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Boundaries, Birthright, and Belonging: Aristotle on the Distribution of Citizenship

RICHARD BOYD

Introduction: Aristotle and Contemporary Citizenship Studies

Far from being dismissed as irrelevant or anachronistic, Aristotle looms large in contemporary discussions of citizenship.¹ Natural law theorists, communitarians, neo-republicans and even many liberals have appealed to Aristotle as a way of thickening up the moral content of contemporary public life and underwriting a more participatory “civic republican” variant of citizenship.² Yet these and other contemporary appropriations tend to focus on only one strand of Aristotle’s discussion of citizenship in the *Politics*. Assuming that someone is already a citizen in the modern, juridical sense, what additional moral duties and participatory contributions ought we to expect from them?³ But this is to ignore the closely related taxonomical question of who is, or ideally ought to be, entitled to citizenship in the first place. Put differently, the question of *what citizens are expected to do* may be inseparable from the issue of *who these citizens are* or, in many cases, are not.

Despite this connection, strikingly little has been said about the implications of Aristotelian citizenship for those who find themselves located outside of the political community. Does the Aristotelian view suggest that the boundaries of the political community ought to be more or less permeable than the modern liberal or contractual understanding? And how might Aristotle’s seemingly restrictive and illiberal view of citizenship draw attention to the moral lacuna of contemporary liberal theories, which have

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historically coexisted with exclusions such as black chattel slavery, the denial of full citizenship rights to women and minorities, and the colonial subjugation of indigenous peoples?⁴

With an eye to these and other contemporary questions about the distribution of citizenship, I want to argue, first, and somewhat counter-intuitively, that Aristotle's "thinly naturalistic" understanding of citizenship potentially makes his theory *less* susceptible to exclusion than liberal theories that locate political capacity in controversial nineteenth-century notions of "civilization," or even in putatively more enlightened contemporary social scientific concepts such as "political culture."⁵ Secondly, Aristotle's insistence that we must understand citizenship as a problem of distributive justice challenges contemporary practices that allocate citizenship on the basis of morally indifferent criteria such as birth, territoriality, and kinship. Lastly, Aristotle's argument, properly understood, brings to light a fundamental tension between the "thickness" of a moral and political community and the porousness of its borders.

Citizenship as a Process of Exclusion

Great Britain, France, the United States, and other so-called "civic nations"—not to speak of "ethnic nations" such as Germany or Japan—allocate citizenship mainly on the basis of descent from parents who are citizens; birth on a territorially circumscribed piece of land; or naturalization policies that prioritize ascriptive criteria such as national origins, kinship, and social class.⁶ Even in the most liberal regimes, citizenship is normally dictated by accidents of birth that seem impossible to square with liberal theories of justice, fair equality of opportunity, or consent.⁷ Why, for example, should a child born several hundred feet north of the Rio Grande River enjoy greater economic and political advantages than someone who happens to be born on the other side, through no fault of his/her own?

Martha Nussbaum has observed that "among the cherished human goods, membership and good activity in a political community are outstandingly vulnerable to chance reversal."⁸ But citizenship's fragility is hardly limited to the vagaries of political instability and civil war that plagued ancient Greece. Maybe the greatest "chance reversal" is to be born without these goods in the first place. Nature locates beasts and gods outside the political community, while political and economic turmoil upset others from positions of honor, but the chance matter of birth is the single most capricious arbiter of who enjoys the benefits of life in a given political

community. The naturalness of the *polis* means that few are born outside the boundaries of *some* political community. But like the acorn that falls either on barren, rocky terrain, or more fortuitously in fertile soil, our ability to enjoy the good life is radically contingent on the *kind* of political community into which we happen to be born—the quality of its regime, and especially whether it is sufficiently affluent to make the good life or *eudaimonia* possible for even some of its members.⁹

Indeed, Michael Walzer has argued that membership is the most precious good that a political community has at its disposal to distribute—more valuable, in most cases, than one’s relative status within a given society’s distribution of economic positions.¹⁰ Viewing the allocation of citizenship as a problem of distributive justice need not commit us to the criteria Walzer endorses, namely: absolute need for asylum, our ethnic propinquity to groups imperiled around the world, and the affinity of those admitted for liberal democratic principles and values. Yet the distributive basis of citizenship must be reckoned with if for no other reason than that the principles by which we extend membership to some would-be citizens are also, tacitly and conversely, the same grounds upon which we deny others. Every theory of citizenship is *de facto* a theory of exclusion.

