

Aristotle and the Scope of Justice

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It is often thought that Aristotle restricts the scope of justice to existing communities. Against prominent treatments of this problem, this paper argues that while Aristotle does indeed restrict the scope of justice, he recognizes eudaimonic reasons to cultivate co-operative and benevolent relations and to eschew manipulative and exploitative ones. His limitation of justice to existing communities thereby avoids the unsavory implications often attributed to it.

The notions of community and the common good play a central role in Aristotle's theory of justice. In both the *Eudemian* and *Nicomachean Ethics* as well as the *Politics*, standards of justice are understood in terms of what is required for the achievement of the goods that bring people together to co-operate for their mutual benefit. One attraction of this view is that shared by teleological ethical theories more generally: the rules or obligations that we are asked to accept are justified by showing how they contribute to our goals, and so their normative authority is no more mysterious than the goodness of those goals. Similarly, emphasizing the common good avoids a fundamental opposition between justice and self-interest. Instead of imposing constraints on the pursuit of our own good from some point of view fundamentally external to it, we are shown how our interests intersect, overlap, and converge, and how what we owe to each other is a function of what we share. But whatever the strengths of this sort of approach, many of Aristotle's readers have been more impressed by its apparently startling shortcomings. If justice depends on common interests, then it extends no further than the bounds of our communities. Hence, it seems, we can have no obligations of justice towards anyone with whom we are not already engaged in some kind of mutually beneficial cooperation. We are therefore free to ignore such people and to disregard whatever effects our actions might have on them. If, as Aristotle's slogan has it, "justice is the common good" (*Pol.* 3.12 1282b17), then we owe no justice to anyone to whom we do not stand in

some relation of mutual benefit.¹

My goal in this paper is to show that while Aristotle holds that justice depends on community, his view does not have the unsavory implications often attributed to it. To do this, I consider two alternative attempts to address this issue, one by extending the bounds of community to encompass all human beings, and another by appealing to virtues other than justice to transcend the limitations of community. Against the first, I argue that Aristotle does not maintain that we have actual obligations of justice to every human being. Against the second, I argue that, on Aristotle's view, none of our actual relations to other human beings falls outside the scope of justice, and although we have obligations of justice only to those with whom we are already in community, we have what I will call eudaimonic reasons to seek justice and avoid injustice in all of our relations with others. I conclude by suggesting that Aristotle's approach fares better in comparison to fundamentally impartial or rights-based theories of justice than we might initially suppose. First, however, I begin by setting out the evidence that Aristotle regards justice as dependent on community.

– I –

Aristotle associates justice and community closely throughout the *Nicomachean* and *Eudemian Ethics* as well as the *Politics*. For our purposes, the most salient feature of the view that emerges from these texts is this: there is an internal conceptual connection between justice and community because correct standards of justice are essentially those which enable the members of a community to achieve the common good for the sake of which they participate in that community. As Aristotle sees it, "every community is established for the sake of some good, since everyone does everything for the sake of what they think to be good" (*Pol.* 1.1 1252a2-3). Justice is whatever promotes and preserves that common good (*Pol.* 3.12 1282b17, *EN* 5.1 1129b25-27). So there is no sense to be given to the notion of justice outside of community. Though this view has several distinctive theoretical strengths that we should appreciate before going on to consider its possible limitations, I will first try to

¹ All translations are my own. I follow the Oxford Classical Text editions throughout.

show that it is in fact Aristotle's view.²

The clearest expressions of the thought that justice depends on community appear in the discussions of friendship in the *Nicomachean* and the *Eudemian Ethics*:

It seems, as was said in the beginning, that friendship and justice concern the same things and exist among the same people. For in every community there is a kind of justice and a kind of friendship as well. People use the term "friends," at any rate, to address their fellow travelers and their fellow soldiers, and likewise those in the other communities as well. And to the very same extent that they share something in common, there is friendship, because there is also justice (*EN* 8.9 1159b25-32).

To inquire how one should relate to a friend is to inquire about a sort of justice. For in fact, quite generally all justice is in relation to a friend, since justice exists among particular people who share something in common, and a friend is a person who shares something in common (*EE* 7.10 1242a19-22).

In both of these passages, the connection between justice and friendship is explained by the connection of each to community. The *Eudemian* passage asserts that "justice exists among particular people who share things in common," and that since people who share things in common are friends, justice exists among friends. The *Nicomachean* passage makes the same argument: justice and friendship occur together because both depend on and are entailed by relations of community. It adds that justice and friendship co-vary in degree with community, so that the more people share, the more extensive the obligations of justice between them.³ This variation in the obligations of justice suggests that justice not only presupposes a context of community, but is given its diverse shapes by the different ways in which goods are shared.

This connection between justice and community is also prominent in the treatment of justice in *Nicomachean Ethics* 5.⁴ Aristotle here distinguishes between a

² A full defense of this interpretation is beyond the scope of this paper, which aims primarily to consider the implications of this view of justice and community. For accounts consistent with mine, see Terence Irwin, *Aristotle's First Principles* (Oxford: Oxford University Press 1988), ch. 20, Fred D. Miller, Jr. *Nature, Justice, and Rights in Aristotle's Politics* (Oxford: Oxford University Press 1995), ch. 3, Richard Kraut, *Aristotle: Political Philosophy* (Oxford: Oxford University Press 2002), ch. 5, Howard Curzer, *Aristotle and the Virtues* (Oxford: Oxford University Press 2012), ch. 13, and Donald Morrison, 'The Common Good', in M. Deslauriers and P. Destrée (eds.), *The Cambridge Companion to Aristotle's Politics* (Cambridge: Cambridge University Press 2013), 179-98.

³ For the same point, see *EN* 8.9 1159b32-60a8.

⁴ Aristotle's Greek draws a fairly clear distinction between justice as a virtuous state of character (*dikaioisune*) and justice as a property of actions, laws, legal decisions, and political institutions (*to dikaion*). Ronald Polansky, "Giving Justice Its Due," in *The Cambridge*

broad or general and a narrow or particular kind of justice (*EN* 5.1 1129a26-b1).⁵ In its narrow sense, justice is equality or fairness in distributions and exchanges (*EN* 5.2 1130b30-1131a9). In its broader sense, justice encompasses the other-regarding aspects of all the virtues, not the least of which is justice in its narrow sense (*EN* 5.1 1129b25-27). Aristotle somewhat confusingly identifies justice in its broad sense with “lawfulness,” where this seems to mean not obedience to whatever laws happen to be established, but a willingness to promote the common good that he regards as the constitutive aim of laws: “the laws speak about everything, aiming either at the common advantage for all or for the best or for those in authority or in some other such fashion, so that in one way we call just those things that produce and protect happiness and its parts for the political community” (*EN* 5.1 1129b14-19).⁶ Each of the virtues, insofar as its exercise involves acting in relation to others, takes this common good into consideration and seeks to promote or at least to preserve it. Equality, the special domain of justice in its narrower sense, is therefore only one part of justice, but nonetheless an important part: “for everything unequal is unlawful, but the unlawful is not all unequal” (*EN* 5.2 1130b12-13). So we should not seek to

Companion to Aristotle's Nicomachean Ethics, ed. Ronald Polansky (Cambridge: Cambridge University Press 2014), 152 marks this distinction by using “justice” as a label for the former and “the just” as a label for the latter. I will preserve the standard English practice of using “justice” as a label for both, since I do not think this practice risks creating confusion for my purposes. It should be noted, however, that my emphasis here is primarily on standards or principles of justice, the features by virtue of which actions, laws, etc. are just.

⁵ My interpretation of this distinction broadly follows Irwin, *Aristotle's First Principles*, 424-7, Kraut, *Aristotle: Political Philosophy*, 102-4, Miller, *Nature, Justice, and Rights*, 68-74, and Charles D. Young, “Aristotle's Justice,” in *The Blackwell Guide to Aristotle's Nicomachean Ethics*, ed. Richard Kraut (Oxford: Blackwell 2006), 179-98. I discuss the role of reciprocal justice below.

⁶ We might think that obedience to positive law is primarily what Aristotle has in mind if we notice that the *Politics* has little to say about justified disobedience even in cities governed by corrupt constitutions, and seems to presume that virtuous people will be good citizens even in such cities. But there is reason to think that Aristotle's just person will seek to make his city more just to the extent that he can do so without undermining its stability (itself a necessary condition for the achievement of justice), and even countenances direct disobedience at least in extreme cases; on these issues, I largely agree with David Keyt, “The Good Man and the Upright Citizen in Aristotle's *Ethics* and *Politics*,” in *Freedom, Reason, and the Polis: Essays in Ancient Greek Political Philosophy*, ed. David Keyt and Fred D. Miller, Jr (Cambridge: Cambridge University Press 2007), 220-40; cf. Kraut, *Aristotle: Political Philosophy*, 105-8, 379-84, Christoph Horn, “Law, Governance, and Political Obligation,” in *The Cambridge Companion to Aristotle's Politics*, ed. Marguerite Deslauriers and Pierre Destrée (Cambridge: Cambridge University Press 2013), 223-46 and Andrés Rosler, “Civic Virtue: Citizenship, Ostracism, and War,” in Deslauriers and Destrée, *The Cambridge Companion to Aristotle's Politics*, 144-75.

understand all of justice in terms of equality, but we should seek to understand equality in terms of the common good.

