Aristotle and Respect for Persons

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Not long ago, a student who had taken both the introductory course to ancient Greek philosophy and medical ethics with me, and was enrolled in an advanced course in medical ethics, asked me a question which still has me just a little puzzled. The student reminded me that I had been arguing that the principle of "respect for persons" is one of the leading principles for decision-making in contemporary medical ethics, and that I had said in the ancient philosophy course that Aristotle's ethical theory is highly relevant for contemporary ethical theory; she then challenged me to show where we find the principle of respect for persons in Aristotle's ethics. At the time, I rather stumbled around the question; I may have said that Aristotle’s contribution to modern ethical theory included his theory of virtues as habits, his account of moral weakness, and in general the teleology of eudaimonia, for example; if Aristotle had little or nothing to say about "respect for persons," his contributions to modern ethical theory would still be great. Although the student at least pretended to be satisfied with my answer, I certainly was not: an answer of that nature fails to explain why Aristotle did not have much to say about "respect for persons," if he did not, or alternatively fails to extract such a theory from his ethical writings. I think that we should be able to do one or the other.

There are several reasons for thinking that Aristotle did not have, and could not have had, a principle of "respect for persons" as a central part of his ethical theory. One sort of reason is fundamentally chronological: the modern principle of "respect for persons" owes a great deal, if not everything, to Kant's ethical theory, and Aristotle predated Kant by more than 2000 years. Of course one might argue that Aristotle's ethical theory was an important basis of Kant's metaphysics of morals, but it would be hard to show that Kant's theory, as it has to do with respect for persons, derives from Aristotle. Most commentators contrast his ethical theory with that of Aristotle. Two important grounds of contrast which relate directly to the question of the principle of respect for persons might be noted:
Aristotle's ethical theory turns primarily around what the individual person (citizen) is and does, the sort of life he or she leads, the virtuous states of character developed. Kant's ethical theory puts obedience to duty at the center; the basis of his theory is the ideal of acting out of respect for law.

Kant's ethical theory depends on a double universalization of moral axioms—if an axiom is moral, then all rational creatures are bound to recognize it as such, and we are bound to treat all rational creatures as ends in themselves; in Aristotle, it is possible that some quite basic ethical principles are thought to be valid for all human beings, but it is less likely that he believed that we are obligated to treat all human beings (much less, all rational creatures) in accordance with any universal law. Thus the Kantian basis of the principle of respect for persons, the formulation of the categorical imperative which goes, "Act in such a way that you always treat humanity, whether in your own person or in the person of any other, never simply as a means, but always at the same time as an end," would appear difficult to reconstruct from Aristotle's ethical principles.

Furthermore, there is considerable evidence that Aristotle was not at all prepared to treat all human beings as worthy of respect. We could speak of his attitude toward women and children, but most striking is his notion of natural slavery, as presented in Politics I. In this case, Aristotle was clearly prepared to present a philosophical argument in favor of treating some human beings as means only, and not at all as ends. As he puts it, "The use made of slaves and of tame animals is not very different; for both with their bodies minister to the needs of life" (1254b24). The natural slave, able to understand language but incapable of reasoning independently (822), does not deserve the sort of respect which we owe to our fellow citizens. To be sure, Aristotle does not believe that slaves should be mistreated: "The abuse of the authority (of the master) is injurious to both, for the interests of part and whole, of body and soul, are the same, and the slave is a part of the master, a living but separated part of his bodily frame" (1.6.1255b10). But that sort of reason for not mistreating slaves appears to be a form of self-interest; at any rate the argument does not turn on any implicit assumption of a fundamental equality or even of a shared humanity. Aristotle might well say the same sort of thing about one's horse or ox or hunting dog.

