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RIGHTS, INDIVIDUALISM, COMMUNITY: ARISTOTLE AND THE COMMUNITARIAN-LIBERALISM DEBATE

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ABSTRACT

This paper takes issue with recent claims made by Fred Miller and Roderick Long that Aristotle believed in or support some notion of rights akin to the natural rights defended by, for example, Locke. While neither Miller nor Long claim that Aristotle is a liberal, they hold that he is a fore-runner of liberalism because of the notion of rights which can be found in Aristotle’s Politics, making Aristotle an unlikely ally or supporter of the communitarian tradition. I argue, in contrast, that Aristotle could not be a fore-runner to liberalism because his view of humanity is that human beings are constituted by a community and achieve self-fulfillment only as so constituted. Thus, Aristotle endorses a unique position that defends the freedom and self-development of the individual within the parameters of a social order.

Introduction

Modern politics are awash with rights claims. Individuals claim rights to freedom of expression and pursuit of their individual goods even at the cost of the community. Others claims rights in the name of the community for preservation. How is one to weight the rights of parents to raise their children as they wish and the right of the child to appropriate medical care? How does one balance the claims of the nation against the claims of various sub-cultures within the
nation, for example, in terms of language-use in schools or in terms of traditional ways of life? These questions become even more pressing as politics become global not just national or local. The central issue that these questions rest on for answer is the relationship between the individual human being and the community. The liberal-communitarian debate of the last twenty years essentially concerns that debate.

Fred Miller Jr., in the concluding section of his Nature, Justice and Rights in Aristotle’s Politics, holds that liberals believe that individuals are protected from the state use of force through the individuals’s possession of rights. Communitarians, on the other hand according to Miller, believe the state should enforce moral standards and ways of life on human beings. This conception of the difference between liberals and communitarians is the standard distinction between Aristotle, as traditionally interpreted, and social contract philosophers.

Miller, however, argues that the traditional understanding of Aristotle on this account, and as endorsed by communitarians, is skewed. The crux of the argument as Miller present it is whether Aristotle can be seen as a moderate individualist or a moderate holist. Moderate holism denies the need for each to achieve perfection and holds that the political good is a collective good. Moderate individualism, on the other hand, claims that each citizen should achieve well-being and that other-regarding virtues are essential for such well-being. To prove his point, he argues that natural rights can be found in Aristotle and, moreover, that Aristotle considered freedom necessary for human well-being. Roderick Long, moreover, believes that Miller has conceded too much to the communitarians in denying the existence of pre-political rights in the Politics. Both authors suggest, then, that while Aristotle should not be seen as a liberal, he should be as a precursor to liberalism with its emphasis on the individual.

I shall argue, however, that the dichotomy between moderate holism and moderate individualism, as Miller has defined them, is false because it leaves out a possible relationship between the individual. On the Aristotelian understanding of the human person and the state, both are equiprimordial. The individual, however, has no rights against the state. The introduction of rights into Aristotelian interpretation confuses the issues and leads, not only to a misunderstanding of the Aristotelian view of the state, but also to a one-sided view of the state as a necessary evil. Further, Miller’s mischaracterization leads him to wrongly describe the views of MacIntyre and Taylor.

To defend my two claims, section I shall first examine the defense of natural, prepolitical rights that Miller and Long provide. Section II shall examine and reject the characterization of communitarianism that Miller provides. This will allow me, in sections III and IV, to reject the dichotomy between moderate holism and moderate individualism as defined by Miller and reject the argument for rights in Aristotle. If my argument succeeds, I shall have prevented the abduction of Aristotle by liberalism and maintained the important theoretical and practical contributions made by communitarians in the debate so far.

Before proceeding to this discussion, however, I want to offer a note about the use of the term “communitarian.” Miller specifically refers to MacIntyre and Taylor in his discussion. Both MacIntyre and Taylor, however, deny being communitarians.

This denial should give one pause before haphazardly pursuing a straw person which no one, or no one of import, holds. My analysis, while resting mainly on an interpretation of Aristotle’s Politics, shall make reference to communitarians. It does so, however, only as shorthand for what I take to be the general theories of both MacIntyre and Taylor. I am not, then, concerned with other “communitarians,” particularly as they are depicted in contemporary news sources or on the web, or in communitarianism as embraced by, for example, Albert Gore Jr.
I. Rights In Aristotle

A. Miller on Rights—According to Miller, while Aristotle does not use any term which we might appropriately translate as “rights,” Aristotle does recognize certain natural rights. Aristotle recognizes a natural right based on natural justice but not possessed in a prepolitical state. Miller holds that, for Aristotle, justice is natural in a teleological sense. For Aristotle, something may be called natural because it is end of a process.4 In this sense, a thing can be said to be natural if it “has as its function the promotion of an organism’s natural ends [or] it results in whole or in part, from the organism’s natural capacities.”