Aristotle gives pride of place to the political community in his account of justice not because he thinks that justice exists only in political communities, but because he regards what he calls “political justice” as the paradigm and central case of justice by reference to which we should understand its other varieties (*EN* 5.6 1134a24-30).⁷ The political community can play this role because it aims at the good life for all of its members. The city’s goal is therefore the most authoritative and inclusive goal possible, and since other communities aim in some way at the means to or parts of happiness for their members, each is a sort of part of the political community (*EN* 8.9 1160a8-30; cf. 1.2 1094a26-b7, *Pol.* 1.1 1252a1-7). The paradigmatic status of political justice does not, however, entail that there is no justice where there is no city; rather, it entails only that justice in non-political communities is an imperfect manifestation of the justice proper to political community and should be understood with reference to it.⁸

On this view, standards of justice obtain in every community, and their basic structure is the same in each: justice, including but not limited to equality, is what promotes and preserves the common good. Because people with different kinds and degrees of ability co-operate in pursuit of various kinds of mutual benefit, the requirements of justice vary considerably in different forms of community. But in every case equality plays a central role because it is a central aspect of the common good in any sort of co-operative endeavor. Aristotle does not clearly explain the connection between equality and the common good, but his general view of practical

⁷ I read the second *kai* at 1134a25 as epexegetic, and hence, following Bernard Yack, *The Problems of a Political Animal: Community, Justice, and Conflict in Aristotelian Political Thought* (Berkeley and Los Angeles: University of California Press 1993), 134 and *contra* Miller, *Nature, Justice, and Rights*, 74, as identifying “justice without qualification” and “political justice”; this interpretation is admissible by the grammar and makes better sense of the paradigmatic role given to political justice in the clauses that follow, which understand other forms of justice in terms of their resemblance to political justice; on this relationship of resemblance, see Marco Zingano, “Natural, Ethical, and Political Justice,” in Deslauriers and Destrée, *The Cambridge Companion to Aristotle’s Politics*, 203-5 and, more generally, Marco Zingano, “The Conceptual Unity of Friendship in the *Eudemian* and the *Nicomachean Ethics*,” *Apeiron* 48.2 (2015), 195-219.

⁸ Compare the relationship between the varieties of friendship in *EN* 8, which are also related by resemblance to the paradigmatic variety; advantage friendships can exist even where friendships of character do not. On the “resemblance” relation more generally, see Zingano, “The Conceptual Unity.”

reason readily suggests an explanation.

Recall that “every community is established for the sake of some good, since everyone does everything for the sake of what they think to be good” (*Pol.* 1.1 1252a2-3). This claim is an application of the principle that opens the *Nicomachean Ethics*: “every craft and every inquiry, and likewise every action and decision, seems to seek some good” (*EN* 1.1 1094a1-2).⁹ Individuals participate in communities in order to achieve some good for themselves.¹⁰ Hence in every sort of community, the members have reason to seek to benefit from their participation at least in proportion to contributions they make. But the goods that we achieve in community depend on the co-operation of others. Hence each member has reason to value the contributions of others, since each member stands to benefit from those contributions. Yet each of those others also participates in order to achieve some good for themselves, and if they do not benefit at least in proportion to their contributions, then they will have less reason to co-operate or no reason at all. Hence each member has reason to seek proportionately equal benefits for those others, as well, since benefiting from participation is what gives each of those others sufficient reason to contribute. Equality is an aspect of the common good because it ensures that we all benefit from co-operation and that we all benefit those who benefit us.

⁹ Hence Aristotle subscribes to some version of the so-called “Guise of the Good” thesis, which holds that intentional (or perhaps, more narrowly, rational) action always aims at the good. It is not crucial for my purposes to pin down exactly what version of this thesis Aristotle holds; for different takes on that question, see Jessica Moss, ‘Aristotle’s Non-Trivial, Non-Insane View that Everyone Always Desires Things Under the Guise of the Good’, in Sergio Tenenbaum (ed.), *Desire, Practical Reason, and the Good* (Oxford: Oxford University Press 2010), 65-81 and Giles Pearson, *Aristotle on Desire* (Cambridge: Cambridge University Press 2012), 62-87.

¹⁰ I assume throughout this paper that Aristotle is a eudaimonist in the sense (given currency by Gregory Vlastos, *Socrates: Ironist and Moral Philosopher* (Ithaca: Cornell University Press 1991), 203 and T.H. Irwin, *Plato’s Ethics* (Oxford: Oxford University Press 1995), 52-5, among others) that he maintains that an individual rational agent’s deliberation and choice should be regulated by the fundamental goal of achieving *his own* eudaimonia, and hence that concern for the good of others is justified if and only if it contributes to the agent’s own eudaimonia. It should be emphasized, however, that this sort of eudaimonism does not reduce concern for others to a concern for oneself; both the good of others and one’s benevolent concern for them may be partially constitutive of one’s own good (for a defense of this point, see David O. Brink, “Eudaimonism, Love and Friendship, and Political Community,” *Social Philosophy and Policy* 16 (1999), 252-89). This interpretation is widespread, but has not gone without challenge (see esp. Dennis McKerlie, “Aristotle and Egoism,” *Southern Journal of Philosophy* 36:4 (1998), 531-55). I do not defend it here in part because the problem I focus on about the scope of justice would arise only in a very different form, if at all, were Aristotle not a eudaimonist in this sense.

Of course, Aristotle does not quite put it like that, and interpreting what he says about equality and the common good in this way could be misleading if it seems to suggest that people have only *instrumental* reasons to co-operate. Aristotle's conception of community and friendship is famously a much richer one that gives prominence to forms of co-operation in which the goods that people seek are internal to their shared activities and include the good of their fellow participants.¹¹ But even where the good of one friend is least easily distinguished from the good of another, it remains clear that each of the participants benefits, and an arrangement in which one member benefited disproportionately at the uncompensated expense of another would be unjust.

Aristotle applies this conception of justice throughout the *Politics*, where a necessary condition of just rule over any free person is that the ruler aim at the good of the ruled or at a good common to both of them:

Although in truth the same thing is beneficial for the natural slave and the natural master, nonetheless despotism rules with a view to the benefit of the master, and only incidentally with a view to the benefit of the slave...but the rule of children and a wife and the whole household, which we call household management, is either for the sake of the ruled or for the sake of something common to both. In itself it is for the sake of the ruled, as we see in the case of the other arts, such as medicine and physical training. But it could incidentally be for the sake of [the rulers] themselves... So too in politics... it is apparent that the constitutions that aim at the common benefit turn out to be correct so far as what is just without qualification is concerned, and those that aim at the good of the rulers alone are all mistaken and deviations from the correct constitutions; for they are despotic, but the city is a community of free people (*Pol.* 3.6 1278b32-79a2, 17-21).

To rule another person is, among other things, to decide what that person will do and abstain from doing. Slavery, as Aristotle understands it, is a relationship in which the master rules his slaves entirely for his own sake, treating them as instruments of his own action rather than independent practical agents with interests separate from his own (*Pol.* 1.4 1254a8-11-17, 1.6 1255b9-15, *EE* 7.9 1241b20-23, *EN* 8.11 1161a32-b3). Unjust distributions and exercises of political power are

¹¹ For different views of how the goods of individuals are related via common goods, see John Cooper, 'Political Animals and Civic Friendship', in *Reason and Emotion* (Princeton: Princeton University Press), 356-77 and 'Political Community and the Highest Good', in R. Bolton and J.A. Lennox (eds.), *Being, Nature, and Life in Aristotle* (Oxford: Oxford University Press 2010), 212-63, Miller, *Nature, Justice, and Rights*, 194-224, and Morrison, 'The Common Good'. My own view is closest to Miller's, but my argument here does not rely on any of its controversial details.

“despotic” because they structure the relationship of ruler and ruled in a similar way, subordinating the interests of the ruled to those of their rulers. All of the so-called “correct” constitutions distribute political office in accordance with the aristocratic principle that equals deserve equals and unequals unequals, where equality is assessed in terms of ability to contribute to the common good through the exercise of that office (*Pol.* 3.9 1280a25-81a10. cf. *NE* 5.3 1131a25-29).¹² To distribute equally without regard to ability or unequally on the basis of some other criterion would yield a disproportion of benefits and burdens, leaving the burdened parties to serve the interests of their superiors without benefiting in proportion to their contribution. This subjection of one party’s interests to another’s tends to lead to civil strife (*stasis*), undermining the stability of the city and thereby depriving the rulers and the unruly ruled alike of the conditions favorable to the pursuit and achievement of their own well-being (*Pol.* 5.2-3 1302a16-b33). Proportionate equality of benefits to burdens and contributions stabilizes the city by giving all parties reason to co-operate and benefit one another (*Pol.* 5.8 1307b26-8a13).

