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“The Question of Natural Rights in Aristotle and the “Necessary” Connection Between Rights and Responsibilities: A response to Jeppe von Platz.”

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Comment on von Platz: Misconceptions in Rejecting Miller's Interpretation of Aristotle's "Natural Rights"

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While the idea of attributing a natural rights component to Aristotle's philosophy is indeed anachronistic, it is not entirely futile. Fred D. Miller has proposed ample evidence and analysis supporting the idea that Aristotle had something like natural rights in mind. Yet, several scholars object to Miller's position for various good reasons beyond the theory's anachronicity. While there may be just cause for rejecting Miller's position, it does not appear that von Platz has been successful in this endeavor. Several of von Platz's proposals are incoherent, and those that are indeed sound are rooted in a modern conception of what natural rights ought to be.^{1[1]} Von Platz neglects to see how natural rights for Aristotle would have to be different from our modern conceptions of entitlements and human nature, and for this reason he fails to give sufficient reason to discredit Miller.

^{1[1]} By 'modern' I mean not only the thought of the modern period in the history of philosophy, but the overall general conception of the relationship between freedom, equality, and natural rights that ensued as a result of this thought and is maintained in popular opinion today.

In this response paper, I will first discuss von Platz's definition of 'natural right.' Then I will discuss the appropriateness of using citizens as prime examples of people who have natural rights. Finally, I will present my main objection to von Platz's paper regarding the alleged inconsistency between what Aristotle considered human and who was afforded rights. Following my response to von Platz's paper is a list of suggested editorial revisions.

Section I: Defining 'natural rights'

While at the beginning of his paper von Platz indicates that he will not address Miller's theory, such a move is only acceptable if one is not arguing against said theory. Given that von Platz does devote a paragraph to explaining Miller's position on page 15, it would seem that he is specifically attacking Miller's position. Even if von Platz wishes to avoid Miller's position in particular so that he may argue with all who believe Aristotle had a natural rights theory, he would have needed to devote some minimal lines to explaining how it is that someone might conclude that Aristotle held this view. Finally, if one is to dispute the basis of holding such a view, one ought to do so within the bounds that that view was constructed. Since von Platz fails to do this, any of his objections to Miller's or anyone else's position on the natural rights of Aristotle cannot apply.

Like all good papers, von Platz's attempts to define the term it intends to discuss. Von Platz tells us that the understanding of the term 'natural rights' that he will use is "rights (either entitlements or as protections) which any human being with a specific (and relevant) natural trait possesses."^{2[2]} While clarifying the term is very helpful, it seems more appropriate to use

^{2[2]} von Platz, p. 3

Miller's definition. Miller tells us that he considers a right "a claim of justice which a member of a community has against the other members of the community."^{3[3]} While Miller does not tell us in this section how a natural right is different from 'right' *simpliciter*, throughout the remainder of his paper it seems that he intended 'natural right' to include this definition supplemented with the idea that the individual that qualifies for the right in question is afforded it based on his nature. Even if von Platz wished to avoid this definition, he ought to have mentioned it and discussed why he felt it was insufficient or problematic before employing a new definition.

Regardless of von Platz's decision to disregard Miller's definition, it would seem that his own has internal problems that render it incoherent and useless to the remainder of his project.

For example, von Platz writes:

I will use the following understanding of natural rights: rights (either entitlements or as protections) which (sic)^{4[4]} any human being with a specific (and relevant) (sic) natural trait possesses. Hence, natural rights theories identify a certain feature of human nature as both necessary and sufficient condition for (some undefined minimum of) (sic) rights in the community (state) where they (sic) live.^{5[5]}

First, this definition tells us that for a human being to have a natural right, he needs to possess a specific natural trait, which happens to be relevant. It is unclear to what the trait need be relevant. Regardless, this first part indicates that the trait has to be natural to a given human being. It does not say that the trait is natural to all human beings, nor does it suggest that the trait

^{3[3]} Miller, 1996b in von Platz's bibliography. Unless otherwise noted, citations in this paper accord with von Platz's bibliography.

^{4[4]} The term 'sic' is implemented here to indicate grammatical errors that the original author made. Suggestions for how to correct them follow this paper. Should corrections be made before the publication of this paper, this and other quotations will need to be revised in this paper as well.