Justice, then, is natural because it is indispensable, according to Aristotle, for human self-perfection. Justice is that which promotes the well-being of human beings. Human self-perfection is the end of human beings. What promotes the end is natural; therefore, justice is natural.6 Further, natural justice is part of political justice, because it is something which occurs within a political community; it presupposes a political community. Presupposing such, natural justice “obviously cannot support natural rights possessed by individuals in a pre-political state of nature.”7

For Miller, however, the fact that Aristotle would not derive rights from a pre-political state of nature does not entail that Aristotle would “rule out rights based on natural justice.”8 Miller argues that in Politics III, Aristotle provides a theory of distributive justice which “yields a theory of political rights which can be evaluated as natural or unnatural (and hence correct or deviant).”9 A polis in a natural condition exists under a constitution which promotes the common advantage of citizens, or universal justice. Universal justice is achieved through the assignment of political rights according to distributive justice. “A central and pressing question of political philosophy as a practical science is how to assess competing appeals to distributive justice,” which Miller sees as the central question in terms of the rights advanced in Politics III, 12.

In Politics III, 12, Aristotle discusses how to assign authority and distribute rights. What Aristotle is attempting to do is determine who it is that has a right to rule and who does not; that is, who has a right to be considered a citizen and who does not. Aristotle holds that “justice consists in what tends to promote the common interest” and “general opinion makes it consist in some sort of equality.”10 Aristotle concludes that the correct distribution of offices and honors in the polis must be based on “the elements which constitute the being of the city.”11 The offices and honors of the city, then, are distributed justly according to a certain merit. Aristotle proceeds to look at various claims to what measure of merit should be: wealth, birth, virtue, etc.

Miller holds that the dispute in this passage concerns who has a just-claim to political offices and honours.13 Just claims are one sort of rights. The important point, then, is that the distribution of offices and honors depends on equality which is justice, for Aristotle. And justice involves a claim-right to holding offices, that is, being treated as a citizen. Thus, we arrive at rights based on nature but which are not possessed in some pre-political state of nature. They are natural because what promotes the end the common interest is natural; and these claim rights which Miller finds in Aristotle promotes the common end. I do not want to question Miller’s claim that Aristotle admitted claim rights—though these would certainly be different than what we would consider claim rights. Rather, I wish to move to Long’s defense of pre-political rights in Aristotle. In section IV, however, I shall reject the discussion of rights in Aristotle as misguided.

B. Long’s Defense of Pre-Political Rights in Aristotle

Long holds that Miller wrongly concedes to the communitarians that Aristotle recognizes no rights existing in a pre-political “state of nature.” Long believes that Miller’s argument for attributing rights based on nature to Aristotle is compelling. He thinks, however,
that "we should also go further and attribute [pre-political] rights to [Aristotle] as well."  

Pre-political rights can be either 1) rights that are prior to political rights-i.e. logically pre-political-or 2) rights enjoyed by inhabitants of a pre-political state- i.e. temporally pre-political.

According to Long, Miller is correct to deny that Aristotle recognizes logically pre-political rights, but Miller is mistaken to take this fact as counting against temporally pre-political rights. The evidence Miller has given shows against logically pre-political rights, but Miller thinks he has disposed of temporally pre-political rights, "since the rights he rejects are those 'possessed in a state of nature, i.e. in a pre-political state.'"

However, Aristotle holds that a certain kind of justice would exist without the polis.

To seek, then, into how one ought to behave toward a friend is to seek into a sort of justice. For a human being is not only a political but also a householding animal .... but a human being is an animal that is capable of having [something] in common with those with whom he is by nature akin; and therefore, there would be a community and a sort of justice even if there were not a polis, for a household is a sort of friendship.

Miller downplays this passage by suggesting that it refers to some "proto-justice," because Aristotle latter states that the household is the spring of justice. For Aristotle, rights only exist in some organized context.

For Long, Miller move is unconvincing.

If Sciron is wandering through the wilderness, and he comes across another wanderer, and he robs and murders him just because he feels like it, has he done nothing unjust? This seems hard to believe. Aristotle insists that theft and murder are never justified; moreover, he suggests we should feel a certain degree of friendship for all our fellow humans, and friendship brings with it obligations of justice proportionate to the friendship.

Two people wandering in the woods separately constitutes a situation of temporally pre-political rights for Long, which he claims Aristotle would accept.