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In Aristotle’s time and ours, the foremost distributive principle is kinship or *jus sanguinis*. “As a matter of usage,” Aristotle notes, “a citizen is defined as a person from parents who are both citizens, and not just one,” sometimes going “even further back” for two or three generations (1275b20).¹¹ Yet this assumes that there is some justification for why the original generations were entitled to be citizens in the first place. Such a principle, if determinable, might allow us to say that such and such a regime has acted rightly or wrongly by enfranchising or disenfranchising certain groups. But any such Archimedean historical reference point is at best fleeting. The origins of most regimes are shrouded in myth and mystery. Who were the original generations, what were they really like, and can we be sure that the bloodlines are pure?

As Aristotle notes, “Gorgias of Leontini therefore, perhaps partly by way of raising the question [of ancestors] and partly in irony, said that just as mortars are made by mortar makers, so Larisaeans are made by craftsmen,

since some of them are ‘Larisa makers’” (1275b26–30). The pun on the word *démiourgos*—meaning both magistrate and craftsman—serves as an ironic reminder that, strictly speaking, Larisaeans may *not* be made by Larisa-makers. For unlike manufactured goods, where the quality of the object depends on the excellence of the craftsmen, Aristotle knows full well that some with the souls of slaves are born to free-men, and vice-versa. Nature’s intention may be to draw like from like, as beasts are born to beasts, and men to men, but sometimes nature’s wish is thwarted (1255b2). So even if citizenship were originally deserved by dint of the natural excellence of the founding generation, this cannot justify the qualifications of their successors.¹² Aristotle’s point in raising this question of continuity between generations of citizens may not be, as Mary Nichols has suggestively argued, to stress the continuities and indebtedness of current regimes to the past so much as to highlight the impossibility of ever reconstructing it.¹³

Gorgias appeals from one convention—lineal descent or kinship—to a second convention: *nomoi* or the laws. If there is an analogy to be made with some craft or art, it is that of the lawmaker or magistrate, whose constitution is the effective arbiter of citizenship. And yet attempts by magistrates to rectify errors of generation are no more reliable than the accidental and morally indifferent matter of birth itself. Enfranchisement and disenfranchisement can be just as arbitrary, if not more so. Masses of citizens may be wrongly admitted and subsequently disenfranchised; exiles are sent away and later recalled. If the city is sometimes forced to resort to necessary injustices in order to perpetuate itself in the here- and-now, Aristotle’s discussion serves as a much-needed reminder of the more subtle injustices that are silently yet inextricably tied up with its generation and perpetuation.

Aristotle describes the principle of descent by kinship as “political and swift” or “offhand”—basically a matter of convenience (1275b25).¹⁴ This all but admits that kinship is extraordinarily difficult to square with principles of distributive justice, for reasons suggested above. Granting citizenship to children regardless of their requisite qualifications is *necessary* given the realities of the family and other modes of association that precede the polis. Aristotle seems to be of the same mind as Plato in acknowledging that the primordial sentiments of the family are in tension with the best political community. Citizenship by birth is a kind of nepotism, after all, no different than the natural preference of parents for their own children that must be obscured in Plato’s city in speech by common child-rearing and a noble lie.¹⁵

But if the brute necessity of intergenerational continuity is what disposes political communities to admit all those born to citizen parents, sometimes

even greater necessities compel them to depart from that same *ad hoc* principle. “In many regimes,” Aristotle notes, “the law pulls in even some foreigners,” “Because of a lack of true citizens . . . they make for themselves citizens of this sort,” using “laws like these on account of a shortage of labor power” (1278a26–32). Once this politico-economic necessity has passed and they are once again “well off as regards numbers,” such regimes “gradually disqualify first those with a slave as father or mother, then those with citizen mothers [but foreign fathers], and finally they make citizens only those with two native parents” (1278a32–35).