Just how human is a slave, according to Aristotle? At 1254b22, Aristotle says, "he who participates in rational principle [koinonon logos] enough to apprehend, but not to have, such a principle, is a slave by nature." What could Aristotle mean by the contrast between perceiving and having a rational principle? I have already interpreted the sentence as meaning that the slave "understands language but cannot reason independently"; that interpretation glosses over the real difficulties in Aristotle's language here. Given Aristotle's theory of perception and knowledge, it is hard to imagine how someone could perceive an intellectual capacity which he could not possess. Such a theory would run afoul of Aristotle's solution of Meno's paradox (how are you going to find something if you do not know already what it is?) and the general principle that "like is known by like." And Aristotle does not stick to that language; at 1.13, he poses as an aporia whether slaves are capable of the virtues of temperance, courage, and justice: if they are, how do they differ from free people? (We interject: an excellent question, to which we have our own answer.) "And on the other hand, since they are men and share in rational principle [logon koinonon], it seems absurd to say that they have no virtue." (1259a28).

The resolution of the aporia, at 1260a13, notoriously says that "the slave has no deliberative faculty [bouleuterikon] at all; the woman has, but it is without authority, and the child has, but it is immature." Perhaps the slave does not have the deliberative faculty because he has never had any opportunity to practice deliberation? Similarly women can deliberate, but do not have the opportunity to deliberate about affairs of state. It is Aristotle's opinion that slaves may share in the virtues, at any rate to the extent required to prevent them from falling in their duty through cowardice or lack of self-control (1260a35). The master is the source of the virtue of the slave; Plato was wrong to say that we should always speak to slaves in the imperative (Laws 777e), but rather we should use admonitory language, since "slaves stand even more in need of admonition than children" (1260b8). In my opinion, Politics 1.13 demonstrates that Aristotle had a good deal of "bad faith" or "bad conscience" concerning women and slaves. As Aristotle says in Eth. Nic. 8.11, "One slave cannot be friends with him, but qua man one can: for there seems to be some justice between any man and any other who can share in a system of law or be party to an agreement; therefore there can also be friendship with him in so far as he is a man."

In general, Aristotle leans toward the idea that one has more interest in the well-being of those to whom one is genetically more closely related, and less interest in the fortunes of those to whom one is less closely related, or not related at all. I take that as a consequence of this passage from the Nicomachean Ethics:

both evil and good are thought to exist for a dead man, as much as for one who is alive but not aware of them; e.g. honors and dishonors and the good
or had fortunes of children and in general of descendants. . . it would be odd if the fortunes of the descendants did not for some time have some effect on the happiness of their ancestors. (Eh. Nic. 1.10.100a19ff)

One is more concerned about the well-being of members of one’s genus, those to whom one is genetically related, than for others. As Aristotle says in Eh. Nic. 8.12.1162a15, “Between kinsmen friendly relations are found in due proportion.” Aristotle’s theory quite reasonably reminds us of the theory of altruism developed by the sociobiologists, and that is not surprising, given Aristotle’s general theory, stated at the beginning of Generation of Animals 2.1, that the production of new individuals of a species exists in order that perishable individuals may participate as much as possible in the everlastingness of the eidos (731b35). We participate in reproduction so that our own form will continue to exist in our descendants.

Applying these considerations to natural slavery, we find that Aristotle believes that to the extent that the Hellenes form a genus, it is a genus of naturally free men, while the barbarians are said to be “a community of slaves” (Pol. 1.2, 1252b6). Aristotle, like Plato, thinks that it is inappropriate to enslave other Greeks, but entirely justified and right to enslave non-Greek peoples, since they are essentially slaves already. So when he discusses various ways of making a living, he includes, without any negative commentary at all, the art of acquisition of slaves, a species of hunting or of war (Pol 1.7.1255b38; cf. 7.14.1333b38): “The art of acquisition includes hunting, an art which we ought to practice against wild beasts, and against men who, though intended by nature to be governed, will not submit” (1256b22). A more direct assault on the principle of respect for persons as a universal principle could hardly be imagined.

Yet it may be possible to construct, on the basis of several passages in the Nicomachean Ethics and elsewhere, a kind of Aristotelian defense for the principle of respect for persons.