^{5[5]} von Platz p. 3

is inherent in human essence. If it did suggest the latter, then it would necessarily imply that all humans possess the trait in question. However, since this first part fails to suggest this, the second part cannot logically follow. Everything after the word 'hence' is a result of fallacious reasoning. The first portion of this section discusses some part of the set of all that is human. It is wrong to suggest that "some" implies "all." One could say that some men are bachelors. This does not imply that all men are bachelors. Therefore, neglecting to say that the trait in question is inherent in *human* nature, as opposed to the nature of "any human being with a specific...natural trait," precludes one from concluding that the feature yields a right that is a "minimum," or one that all humans possess. Finally, the introduction of the idea of a community being relevant is confusing. If von Platz means it as Miller intended, (i.e. as in the right is a protection or entitlement of one person in regards to others who might compromise the right), then this mention of 'community' does not jeopardize the understanding of 'natural rights.' However, if he intended it to mean that this right might vary from community to community, he has undermined the arguments he later gives involving the alterability of citizenship rendering natural rights impossible.^{6[6]} Before discussing the possibility of citizenship changing under given circumstances, we must first address whether it is legitimate to use citizenship as a counterexample to the claim that Aristotle had a natural rights theory.

Section II: The question of the legitimacy of basing a natural rights theory on citizens

^{6[6]} See von Platz, section 3, particularly p. 12.

Von Platz attempts to confute Miller's claim that Aristotle held a theory of natural rights entirely on Aristotle's ideas of citizenship. I object to his use of citizenship on the following two grounds: absolutely no natural rights theory is or could be founded upon citizenship and the suggestion that responsibilities imply rights is not only grounded in a modern conception that rights and responsibilities go hand in hand, it also violates the rules of implication that were used to devise this conception.

My first objection deals with the legitimacy of citizenship as an example of natural rights at all. Perhaps von Platz used this example since there does seem to be a natural component to who may be a citizen according to Aristotle. However, it does not follow that all human dispositions, both natural and constructed, be indicative of natural rights. For example, a typical modern natural rights theorist would not suggest that the disposition of a medically diagnosed pedophile affords him specific rights, to which others are not entitled, derived from his nature. If anything, one might deny him the rights others possess. These, of course, would not be natural rights, but some other form of rights (for example, the right to not be imprisoned, or the right to work with small children). Regardless, he would not be granted additional rights because of this disposition. Therefore, not all natural dispositions yield natural rights. On the other hand, no socially constructed dispositions yield natural rights. Citizenship is certainly not natural. While von Platz is correct to point out that Aristotle believed that the human was a political animal, what is meant by 'political' here is simply *social*: "man is sociable by nature."^{7[7]} Indeed, Aristotle argued that all men need to live in a community of some sort. This does not imply that all people are therefore citizens of the community in which they live. It is evident that von Platz recognizes this discrepancy in Aristotle's political theory when he discusses the many types of residents a community might have. However, all residents, regardless of whether they ever become citizens, are naturally already social and need the commune of others.

^{7[7]} *Nicomachean Ethics*, 1097b 11.

Finally, it is absurd to suggest that proving the exclusionary nature and potential alterability of citizenship is sufficient to conclude an absence of natural rights. For if it were sufficient, then absolutely no community in the history of the world could be considered to hold tenets of natural rights. Nearly every country in the world currently has some stipulation of citizenship involving birthright. Anyone born in the United States is a citizen. This would seem to be something rather natural, regardless of the citizenship of the parents. Also, nearly every community in the world allows for alterability of citizenship. In the United States there are many foreigners that become citizens every day. Does this mean that we cannot possibly have a theory of natural rights?

This objection would certainly not follow. Even in modern societies, the rights of citizens necessarily supplement the natural rights of all humans. The United States might accept refugees from other countries because these refugees, like everyone else, have the right not to be victims of genocide. While the United States might recognize this right and consider it natural and universal, this does not mean that refugees also enjoy all of the rights that U. S. citizens have. For example, refugees cannot vote. Either the rights of citizens are not natural, or they are privileges inherent in the nature of the citizenship in question. Either way, the rights of citizens are irrelevant to the pursuit of natural rights in any person's political theory, including Aristotle's.