At first glance, Aristotle seems to be critical of practices like these. Presumably they cannot be among the best regimes, because they admit into citizenship some who are otherwise unqualified. And yet given the limitations of citizenship by birth Aristotle has previously underscored, it is unclear why birth to non-citizen parents makes someone any less qualified than a natural-born citizen? Surely those who are newly enfranchised are unqualified if the relevant criterion for citizenship is birth to free-born parents, as most assume. Yet Aristotle clearly states that while birth may be a necessary condition for citizenship under ordinary conditions, it is not in and of itself the most determinative criterion. There is simply no good reason in Aristotle’s terms to conclude that those who have been enfranchised for reasons of expediency are any less deserving or lacking in virtue than those who merely happened to be born to citizen parents. In fact, sometimes necessity and justice may work hand in hand, as expediency requires regimes to deviate from common usage and include some who were originally excluded by dint of birth or social class alone. Moreover, if it was justifiable (if not perfectly just) to include some who are merely necessary conditions of the political community when its survival is threatened, then is it not *unjust* to exclude them again once this necessity has been overcome?

Moving beyond the question of kinship, or *jus sanguinis*, Aristotle considers the relationship between citizenship and *jus soli*, or birth or presence on the soil. Unsurprisingly, neither is territoriality a coherent or self-evident justification for citizenship. As a purely descriptive matter, in Aristotle’s day as in our own, many (including Aristotle himself) who reside on the territory of a political community are not citizens by virtue of that fact (1275a6–8).¹⁶ Nor would the enclosure of several distinct communities by a single wall or boundary serve to make these disparate regimes into one (1276b24–30). Like birth to citizen parents, then, territoriality seems to be a necessary but not a sufficient condition for determining who actually is a citizen.

But this only raises a further question: if in most cases territoriality is considered a necessary but insufficient condition for citizenship in terms of *residency* (consider the case of undocumented immigrants who have long resided on a territory), why do we treat it as a sufficient condition when it comes to matters of *birth*? Aside from the concerns of familial continuity discussed above, there seems to be no justifiable reason for granting citizenship to those who happen to be born on a territory, as opposed to those who have lived on it for a much greater length of time. Why is generation privileged over habituation, particularly in a theory such as Aristotle's, where citizenship presupposes shared conceptions of justice and the good life that presumably arise only with experience and long familiarity?

Nor, finally, do most of the common legalistic definitions of citizenship suffice. Aristotle notes that the mere juridical right to sue and be sued in courts cannot in and of itself be the constitutive element of citizenship. Many political communities grant legal standing and basic statutory rights

to foreigners or resident aliens, and yet they are not by virtue of this fact considered citizens (1275a8–10). On the classical republican view that citizenship consists of more than just being the passive bearer of rights, it would be surprising indeed if legal privileges and immunities were regarded as sufficient.

Regime changes further illustrate Aristotle's point about the insufficiency of most common identifiers of citizenship. Revolutions change neither the physical territory of a political community nor the persons inhabiting it. And yet who can doubt that after a revolution, the

compound of these elements is qualitatively different from the previous regime (1276b3–9)? Something, then, about the way the parts are put together calls attention to that element which is constitutive of citizenship. This point is clarified in some degree by our own attitude toward revolutions. We tend to assume that revolutions from tyrannical or oligarchic to more democratic regimes are self-justifying (the French, American or Egyptian Revolutions, for example). The new regime is legitimate and the previous was illegitimate because the new one includes a greater number of the previously excluded. Conversely, whenever tyrannies or oligarchic regimes arise out of democracies, we are inclined to accord legitimacy to the original regime and to view its successor as illegitimate (Nazi Germany, Vichy France).

Why is generation privileged over habituation, particularly in a theory such as Aristotle's, where citizenship presupposes shared conceptions of justice and the good life?

Yet these intuitions have to reflect more than just our own partiality for democracy as a regime type, or the democratic conviction that more inclusive citizenship is always better. For at the extreme limits, the prospect of including *everyone* negates the very meaning of citizenship. What Aristotle suggests is that some morally defensible principle of justice or desert necessarily underpins our bias. More precisely, democratic revolutions are good not simply because they include greater numbers of people but presumably because those heretofore excluded were *deserving* of a share in self-rule. Conversely, oligarchic or tyrannical revolutions are bad not because they disenfranchise many who were previously self-governing but because they deprive some who are entitled to it of the opportunity to rule themselves. In order to justify our preferences for inclusion over exclusion, we must first identify some axial principle of distributive justice that governs the allocation of citizenship. By virtue of what capabilities is one properly said to be deserving of self-rule? This normative question cannot be answered simply by reference to the purely factual criteria that we treat today as authoritative and that Aristotle surveys and subsequently rejects as necessary but insufficient. It can only be resolved by thinking about citizenship, as Aristotle does, as a matter of distributive justice.