“Natural Law”

In a famous passage of the Nicomachean Ethics (1.7.1097b25) Aristotle argues that human beings as such have a function, and that that function is “an active life that has a rational principle;” one part obedient to a rational principle, the other part possessing reason and exercising thought. Aristotle claims that each human being has, qua human being, a function, and that the performance of that function is the basis for a eudaimonia life for each human being. It would be tempting to argue that Aristotle should be committed to an extension of this argument: since I must have freedom of action in order to perform my function, I must in consistency be prepared to grant others the freedom of action necessary for them to achieve their function as a human being. For anyone who has followed Gewirth’s argument in defense of what he calls “the principle of generic consistency,” it is entirely natural to claim that Aristotle must have had something like that in mind. Or, if he did not, he should have.

One problem with ascribing a Gewirthian argument to Aristotle is that the concept of freedom in Gewirth and Aristotle may not be identical; Aristotle does not clearly assert that freedom is necessary condition for achieving one’s individual function. Indeed, we might conclude from a passage in the Metaphysics that “free” persons are not much at liberty, since they have their tasks predetermined for them. In the Ross translation,

It is as in a house, where the free men are least at liberty to act at random, but all things or most things are already ordained for them, while the slaves and the animals do little for the common good, and for the most part live at random; for this is the sort of principle that constitutes the nature of each.

What Aristotle means, of course, is that the more rational persons are more likely to have their activities pretty strictly determined by their concept of the good life and their commitment to it; less rational persons are less determined by that telos to the degree that they have less understanding of what they ought to be doing.

Aristotle believes that each human being has a function qua human; it is thus appropriate for each of us to maximize our own fulfillment of that function, and also to contribute to the maximization of the fulfillment of human functioning in others, to the extent reasonably possible. Indeed, he appears to defend the practice of slavery partially on the ground that natural slaves are better off, more able to achieve their humanity, if they live under the direction of someone who shares in the rational principle more truly than they. We can see that Aristotle is committed to a sort of communal commitment to the fulfillment of humanity in the context of the Politics, especially at 3.9.1260b39: “The end of the state is the good life; . . . the state is the union of families and villages in a perfect and self-sufficient life, by which we mean a happy and honorable life. . . . Political society exists for the sake of noble actions.” From which Aristotle concludes, “Those who contribute most to such a society have a greater share in it than those who have the same or greater freedom or nobility of birth but are inferior in political virtue.”

In other words, Aristotle does believe in a mutual commitment to achieving human happiness within a state. So that we may say that Aristotle does believe in a principle of “respect for fellow citizens,” which is
certainly on the road to, but not the same as, the Kantian principle of the reference of all action to the legislation which alone would make a kingdom of ends possible. 11

We may even understand the passage from Metaphysics 12 in a more or less Kantian way. If Aristotle’s free persons are the most rational members of the household, then we may expect that those persons are, in acting in accordance with their concept of law, more conscious of the duties which they must impose upon themselves through their greater awareness of the possible legislation of a kingdom of ends, while less rational, less responsible, members of the household are not as conscious of their moral duties, and thus far more likely to perform random actions. Seen in this way, Aristotle makes reverse appeal to the analogy between the moral law and natural law, for the amorality of non-rational members of the household is a model for the explanation of the indeterminacy of the material elements in the universe.

"Justice" 12

The theory of justice in Nicomachean Ethics 5 appears to assume some sort of principle of respect for persons in at least two ways: first, the theory of proportionality in chapters 3–5 assumes that each person involved in the exchanges there discussed has a definite worth; second, the notion of legal justice, as explored in chapters 6 and 7 especially, assumes that everyone subject to the same laws absolutely deserves the same treatment. That is, Aristotle does have a principle of consistency within a community of citizens governed by the same laws.