Long's argument for holding that Aristotle admits temporally pre-political rights is two prong. On the one hand, he argues from the Greek terms of logikon and politikon that Aristotle had to admit the existence of temporally pre-political rights. On the other hand, he argues that, insofar as Miller is correct to defend natural justice in Aristotle, then Miller must agree that Aristotle also believed in temporally pre-political rights. Let's take these arguments in turn.

Logos, in Greek, has a social dimension that the English word lacks, because reason refers in some sense to the language or discourse of people. To be rational is to be discursive. Thus, "our nature as rational animals is .... closely tied to our nature as political animals."

In the Greek world, being logikon involves not only being reasonable but also being political. Logikon refers, not only to reason but, more basically to speech and language. Because human beings can discuss such things as good and evil, justice and injustice, human beings can form political associations. To the extent, then, that we are political animals, our good consists in cooperation with others. The good includes self-sufficiency but not solitariness. Long argues, then, that Aristotle held that human beings have rights because they are discursive animals. We are committed, as discursive animals, to cooperate with other discursive animals. Rights emerge temporally prior to a political state as the case of Sciron shows.

Long's second argument for believing that Aristotle admitted temporally pre-political rights extends from Miller's argument that Aristotle believed in natural justice. This argument was presented above. What is central to Miller's discussion, according to Long, is that Aristotle claimed the following three points: (1) aggression
against individuals outside one’s polis is forbidden on the same
grounds of justice as is aggression against members of one’s polis;
(2) individuals who are not citizens of one’s polis have rights against
one; and (3) since justice exists wherever there is a common
association, then a certain degree of justice exists even if there were
no polis. Thus, Miller holds that “Aristotle recognizes non-political
forms of justice.”

However, if Aristotle admits of natural justice, then, concludes
Long, Aristotle must also admit pre-political rights once one
distinguishes the two senses of pre-political rights discussed above.
Clearly, Aristotle does not admit logically pre-political rights, but just
as clearly he must admit temporally pre-political rights insofar as
he admits that justice exists outside of the polis.

Miller, then, according to Long, has given away too much to
the communitarians by denying that Aristotle recognizes any pre-
political rights, for Aristotle does indeed recognize temporally pre-
political rights, such as would exist among travelers on “open
territory.”

II. Against Rights in Aristotle

Why argue that Aristotle believed in rights? Several possible
motivations come to mind. First, one could simply being
investigating a matter of interpretation. Long standing tradition
suggests that rights were only first conceived in the Middle Ages
and ancient philosophers had no such concept. To prove that
Aristotle indeed did have such a concept of rights turns this tradition
on its head. Yet, while both Miller and Long are concerned with
correcting a false interpretation of Aristotle, both have something
more in mind. Thus, a second possibility for why one might argue
that Aristotle believed in rights is to overturn a political theory
seemingly based in Aristotlian scholarship. Now, Miller and Long
seem to be doing just that. Miller, for example, spends several pages
arguing that communitarian interpretations of Aristotle are offbase.

Further, he argues that, using Aristotle, one could unite the concerns
of liberty and perfection, something which liberals might want to
do but communitarians would never want to do. Long, moreover,
contends that Aristotle’s account of human nature and the human
good “provides the most attractive foundation for a liberal political
theory,” as opposed to a communitarian political theory.

If this is indeed their goal, then the example of Sciron, then,
becomes a peculiar example. Certainly, when Long claims that
Sciron has obviously done something unjust on Aristotle’s account,
he seems to be invoking a sort of right against being harmed. Yet,
such a right, if there is one in Aristotle, need not be linked to
negative rights against interference by the community. The Sciron
example, that is, has nothing to do, or at least very little and in a
different way than thought by Long, with rights an individuals has
against the community. A just society need not be liberal in order
to hold that one cannot murder someone. In order for Long’s
discussion of Sciron to work the way he wants it to, viz to show
that individuals have rights to freedom from coercion by the state,
he would have to show that the right is not granted by the state,
that the right inheres in the individuals him/herself. By denying that
these rights are logically pre-political, however, he denies himself
the possibility of arguing for that position.

Indeed, Long’s position is not as radical as it might first appear.
Long seems to be arguing that Aristotle held that individuals have
rights outside of any political association. A brief perusal of
Aristotle’s Politics, however, would show such a claim false. In fact,
Long is arguing no such thing. Rather, Long is arguing that Aristotle
believed that rights existed outside of the polis. Yet, even in holding
this interesting thesis it is not clear that Long has made any sort of
substantive contribution to a debate between communitarians and
liberals.