Citizenship as a Problem of Distributive Justice

Aristotle contends that citizenship ought to be distributed on the basis of criteria distinctively relevant to its practice. Distributive justice does not mean strict equality, as democrats might contend, but consists of treating like persons alike, and different persons differently (1280a10–13). On the basis of this aristocratic principle of justice “some might assert that offices should be unequally distributed in accordance with a preeminence in any good,” even things as manifestly irrelevant to political rule as “complexion, height, or any other good” (1282b20–30). However, just as these attributes have nothing to do with one’s ability to play music, Aristotle reasons, they are likewise extraneous to the art of political rule.

Good birth and wealth are more plausible claims for disproportionate authority. On the basis of these inequalities, the aristocratic principle of treating different persons differently might seem to justify unequal shares of political rule. The city cannot exist without those who are free-born and contribute to its support by paying taxes, and in these respects some do make larger contributions than others (1280a20–30). Even so, Aristotle

notes that the oligarchs in this instance “judge badly” (1280a18–22). The oligarchic claim for rule by virtue of their disproportionate contributions in wealth or birth is logically self-defeating: in this view, those wealthier or better born than they should rule over them (1283b15–20). Taken as a whole, the many may be wealthier or of greater numbers than the few (1283b30–35). But in addition to these practical objections, the main problem is that the oligarchic claim mistakes the insufficient quality of their contributions to the political community. Just as it makes no sense to say that wealth or birth is relevant to the art of flute-playing, these criteria are similarly irrelevant to the practice of citizenship. Wealth and birth may be necessary for the existence of the political community and the pursuit of the good life, just as someone may not be able to play the flute well unless they have the requisite natural talents and financial means to pursue this art. But neither wealth nor birth is duly constitutive of the moral relationship of civil association. Because the political community is not akin to a joint stock corporation, one’s economic contribution is insufficient to justify a title to rule. The principle of distributive justice on which the oligarchs reason is fundamentally sound (i.e. that those who make a greater contribution deserve a larger share), but they have failed to identify what Aristotle calls the “most authoritative” consideration (1280a24–25).

The contrary democratic claim that would accord disproportionate power to the multitude on the basis of its superior power, numbers, or wealth is the kind of “bestial” principle that must be avoided if democratic rule is to be successful and just. Appeals to the aggregate force of the multitude reduce the title of political authority to the rule of the strongest (1283b23–26). “All of these things seem to make it evident, then, that none of the defining principles on the basis of which they claim they merit rule, and all others merit being ruled by them, is correct” (1283b26–29). The answer hinges on identifying “those things constitutive of the city” (1283a14–16). At the beginning of Book III, Chapter 12, Aristotle restates his conclusion from Book I that the political community is neither a contract for profit-making, nor an instrument of conquest, nor an association of those well-born, but rather a partnership for the cultivation of justice and virtue (1282b14–16). Given that the shared pursuit of justice and the cultivation of virtue is the constitutive end of the political community, one’s virtue or “political capacity” is the sole criterion according to which citizenship should be allocated (1282b16).

At first glance, Aristotle’s conclusion seems more alarming than reassuring. Making citizenship depend on “political capacity” is a dicey business

in a liberal democratic world. This doctrine's exclusionary overtones are as striking as its meritocratic possibilities. From the anti-democratic fulminations of Edmund Burke to the elitist representative theories of Francois Guizot and J.S. Mill, "political capacity" has a long and checkered anti-democratic pedigree.¹⁷ In Aristotle's case, it implies that the best city "will not make a vulgar person a citizen" (1278a3). But this exclusionary determination is less a factor of natural debilities than an acknowledgment of practical necessity. According to Aristotle, the tragic reality is that some cannot be relieved of "necessary sorts of work." By virtue of the fact that someone must perform these "necessary services"—whether slaves or "vulgar persons and laborers"—they are unsuited for political rule (1278a10). Indeed this necessity may itself be described as a kind of slavery. "For the vulgar artisan is under a special sort of slavery," and while Aristotle concedes a category of persons who may be slaves by nature, "no shoemaker [fits this category], nor [do] any other of the artisans" (1260a1).