My second objection deals with the modern conception of the relationship between rights and responsibilities. Von Platz emphasizes that Aristotle believed that only certain people were naturally capable of being citizens and participating in the government. Aristotle's reasons for this have to do with the nature of the responsibilities in question. Von Platz's use of this part of Aristotle's political theory suggests that Von Platz equates responsibilities to rights. First, one must recognize that the idea that rights and responsibilities go hand in hand is a very recent one. Second, and most importantly, even if one were to prove that Aristotle believed there was a natural component of responsibility, it does not follow that it is derived from natural rights. The modern conception of rights and responsibility is based on the idea that if one has rights, he also has the responsibility to act on them, protect the rights of others,

etc. However, this implication is a one-way relationship. It does not follow that having responsibilities means that one has rights, even if these responsibilities are due to a natural component of the agent's composition. While the statesman surely has many responsibilities that he incurred naturally, so does the slave. It could even be argued that slaves have more responsibilities than anyone else in the community (or at least, it is likely that any given slave spent more time on his responsibilities than the average statesmen did). If this were the case, then we ought to feel a lot of sympathy for the citizen, for he surely could not have as many rights as the fortunate slave.

In conclusion of this section, I offer the following objections. Not all that is natural entails natural rights. Conversely, nothing that is unnatural entails natural rights. Responsibilities, though possibly derived from rights, do not necessarily imply rights. Even if a responsibility is natural, it does not necessarily imply any natural right. Conflating natural rights with rights in general and privileges jeopardizes von Platz's arguments. One example is von Platz's objection that, under certain circumstances, those who are responsible to be citizens might change. Von Platz hypothesizes that if all the appropriate citizens in a polis were to die out, the next level of society would have to step up, so to speak, and serve in the government. However, as we have just shown, the fact that citizenship is an insufficient criterion for distinguishing natural rights from rights in general means that von Platz's above objection carries no weight in this discussion.

Section III: Aristotle's conception of the human being and how this allows for discrepancy in natural rights

Von Platz's objection to the varying degrees of rights afforded to different groups of people in Aristotle's philosophy is tainted with the modern bias that all humans are equal. Typically people today accept the Kantian idea of human dignity, which entails that all humans, regardless of ability or morality, have a certain unalterable intrinsic worth that cannot be compromised or exchanged for any other given end.^{8[8]} While it is perfectly acceptable to hold this belief, it is not applicable to a natural rights analysis of Aristotle's philosophy. Miller makes this point apparent in the first section of his paper "Aristotle and the Origins of Natural Rights" where he discusses the inappropriate implementation of an Hegelian sense of freedom in analyzing Aristotle's politics: "It is not the case that *all* theories of rights assume Hegel's principle of subjectivity."^{9[9]} It is wrong to assume that Aristotle's disregard for individual freedom necessarily entails that he could not have a natural rights theory. Freedom itself is an example of a natural right, not necessarily the precondition to having any natural rights.

Von Platz believes that since the community takes precedence over individuals for Aristotle, then rights entitlements could change to benefit the community. He writes, "[t]hose who would be entitled to rights in one community can be consistently excluded in another if this is in the interest of the community as a whole."^{10[10]} First, it must be noted that von Platz neglects to cite any passages where Aristotle suggests this notion. Second, Miller anticipated that his readers might hold this objection, and devoted several pages to dispelling it:

Aristotle's theory of political justice supports a theory of rights because he understands justice in an *individualistic* sense. That is, when Aristotle equates political justice with the common advantage (τὸ κοινὴν συμφέρον), he understands "common" (κοινὴν) in an individualistic sense. I am using the term "individualistic" in a special sense here, in which it is opposed to "holistic." On the *holistic* view justice is equated with the overall advantage, so that it sanctions the sacrifice of individual citizens in order to make the polis as a whole better off...In contrast, on the individualistic view, the fully just polis must promote the common advantage of its members, in the sense of the *mutual* advantage rather than at the overall advantage.^{11[11]}

^{8[8]} See Kant, Immanuel. *Practical Philosophy* (1999). Guyer, Paul; Wood, Allen, eds. The Cambridge Edition of the Works of Kant, Cambridge University Press. Cambridge, UK. p. 557

^{9[9]} Miller, 1996b, esp. p. 876.

^{10[10]} Von Platz, p. 17.