Thus, one need not believe in rights in order to believe that a
person who is killed in the wild has suffered an unjust act. One need
not be a liberal, a communitarian, an authoritarian or anything else to hold such a position. The Sciron example, then, shows nothing about whether individuals are constituted by their society nor about whether the individuals has rights against the society. These questions, however, are the important questions answers to which divide Miller and Long from MacIntyre and Taylor.

III. Liberals and Communitarians

Central to their rejection of communitarianism is the value that Miller and Long place on the idea and practice of the freedom of the individual. Thus, Miller uses his rights theory to support his thesis that Aristotle was a moderate individualist. Long, moreover, argues that Aristotle had a conception of freedom which supports a liberal politics. What view of communitarianism do Miller and Long target when they claim that Aristotle was concerned with individual liberty?

Miller begins by holding that liberals have been rebuffed by communitarians who believe that "the community has the right to enforce its moral values upon its members," that, further, communitarians attack the "modern liberal notion that individuals have rights to 'negative liberty': i.e. the right to act free of coercion or harm from others, so long as their actions do not harm or coerce others."24 Liberals, on the other hand, hold that states must respect and protect the rights of individuals.

Moreover, according to Miller, communitarians argue that individuals "are deeply dependent on the community for their moral development, their sense of self-identity and self-esteem, and their ability to lead lives with unity and meaning."25 While he recognize that the arguments of communitarians vary and are complex, he holds that they contain common elements. Among these common elements, according to Miller, are ideas that individuals come to understand themselves through words and concepts which they acquire through 'communities such as those of the family, the neighborhood, the city, and the tribe,' and that they come to lead lives which have meaning and unity through customs, practices, and virtues whic they have learned from their community.26

Miller interprets these "communitarian" claims to mean that the individual is "utterly dependen" on the community, and further, that because of these claims communitarians argue that individuals must "obey the dietates" of their community.27 Yet, his footnotes to these claims cite no one who makes them. Rather, he cites F. H. Bradley for claiming that the individual is what he is because of his community and asks one to refer to Taylor's article on "Atomism."28 Taylor's discussion of atomism, however, does not in any way defend an authoritarian society. Nor does he claim that individuals are utterly dependent on society. Rather, he argues that individuals are constituted, in part, by society—but not in a deterministic way.

Miller further calls the communitarian society an authoritarian society. Moreover, he describes such an authoritarian society as one in which "individuals must conform to their social roles involuntarily or without reflection or by repressing any objections they may have." Such a society, he claims, prevents the full actualization of the human potential of individuals. Yet, again, Miller cites no arguments or passages from anyone among the communitarian camp who might hold this position.

Miller does, however, provide evidence for the claim that communitarians believe that "the community is not bound by the individual rights of individuals championed by liberals."29 His evidence is two examples provided by Michael Sandel, another communitarian. On the one hand, he argues that communitarians are more likely to regulate the economy, including regulating plant closings because of their effects on communities. On the other hand, he holds that communitarians would be more likely to censor pornographic publications then would liberals.30 That communitarians believe in the right of the community to regulate the economy and the sale of pornographic materials does not entail
necessarily that communitarians believe any of the more substantive claims Miller ascribes to them. In particular, such beliefs do not entail further beliefs that the individual is utterly dependent on society, that society is authoritarian or that individuals lack opportunities for full actualization. In short, nothing that Miller provides as evidence here shows that communitarians reject the value of freedom completely as he argues they do.

Rather than simply denying that Miller’s argument is invalid because of a lack of sources, however, I want to go a step further and show that at least two of the communitarians he discusses hold completely different views. In particular, I am interested in briefly showing that Alasdair MacIntyre and Charles Taylor do not propose authoritarian political regimes. I do so briefly because the focus of this discussion is whether Aristotle is a moderate individualist and, therefore, a forerunner to liberalism. The discussion of MacIntyre and Taylor simply point us to an option not recognized or considered in Miller’s analysis of holism and individualism which I will discuss next.

Certainly both MacIntyre and Taylor reject a liberal society understood as a non-perfectionist society which purportedly remains neutral between competing conceptions of the good and which emphasizes negative rights over the community. They reject the idea that John Rawls makes central to the liberal society: the inviolable sphere of individuals against which the community has no recourse.