The fact that it is *necessity or contingency*—rather than any *natural debility*—that warrants these kinds of exclusions may be small consolation to the laboring poor or slaves disqualified from political rule.¹⁸ Yet there is a glimmer of hope that the same economic imperatives that necessitate slave and mechanical labor might someday be overcome if the technology of the city were to evolve to the point where machines could make machines (1253b35).¹⁹ It is worth noting that Aristotle's position is categorically different from—and far less abominable than—racialist discourses of exclusion that arose in the late-nineteenth and early-twentieth centuries and branded certain groups as congenitally incapable of participating in their own self-government.²⁰ The emphasis here on necessity also serves as an uncomfortable reminder that our own justifications for exclusion—and perhaps the main reason why citizenship today is so jealously guarded—have more to do with the convenience of maintaining comfortable wage-levels and acceptable standards of living than the strict necessity of safeguarding our borders and regime.

Aristotle's position rests on the moral dissonance between the actual practices of distributing citizenship, which are constrained by necessity, and ideally just principles. On the one hand, his discussion affirms that in practice the boundaries of the political community are grounded in mere convention, most notably the rough and ready (if morally unjustifiable) convention that citizenship is passed down from citizen parents by birth. The conventionality of *jus sanguinis* and *jus soli* is illuminated by the fact that we often deviate from them or adjust them to suit the circumstances.

On the other hand, Aristotle insists that despite the conventionality of the boundaries of any actual political community, the distribution of citizenship is ideally predicated on certain distributive principles. Both facets of Aristotle's arguments are essential, and the disregard of either poses a grave exclusionary danger.

Absent some acknowledgment of the conventionality of the boundaries of the political community, we may overlook the fact that these borders can be rectified or improved, that they are not sacrosanct and self-justifying as we happen to find them. To take them as such would be to commit the naturalistic fallacy of mistaking conventional things for natural ones, *nomoi* for *physis*. Some who undoubtedly deserve inclusion by nature are born outside of these boundaries and excluded by dint of convention alone. Aristotle's emphasis on the political malleability of citizenship and the permeability of borders helps to deconstruct citizenship's presumptive facticity, reminding us that the distribution of citizenship is ultimately a *political* decision rather than a self-justifying stroke of fate or birth. Citizens, in the apt phrasing of Susan Collins, are "made and not born."²¹ That said, if we lose sight of how principles of distributive justice necessarily inform the allocation of citizenship, it becomes nothing more than an arbitrary convention that might be adjusted, for better or worse, by brute force, the hasty stroke of a legislator's pen, or a heavy-handed Supreme Court ruling.

Critics have long lamented Aristotle's naturalistic theory of virtue as deterministic, his understanding of political capacity as static, rather than dynamic. Some happen to be born with the natures of freemen, while others are irremediably consigned to slavery. By way of contrast, scholars sympathetic to Aristotle's project have re-read his understanding of political capacity as dynamic and open to cultivation.²² In a remarkably suggestive reading, Jill Frank has argued that it is Aristotle's rejection of ideas of nature that renders his treatment of citizenship and slavery more inclusive than has been supposed. Frank rightly emphasizes the dialectical nature of social identity. The category of slavery is open-ended and fluid, its boundaries permeable both for the free-born man who can be degraded by slave-like habits and occupations and the slave who ought to be educated and improved to the greatest of his capabilities. Understood in this way, political regimes and social institutions are remedial and developmental, encouraging some like slaves, mechanics, and barbarians to develop their immanent capacity for self-rule.²³

Frank and others have done a great service by reminding us of the developmental nature of Aristotle's moral and political theory and the nuances of his view of human nature. However, the difficulty of this position is that in

discarding the notion of a fixed nature in Aristotle, one risks losing sight of a powerful justification for inclusion. Just as the category of natural slavery in Aristotle ideally functions as a critical standard against which most forms of conventional slavery may be shown to be unjustifiable, the notion that citizenship is derived from natural capabilities or political capacity can serve as a powerful justification for inclusion. Working hand in hand with Aristotle's insistence on the conventional, contingent, and morally arbitrary nature of the actual boundaries between political communities, the dissonance between a thinly naturalistic vision of citizenship, and the conventionality of all actual citizenship policies, may lead to a fruitful dialectical tension.

It is important to stress that these two complementary principles—first, that the actual borders of the political community are rooted in necessity and convention, and secondly, that there are morally defensible criteria according to which citizenship might be more equitably distributed—*can be either exclusionary or inclusionary depending on the relevant criteria.*

Aristotle's argument proves most instructive on this point. For if one proposes, like many "civic republicans," ostensibly following Aristotle, that republican citizenship demands a degree of natural excellence given only to the few, heroic acts of self-sacrifice, martial virtue, and ceaseless political participation, then the distribution of citizenship would be greatly constrained.²⁴ How many of us today would qualify according to these exacting classical republican expectations?