^{11[11]} Miller 1996b, p. 877.

Von Platz should not have held this objection since he cited one of Aristotle's passages suggesting that all individuals be cared for so that the community is well: "the care of each part is inseparable from the care of the whole."^{12[12]} Here Aristotle does not suggest sacrificing a part for the whole, but caring for all parts for the sake of the whole. Given the fact that Miller anticipated this objection and addressed it, it is unfair to raise it again without proving that Miller failed to deal with it sufficiently. Even if von Platz's objection were sound, there is still one more aspect of Aristotle's philosophy that could render the objection irrelevant—Aristotle's conception of human nature in general.

Aristotle's conception of the human being is derived from his ideas of the soul, function, and how the nature of anything is to be determined. First, as von Platz mentions, Aristotle believes that the human soul has three parts. The first part, the plantlike part, is something all living things possess. The second part, the animalistic or desire-based part, only animals have. Now I say *only* animals for one very specific reason: Aristotle specifically defines man as a "rational animal." Therefore, the human has this part in common with other animals, and the only thing that distinguishes him from animals is that his soul has this third part—reason.

To understand that reason or rational capacity is the only thing that distinguishes the human being for Aristotle is paramount to understanding his ideas of function and nature. Aristotle writes, "The function of man is an activity of soul in accordance with...rational principle."^{13[13]} Using reason is the function for the human being according to Aristotle. While human beings also walk around, desire things, reproduce, nourish their bodies, and do other such activities mentioned by von Platz that non-human beings do, Aristotle does not call these activities the function of the human being.^{14[14]} Simply

^{12[12]} *Politics*, 1337a 31 Von Platz cites this in his paper at the top of p. 14.

^{13[13]} *Nicomachean Ethics*, 1098a 7-8

^{14[14]} Von Platz, p. 4.

doing something does not entail that that activity is one's function: "Life seems to be common even to plants, but we are seeking what is peculiar to men."^{15[15]} Aristotle believed that reason was the function of humans because it is the only thing that they do that no other being does. It is the distinguishing mark of man. Therefore, men are human because they have this ability and use it. This appears evident to von Platz since he cited the following text from Aristotle: "But things are defined by their function and power; and we ought not to say that they are the same when they no longer have their proper quality, but only that they are homonymous...."^{16[16]} This quote is in reference to how an eye, if unable to see, would not really truly be an eye anymore. One might say that if a human were truly unable to reason, he would only be a human in the homonymous sense, since things are defined by their function.

Given the above discussion, it is possible to see how Aristotle, if he were to have a theory of natural rights, might not have a theory of rights that hold universally (yet still, natural). For example, it is evident that various eyes have varying degrees of the ability to see. I, for example, can see, but not naturally as well as others who do not have to wear glasses. While my eyes function in that they see, no one would argue that they function better than the eyes of a marksman who has perfect vision. Given that the complete loss of function in the eye is cause enough for Aristotle to cease considering it an eye, it is possible that a partial deficiency in sight, though not sufficient to consider it homonymous, might constitute ascribing it an inferior degree of the nature that is "eyeness." Consequently, if this is the case, it would also follow that humans who have varying degrees of rationality have varying natures. Aristotle alludes to this point regarding the sociability of man: "But he who is unable to live in society, or who has no need because he is sufficient for himself, must be either a beast or a god."^{17[17]} If a person that fails to be a social being is no longer considered human, then presumably a greater degree of sociability entails

^{15[15]} *Nicomachean Ethics*, 1098a 1-2

^{16[16]} *Politics*, 1253a 25-27

^{17[17]} *Politics*, 1253a 28-29

a greater degree of humanity. This correlation would also seem to apply to reason. If this is the case, any rights derived from their natures might be different.

The above analysis is intended to answer the question of the various types of residents in a community. Von Platz points out that each of the seven types of residents enjoy specific rights that vary from group to group.^{18[18]} While it would seem that the membership of each group depends on several components of an individual's nature, this does not mean that this fact precludes Aristotle from holding a natural rights theory. First, one's designation to a given category does seem to be nature-based. Second, if it is the case that there can be varying degrees of natures, the fact that there are varying degrees of rights based on natural composition does not necessarily mean that there is no foundation for a natural rights theory. For example, Aristotle did believe that slaves, children, and women simply did not have the rational capacities that free adult males had. According to Aristotle, slaves and women were never capable of achieving such rational faculties. Nonetheless, these people certainly are more rational than dogs. For this reason, it is possible to claim that Aristotle considered some basic natural rights that all humans enjoyed that were minimal—whatever rights slaves had.