This approach to justice has at least three closely related strengths. First, linking justice so closely to mutual benefit guarantees that justice will have some connection to people’s reasons for action, but not so close a connection that it would be incoherent to ask whether specific agents in specific situations have decisive reason to act justly. It thus helps us to understand why justice is so important in human affairs and yet such a source of both interpersonal and intrapersonal conflict. Second, linking justice so closely to mutual benefit and to people’s reasons for action helps to specify the content of justice in different contexts.¹³ Understanding justice in terms of what gives the participants of a community reason to co-operate guides the assessment of various arrangements and outcomes in a way that merely formal principles of fairness or equality alone could not. That is not to say that the assessment becomes straightforward. Complex and difficult questions about what is

¹² David Keyt, “Aristotle’s Theory of Distributive Justice,” in *A Companion to Aristotle’s Politics*, ed. David Keyt and Fred D. Miller, Jr. (Oxford: Oxford University Press 1991), 238-78 remains the best single treatment of Aristotle’s general theory of distributive justice; it is worth emphasizing, however, that the argument of *Politics* III concerns the distribution of political office in particular and that it assesses claims of merit for office by the criterion of contribution to the common good. For an excellent discussion of the implications of this point, see Kazutaka Inamura, *Justice and Reciprocity in Aristotle’s Political Philosophy* (Cambridge: Cambridge University Press, 2015), ch. 2.

¹³ Curzer, *Aristotle and the Virtues*, 275-89 elaborates on this point in an illuminating way.

just in different circumstances persist, and judgments remain contestable. But Aristotle's practical philosophy does not aim to answer these questions so much as to show us how to approach them. Determining what constitutes a proportionate distribution of benefits and contributions in particular circumstances will frequently require a nuanced judgment, but the central requirement that co-operation should be in each person's interest considerably constrains and guides that judgment.¹⁴ Finally, understanding justice in terms of the requirements of mutually beneficial co-operation helps to explain the variety of what we owe to others. If obligations of justice depend on what will preserve equality in our co-operative endeavors, then we will owe different things to different people to the extent that we co-operate with them in the pursuit of different goals. Thus Aristotle can explain why we have more extensive and stronger obligations to our families and close friends than to our fellow citizens or to partners in economic exchange.¹⁵ So Aristotle's theory of justice preserves the practical significance of justice, guides and constrains judgments about its content, and accounts for the variety of our obligations to others.

– II –

For all that, the gains of understanding justice in this way seem to come at a great cost. The basic problem is simple: if obligations of justice are generated by shared interests in the mutual benefit to be had from co-operation, then we have no obligations of justice to anyone with whom we are not engaged in some form of mutually beneficial co-operation. We are not only free to ignore those outside our communities, but it seems that we have no reason to restrain our behavior towards

¹⁴ To be more precise, it constrains and guides that judgment in conjunction with a substantive account of the specific common good at which the members of a specific kind of community aim. Curzer, *Aristotle and the Virtues*, 277-84 illustrates this point with helpful examples.

¹⁵ Fundamentally impartial theories of justice can do this too by emphasizing that we are in a better position to benefit those with whom we stand in close relations than those with whom we do not. Such theories, however, seem to make the justification of special concern implausibly derivative; Aristotle's account justifies such concern more directly and is to that extent more intuitively plausible. For a fuller defense of this claim, see David O. Brink, "Eudaimonism and Cosmopolitan Concern," in *Virtue, Happiness, and Knowledge: Essays for Gail Fine and Terence Irwin*, ed. David O. Brink, Susan S. Meyer, and Christopher Shields (Oxford: Clarendon Press, forthcoming).

them, unless of course it turns out to be in our interest.¹⁶

It is not wholly implausible that Aristotle might have held a so-called “realist” view of inter-political relations, on which justice is wholly subordinated to or even eliminated in favor of self-interest in the relations between political communities. But at just the point where we would expect to find that view clearly expressed, we get what appears to be an unequivocal affirmation that justice extends to relations between communities. In criticizing the view that the aim of political life is to exercise power over one’s neighbors, Aristotle responds:

And yet it would perhaps seem too weird to those who are willing to consider the matter if the statesman’s task is to be able to contemplate how he might rule over and dominate his neighbors, whether they are willing or unwilling. How, after all, could what is not even lawful be characteristic of a statesman or a lawgiver? To rule not only justly but unjustly is not lawful, and it is possible to exercise power in a way that is not just...and it would be strange if there is not something that by nature is fit to be ruled despotically and something that is not fit to be ruled despotically, and so, if this is how it is, one should not try to rule over everyone despotically, but over those fit to be ruled in that way...but the many seem to think that despotic rule is politics, and they are not ashamed at practicing toward others the very thing they claim is neither

¹⁶ The view that Aristotle’s theory does not adequately recognize obligations of justice beyond the *polis* and its subordinate communities is a common and long-standing one, put forth already by Alexander Grant, *The Ethics of Aristotle*. 3rd edition. (London: Longmans, Green, & Co. 1874), 385 and W.L. Newman, *The Politics of Aristotle, Volume 1* (Oxford: Clarendon Press 1887), 562, and asserted in a broader philosophical context by T.H. Green, *Prolegomena to Ethics* (Oxford: Clarendon Press 1884), 292. A more recent influential statement of the view is found in Julia Annas, *The Morality of Happiness* (Oxford: Oxford University Press 1993) 252-3, 289, 314-6 and “Aristotelian Political Theory in the Hellenistic Period,” in *Justice and Generosity: Studies in Hellenistic Social and Political Philosophy*, ed. André Laks and Malcolm Schofield (Cambridge: Cambridge University Press 1995), 75-9; similar claims are explicitly made in Anthony Preus, “Aristotle and Respect for Persons,” in *Essays in Ancient Greek Philosophy, vol. 4: Aristotle’s Ethics*, ed. John P. Anton and Anthony Preus (Albany: State University of New York Press 1991), 215-27, Troels Engberg-Pedersen, “Justice at a Distance – Less Foundational, More Naturalistic: a Reply to Pierre Aubenque,” in *Aristotle and Moral Realism*, ed. Robert Heinaman (London: UCL Press 1995), 48-60, Donald Morrison, “Aristotle’s Definition of Citizenship: A Problem and Some Solutions,” *History of Philosophy Quarterly* 16.2 (1999), 143-65, Eugene Garver, *Aristotle’s Politics: Living Well and Living Together* (Chicago: University of Chicago Press 2011), 82, David Johnston, *A Brief History of Justice* (London: Wiley-Blackwell 2011), ch. 3, and Curzer, *Aristotle and the Virtues*, ch. 13. The view also seems implicit in prominent interpretations that do not explicitly address the question: Henry Jackson, *The Fifth Book of the Nicomachean Ethics of Aristotle* (Cambridge: Cambridge University Press 1879), 101-107, Irwin, *Aristotle’s First Principles*, ch. 20, Yack, *The Problems of a Political Animal*, ch. 5, Jean Roberts, “Justice and the Polis,” in *The Cambridge History of Greek and Roman Political Thought*, ed. Christopher Rowe and Malcolm Schofield (Cambridge: Cambridge University Press 2000), 344-65, Kraut, *Aristotle: Political Philosophy*, ch. 4, Young, “Aristotle’s Justice,” and Lloyd Gerson, “The Morality of Nations: An Aristotelian Approach,” in *Aristotle’s Politics Today*, ed. Lenn E. Goodman and Robert Talisse (Albany: State University of New York Press 2007), 77-92.

just nor advantageous for themselves. For in their own case they seek just rule, but toward others they care nothing for just things (*Pol.* 7.2 1324b22-28, 32-36).

Aristotle plainly thinks that the many are mistaken. Later on in Book 7, he writes that “military training should not be taken up in order to enslave those who do not deserve it, but, first of all, in order not to be enslaved to others; second, in order to seek leadership for the benefit of those who are ruled, but not for the sake of despotism over all; and third, to rule as masters over those who deserve to be slaves” (*Pol.* 7.14 1333b38-34a2). Though our attention is apt to fall on Aristotle’s endorsement of slavery and imperialism, for our purposes the more important point is his insistence that superior force or power are never sufficient to justify ruling others.

In these passages, then, Aristotle maintains that dominating others who do not deserve it is unjust even when those others are not members of our own political community. When he says that ruling unjustly is not lawful, he cannot mean that it is not legal or customary, for there *are* no established legal rules between political communities who are not members of an alliance or federation, and in any case the *custom* in Aristotle’s time was for victors in war to enslave at least some of the people they conquered.¹⁷ The generality of Aristotle’s claims shows that they are not concerned solely with relations between cities that have *already* formed some kind of alliance. If our city were to embark on an expedition to conquer some distant and heretofore unknown group of people, our ambitions of conquest would be unjust unless those people happened to deserve to be enslaved, and while Aristotle, to put it lightly, overestimates the number of people who meet that description, meeting it has nothing to do with how far away one lives from one’s potential conquerors.¹⁸ So these passages imply that justice extends beyond any of our existing communities. Are they consistent with Aristotle’s more general theory?