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What is harder to see is that Aristotle's argument just as easily cuts in the other, more inclusionary direction if one understands political capacity in a thinner and less demanding way. Not only is it unjust for citizenship to be too *widely* distributed—that is, for those who lack the capacities for full-fledged political participation to be granted an equal share under the democratic principle of distributive justice—but it is also and maybe more importantly unjust for citizenship to be monopolized by the few when others with the potential to make a substantial contribution to governing themselves and others are unfairly excluded. Because political life is valuable not only for its own sake but as a means to the cultivation of the best human life, depriving some people of this opportunity for self-rule harms both the city and the moral development and good functioning of its citizens.²⁵

Of course, the more inclusionary permutation of Aristotle's argument requires that citizenship be theorized as less totalistic and demanding than many of Aristotle's interpreters have assumed. Contemporary republicans have appealed back to Aristotle as a way of thickening up a liberal conception of citizenship that reduces it to the bare possession of privileges, immunities, and rights. But in doing so, they may have ignored the possibility that Aristotle's own analysis of citizenship was intended precisely to *thin out* an untenably narrow and restrictive definition of who counts as a citizen. To support this more inclusionary reading, we will see that Aristotle anchors citizenship in deliberative capabilities and aspirations for freedom that reside within virtually all members of a political community, even if these are in some cases blocked or frustrated by necessity, accident, and convention.

Political Capacity and Inclusion

Few have appreciated the extent to which Aristotle liberalizes prevailing notions of political capacity and citizenship.²⁶ As we have seen above, Aristotle's first move is to deny that such things as wealth or good-birth are more than contingently related to political capacity. They may be necessary (or not), but they are certainly not sufficient. Nor are biological features of race relevant. These criticisms already demolish some of the most familiar grounds for exclusion—in his time and ours. Second and more importantly, Aristotelian citizenship may indeed be more demanding than contemporary liberal understandings that reduce citizenship to passively enjoying rights and privileges, but thinner than his contemporaries would have acknowledged. While Aristotle clearly expects certain basic capacities and good functioning from citizens, these are sufficiently minimal so that the vast majority of citizens could fulfill them if only necessity were not a factor.

He begins, appropriately, with the most stringent definition of who counts as a citizen. "The citizen in an unqualified sense" is defined by "no other thing so much as by sharing in decision and office" (1275a20). How then to characterize contemporary citizens who do not hold formal offices but who may, from time to time, be called upon to vote or serve as jurors? Do they count as citizens in the strict and "unqualified sense"? Aristotle concedes that those who do not hold permanent office but whose "offices are indefinite," such as jurors, *do* deserve to be included in the definition

of citizen (1275a25–30). As Curtis Johnson has noted, this is the first of two successive moves by Aristotle to widen the definition of who is said to be a citizen.²⁷ Actually holding a formal office may be of less concern than one's participation in the activities of ruling and being ruled in turn—activities which, as Aristotle points out, are shared by those who can only be said to hold “indefinite office” like jurors. This widened definition is confirmed by Aristotle's conclusion that “Whoever is *entitled* to participate in an office involving deliberation or decision is, we can now say, a citizen in this city” (1275b15).

Aristotle's second gloss on redefining citizenship is to distinguish between the merely contingent matter of office-holding—either in the formal or indefinite sense—and the activity of deliberation and decision-making those offices entail. Johnson has noted that this redefinition succeeds “in making citizenship dependent upon . . . a certain kind of authority” which is universal and constitutive of all political communities, rather than variable and contingent like the matter of office-holding which varies from regime to regime.²⁸ Aristotle conclusively states that “he who enjoys the right of sharing in deliberative or judicial authority attains thereby the status of a citizen of his state” (1275b12). The highest virtue of the citizen pertains “not [to] everyone but the political [ruler] and the one having authority or capable of having authority, either by himself or together with others, over the superintendence of common matters” (1278b3–5). This kind of “authority” may be widely dispersed. Deliberation and decision-making on the most important matters may not fall exclusively to those who hold formal (or even informal) offices; nor are those who are most capable of engaging in deliberation and decision-making always acknowledged as citizens. Simply “auditing” the affairs of the city and “choosing its officials” are also “very great things,” and “so the multitude justly has authority over greater things” (1282a25–28, 37–39).