Von Platz revealed to me in conversation that he did not intend to proclaim that Miller's analysis of Aristotelian natural rights was incorrect. In fact, in his conclusion, he makes the rather surprising concession that "If we by a 'theory of natural rights' only mean a theory of formal justice paired with an idea that rights should be based on natural characteristics, Aristotle does hold such a theory. I do believe these demands are insufficient and thus conclude that Aristotle does not hold a theory of natural rights."^{19[19]} I consider the first point a 'surprising concession' since it did appear throughout that von Platz was arguing with Miller. After discussing the issue with von Platz, it appears that he holds that within Miller's system, Miller is correct, but von Platz criticizes the foundation from which Miller builds his theory. While this still may be the case, I contend that an analysis of citizenship and political rights

^{18[18]} For this discussion, see von Platz p. 16

^{19[19]} von Platz, p. 17.

cannot show that Miller's foundation held "insufficient demands" for a natural rights theory involving basic universal elements of rights. If one were to refute Miller's idea that Aristotle had sufficient grounds for a natural rights theory based on the contention that Aristotle did not have a basic minimal criteria of rights that applied universally to everyone, one would need to prove that the slave had absolutely no natural rights, and not that the citizen's rights were too particular or alterable.

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Section IV: Editorial revisions and suggestions for von Platz's paper

1. Von Platz uses various derivatives of the terms 'vague' and 'ambiguous' in several places throughout his paper. While this is not a logic paper, the terms 'vague' and 'ambiguous'

have specific uses in logic that ought to be considered to avoid incoherence. Given their designated meanings in logic, readers might be confused or misled if they are to interpret these terms in their traditional philosophic meanings. For example, von Platz writes, "...even though this conclusion retains an ambiguity caused by the vagueness of the concept of 'natural rights.'" This entire statement is laden with category mistakes. First, conclusions cannot retain ambiguity. Second, it is rather arguable as to whether or not vagueness can cause ambiguity. Even if there were a case where this is possible, natural rights certainly do not constitute such an example. In logic, 'vague' is a term ascribed to subjects or states that have unclear boundaries. For example, what constitutes baldness is vague. There is no determined number of hairs that marks the juncture between one who is balding, and one who is bald. A pile of sand is another example. Few people would say that two grains of sand constitute a pile. Some would still have a problem saying that four or five grains of sand constitute a pile. It is unclear where the boundary is between something being a few grains of sand and a pile. Regardless of how one considers them, no one would say that natural rights are vague entities in the above-described sense of the term. While we might disagree what rights are, which ones are natural, and who might enjoy them, we do not say that they develop into what they are and miraculously become rights at some unknown or indemonstrable point in their development. In fact, it would seem that since they are natural it would be absurd to discuss their development. On the other hand, von Platz might have had the correct use of the term 'ambiguity' in mind. Something is ambiguous when it has more than one commonly accepted meaning. Traditionally, vagueness applies to objects and states while ambiguity applies to words and language. Even if von Platz meant to suggest that there are several accepted definitions of 'natural rights,' it is unhelpful to simply declare the term ambiguous without explaining how it has multiple meanings. While von Platz does tell us the meaning he intends to use, it is futile to suggest the term is ambiguous if one does not tell us the other senses of the term to disregard when reading the paper. For further discussion of the meanings of the terms 'vague' and 'ambiguous,' see The Cambridge Dictionary of Philosophy, (2001). Audi, Robert, ed. 2nd edition, Cambridge University Press. Cambridge, UK. pp. 945-947 and 24 respectively.