One solution to this problem would be to show that Aristotle regards all human beings as somehow sharing in community with one another. Fred Miller, in his influential *Nature, Justice, and Rights in Aristotle's Politics*, has found evidence of

¹⁷ On slavery in Athens during the Classical period, see T.E. Rihll, “Classical Athens,” in *The Cambridge World History of Slavery*, ed. Keith Bradley and Paul Cartledge (Cambridge: Cambridge University Press 2011) 52-3; as she notes, this custom was not restricted to the enslavement of non-Greeks.

¹⁸ The correct number, of course, is zero.

just such a view in both the *Eudemian and Nicomachean Ethics*.¹⁹ Immediately after arguing that “all justice is in relation to a friend,” the *Eudemian Ethics* tells us that there would be justice of a sort even if there were no polis, since “a human being is an animal that is capable of sharing things in common with those to whom he is by nature akin” (*EE* 7.10 1242a25-26). More explicitly, the *Nicomachean Ethics* claims that there can be no friendship in relation to a slave “in so far as he is a slave, since there is nothing common...so in so far as he is a slave, there is no friendship toward him, but in so far as he is a human being, there is, for there seems to be something just for every human being in relation to everyone who is able to share in law and agreement. There is friendship, too, then, to the extent that he is a human being” (*EN* 8.11 1161b3-8). Understanding these claims in light of Aristotle’s broader theory of justice, Miller reads the passages from the *Politics* as condemning aggressive foreign policy on the grounds that “foreigners are capable of some limited forms of co-operation and community...and that justice of a sort applies wherever such co-operation is possible.”²⁰ For Miller, then, we have obligations of justice to everyone with whom we *can* co-operate for the sake of a common good, and since that includes all human beings above a certain threshold of rational potentiality, justice extends to our relations with all human beings who are not radically incapacitated or undeveloped.²¹

The passages that Miller adduces in support of his view certainly suggest that the extension of justice beyond the city and its subordinate communities is not foreign to Aristotle’s thought. But it remains unclear whether they tell in favor of the idea that

¹⁹ For a similar view see Roderick T. Long, “Aristotle’s Conception of Freedom,” *Review of Metaphysics* 49.4 (1996), 775-802.

²⁰ Miller, *Nature, Justice, and Rights*, 86.

²¹ The radically incapacitated are the so-called “slaves by nature”; the undeveloped are young children. Aristotle recognizes certain ways in which members of either class should and should not be treated, but he is unwilling to regard this as a kind of justice strictly speaking because the interests of natural slaves and undeveloped children are not sufficiently separate from those of their masters or parents; natural slaves and children are both in effect “parts” of their masters or parents (*EN* 5.6 1134b8-16). Thus for the masters and parents, mistreating the slaves or children is a way of harming themselves; by implication, to attack another person’s children or slaves would be to attack that person as well, and in that respect children and slaves would come under the umbrella of justice, though only indirectly as extensions of the interests of other people. Furthermore, children may generate claims of justice in their own right by virtue of their as yet undeveloped rational potentiality. Thornton Lockwood, “Is Natural Slavery Beneficial?” *Journal of the History of Philosophy* 45.2 (2007), 207-21 provides a helpful account of these points.

we have obligations of justice to all human beings. If we owe justice to others in virtue of sharing goods with them, then it is hard to see why merely *possible* relations of mutual benefit would generate any *actual* obligations. But if obligations of justice are merely possible, then they cannot constrain our action. Granted that we will take on obligations if we co-operate, those duties cannot give us reason to co-operate. Compare promises. Suppose that if I make a promise to you, I thereby acquire an obligation to do whatever I have promised. From the possibility that I might acquire an obligation, it does not follow that I have that obligation. Nor does the possibility of acquiring an obligation give me any reason to make the promise that would generate it. On the contrary, it often gives me reason *not* to make that promise. So the mere *possibility* of community with all human beings does not resolve our problem: for all that possibility shows, we are still free to disregard the effects of our actions on those with whom it does not seem to be in our interest to co-operate.

A second approach to this problem has recently been elaborated by Howard Curzer. For Curzer's Aristotle, the possibility of community with others is important, but insufficient for justice: "we must be open to the possibility of having justice-duties toward anyone. But Aristotle does not think that we actually already have justice-duties to people who are outside of our friendships. We may try out our new swords upon non-friends without acting unjustly."²² Curzer does not think that Aristotle's view on this matter is inconsistent; when he denounces militaristic foreign policy, Aristotle is claiming "only that if a country conquers its neighbors and rules them despotically, it will be sucking them into an uncaring and unjust civic friendship."²³ So ruling one's neighbors despotically will indeed involve injustice, but only because it will establish a community in which some people's interests are subjected to those of others.²⁴

As Curzer sees it, this qualification does not go very far toward remedying the defects of Aristotle's theory: we can try out our new swords on strangers without treating them unjustly because being on the receiving end of a samurai slice does not

²² Curzer, *Aristotle and the Virtues*, 287, alluding to the samurai custom of "trying out one's new sword on a chance wayfarer" discussed in Mary Midgley's often anthologized "Trying Out One's New Sword," originally published in Mary Midgley, *Heart and Mind* (Brighton, Sussex: Harvester Press, 1981).

²³ Curzer, *Aristotle and the Virtues*, 286.

²⁴ Morrison, "Aristotle's Definition of Citizenship," 155 takes much the same view.

establish a friendship. He offers some more modern and more familiar examples: seizing the possessions of “impoverished people in the third world,” cheating them in economic transactions, or paying them extremely low wages.²⁵ Curzer’s Aristotle cannot maintain that anyone who does these things acts unjustly. This deficiency may, however, be mitigated to some extent by the virtue of liberality, which on Curzer’s understanding is essentially a matter of “helping others over and above the requirements of justice.”²⁶ Liberality is a necessary, and not merely optional, component of human flourishing, and distant people in extreme need are especially suitable candidates for the liberality of prosperous people. So the limitations of Aristotle’s theory of justice do not set the boundaries of moral concern at the boundaries of our communities.

Nonetheless, for Curzer, Aristotle’s view retains what he calls “the hideous implication that we may treat non-friends without any concern for justice.”²⁷ Avoiding this implication would, he suggests, require adopting a rights-based theory on which one’s bare humanity entails rights to “a fair compensation for injury, or a fair price of goods, or a fair share of resources.”²⁸

– III –

I want to argue that we need not be led into Curzer’s severely limited view of the scope of justice by rejecting Miller’s alternative.²⁹ We can begin by noting that

²⁵ Curzer, *Aristotle and the Virtues*, 287.

²⁶ *Ibid.*, 287. For Curzer’s interpretation of liberality, 83-108. We might doubt that liberality and justice can come apart for Aristotle, since he identifies justice in the broad sense with the other-regarding aspects of all the virtues, but nothing in my argument depends on this point.

²⁷ *Ibid.*, 289.

²⁸ *Ibid.*, 274.

²⁹ I here ignore the further approach taken by Zingano, “Natural, Ethical, and Political Justice,” 216, who writes that Aristotle’s occasional appeals to the injustice of certain acts taken against people outside of our communities have the effect of “drawing the limits of morality, setting up boundaries of acknowledgment of other people as worthy and deserving of respect.” If Zingano supposes that Aristotle recognizes desert or respect as non-teleological reasons for action that constrain the pursuit of *eudaimonia* – an interpretation suggested by his description of these boundaries as “moral bedrock” – I object that this is an un-Aristotelian conception of practical reason (about which I agree with Richard Kraut, “Doing Without Morality: Reflections on the Meaning of *Dein* in Aristotle’s *Nicomachean Ethics*”, *Oxford Studies in Ancient Philosophy* 30 (2006), 169-200). If Zingano supposes instead that these boundaries of acknowledgment are grounded in teleological reasons for action, then we

paying low wages or unfair prices for goods – Curzer’s examples – hardly seems to fall outside the realm of community. Economic exchange and wage labor are, in fact, clear cases of co-operation in which each party seeks to benefit in proportion to what he contributes, and so these relations are, by Aristotle’s lights, straightforwardly governed by standards of justice. Aristotle takes “exchange communities” as a paradigmatic context for reciprocal justice (*EN* 5.5 1132b31-33b28).³⁰ He clearly thinks that an exchange of goods can be just or unjust whether or not the parties to the exchange are members of the same political community and whether or not they have an established relationship of trade over time.³¹ A one-off exchange of shoes for a house between people who have never before and will never again interact with one another may be the most tenuous form of community that we can imagine, but nothing in Aristotle’s account suggests that it is not precisely that: a tenuous and very short-lived form of community.³²

still require an account of what those reasons are, and that is the kind of account I try to develop in this paper. I also pass over the attempt by Pierre Aubenque, “The Twofold Natural Foundation of Justice According to Aristotle,” in *Aristotle and Moral Realism*, ed. Robert Heinaman (London: UCL Press 1995), 35-47 to attribute to Aristotle the view that all human beings have equal rights to life, health, and property; the objections to Aubenque in Engberg-Pedersen, ‘Justice at a Distance’ seem to me to be conclusive.