Opening, even in theory, this distinction between the natural authority of deliberation and decision-making (and the deliberative faculties they presuppose) and the conventional matter of holding office reminds us that the latter varies not only according to the type of regime but is contingent even within a given regime. This is also, we should note, more than a purely taxonomical dissection of who *actually does count as a citizen*. The issue of one's political capacity rises to the foreground in the subsequent normative discussion of *who ought ideally to be included in citizenship*. “It would be ridiculous,” Aristotle notes, “to deprive those with the greatest authority of [the title of] office” (1275a28–29). As Josiah Ober has argued, Aristotle

distinguishes here between citizenship in terms of the “*simultaneity* of ruling and being ruled,” such as takes place in the Athenian democratic Assembly, and the periodic activity of holding magistracies and other authoritative offices in turns and only from time to time.²⁹ In contrast to the view with which Aristotle began, which narrowly identifies citizenship with office-holding and the more stringent capabilities these offices require, the view he arrives at is relatively minimalist and inclusionary.

This same distinction between holding high offices and engaging in deliberation and judgment allows Aristotle to argue against the extreme oligarchic claim that the many should be denied any share in the offices of the city. Exclusion of the many is first and foremost imprudent and a “matter for alarm, for when there exist many who are deprived of prerogatives and poor, that city is necessarily filled with enemies” (1281b30). It is not only conducive to the stability, peace, and friendship of the political community for the many to have some share of citizenship. There is also “some truth” to the justice of the multitude’s claims (1281a43). Their assertions are justifiable, ironically, not on democratic grounds of their number, birth, or common humanity, but in terms of a certain democratic excellence that must be reckoned with in applying the aristocratic principles of distributive justice discussed above.

At least in “a certain kind of multitude,” one which is not bestial, there may be a kind of “virtue and prudence” that allows the many to judge correctly in some matters about which the few are deficient (1281b1–22).³⁰ Rather than a celebration of democratic refinement, the judgment of the many is at its best distinguished by a lack of partiality. In general, the few see things more clearly but with their own interests in view, whereas the judgment of the many tends to wander but is on the whole less tinged by partial interests.³¹ Because “some [appreciate] a certain part, and all of them all the parts,” the judgment of the many may allow the political community to see things from more than one perspective (1281b8–10). Democracy’s widened panorama might ideally include opinions critical of democracy itself. Or at least these kinds of democratic skepticism and self-criticism seem necessary for the democratic element to exercise the sort of impartiality that would lead them to moderate their own claims and resist the temptation to “distribute among themselves the things of the wealthy” (1281a15, 35).

Thus, rather than a prudential way of placating the masses, the many deserve and are duly entitled to participate in their own rule by virtue of their collective ability to deliberate and judge. Aristotle is careful to qualify

that not every multitude has this capacity, and that this capacity may not be something that we can readily discern when looking at any single individual. But the practical application of what was in theory an aristocratic principle of distributive justice works to justify the enfranchisement of the vast majority of people. Furthermore, insofar as this principle is capable of extension, by implication, to those born outside of the political community, it even suggests the merits of including some foreign elements in the city. So long as the benefits derived from their diverse perspectives do not outweigh the majority's collective ability to judge correctly from the point of view of the city, it may be just to make the borders of the political community more permeable so long as this does not make the city so large as to exceed the upper bounds imposed upon it by nature.

Aristotle's Lessons and Legacies

In the United States and throughout the contemporary world, citizens and policy-makers are engaged in impassioned debates about citizenship and immigration reform. As with any theory of distributive justice, the question of citizenship hinges on three relevant criteria: the nature of the good being distributed, the qualities of the persons to whom we might consider distributing it, and the relevant distributive principle. In the case of political membership, any number of prefatory assumptions must be clarified before we can even begin to think about

Does citizenship exist for the sake of the political community, the cultivation of citizens' individual capacities, or the shared pursuit of justice and the good life?

how to distribute citizenship, to whom, and on what terms. For example, does citizenship exist for the sake of the well-being of the political community, the cultivation of citizens' individual capacities, or the shared pursuit of justice and the good life? And given the ends or purposes of citizenship, what relevant capacities do we have a right to expect from prospective citizens? Most perplexingly, what are the relevant principles of distributive justice that ought to guide us in the difficult task of allocating this priceless good among so many worthy claimants?