Indeed, we may well be reminded in several ways of Kant’s ethical theory by the famous passage at the beginning of Eth. Nic. 5:7:

Of political justice, part is natural, part legal—natural, that which everywhere has the same force and does not exist by people’s thinking this or that; legal, that which is originally indifferent, but when it has been laid down is not indifferent... . Now some think that all justice is of this sort, because that which is by nature is unchangeable and has everywhere the same force... . while they see change in the things recognized as just. This, however, is not true in the unqualified way, but is true in a sense; or rather, with the gods it is perhaps not true at all, while with us there is something that is just even by nature, yet all of it is changeable; but still some is by nature, some not by nature. 9

There are certainly some Kantian resonances in this passage, but there is also a clear difference. Aristotle here claims that there are some principles which naturally lie at the foundation of the legislation of any well-ordered state, although states may ignore some or even all of those principles in their legislation. Actual legislation may, in theory, say almost anything, change in any way, but perhaps the ideal legislation is unchanging (with the gods perhaps it is not at all true that the just changes). In Kant, these considerations lead eventually to the idea that morality consists in the reference of all maxims to that legislation which alone can make possible a kingdom of ends, and to the idea that one ought act only on that maxim which one can at the same time will to be a universal law of nature. The difference between Kant and Aristotle on this point is that for Kant, the concept of a universal law, analogous to a natural law, provides the starting point for each person to determine his or her moral duty; in Aristotle, the possibility of a universal natural law provides at most a criterion for judging the ultimate justice of legislated laws in particular states.

More to the point, Kant argues (and Aristotle does not argue) that one may derive from the universal law the formulation “Always treat the humanity of each person as an end in itself and never as a means only.” If Aristotle had made that derivation, he might have had difficulty in continuing to believe in natural slavery. On the other hand, the right-wing interpretation of Kant did certainly allow considerable leeway for the use of persons as means. There is a difference between the Aristotelian and Kantian concepts of “person”: for Aristotle, the ἀνθρώπος is a nature, defined teleologically in terms of the entire set of capacities typical of the genus; for Kant, a person is conceived almost exclusively in terms of the rational capacity. It is not clear, after all, whether Aristotle or Kant would have the greater respect for individuals deemed lacking rationality.

"Friendship"

Despite what I said earlier about Aristotle’s disdain for barbarians, he sometimes suggests a more cosmopolitan viewpoint. The most striking assertions of the existence of ties between people as members of the human race are to be found in the books on friendship, Nicomachean Ethics 8 and 9.

Friendship is felt mutually by members of the same race, particularly the human race, and for that reason we praise people as lovers of their fellow man, φιλανθρόποι. We may see even in our travels how near and dear every man is to every other. (Eth. Nic. 8:1.1155a19ff)

The passage is summarizing common opinions about friendship, and cannot be taken as directly stating Aristotle’s opinions; the considerations here
It might be argued that Aristotle’s notion of natural slavery is a species of false consciousness, of self-deception. Nicholas Smith has explored one sort of internal incoherence in the theory, based upon the simultaneous reliance on the contrast between rational and non-rational animals and on the contrast between those ruled by their emotions and those ruled by reason. Another, more general (and widely noted) sort of incoherence may be seen between the two arguments for slavery offered in Politics 1: on the one hand, Aristotle argues that slavery is to be defended on the ground that some people benefit by being slaves; on the other hand, he argues that slavery is economically necessary, and could be made unnecessary by mecha-
nization of the tasks assigned to slaves (1253b33). One may argue that these incoherences in the argument indicate a false consciousness on this topic, a commitment based not upon the consequences of the general position, but upon pre-philosophical commitments to the values of his society.