³⁰ The role of reciprocal justice in Book 5 continues to divide interpreters. It is especially unclear whether reciprocal justice is supposed to be a third distinct variety of particular justice, a dimension of corrective justice, or a principle that underlies all forms of particular justice; similarly, it is unclear whether the principles of reciprocal justice apply only to relationships of commodity exchange or are in some way foundational for communities of mutual advantage more generally. For competing answers to these questions and discussion of the difficulties involved, cf. Yack, *The Problems of a Political Animal*, 136-7, Scott Meikle, *Aristotle’s Economic Thought* (Oxford: Oxford University press 1995), 130, 140-2, Miller, *Nature, Justice, and Rights* 73-4, Kraut, *Aristotle: Political Philosophy*, 151-6, and Polansky, “Giving Justice Its Due,” 163-7. I need not resolve any of these disputes here. What is essential for my argument is only that Aristotle recognizes proportionate reciprocity as a standard of justice in exchange relations, and on that point commentators agree.

³¹ Curzer, *Aristotle and the Virtues*, 252 denies that economic exchange qualifies as friendship on Aristotle’s view, and hence implies that it does not amount to a form of community either. He attempts to explain away the passages from *Nicomachean Ethics* V on the grounds that the parties to an exchange are fellow citizens and hence members of a “civic friendship,” but Aristotle explicitly denies that commodity exchange occurs only within cities: at *Pol.* 3.9 1280b17-23, he famously describes a community of “exchange and alliance” that he insists would “not yet be a city,” and he recognizes that many human beings live in non-political societies (this is one aspect of his distinction between *polis* and *ethnos*, e.g., *Pol.* 1.2 1252b19-20, 1.9 1257a23-5, 2.2 1261a27-9, 3.4 1276a27-9, 5.10 1310b35, 7.2 1324b9-12).

³² Curzer’s principal argument against seeing exchange relations as communities or friendships is that the parties do not pursue a common goal. But the common goal they seek is a mutually beneficial exchange. I defend the genuinely communal status of exchange

So the first point is that the scope of community extends just as far as co-operative interaction does, and since standards of justice apply to every community, justice extends as far as co-operative interaction. But exchange communities can help us to appreciate a second crucial point, as well. The justice or injustice of an exchange is wholly a matter of whether the goods that the parties exchange are of a proportionately equal value. It makes no difference whether the parties previously stood in some relation of mutual benefit or whether each of the parties might benefit *more* from cheating the other than from offering a fair return. The justice or injustice is a feature of the exchange, and asking whether the exchange is just differs from asking whether it is one that either of the parties has decisive reason to pursue.³³

The same is true of other varieties of justice in other kinds of community. Considered on its own, Aristotle's conception of justice as equality and the common good is consistent with a theory of rationality on which we regularly have reasons to be unjust. The proponent of such a theory need not deny that certain actions are just simply by virtue of denying that some range of agents has decisive reason to take those actions.³⁴ So too, even if Aristotle thinks that a person has obligations of justice only toward others with whom he has already entered into some co-operative endeavor, any interaction between separate human beings will be unjust if one of them benefits disproportionately at the expense of the other. In other words, justice is *possible* wherever people can co-operate together for the sake of a common good; but *injustice* is *actual* whenever people interact contrary to their mutual benefit.

Aristotle's theory therefore faces no obstacles to describing exploitative economic practices or the initiation of military force as unjust even when the parties are not antecedently members of some form of community. Nor is it simply, as Curzer

relations at greater length in David J. Riesbeck, *Aristotle on Political Community* (Cambridge: Cambridge University Press 2016), ch. 2.

³³ Hence I disagree with Kraut, *Aristotle: Political Philosophy*, 156, who writes that "the justice of requiring someone to make an equal return for a good he has received can only be recognized when one looks at the transaction from a larger perspective." Provided that the justice in question is the justice of making an equal return – rather than, as Kraut's formulation might suggest, the justice of a law *requiring* someone to make an equal return – then Aristotle's analysis does not suggest this sort of limitation, and it would make an ill fit with his recognition of just and unjust exchange relations between people who are not fellow citizens (see note 31 above).

³⁴ Compare the conception of justice elaborated by Glaucon in *Republic* II. On his view, perpetrators of injustice do not deny the injustice of their acts, they simply see no good reason to refrain from injustice when they can be reasonably assured of getting away with it.

suggests, that these actions initiate unjust forms of community. We might, for instance, attack another city and kill all of its inhabitants in order to clear up space for a colony. There would be nobody left over to be subjected to an unjust form of “civic friendship,” but Aristotle would pretty clearly regard this as unjust. If he regards the enslavement of naturally free people as unjust on the grounds that it harms them, he could hardly condone the slaughter of such people on the grounds that it does them no harm, and such a judgment would clash with his explicit limitations on acceptable reasons for going to war (*Pol.* 7.2 1325a5-10, *EN* 10.7 1177b5-12). Moreover, master and slave are not as such partners to any kind of friendship or community, let alone a civic or political friendship. A master treats his slaves as tools without any interests separate from his own; there is no common good between master and slave, because the slave’s good is simply a function of the master’s good.³⁵ Aristotle thinks that some slavery is just because he thinks that there are people who actually benefit from this sort of relationship. Naturally free people, however, are not benefited by it, but harmed, and their enslavement is unjust because their masters do not aim at their common good but instead subordinate their slaves’ good to their own. Unjustly enslaved people are not being forced into contributing disproportionately to unjust political communities; they are instead being denied genuine membership in community altogether.

So Aristotle’s theory does not imply that “we may try out our new swords upon non-friends without acting unjustly.” The essence of injustice is the instrumental subordination of one person’s good to that of another, and using other people to test out our weapons plainly meets that description.³⁶ For all that, it may yet be right to say that “we may treat non-friends without any concern for justice.” Granted that some way of treating people outside our communities would be unjust, that may not constitute a reason not to treat them that way. Aristotle’s theory of justice seems to make the *reasons* that we have to act justly toward others – what I have been calling obligations of justice – hang on the role that promoting and preserving some common good plays in promoting and preserving our *own* good. So even if acting toward

³⁵ *EN* 8.11 1161a32-b3 denies that master and slave have a common good, while *Pol.* 1.6 1255b9-10 and 3.6 1278b33-4 insist that, in the case of natural slaves, “the same thing is beneficial” to both. On the consistency of these claims, see Lockwood, “Is Natural Slavery Beneficial?”.

³⁶ Aristotle would likely have denounced this sort of behavior even toward slaves, though not for reasons of strict justice (see note 21 above).

others in ways that are not mutually beneficial is *ipso facto* unjust, we may nonetheless conceivably lack obligations of justice towards those who are not members of any of our communities, since there is no common good in which we and they share that gives us both reasons to seek justice in our relations with one another. To adapt Curzer's example, we would act unjustly if we were to defraud some distant group of people of their valuable natural resources; but so long as we are not interacting with them, we have no obligations of justice to them – or, otherwise put, we have no reason to take their good into account when deliberating about what to do.

This limitation on the scope of the obligations or reasons of justice could be trivial or momentous, depending on how we understand its implications. For it might be taken to imply that we have no reason to take the good of distant peoples into account *regardless of how our actions will affect them*, and this would leave us free to treat them however we feel most convenient. Alternatively, it might be taken to imply simply that we have no reason to take their good into account *provided that our actions will not unjustly harm them*, and in this way would not amount to any significant limitation on the scope of justice. To avoid the momentous implication, however, Aristotle must recognize some reason why we should be just that does *not* appeal to a common good that we share with distant peoples. The lack of any such common good is what poses this problem in the first place, and the question we are trying to answer here is whether we have any reason to *seek* a common good with such people rather than to subordinate their interests to our own and to thereby treat them like slaves. It is, I think, just this sort of reason that Aristotle appeals to in his argument against domination as the goal of politics.

– IV –

The context of the argument in *Politics* 7.3 is a consideration of the most choiceworthy way of life at which the best sort of city should aim. Aristotle sets up a dialectic between three groups, one that advocates a purely contemplative life and two that endorse rather different versions of the life of action. One version of the active life is the life of ruling despotically over one's neighbors; the other is the life of ruling in a political way directed toward the good of the ruled. Aristotle rejects despotic rule and argues against a maximizing interpretation of the value of political rule. For our purposes, what is most noteworthy about his arguments is that they present the

injustice of these ways of life as making them less worth choosing, if not simply worthy of rejection, from the agent's own perspective. The arguments do not simply point to the harm that these ways of life do to others. They take the infliction of that harm as an unattractive feature that undermines whatever value ruling over others might have otherwise had for the agent himself.

This strategy is clearest in the recurrent appeal to what is fine, noble, or *kalon*.³⁷ Aristotle agrees with the proponents of the political life that “the life of a free person is better than a despotic life, for there is nothing impressive about treating a slave as a slave, since giving orders about necessities has no share of anything noble” (*Pol.* 7.3 1325a24-7). Here the idea is simply that there is nothing inherently worthwhile about ordering slaves around, and so a way of life devoted to treating others like slaves fails to achieve anything that merits admiration from others or concentrated effort by the agent. But of course that does not show that there is anything *ignoble* or unadmirable about dominating others.

