s happiness, alone, while there is moral approbation and worth in our choosing friendship.

Even in Kant’s discussion of friendship we find Aristotle’s differentiation between incidental and perfect friendship. Kant makes a similar distinction, namely between friendships undertaken for need, pleasure and taste, and disposition. The perfect friendship, which is enduring and radiant,

is moral friendship, which arises from disposition and not from either need or taste. Moral friendship arises from respect to the moral law, which coerces us with a non-violent force. While egoism and narcissism are not morally proscribed, they do not have moral worth. Friendship, benevolence, and generosity, do have moral worth, for they are done out of regards for the moral integrity of others. Moral friendship is the expression of the moral integrity and worth of humans when they treat each other as ends and never as means.

There is another thing on which Aristotle and Kant agree, namely on the fact that friendship is an expression of human sociality. For Aristotle, the human being is a political animal, a creature of companionship, whose moral happiness is directly related to their social intercourse. For Kant, our moral worth and merit, which we earn by acting out of respect for the moral law and that is thus exhibited in our acting from duty, is expressed also in friendship. Kant puts it thusly in *The Metaphysics of Morals*,

“The human being is a being meant for society (though he is also an unsociable one), and in cultivating the social state he feels strongly the need to *reveal* himself to others (even with no ulterior purpose). But on the other hand, hemmed in and cautioned by fear of the misuse others may make of his disclosing his thoughts, he finds himself constrained *to lock up* in himself a good part of his judgments (especially those about other people)²⁵.

In this formulation, however, Kant departs from Aristotle, for here not only is friendship an expression of humanity essential sociality, but friendship is pursued for the sake of the “self-disclosure” of the human being. Such “revealing” and “self-disclosure” are essential to the pursuit of moral clarity, honesty, and transparency. If our actions only have moral merit and moral worth because they are done from pure respect for the moral law, then we must be vigilant that our intentions are always without question, without doubt, without calculation, without machination. Here Kant converges with Plutarch, who in late antiquity was the first one to make friendship a moral mirror. In his “How to distinguish a Flatterer from a Friend” Plutarch departs from both Aristotle and Cicero in seeing friendship as an expression of human nature and also as indispensable means for the obtainment of moral excellence. Reading closely Aristotle, Plutarch

realizes that friendship and friendliness is the mean between the extremes of flattery and insult, encomium and frankness. But in contrast to Aristotle, and perhaps anticipating Kant, Plutarch sets out to demonstrate that friendships indirectly contributes to our self knowledge, in as much as they always put us on guard as to what is a proper level of praise, and when frankness and criticism turn into something like *Schadenfraude*. Friendship is a means to obtain moral excellence because it exercises our vigilance against falling for the false praise of false friends, or being hurt by the invidious and jealous censure of those whom we take to be friends. Plutarch does not take it for granted that friends are always paragons of moral excellence; instead, he assume that friends may become morally praiseworthy through friendship, so long as they are always ready not discriminate between fatuous flattery and hurtful candor. And in this way, friendship becomes also central in the moral pedagogy of individuals.

Political Friendship, Affect and Trust

I began this essay with some general reflections on the relationship between affect, law, and citizenship. I claimed that the rules and norms of citizenship both presuppose and project a moral psychology. This moral psychology maps, grids, and triangulates wha Ian Haney López calls the “material geography of social life”²⁶. This moral psychology has this effect on our social life because it determines the moral life and the social intimacy of our everyday interaction with each other. The force of the law and the coercion of the state step in when the background and moral norms that regulate the social intimacy of citizens breakdown and collapse due to mistrust, arrogance, or outright contempt. The moral psychology of citizenship entails particular ways of feeling about our consociates, our co-citizens. Indeed, citizenship presupposes a type of reciprocity that is prior to the reciprocity of the law. This is the reciprocity of trustworthiness. It is for this reason that Aristotle developed the category of political friendship, for without friendliness and mutual trustworthiness, justice is not possible.

As citizens we may be anonymous to each other, but such anonymity is granted on the condition of mutual trust, and thus respect. Unfortunately, the law is a poor educator of the moral psychology and moral imagination of citizens. In fact, the law, as the mechanism that regulates by juridifying the interactions of citizens, echoes the moral norms that are enacted in particular

acts by citizens. Rarely, does it seek to educate citizens that have not already experienced some moral education through praxis. Danielle A. Allen's *Talking to Strangers: Anxieties of Citizenship since Brown v. Board of Education* has articulated brilliantly and movingly what I have called here the moral psychology of citizenship²⁷. In a true tour de force, Allen argues for the centrality of affect in the political life of democracies. She articulates this thesis by arguing against Aristotle, Hobbes, and Habermas's self-defeating quest for a politics of perfect citizens, and political interaction-speech without rhetoric or perlocutionary effects, while redirecting our attention towards the distribution and negotiation of benefit and sacrifice that all polities must negotiate.