Neither author, however, endorse an authoritarian society. Both argue against atomism. Atomism is the political idea that individuals exist as atoms in a vacuum, that individuals can be properly conceived as such, and that such a conception is the proper starting point for determining a just society. Taylor argues, on the other hand, that two conceptions of liberalism can be found in the history of modern political thought. One conception is based on atomism and the idea that the state is to protect the individual from harm form others by defending negative rights—rights of non-

interference. A different liberalism, though, promotes autonomy through positive rights and an emphasis on how the community shapes that autonomy through providing the individual with the necessary materials to develop into an autonomous individual. Taylor clearly defends that second, perfectionist liberalism. That is, Taylor does not reject freedom but embraces a political theory which actually promotes freedom. This political theory, however, recognizes the value and necessity of a society in the formation of the individual.

MacIntyre did not address the value of freedom per se until only recently. In his Dependent Rational Animals, he defends a conception of the human person which recognizes that individuals need both virtues of dependence and virtues of independence. Yet, even in his earlier writings which provide such a strong rejection of atomistic liberalism, one can find the seeds for his current view. After Virtue, for instance, ends with a cry for a return to the virtues in which human beings can flourish. An oft overlooked essay, his 1985 address to the American Philosophical Association, defends the ability of communities to resist tyrannical power through a proper embracing of the community and a recognition of the necessarily communal natures of human beings. Thus, neither MacIntyre nor Taylor embrace, defend, or suggest that Aristotle defends an authoritarian society as described by Miller.

What, then, are the differences between Miller and Long, on the one hand, and MacIntyre and Taylor, on the other? Or, if MacIntyre and Taylor recognize the importance of the individual, do they end up agreeing or holding the same position as Miller and Long? No. MacIntyre and Taylor hold a peculiarly Aristotelian position which recognizes the essential need of particular communities for individual human flourishing, a position which cannot sacrifice the community for the individual because such a sacrifice would only destroy the individual in the end. To recognize
this position as an Aristotlian position is more than simply a matter of interpretation. Rather, to defend the Aristotelian conception here is to reject the “close-to-liberal” interpretation that Miller and Long have provided of MacIntyre and to restore a non-liberal, non-authoritarian, positive conception of the community as an alternative political theory in contemporary debates. To provide this defence I shall now examine Miller’s arguments for claiming that Aristotle was a moderate individualist. In so doing, I shall show that Miller has left out a fifth possible position in the wholism-individualism continuum which is, I shall argue, properly Aristotle’s as opposed to the position Miller attributes to Aristotle.

IV. Aristotle-A Moderate Individualist?

The following argument goes beyond what communitarian argument in two ways. First, I elucidate the communitarian argument and apply it to Miller’s interpretation of Aristotle’s Politics. This is important because Miller can only make his claim that Aristotle is a moderate individualist because of a fundamental misunderstanding of the communitarian argument. Second, I take Miller’s interpretation of Aristotle and use Aristotle’s own words to (a) reject Miller’s interpretation and (b) support a communitarian interpretation. Thus this section makes specific replies to Miller’s interpretation of Aristotle as a moderate individualist outside of the framework provided by MacIntyre. In order to do this, though, I must first distinguish between moderate holism and moderate individualism, as Miller does.

A. Moderate Individualism or Eudaimonia

According to Miller, the view of moderate holism is 1) a rejection of the strict requirement of individualism that the perfection of each member of the polis is important and 2) the belief that the political good is a collective good.34 The view of moderate individualism, in contrast, 1) claims that each and every citizen should achieve well-being, and 2) other regarding virtue’s are essential for individual perfection.35

A certain inconsistency appears in Miller’s distinction between moderate holism and moderate individualism. While moderate individualism is said to respect value both community and the individual, moderate holism is said only to value the community. What immediately jumps out when looking at Miller’s distinction between moderate holism and moderate individualism, then, is the lack of a positive role for the community. On the side of moderate holism, the state wields power oppressively. The belief that the good is a collective good suggests that some good outside that of the good of individuals within the community which dogmatically overrides the achievement of the good by individuals. In contrast moderate individualism promotes the achievement of individual goods and recognizes that such achievement requires other-regarding virtues. Yet, it does not provide any role for or recognize the existence of a properly collective good nor, more importantly, a positive role for the state. If we remain limited to these two options, then the political community is seen as either oppressive or a defender of negative rights. A third option becomes available once this oddity is pointed out.

This third position, which I shall refer to as synergism, holds that (1) the perfection of each member of the polis is important, (2) said perfection can only be achieved within a political community, broadly understood, and (3) individuals can only exist within and through a community.

On the one hand, synergism, as I have defined it, differs from moderate holism in that it requires or sees the importance of the perfection of each member of the political association, whereas moderate holism does not. The political good is the collective good, on this account, because the political good is the perfection of each
member of the political association. Aristotle holds that “[e]ven if it is possible for all to be good (collectively), without each being good individually, the latter is preferable, for if each individual is good it will follow that all (collectively) are good.”