Aristotle argues for *that* conclusion when he turns to address what he regards as a flawed maximizing interpretation of the idea that ruling others politically rather than despotically is noble and therefore a suitable aim for the best way of life:

And yet since these things have been determined in this way, one might suppose that to be in control of everything is best, since in this way he would be in control of the most numerous and most noble actions, so that someone who is able to rule should not yield to his neighbor, but should deprive him of rule instead, nor should fathers take their children into account, nor children their fathers, nor in general should friend take account of friend or have any concern with regard to this. For the best is most choiceworthy, and acting well is best. Now perhaps they say this truly, if in fact the most choiceworthy of things that are will belong to those who rob and use force. But perhaps this cannot belong to them, and their supposition is false. For the actions can no longer be noble for one who does not differ so much as a man differs from a woman or a father from children or a master from slaves. And so the transgressor could not later correct such a great deviation from virtue; for [ruling] in turn is what is noble and just for those who are similar, since this is an equal and similar thing; but what is not equal for people who are equal and what is not similar for people who are similar are contrary to nature, and nothing contrary to nature is noble (*Pol.* 7.3 1324a34-b10).

³⁷ Translation of this term is vexed in part because no single English translation seems to produce the right connotations in every context; translators variously prefer “beautiful,” “fine,” and “noble.” I discuss its meaning further below, but opt for the translation “noble” because it seems to me better than the alternatives at capturing the connotations of the term when applied to human action, which is my focus here; that is not to say that it is entirely satisfactory, much less that it captures the connotations of the term when applied outside the context of human action.

Aristotle's opponents here concede that ruling over others despotically is not best because it requires no significant virtue and hence involves nothing noble. By contrast, they maintain that ruling others politically – ruling over free and equal people for their own benefit – is a noble thing.³⁸ But if ruling politically is noble, then it must, they think, be more noble to rule more and hence most noble to rule as much as possible. Crucially, this maximizing conclusion brings with it a clear-eyed acknowledgment that the maximizer achieves what is best for himself by depriving others of what would be best for them. It would therefore be insufficient for Aristotle to object that the maximizing strategy entails committing injustice. The maximizer does not pretend that it is fair or just for him to rule as much as possible, but only that it is best for him because it will enable him to perform the most noble actions. But Aristotle does not object simply that it would be unjust to deprive one's equals of an equal share in ruling. Rather, he objects that this injustice undermines the nobility of ruling; if someone were to refuse to share rule with his equals, then his actions would not be noble.

Recall that the equality relevant to the distribution of political office is the equality of people's ability to contribute to the common good. Someone who deprives his equals of sharing in rule therefore not only robs them of whatever intrinsic benefit might be had from ruling, but prevents them from contributing to the common good. Unless he is so superior to everyone else that he can promote the common good better by ruling alone than he can by sharing rule with others – in which case he would no longer be their equal, but would “differ so much as a man differs from a woman or a father from children or a master from slaves” – his maximizing strategy would be to the detriment of the community. That is sufficient to make his action unjust, but Aristotle holds that it is also sufficient to deprive his actions of any nobility, and hence to undermine the value that ruling was supposed to have for the ruler himself.³⁹

³⁸ *Pol.* 7.3 1325a26-31 refers back to “the first discussions” for a fuller treatment of the distinction between despotic and political rule. This may be a reference back to 1.7 1255b16-20, 3.6 1278b30-1279a21, or both.

³⁹ As I read this passage, Richard Kraut, *Aristotle: Politics VII & VIII* (Oxford: Clarendon Press 1997), 71-72 is mistaken to compare it to modern discussions of the problem of “dirty hands.” Aristotle is not maintaining that “someone who wrongfully monopolizes a position of power” cannot later “use it for good ends.” Rather, the maximizer may indeed use his power for good ends, but because his monopoly of power prevents others from making a collectively greater contribution to the common good, the good achieved through his actions is not sufficient to render his actions just or noble. It is not that he performs one bad action in order

This notion of the noble or the *kalon* is at once central to Aristotle's practical thought and famously obscure. Though it appears to be an essential goal of virtuous action, neither the *Ethics* nor the *Politics* explains the concept, evidently relying instead on the audience's understanding of the term from its ordinary usage.⁴⁰ That usage combines connotations of beauty or attractiveness, functional excellence, and, at least in human contexts, praiseworthiness.⁴¹ Aristotle's discussions of the *kalon* elsewhere enable us to see how these connotations come together in a unified concept that has application to natural beings and artifacts but also to human action, where it takes on a distinctive shape.

The *Metaphysics* tells us that what is *kalon* possesses the properties of order (*taxis*), symmetry or proportion (*summetria*), and definiteness or boundedness (*to hōrismenon*, *Met.* 13.3 1078a36-b1). These properties, in turn, are to be understood teleologically: an entity exhibits order, proportion, and definiteness when its parts are arranged so as to contribute to the excellent functioning of the whole in achieving its ends.⁴² This account of the *kalon* fits well with Aristotle's claims elsewhere about what makes animals (*PA* 1.5 645a21-6), cities (*Pol.* 7.14 1326a33), and artifacts (*Poet.* 7 1450b38-51a3) *kalon*. But it also seems to hold good for human action.⁴³

to perform some other good ones, but that so long as he prevents a fuller realization of the common good, he is committing injustice and not acting nobly.

⁴⁰ For the *kalon* as the goal of virtuous action, see *EN* 3.7 1115b12-13.

⁴¹ On this traditional usage, see Kelly Rogers, "Aristotle's Conception of τὸ καλόν," *Ancient Philosophy* 13.2 (1993), 355-71. Aryeh Kosman, "Beauty and the Good: Situating the *Kalon*," *Classical Philology* 105.4 (2010), 341-57 provides further reflections on the relationship between the "aesthetic" connotations of the *kalon* as beauty and what I, following Rogers, call "functional excellence." Both maintain, contrary to Terence Irwin, "Beauty and Morality in Aristotle," in *Aristotle's Nicomachean Ethics: A Critical Guide*, ed. John Miller (Cambridge: Cambridge University Press 2011), 239-53, Richard Kraut, "An Aesthetic Reading of Aristotle's *Ethics*," in *Politeia in Greek and Roman Philosophy*, ed. Verity Harte and Melissa Lane (Cambridge: Cambridge University Press 2013), 231-50, and Roger Crisp, "Nobility in the *Nicomachean Ethics*," *Phronesis* 59.3 (2014), 231-45, that these two connotations do not ordinarily come apart into distinct "senses" of the term.

⁴² My interpretation of these properties in terms of teleological structure follows Gabriel Richardson Lear, "Aristotle on Moral Virtue and the Fine," in *The Blackwell Guide to Aristotle's Nicomachean Ethics*, ed. Richard Kraut (London: Wiley-Blackwell 2006), 118-19 and the similar view of Rogers, "Aristotle's Conception."

⁴³ Irwin, "Beauty and Morality" and Crisp, "Nobility" deny the relevance of these passages to the *kalon* as we find it in the *Ethics*, but do not respond persuasively to Rogers' and Richardson Lear's arguments. On *Met.* 13.3, Irwin, "Beauty and Morality," 245 writes simply that "the description does not throw much light on the *kalon* in morality," but he does not take up arguments to the contrary. Crisp, "Nobility," 233 note 7 writes: "I take this discussion to

The *Topics* claims that the *kalon* and the appropriate (*to prepon*) are the same, though the latter is “definitory” (*horikon*) of the former; this suggests that while the two concepts are co-extensive, something is *kalon because* it is appropriate (*Top.* 1.5 102a5-6).⁴⁴

In the *Nicomachean Ethics*, appropriateness is closely associated both with the *kalon* and with the mean in action and feeling (*EN* 4.2 1122a34-b7, 1123a6-9, 4.6 1126b36-27a5, 10.8 1178a10-13). The virtuous agent feels and acts as he should, when he should, toward the people he should, as much and as long as he should, for the reasons he should, and so on; appropriate action just is action that hits the mean (*EN* 2.6 1106b21-28).⁴⁵ Yet hitting the mean also seems to be a matter of the order, proportion, and definiteness of the various dimensions of action with reference to its goal, presumably not only the proximate ends in view on any given occasion but also the overarching goal of living well.⁴⁶ But while an action's appropriateness and intermediacy may account for its functional excellence and perhaps for its beauty or attractiveness to an observer, it may yet seem possible for an agent to choose such an action without regarding it as especially attractive in its own right. Aristotle makes clear, however, that to choose an action as *kalon* is to choose it as something worthwhile and attractive in its own right. The *Nicomachean Ethics* repeatedly contrasts the *kalon* as an object of choice with the necessary and the useful, and even

concern aesthetic beauty rather than nobility or *moral* beauty.” But this response simply begs the question by supposing that the term has different meanings when it is applied to different contexts. Similarly, Kraut, “An Aesthetic Reading” maintains that the word also has a distinct, non-aesthetic sense in many passages. I take it for granted that a unified interpretation such as proposed by Rogers and Richardson Lear is preferable, and Irwin, Crisp, and Kraut do not seem to me to provide reasons to abandon it.