2. Von Platz claims that natural rights theories identify conditions necessary and sufficient for '(some undefined minimum of) rights...' The term 'undefined' is alarming. Von Platz does not explain what he means by this word. If the theory is identifying the feature, how is the feature "undefined"? I suggest removing the term 'undefined' because without it, the idea seems to be the same as what I believe von Platz intended.
3. On page 3 of the introduction, four lines up from the bottom of the page, omit 'as' in "(either entitlements or as protections)." In the same line, replace the word 'which' with 'that' and omit parenthesis around "(and relevant)." Two lines from the bottom, insert the article 'a' before the word 'necessary.' Omit parenthesis in 2nd line up from the bottom and the bottom line around '(some undefined minimum of).' In the final line of page 3, it is unclear to whom the pronoun 'they' refers. Given the grammatical structure of the sentence, it would appear that 'they' refers to either 'natural rights theories' or 'rights.' This is absurd because the word 'they' is in the relative clause 'where they live.' Neither theories nor rights live anywhere. One suggestion might be to replace the word 'they' with 'humans,' provided this still conveys the message the author intended.

4. Page 5, 8 lines down, replace the comma in "Again Aristotle answers in the negative, pleasure too is ingredient" with a semicolon.
5. In section 3 of von Platz's text, he attempts to elucidate the sense of the term 'citizen' that Aristotle had in mind. In this section, von Platz writes, "The citizen is an Athenian male of mature age whose parents were both citizens" (lines 15-16 down, including single-spaced section, page 8). Clearly von Platz meant something other than this definition. If all citizens must first be male, and second have two parents who are citizens, then all citizens have two male citizen parents. This is absurd. Assuming that all Athenian men had mothers, then no one could be a citizen according to this definition. However, this error was not first made by von Platz. Miller also writes, "Aristotle approves in *Politics* 1.2 of the custom requiring that both one's parents be citizens..." (Miller 1996b p. 892). This is certainly false given that in Aristotle's time women were never citizens, so it follows that the second mention of 'citizen' in von Platz's statement ought to be a different term. One may speculate that von Platz could alter this definition by replacing the second 'citizen' with 'Athenian.' While a woman could never be a citizen, she could be Athenian. In 451 Pericles convinced the Athenians to limit citizenship only to men whose parents were both Athenian. Prior to this paradigm shift, affluent men made marriage alliances with noble families from other states. One unflattering example of this practice is Cleisthenes, who married the daughter of the tyrant of Sicyon in mainland Greece. For a more detailed discussion of this precedent, see Ancient Greece: a political, social, and cultural history (1999). Pomeroy, Sarah B.; Burstein, Stanley M.; Donlan, Walter; and Tolbert Roberts, Jennifer, eds. Oxford University Press, Inc. New York, NY, p 216.
6. There is a subject/very agreement error on the first line of page 9. "This at least show" ought to read "This at least shows." Also in the same line "just because some group of people is citizens" might be changed to "some group of people is made up of citizens" or perhaps "is comprised of citizens."
7. Four lines into section 5 on page 14 von Platz writes "...several aspects of Aristotle's thought indicate an affinity between Aristotle and such a position..." This is incoherent. The word 'affinity' is usually followed by a preposition indicating motion towards something (an object or an action most likely). Using the word "between" suggests that the position in question had an affinity towards Aristotle as well, as if the relationship were mutual. Given that positions are not capable of such preferences, this is absurd. One suggestion might be to write '...several aspects of Aristotle's thought indicate that he had an affinity towards such a position...'
8. Two lines down on page 15 there seems to be a typographical error in the text, which reads "a) those that hold that individuals have certain pre-political rights based these are found in a factual or hypothetical state of nature." The section 'based these are found' is incoherent, and it is unclear as to how this should have been worded.
9. In the same section, the sentence regarding "a)" ought not end in a period. Insert the conjunction 'and' and continue to "b)," as it is the second of the two types of natural rights theories that are to follow the colon in "Miller distinguishes two types of natural rights theories:..."
10. Page 15 eight and nine lines up reads, "Aristotle favors the aristocratic constitution as the bases influence on excellences..." It appears that the word 'bases' is a typographical error, and ought to be 'basic.'

11. The final sentence of von Platz's paper (one line up on page 17, final line of section 6) lacks punctuation. Given that the statement appears to be declarative, I suggest a period.
 12. On page 19 in von Platz's bibliography, page numbers are missing. Upon conducting my own research, I found this article, and the page numbers 859-872 ought to be inserted where von Platz wrote pp..
 13. On page 19 of the bibliography, von Platz wrote pages "731-907" for the 1996b Miller citation, when the correct pagination is in fact 873-907.
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