On the other hand, synergism differs from moderate individualism in that it sees that, not only are other regarding virtues necessary for individual perfection, but that individual perfection can only occur within a particular community. One can have other regarding virtues while being an atomistic individual. Synergism denies that such atomism is possible. The dichotomy which Miller draws between moderate holism and moderate individualism is a false one, then, because a third (really fifth, but I am not considering extreme holism or extreme individualism) view of the relation between the individual and state exists. This third relation I hold is Aristotle’s.

B. Aristotle and Synergism

Why do I hold that this position is properly Aristotle’s? Miller, for instance, favorably quotes a passage which argues that for Aristotle “the individual is the primary reality.” Clearly, we can see that the individual is not the primary reality, however, particularly in the social world. Consider the following passages:

“We many now proceed to add that the city is prior in order of nature to the family and the individual. The reason for this is that the whole is necessarily prior to the part. If the whole body is destroyed, there will not be a foot or hand...”

One might easily interpret this passage to mean that an individual is not a human being without a polis. This much disputed passage needs further consideration, though. The passage might more properly mean that an individual human being cannot flourish without a polis. The polis is necessary for the development and flourishing of the individual. It is prior because it leads to the end.

Such an interpretation finds a mirroring sentiment in the following passage:

“This second question - unlike the first which raises the issue of what is good for the individual... is a matter for political thought and political speculation;... There is one thing that is clear about the best constitution: it must be a political organization which will enable anyone to be at his best and live happily.

The political organization which is best is so because of its ability to aid the individual to achieve eudaimonia. Further, this question is a political question - the happiness of the individual is not private matter but a political and public matter.

For this reason (that human beings are social animals) people desire to live a social life even when they stand in no need of mutual succor; but they are also drawn together by common interest, in proportion as each attains a share in the good life. The good life is the chief end, both for the community as a whole and for each of us individually.

This passage not only affirms the interpretation of the earlier passages but points out that the community as a whole has an end. That end is the happiness of each. But this fact means that the community must be protected as well as the individual - for without the community, the individual ceases to flourish. According to Aristotle, the individual isolated from the community by its own nature cannot be a human being. Further, to be a human being at all one must be a part of a polis. But this does not mean that the individual is in some sense less important than the polis. “Even if it is possible for all to be good collectively, without each being good individually, the latter is preferable, for if each individual is good it will follow that all [collectively] are good.” Further,

The conclusion which follows is clear: those constitutions which consider the common interest are right constitution.
judged by the standard of absolute justice. Those constitutions which consider only the personal interest of the rulers are all wrong constitutions, or perversions of the right forms. Such perverted forms are despotic; whereas the city is an association of freemen.\textsuperscript{44}

What we come to realize is that, for Aristotle, the \textit{polis} and the individual human being are equiprimordial. That is, one cannot exist without the other. This equiprimordiality means, then, that the individual is constituted in some part by the \textit{polis}. Such a constitutive element of the individual is exactly what Miller misses in his description. Further, it is exactly this constitutive element of individuals which MacIntyre claims “rights” talk tries to cover over. I agree with Miller that Aristotle values the individual - he differs from Plato there. Yet, I disagree that he has an individualistic conception of society. Rather, the society and the individual are mutually constitutive.\textsuperscript{45} Insofar as Miller ties Aristotle’s conception of rights to some modern individualistic notion, he fails to capture the essence of Aristotle’s political theory. Yet, insofar as rights are rights exercised within a \textit{polis} and aimed toward the perfection of the individual within a community, then Miller is correct. Aristotle gives room both to the individual citizen and the \textit{polis}. Aristotle would hold that without such support, the individual also disappears.\textsuperscript{46} Thus, the division between holism and individualism presents a false dichotomy which Aristotle would reject.

MacIntyre attacks the notion of natural rights because it emphasizes the individual as separate from a tradition from which he gains a conception of the good, of what is right and wrong. The modern notion of natural rights, according to MacIntyre, was an attempt to establish the individual as the source of moral authority; but all such attempts have failed. “On the traditional Aristotelian view such problems do not arise. For what education in the virtues teaches me is that my good as a man is one and the same as the good of those others with whom I am bound up in community.”\textsuperscript{47}

According to MacIntyre “[w]e live our lives, both individually and in our relationships with each other, in the light of certain conceptions of a possible shared future, a future in which certain possibilities beckon us forward and others repel us...”\textsuperscript{48} How we live depends on the conceptions we have of our future which is shared with others: “For I am never able to seek for the good or exercise the virtues only qua individual.”\textsuperscript{49} Individuals cannot do so not only because the circumstances of individuals change, but also because all individuals approach their own circumstances as bearers of a particular social identity.\textsuperscript{50}

While one might reasonably object to MacIntyre’s sweeping claim about individualism in modernity, his discussion returns us to an important and lost view of the relationship between the individual and society. Many liberal replies to “communitarians” miss this essential point, viz that individuals are constituted by particular societies. What is important about society from an Aristotelian perspective is not that an individual has associations which she may enter or exit. What is important about society, or what I have been calling political associations, is that they allow the individual to form. Without particular societies, particular persons could not and would not exist.