⁴⁴ The explanatory priority of the appropriate is not entirely clear from the text of the *Topics*; Rogers, “Aristotle’s Conception,” 357, note 9 considers reasons to regard the appropriateness as “the more primitive notion,” in contrast to Terence Irwin, “Aristotle’s Conception of Morality,” *Proceedings of the Boston Area Colloquium in Ancient Philosophy* 1 (1985), 135, who claims that “the mean [and therefore the appropriate] is determined by reference to the fine.” Though the *Topics* does not settle the question, the account of the *kalon* I give here is perhaps best understood as giving explanatory priority to appropriateness and teleological order; these properties make something *kalon*.

⁴⁵ On the “doctrine of the mean,” see Lesley Brown, “Why is Aristotle’s Virtue of Character a Mean? Taking Aristotle at His Word (*NE* ii 6),” in *The Cambridge Companion to Aristotle’s Nicomachean Ethics*, ed. Ronald Polansky (Cambridge: Cambridge University Press 2014), 64-80.

⁴⁶ Richardson Lear, “Aristotle on Moral Virtue and the Fine,” 120-2 argues persuasively that insofar as virtuous actions are intermediate they display the features of order, proportion, and definiteness picked out as constitutive of the *kalon* in *Metaphysics* 13.3.

with the beneficial as such, suggesting that while everything *kalon* in action is choiceworthy for its own sake, not everything choiceworthy for its own sake is *kalon* (*EN* 2.3 1104b30-2, 2.8 1116b2-3, 4.1 1120b1, 4.3 1125a11-12, 8.1 1155a28-29, 9.2 1165a4, 9.7 1168a9-12, 9.8 1169a3-6, 9.11 1171a24-6).⁴⁷ For an action to be *kalon*, then, is not simply for it to be teleologically well-ordered in an appropriate mean; it is also for it to be attractive in its own right to the agent who chooses it.

How can these features of *kalon* action help us to understand the virtuous person's attitude toward justice with people outside his existing communities? Aristotle frequently associates *kalon* action with acting for the sake of others without any ulterior motive. This association is particularly strong in the *Rhetoric*, which gives prominence to actions such as “those choiceworthy things that someone does not for his own sake,” “deeds for the sake of others,” and “good actions that concern others and not oneself” (*Rhet.* 1.9 1366b36, 1367a3, 1367a4-5). The *Nicomachean Ethics* asserts a similarly tight connection between the *kalon* and the common good; as we have seen, the virtue of justice in its broad sense encompasses the other-regarding aspects of all of the other virtues of character, and it is essential to virtuous action that the agent choose it for its own sake and not simply for the sake of its consequences (*EN* 5.1 1129b25-7, 2.4 1105a28-33). So *kalon* action, for Aristotle, is closely connected to acting for the sake of others, whether simply for their own sake or as part of the common good.

On some views, in fact, altruistic motivation is strictly essential to *kalon* action.⁴⁸ As others have noted, however, this is an unduly narrow view of the *kalon*

⁴⁷ Irwin, “Aristotle’s Conception of Morality,” 125-6 and “Beauty and Morality,” 247-50 and John Cooper, “Reason, Moral Virtue, and Moral Value,” in *Reason and the Good* (Princeton: Princeton University Press 1999), 265-6 rightly observe that the contrast between the *kalon* and the beneficial does not entail that nothing can be both at the same time or even that the *kalon* is not necessarily beneficial. Rather, not only are some beneficial things choiceworthy for their own sake but not *kalon* (e.g., health, *EE* 8.3 1248b18-26), but it is possible to choose something that would be *kalon* but not choose it *because* it is *kalon* (*EN* 3.8 1116a29-b3). Thus we should not, with Crisp, “Nobility” 233-5, read the contrast between the *kalon* and the *sumpheron* in *EN* II.3 1104b30-2 as a contrast between what is good for its own sake and what is merely of instrumental value; for the reasons given by Irwin and laid out most clearly in *EE* 8.3, Crisp is mistaken to argue that “if Cooper is right Aristotle is here implying that the noble is no part of an agent's good.”

⁴⁸ Irwin, “Aristotle’s Conception of Morality,” reaffirmed in its essentials in “Beauty and Morality.” Crisp, “Nobility,” though he criticizes Irwin, ultimately settles for something very much like it (compare Irwin, “Aristotle’s Conception of Morality” 143 with Crisp, “Nobility” 240). John Tutuska, “Aristotle on the Noble and the Good: Philosophic Imprecision in the

that does not fit the texts.⁴⁹ Even the survey of popular beliefs in the *Rhetoric*, which provides the strongest evidence for the strictly altruistic interpretation, lists things such as honor, profitless possessions, and wearing one's hair long alongside acts of benevolence and the sacrifice of one's narrow self-interest as examples of the *kalon* (*Rhet.* 1.9 1367a23, 1367a27-8, 1367a28-32). Most striking of all, the list includes “not practicing any vulgar craft, since it is proper to a free person not to live for another” (*Rhet.* 1.9 1367a32-3). To the extent that the *Rhetoric's* examples of the *kalon* form a consistent set, their unity seems to consist not in impartial benevolence as such but in a firm commitment to the priority of one's activity as a member of a community of free citizens over the value of external goods and bodily pleasures. It therefore seems appropriate to translate *kalon* as “noble” when it is applied to human action.

This understanding of the noble gains support from other aspects of Aristotle's appeals to it in the *Nicomachean Ethics*. He is clear from early on in the work that noble action is itself among the central components of *eudaimonia*, and hence something that is good *for* the agent (*EN* 1.8 1099a3-29, 1.10 1100b18-01a13, 1.12 1101b31-02a4).⁵⁰ Benevolence and acting for the sake of others are plainly a prominent feature of nobility, but Aristotle does not present them as stemming from a fundamentally impartial or altruistic motivation on the part of the virtuous agent. On the contrary, he stresses that a concern with noble action over the attainment of external goods and bodily pleasures is the dominant motivation of a praiseworthy and admirable sort of self-love (*EN* 9.8 1168b25-69b2). The admirable lover of self chooses noble action over external goods, but chooses it *as* a good that he achieves

Nicomachean Ethics,” *Ancient Philosophy* 33.1 (2013), 159-79 takes a similar view of the *Rhetoric*, but argues that Aristotle is inconsistent on this point in the *Nicomachean Ethics*.

⁴⁹ Irwin's view has been criticized, I think decisively, by Rogers, “Aristotle's Conception” and Richardson Lear, “Aristotle on Moral Virtue and the Fine.” My arguments above closely follow theirs; Irwin, “Beauty and Morality” does not respond to them.

⁵⁰ Tutuska, “Aristotle on the Noble and the Good,” challenges this claim, maintaining that the treatment of the virtues of character in *EN* III-IV presents the *kalon* as a regard for others that stands in tension with the agent's own good. But his argument depends for its plausibility on isolating passages from the context of the treatment of *eudaimonia* and the virtues in Books I-II, which make clear that both *kalon* action and virtuous activity more broadly are central to the agent's own *eudaimonia* (indeed, that a virtue benefits its possessor seems to be criterial of the concept: *EN* 1.7 1098a7-18, 2.5 1106a15-18). Tutuska also echoes Irwin's reading of the *Rhetoric*, but ignores the criticisms of Rogers and Richardson Lear.

for himself.⁵¹ He can take this attitude because, unlike the vulgar lover of self who rightly inspires the contempt of the many, he identifies himself not with his appetites but with his intellect (*EN* 9.8 1168b31-69a6). Noble action – not exclusively, but prominently including benevolent regard for others – is a good *for* the agent because it more fully expresses his nature as a rational agent and his proper commitment to rational activity as an end in itself rather than a mere instrument for the gratification of appetite.

If we wonder why activity that benefits others should be more expressive of rational agency than indifference or even malice, Aristotle suggests an answer in his discussion of why benefactors seem to love their beneficiaries more than vice versa: just as craftsmen love their products because those products are an extension of their own productive activity and so, in a way, of themselves, so too beneficent action is an extension of the benevolent person's rational agency and so, in a way, of himself (*EN* 9.7 1167b31-68a12).⁵² As he puts it in his treatment of liberality, benefiting others is better for the agent than being benefitted because it is more active (*EN* 4.1 1120a9-13). Manipulation and exploitation, by contrast, while not strictly passive, are standardly undertaken in the service of aims – wealth, luxury, pleasure – in relation to which the rational agent will in fact be passive.⁵³

⁵¹ As Richardson Lear, “Aristotle on Moral Virtue and the Fine,” 130 notes, “the vocabulary makes it clear that the fine is imagined not just as something reason chooses or does, but as a reward or benefit it assigns (*aponemei*) itself...” Commentators (most recently Crisp, “Nobility,” 240-2) have often attempted to downplay the extent to which the self-love that Aristotle praises is a genuinely self-regarding motivation; for two different but complementary arguments that it is genuinely self-regarding yet fully consistent with genuine regard for others, see Paula Gottlieb, *The Virtue of Aristotle's Ethics* (Cambridge: Cambridge University Press 2009), 146-50 and Gregory Salmieri, “Aristotle on Selfishness: Understanding the Iconoclasm of *Nicomachean Ethics* IX.8,” *Ancient Philosophy* 34.1: 101-20.