There are two central theses in Allen's work that I want to emphasize here. First, Allen defends the insight that democracy and democratic citizenship require sacrifice at the core, what she calls the negotiation of benefits and sacrifice in the distribution of social wealth and political power. But, if this is one of its preconditions, it also entails that reciprocity be the other face of sacrifice. A polity in which only some benefit all the time, and most sacrifice themselves all the time, is not democracy, but rather an oligarchy at best and a tyranny at worst. This reciprocity must be accompanied by trustworthiness. Citizenry trustworthiness means that citizens grant each other the prerogative to choose because in some and perhaps most of their choosing they will also do so in accord with and regard for other citizens' interests.

This leads us to the second central insight in Allen's work that I want to draw attention to, and that is, that "Democratic citizenship requires rituals to manage the psychological tension that arises from being an often *powerless sovereign*."²⁸ Democratic citizenship, therefore, is a citizenship based on mutual vulnerability. As citizens of a polity, we are vulnerable to the selfishness of some constituencies and the partiality of an administration. But we are also vulnerable to the solicitude and deference of other groups. The sixties showed the two sides of this democratic vulnerability. Political friendship, one that results from civic education, and the education of the moral imagination of citizens, be it through national myths or through literature, is thus fundamental to nurturing that vulnerability while attending to that it does not become a permanent politics of victimization and exploitation.

Our moral excellence as well as the health and justice of our polities presuppose the solicitude, beneficence, gratitude and self-less generosity of citizens who treat each other as friends. Political friendship, in turn, become political justice –and it is this political justice that allow us to live in a democratic polity that distributes fairly the burden and benefits of being citizens in that polity.

ENDNOTES

¹ Immanuel Kant, *Observations on the Feeling of the Beautiful and Sublime*, trans. by John T. Goldthwait (Berkeley, University of California Press, 1960).

² Immanuel Kant, *Anthropology from a Pragmatic Point of View*, translated and edited by Robert B. Louden (Cambridge: Cambridge University Press, 2006).

³ Richard Kluger, *Simple Justice: The History of Brown v. Board of Education and Black America's Struggle for Equality* (New York: Alfred A. Knopf, 2004 [1975]).

⁴ Kluger, *Simple Justice*, 3.

⁵ Randall Kennedy, "Schoolings in Equality" *The New Republic* (July 5-July 12th, 2004), 7 (lexis nexis).

⁶ Michael J. Klarman, *From Jim Crow to Civil Rights: The Supreme Court and the Struggle for Racial Equality* (New York: Oxford University Press, 2004).

⁷ Fernand Braudel, *Las Ambiciones de la Historia* (Barcelona: Critica, 2002 [1997]).

⁸ Kennedy, "Schoolings in Equality", 6.

⁹ Klarman, *From Jim Crow to Civil Rights*, 447.

¹⁰ Klarman, *From Jim Crow to Civil Rights*, 364.

¹¹ Klarman, *From Jim Crow to Civil Rights*, 442.

-
- ¹² Klarman, *From Jim Crow to Civil Rights*, 456, and Robert J. Cottrol, Raymond T. Diamond, and Leland B. Ware, *Brown v. Board of Education: Caste, Culture, and the Constitution* (Lawrence, Kansas: University of Kansas Press, 2003), 5.
- ¹³ Kennedy, "Schoolings in Equality," 12.
- ¹⁴ Klarman, *From Jim Crow to Civil Rights*, 444.
- ¹⁵ I have benefit greatly from the synoptic article by James V. Schall, "Friendship and Political Philosophy" *Review of Metaphysics*, Vol. 50 (Summer 1996): 121-141.
- ¹⁶ See David Konstan, *Friendship in the Classical World* (Cambridge: Cambridge University Press, 1996), chapter one, the section "The world of Homer," 24 ff.
- ¹⁷ Paul Schollmeier, *Other Selves: Aristotle on Personal and Political Friendship* (Albany, NY: SUNY Press, 1993), 96. This is an outstanding study of the role of friendship in Aristotle's ethical and political writings.
- ¹⁸ H. Hutter, *Politics as Friendship: The Origins of Classical Notions of Politics in the Theory and Practice of Friendship* (Walterloo, Ont.: Wilfrid Lauriel University Press, 1978), 25.
- ¹⁹ Cicero, "Laelius: On Friendship" in Cicero, *On the Good Life*, translated with an introduction by Michael Grant (New York: Penguin Books, 1971), 175-227.
- ²⁰ Cicero, "Laelius: On Friendship," 191.
- ²¹ Cicero, "Laelius: On Friendship," 191.
- ²² Cicero, "Laelius: On Friendship," 225-6.
- ²³ Immanuel Kant, *Lectures on Ethics*, translated by Peter Heath (Cambridge: Cambridge University Press, 1996), 184.
- ²⁴ Kant, *Lectures on Ethics*, 184.
- ²⁵ Immanuel Kant, *The Metaphysics of Morals*, in *Practical Philosophy* (Cambridge, Cambridge University Press, 1996), § 47, p. 586.
- ²⁶ Haney López, *White by Law: The Legal Construction of Race*, 17.
- ²⁷ Danielle S. Allen, *Talking to Strangers: Anxieties of Citizenship since Brown vs. Board of Education* (Chicago and London: The University of Chicago Press, 2004).
- ²⁸ *Ibid.*, 113. Emphasis added.