The example of the hermit is a telling case here. Some might claim that the hermit is, rather an example of someone living without society – an example of someone pictured by liberalism as one who enters and exist various political and communal associations. Such a view is distorted, however. The hermit is a hermit for someone or, more appropriately, for some group of people. First, a hermit can only be called a hermit in reference to some political community; second, a hermit is a hermit because and insofar as the hermit rejects the dominant mode of living of a particular political community and in fact lives as an example to that particular political community of a virtuous life defined in response to that particular political community.\textsuperscript{51} Moreover, the hermit cannot exist as a human being without having lived in some
political community or other. That is, the hermit, just like every other human being, was not simply naturally a part of some political community - a family for example - but is the kind of human being he is because he was part of a particular political community - this family living at this time with these sorts of beliefs. What many liberal readers of communitarianism miss is this simple fact of the essential constitutiveness of the individual by the society. To claim that human beings exist naturally in some association or other is not enough to capture the meaning of this important insight, for the insight points to the very fact that who and what we are, how we act and live, and how and (to some extent) what we think arise out of the possibilities engendered by the communities of which we are a part. Thus, we do not see very many hermits in contemporary America.

This debate concerns, then, the question of what it means to say that an individual cannot exist without society. There are at least three possible understandings of this claim: (1) human beings exist only in political community, (2) human beings only exist in a polis; and (3) human beings exist naturally in some political community or other. To argue that Aristotle is a moderate individualist, Miller need not deny (and does not deny) 3 - that is, that human beings exist naturally in some association or other. And this interpretation is not a very interesting interpretation anyway. Miller does deny, and so do I, interpretation 2 - that human beings must live in a polis per se. Obviously, ancient Greeks are not the only human beings ever to exist. I argue, in fact, for interpretation 1: that human beings, in order to be individual human beings, must live in some specific political community. Miller's discussion of moderate individualism, however, leaves open the possibility for option three, that human beings naturally form associations of one sort or another. Such an understanding of the relationship between human beings and society is too weak, nor does it adhere to the understanding of that relationship as defended and explained by Aristotle in the Politics.

IV. Conclusion

The value of the individual is fairly well established within Western democracies. What fails to maintain any support is the community. As claims to privacy and freedom of expression find greater support and larger interpretations in the courts, traditional ways of life which attempt to maintain a moral order are undermined. On the other hand, various groups and cultures attempt to impose their moral orders on others which we in the West find appalling. How is one to respond to practices of, for example, whale hunting in the name of religious beliefs while maintaining respect for different ways of life? These questions are pertinent and urgent for our world. Such questions hinge on the debates about the value of the individual and community and the relationship that should be maintained between the two for (global) human well-being.

This paper addressed the underlying issues in these debates by examining Fred Miller's defense of an interpretation of Aristotle as a moderate individualist. These arguments were supported by Long who held that Aristotle admitted pre-political rights. Yet, we saw that rights based on nature can only exist insofar as there is a polis.

Rights are natural in Aristotle insofar as they promote the end of the polis, which is individual well-being. Further, they exist only within a polis, and Aristotle would not admit of rights in a state of nature.

I think the concern with finding natural rights in Aristotle, of any sort, is one of polemics. As Miller goes to lengths throughout his manuscript to argue, he wants to bring Aristotle closer to liberal thinkers such as Locke, without claiming that Aristotle was himself a liberal. By calling these civil rights based on natural justice natural, he (purposively or not) makes the connection between Aristotle and Locke seem rather strong. That connection, however, is one of mere illusion. the important issues which surround this debate, and which give Miller's work its contemporary importance, remain divisive issues between communitarians and liberals. That is, neither
Miller nor Long have provided any evidence for undermining either the historical or theoretical arguments of communitarians against liberalism. Aristotle still provides a firm foundation for a political philosophy happily bereft of rights-talk and foundation for a new vision of society.