⁵² For more sustained arguments that Aristotle regards self-love and regard for others as coming together through the notion that beneficence more fully expresses and extends rational agency, see Marcia Homiak, “Virtue and Self-Love in Aristotle's Ethics,” *Canadian Journal of Philosophy* 11.4 (1981), 633-51, Irwin, *Aristotle's First Principles*, ch. 18, and David O. Brink, “Self-Love and Altruism,” *Social Philosophy and Policy* 14 (1997), 129-33.

⁵³ Aristotle illustrates his claim about liberality with a general claim about virtue as such: “it belongs to virtue to benefit more than to be benefitted and to do fine things more than not to do shameful things” (*EN* 4.1 1120a11-13). Though Aristotle is in the first instance contrasting benefiting others with being the recipient of other people's beneficent action, there seems to be no reason not to extend the contrast to cover cases of acquiring pleasures or external goods through the manipulation or exploitation of others. On the rational passivity of bodily pleasures, see *EN* 1.5 1095b19-22, 3.10 1118b1-4; on wealth and pleasure, see *Pol.* 1.9 1257b40-58a14.

On a view such as this, co-operative and benevolent relations with others have value for the agent that cannot be outweighed by the acquisition of external goods or the enjoyment of bodily pleasures. This conception of the agent's good has two important consequences. First, it means that the virtuous agent will simply lack the motivations responsible for much injustice; people do not generally manipulate and exploit the powerless out of a love for their own rational agency, but out of a love for wealth and the cheap and easy comforts of luxury. More importantly, however, Aristotle's virtuous person will see co-operative and benevolent action as crucial to who he is; he will therefore not only be averse to actions of a contrary sort, but will be attracted to justice in its own right. So while he will recognize no existing obligations of justice toward those with whom he is not already in community, he will not be indifferent to any potential injustice against such people. His own regard for himself and pursuit of his own well-being will give him reason to seek justice and avoid injustice in all of his endeavors.

It is this conception of the noble and its value for the agent to which we should see Aristotle appealing in *Politics* 7.3. To be sure, the argument there applies in the first instance to sharing rule with one's fellow citizens, and hence is concerned with justice inside the political community rather than with those who are outside it. Nonetheless, the argument does not appeal primarily to the common good that will be served as a consequence of shared rule. It rests instead on the thought that a would-be ruler will achieve nobility in action, and hence his own good, precisely by promoting the common good through sharing rule with others. The maximizer deliberately prevents the fuller realization of the common good, and that is why his actions lack nobility. So while the nobility of action is contingent on its justice, it is the eudaimonic value of noble action, and not simply its promotion of the common good, to which Aristotle appeals in his argument against the maximizing interpretation of the value of political rule.

Justice toward those outside the political community should, however, be noble for just the same reasons as justice toward one's fellow citizens. After all, Aristotle maintains that the same way of life is best for a city as for an individual, and he disparages people who call for justice at home but show no regard for it abroad (*Pol.* 7.2 1324a5-13, b32-6, 7.3 1325b30-2). In light of the eudaimonic value of nobility in action, the limitation of actual obligations of justice to actual relations of community has trivial rather than momentous implications for the scope of justice.

We do not owe anything to people with whom we stand in no relation of community, but we have decisive reasons to treat them justly when and if we encounter them or our actions impinge on their interests. Though Aristotle does not explicitly articulate this view, it is consistent his broader claims about virtue, nobility, and justice, and it helps to explain why he seems to take it for granted that a just city will not seek to dominate others. We should conclude, then, that Aristotle's theory of justice does not have the "hideous implication" that Curzer attributes to it, and that there is no need to appeal to some virtue other than justice to transcend its limitations.

– V –

Of course, Aristotle's view raises large and complex questions, and I have not attempted to defend it against objections. We might worry, as many have, that it makes other-regarding reasons too derivative and that we ought instead to recognize that the good of others makes a direct demand on our rational attention. This is a general objection to eudaimonism as I understand it, and though I think it can be answered, meeting it obviously goes beyond the scope of this paper.⁵⁴ We might also worry that an account like Aristotle's cannot make sense of the idea that justice involves duties of aid to people in need beyond our borders.⁵⁵ I am not sure how seriously we should take this objection in a globalized world in which some of our simplest actions – like buying lunch or purchasing clothes – impact people on the other side of the world with whom we can not sensibly regard ourselves as beyond

⁵⁴ One strategy for meeting this objection might be to stress the "formal," as opposed to substantive, character of self-regard in eudaimonism, as Annas frequently has (Julia Annas, "Virtue Ethics and the Charge of Egoism," in *Morality and Self-Interest*, ed. Paul Bloomfield (Oxford: Oxford University Press 2007), 205-21). Salmieri, "Aristotle on Selfishness" provides persuasive reasons to doubt that this strategy is satisfactory for the interpretation of Aristotle; Brink "Self-Love and Altruism," "Eudaimonism, Love and Friendship, and Political Community," and "Eudaimonism and Cosmopolitan Concern" defend eudaimonism's commitment to justifying concern for others by appeal to the agent's own good; Mark Lebar, *The Value of Living Well* (Oxford: Oxford University Press 2013), ch. 12 presents a different but complementary defense of the same idea.

⁵⁵ Martha Nussbaum, "Duties of Justice, Duties of Material Aid: Cicero's Problematic Legacy," *Journal of Political Philosophy* 8:2 (2000), 176-206 criticizes the Stoic-influenced eudaimonism of Cicero's *De Officiis* for separating duties of aid from duties of justice; since the Stoics are often regarded as superior to their predecessors in extending the scope of justice to the whole human race, Nussbaum's argument might pose even greater problems for Aristotle. For reasons to think that an Aristotelian view provides a more promising basis than the Stoic for "cosmopolitan concern," see Brink, "Eudaimonism and Cosmopolitan Concern."

any relations of community. But even if Aristotle cannot strictly recognize such duties of aid, Curzer's reflections on liberality seem to provide us with resources to address this problem.⁵⁶ Finally, we might simply doubt that an account of well-being like Aristotle's can be vindicated. We need only look to Plato's *Gorgias* and *Republic* to appreciate the possibility of a certain sort of "immoralist" challenge: should we believe that rational activity is the central component of human well-being, and even if so, might not an agent committed to valuing it for its own sake above all else find that he can exercise it best precisely in manipulating and exploiting others? Aristotle does not directly address this sort of immoralist challenge, but the challenge is hardly special to Aristotle or eudaimonism more generally; it poses problems that any ethical theory must address.⁵⁷

In closing, I want simply to suggest that it is a strength of Aristotle's view that the eudaimonic value of justice renders any appeal to fundamental human rights or other, similarly impartial moral reasons unnecessary. One problem for conceptions of rights as morally fundamental is that it can seem mysterious how they are supposed to impose obligations on others who seemingly have no rational interest in the goods or autonomy to which rights-bearers purportedly have rights.⁵⁸ But if co-operative and benevolent relationships with others are a non-instrumentally valuable component or aspect of a good human life, then there is no need to appeal to rights in order to *ground* claims of justice; rights will be, at least theoretically if not rhetorically, reducible to claims about justice grounded in the value to human beings of co-operation on terms of equality.⁵⁹ I would not go so far as to claim that this is the only

⁵⁶ So too the more general reflections of Brink, "Eudaimonism and Cosmopolitan Concern."

⁵⁷ The problem for eudaimonism is not the difficulty of persuading an "immoralist" to act justly, but of showing that an adequate theory of human well-being must see just actions and dispositions as contributing to it and unjust actions and dispositions as detracting from it. Non-eudaimonist theories will not face quite this problem, and so may seem better placed to meet immoralist worries; but immoralism is likely to pose distinct challenges for such theories, and it is not at all apparent that they would fare better than eudaimonism in meeting them. For some thoughts on the shape of these problems, see Philippa Foot, *Natural Goodness* (Oxford: Oxford University Press 2001), ch. 7.

⁵⁸ For a succinct treatment of this problem that is at least broadly consistent with the view I attribute to Aristotle, see Joseph Raz, *Ethics in the Public Domain* (Oxford: Oxford University Press 1994), ch. 2.

⁵⁹ I am indebted to Miller, *Nature, Justice, and Rights* for my thinking about the relation of justice and rights in Aristotle and more generally, but I draw a starkly opposed conclusion: where Miller sees Aristotle giving us a theory of rights, I see him giving us a theory of justice on which our concept of a right is reducible to the concept of justice as the promotion and

plausible way to think about justice, but it certainly seems to me to be an attractive and especially intriguing one.⁶⁰

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protection of the common good. The idea that (natural or fundamental) rights can or should be reduced or eliminated in a theory grounded instead in the common good is consistent with the view that the language of rights serves indispensable rhetorical and discursive functions in law and politics; see, e.g., John Finnis, *Natural Law and Natural Rights* (Oxford: Oxford University Press 1980), 205-9. For a stronger view, that our moral and political discourse would be better off abandoning the language of rights in favor of the language of the good, see Ronald Beiner, *What's the Matter with Liberalism?* (Berkeley: University of California Press 1992), ch. 4.

⁶⁰ An early version of this paper was delivered at the University of Texas at Austin in November 2014. In addition to the audience present on that occasion, I am grateful to Howard Curzer, Margaret Graver, Donald Morrison, and Stephen White for comments and discussion.

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