I am a little uneasy about this sort of hermeneutic principle, the dismissal of embarrassing parts of a philosopher’s position on the ground that they are not internally or externally consistent, and thus not part of the fundamental commitments of the thinker in question. After all, it seems to me much more likely that Aristotle would have been willing to accept a proportional theory of respect for persons: there is no reason to think that he would be committed to an absolute respect for persons, but there is good reason to think he believed that the degree of respect which one ought to have for each person is in proportion to the character of the relationship which one has to that person. Thus in an Aristotelian theory, I have many reasons to have great respect for the interests and claims of members of my family and my fellow citizens, and also for those with whom I share an intellectual community; I have fewer reasons (but not none) to respect the interests and claims of foreigners and slaves. After all, Aristotle’s theory is hardly absolutist in any part, so why should it be absolutist concerning respect for persons?”

I am more satisfied with this answer than with the one which I gave that student.

Notes

1. Of course I am not the first to find grounds of comparison between the ethical theories of Kant and Aristotle. A little searching in philosopher’s Index turned up the following, for example:

William Desmond 1980 argues that the concept of phileotita is a necessary precondi-
tion for the notion of Kantian practical reason, and consequently of the categorical.

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imperative. He finds that Kant’s theory of the moral personality is “hardened with the duality that afflicts Kant’s philosophy as a whole.” (p. 125).

Augustine Stowe 1981 criticizes Kant from an Aristotelian perspective; he says that Kant “makes morality a matter of the affirmation of human dignity rather than the recognition of human need” (p. 1, 1), and that Aristotle recognizes, as Kant does not (at least not in the context of his a priori arguments), that “being a person admits of dignity” (p. 6).

Rocco Perocco ed. 1984 contains valuable essays by Joseph Owens, Alan Gewirth, Alan Domagalski, Fred D. Miller, Jr., and others, which read at least tangentially on the topic at hand.

Wolfgang von Leyden 1985 entertainingly reads Aristotle as if he were a participant in the debates of the seventeenth and eighteenth centuries (Hobbes to Locke and their contemporaries).

I also thank Timothy O’Hagan, not only for his writings (1984, 1986 chap. 7, 1988), but also for his most helpful discussions with me about Kant’s theories. This paper was presented at a Conference at the University of Dayton; Eric Smider commented on this paper there. I have responded by using somewhat more cautious language in several places. Dennis Schmidt gave me some very helpful comments on an early version. The influence of Fred Miller is pervasive. The student whose question motivated this essay is Ayesha Bacchus. The errors in my response are my own. I thank the University of Dayton Review for permission to reprint this essay here.

2. Alasdair MacIntyre (1981) is a well-known exponent of this side of Aristotelian philosophy, and by implication he strongly contrasts Aristotle with Kant (as well as other modern ethical theorists). Philippe Piot, in her essay “Virtue and Vices” in 1978 gives a more optimistic picture of the possibility of a “virtuous” ethical theory in the contemporary era.

3. O’Hagan points out that the categorical imperative was taken by Kant to be compatible with a radically different treatment of women, children, and servants (1984, 33); in 1986 O’Hagan usefully contrasts “right” and “left” Kantians; the former see “never simply a means” and “at the same time” as convenient loopholes which justify the use of persons as means in the capitalist production process, for example, while the latter take this formulation as “a standard for comparing different social orders as more or less successful approximations to the goal of maximizing human autonomy.” It may well be that the reading of Kant’s ethics by today’s writers on medical ethics owes as much to the filtering of Kantian ideas through the works of Gewirth, Domagalski, and Rawls, for example, as to the original concept and intent of the second Critique.

4. The idea of natural slavery is possible for Aristotle because, contrary to common opinion, Aristotle did not have a strong concept of a natural species, and consequently did not have any clear commitment to an idea of shared humanity among all human beings. For example, in the Metaphysics he says that the word "genos" in used with reference to that which first brought things into existence: for it is thus that some are called Hellenes by genos and others Ionians, because the former proceed

from Hellen and the latter from Ion as their first beguiter. And the word is used in reference to the beguiter more than to the master, though people also get a gene-name from the master, e.g. "the descendants of Pythius." (Metaphysics 10.1024.20E., translated by W. D. Ross, with minor changes.)