But how does this discussion aid in the more general issue concerning the relation between individual rights and community preservation? The communitarian position relies on a historical basis in Aristotle who claims that human beings are political animals. This claim about the political nature of human being is generally interpreted to mean that the individual is not an inviolable sphere within a conglomeration of other inviolable spheres. Indeed, Aristotle holds that human beings only exist within a polis, or community, that the individual and the community are equiprimordial, but that the polis is ontologically prior to the individual who is constituted by the community. Yet, as noted in section II, the polis must aim at the good of individual human beings - or members of the polis. That is, the community must be protected in order to allow the flourishing of its members.

A two-fold conclusion may be drawn which will point to the need for further discussions. First, those societies that do not allow for the flourishing of their members are to be judged bad societies. Good societies, and good human beings, should fight against such “oppressive” constitutions. Further discussion, then, needs to focus on how to determine what counts as aiding and what counts as obstructing human flourishing. Second, “rights” must be recognized as attaching to members of societies and not to human beings as such. Thus, when rights violate the good of the society - when they impose upon the possibilities of human flourishing - then they must be curtailed in favor of the common good. We must recognize a fundamental distinction between what I call freedom and liberty: that is, between political autonomy and unabridged license to act. What is necessary for human flourishing is political autonomy, and rights or liberties are defined in terms of supporting that autonomy in accord with the good and the historical situation of the particular community. We must come to understand that freedom can be maintained without emphasizing or, as in the case of the United States, over-emphasizing the importance of liberty. We should have the freedom - The real freedom - to choose the sort of community in which we wish to live. What liberties that community decides in fair discussion as important for well-being should be protected. My point is that further discussions of these matters should be informed by the philosophy of Aristotle’s Politics.54

REFERENCES

2. Miller, 197.
4. Ibid. 40.
5. Ibid, 41. Miller actually writes “and.” I have changed this because the two senses of teleological-naturalism can be separated. Miller fails to see this because he only looks at cases where the two are combined: for example, in claiming that the polis is natural, Miller claims that it both results from the natural impulses of human beings and that it promotes human well-being.
6. Ibid. 77. cfr: Politics, 1252b30-1253a40.
7. Miller, 123.
8. Ibid.
9. Ibid.
11. 1283a15.
12. Miller, 124. He cites Newman, Barker, and Susemihl and Hicks in support of this interpretation.
13. Long, 780.
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14. Long, 785. Long designates these as prepolitical \(_1\) rights (prior to political rights) and prepolitical \(_2\) rights (enjoyed by inhabitants of a pre-political state). I shall refer to them as logically prepolitical rights and temporally pre-political rights.

15. Long, 785; Miller, 88.


17. Miller, 84.

18. Ibid. Long refers to Nichomachean Ethics 1107a9-26 1155a16-31: "... Members of the same race, and human beings most of all, have a natural friendship for each other; that is why we praise friends of humanity. And in our travels we can see how every human being is akin and beloved to a human being...."

19. Ibid.

20. see, Nicomachean Ethics, 1169b17-19.

21. Long, 784. Confer: Politics 1324b22-36, 1333b26-40, 1275a7-10; Nicomachean Ethics 1159b34-1160a8, 1161b4-8; Eudemian Ethics 1242a19-28

22. Miller 122n. 97; Long 785.

23. Long 802.

24. Miller 361.

25. Miller 362.


27. Ibid


29. Ibid.


34. Miller, 197.

35. Miller, 200-1.


38. Zeller is making a comparison between the social world and basic metaphysics. In metaphysics, Aristotle rejects the universal and declares the individual as primary reality. While this is true in word, I am not sure it means the same thing as we understand it to mean. It seems to me that the individual still has ties to a universal in which the individual is what it is because of the universal. The true primacy of the individual was achieved with nominalism in which the individual had no ties to other individuals. However, this is beyond my capacity to argue and I only offer this as a question.


40. I would like to thank Professor Jan Garrett of Western Kentucky University for pointing this out to me.

41. 1324a19-21.

42. 1278b25-26.

43. 1332a37.
44. 1279a19-21.
47. After Virtue 229.
48. MacIntyre 215 (200-1).
49. Ibid. 220 (205).
50. Ibid. 222 (206).
51. In this section, I use the terms association, society, and polis interchangeably.
52. I would suggest looking at the work of Martha Nussbaum in this regard, among others.
53. Such a distinction is made in the Politics. Miller notes this distinction and relates it to the distinction between eleutheria and exousia. But the distinction seems to be one within eleutheria (freedom) and liberty (exousia) appears to be a subcategory of eleutheria. But this distinction must be updated from Aristotle to incorporate the important insights of Christianity and liberalism within a discussion of freedom and liberty.
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