I owe the point to Pierre Pellegrini. To be fair, Aristotle does say that in one sense of the word genos, all human beings form a genos, in that there is a continuous generation of human beings in general (Metaphysics 10.1024.29). But then, he can also say that human beings and viviparous quadrupeds form a genos, or that animals form a genos, or even living things as opposed to non-living.

5. This paragraph owes a good deal to discussions with Timothy O’Hagan.

6. Fred Miller called this passage to my attention. The context is discussed in more detail below.

7. We may suppose that the objections of Plato and Aristotle to the practice of enslaving Greeks reflects a reality in which that often occurred.

8. This passage is one of the standard historical foundations of “natural law theory” in ethics. Cf. John Finnis 1980.

9. Alan Gewirth 1978; in Perocco 1984, Gewirth develops a comparison between his views and those of Aristotle and Aquinas. My comparison is quite different from his, although I believe that it is consistent with what Gewirth says in that essay.

10. Metaphysics 12.10.1075a.20–23, Ross trans. G. E. R. Lloyd pointed out to me that this translation, which is maintained in the Barnes version, is seriously misleading in that the Greek phrase hikanes ekeinon he etydhon would be better translated “are least likely to act randomly.”

11. According to Timothy O’Hagan, Kant’s political conclusions are in fact the same as Aristotle’s on this point. He suggested to me, in conversation, that there is something Kantian about the principle of reciprocity which preserves states, Politics 2.2, 1261a30, Eth. Nic. 5.1132b30. See also von Leyden 1985, chap. 3: “Justifiable Inequality and the Different Kinds of Civic Excellence.”

12. My discussion of Aristotle’s theory of justice owes a good deal to papers by and discussions with Fred D. Miller, Jr.

13. Eth. Nic. 7.5.1154b17–30, Ross. For additional comment on this passage, see L. J. Mulherin 1972.

14. 1155a25. The last chapter of “On Virtues and Vices,” probably a composition of an early Peripatetic, says that “it belongs to virtue to make the condition of the soul good, ming quiet and ordered motions and in agreement with itself throughout all its parts; whereas the condition of a good soul seems a pattern of a good political constitution. It belongs also to virtue to do good to the worthy, to love the good; not to be prompt either to chaste or seek vengeance, but to be compeint, kindly, and forgiving. Its accompaniments are worth, equity, indul-
Aristotle on Property Rights

Fred D. Miller, Jr.

Introduction

Aristotle discusses property in several different contexts throughout the Politics as well as in other works, most notably the Rhetoric and Nicomachean Ethics. In this essay I argue that these discussions, when taken together, provide the basic materials of a theory of property rights. Here I am following the lead of Barker, who refers to “the vindication of the right of private property which appears in the second book of the Politics” (1906, 248). 1

I shall begin by indicating in quite general terms how I am using the expression ‘property rights’ in this essay. Property rights are complex legal or moral relationships involving individuals and objects, consisting of aggregates or clusters of different sorts of rights or their correlatives (cf. Becker 1977, 21). For example, the right of Coriscus to an object such as a jar of olive oil typically involves both a liberty to possess it and to put it to various uses as well as a claim right imposing duties of noninterference on the part of others with its possession or use. This typically implies the right to compensation or restitution if there is interference or harm to the object by others. It also typically involves the authority to offer the object for sale or to give it away, which changes the legal or moral relationships of others. And it typically involves an immunity against others’ putting the object up for sale or giving it away without the owner’s consent. My repeated use of ‘typically’ is deliberate. The various elements into which the relations of ownership and property have been analyzed are not all necessarily present in all cases. Thus, although A. M. Honoré (1961) distinguishes eleven such elements—the right to possess, to use, to manage, the right to the income, to the capital, to security, to transmissibility, the absence of term, the prohibition of harmful use, the liability to execution, and the residual character of property—he contends that while all of these elements are required for full ownership, none is a necessary condition for ‘owning’ something. In ascribing a concept of property rights to Aristotle I am claiming that such elements play an important role in his normative assertions about property.