While this way of formulating the problem arguably inspires more questions than answers, I have tried to suggest several ways in which Aristotle can inform and enliven contemporary discussions. First, and

maybe most importantly, Aristotle reminds us that the boundaries of any given political community are conventional, morally arbitrary, and subject to political determination. Without speaking of the hodge-podge of legislation, executive directives, Court decisions, and non-policies that make up the immigration and naturalization regime in the US, there is the deeper reality that most of us enjoy our citizenship, not as a matter of desert or moral entitlement, but as a mere accident of birth. From this acknowledgement of the contingencies of current policies flows the recognition that there may be any number of well-qualified individuals who have been denied this precious human good, through no fault of their own, and who might be able to make contributions to the political community far greater than many natural-born citizens if given the opportunity.

Not only do the criteria for citizenship vary from regime to regime, and over time within regimes, but their default values of territoriality, kinship, and legalism are insufficient justifications for why some should be included while others are left out. They are at best rough-and-ready principles for distributing membership. While conceding that necessity and circumstances will often discourage us from implementing ideally just principles for allocating citizenship, Aristotle nonetheless reminds us of the importance of having some such moral principles as a background condition for justifying why we admit some would-be members while excluding so many others.

Yet these moral underpinnings of political membership remain unarticulated in much of liberal political theory. Worse still, the very existence of some such principles (and their associated conceptions of political capacity) are often explicitly denied in favor of a kind of complacent legal positivism—as if, after overcoming the challenges of including all current members of liberal political communities on equal terms, the distributive dilemma of citizenship has been resolved once and for all. As Judith Shklar observes, modern liberalism is premised on the notion that “no moral qualities, whether natural or learned, are required” for citizenship, which effectively makes “exclusion and inclusion purely a matter of law.”³² This positivistic view of citizenship can be liberating and inclusionary, Shklar argues, especially when naturalistic discourses of political capacity have so often been marshaled to exclude various groups of people. But as the history of citizenship reveals, there are attendant dangers in thinking about citizenship as “purely a matter of law.” These are that, without

some underlying notion of human capabilities or entitlement to justify the allocation of citizenship, the law can enfranchise or disenfranchise different groups with the stroke of a pen. This is an undeniable historical reality. In the last two centuries German Jews; various national minorities in Central and Eastern Europe; Chinese, Japanese, Native and African-Americans; and countless other groups have been written out of citizenship or relegated to various degrees of semi-citizenship. And insofar as membership in a political community accords us what Hannah Arendt describes as the fundamental “right to have rights,” the conventionalist or positivist view may be uniquely congenial to totalitarianism.³³

Even if we accept Aristotle’s point that we are in need of some principle of distributive justice to govern the allocation of citizenship, the question remains: what sorts of principles will best serve the needs of a good society? I have argued that the principles of distributive justice to which Aristotle appeals can in principle be deployed toward the cause of inclusion. By challenging the common notion that birth or lineage generate sufficient claims to citizenship (and by implication, that their absence is sufficient grounds for exclusion), Aristotle moves us in the direction of a naturalistic theory of citizenship grounded in political capacity. However, contrary to what we might expect based on efforts by some contemporary Aristotelians to thicken up citizenship by appeals to heroic virtues that few in the political community possess, Aristotle’s own treatment serves to focus attention on the potential of virtually all members of the political community to participate in deliberation and to exercise authority.

Lastly, and most broadly, by stressing the essential linkage between political capacity and the requisite qualifications for citizenship, Aristotle reveals that there is an inverse relationship between the thickness of citizenship and the inclusiveness of the political community. Neo-republicans may be correct that citizenship loses significance when it is reduced to a merely juridical category—the citizen as passive bearer of rights without responsibilities. Yet they seem not to have reckoned with the danger that making the exercise of citizenship more arduous, time-consuming, or heroic means that some will necessarily lack these more exacting capacities. The enduring lesson of Aristotle’s political theory is that much rests on how the requisite “virtues” of citizenship are theorized, and furthermore, that the less stringent these constitutive faculties of citizenship are, the more inclusive and egalitarian the political community can in principle be.

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NOTES

1. For a wide-ranging survey of Aristotle's contemporary resonance, see especially John Wallach, "Contemporary Aristotelianism" *Political Theory* 20 (November, 1992): 613–41. If anything, Wallach's assessment of Aristotle's pervasive influence on contemporary political theory holds even more so today.

2. These range from neo-Aristotelians such as Alasdair MacIntyre, who are explicitly critical of liberalism, to defenders of "liberal virtues" such as Richard Dagger, Peter Berkowitz, and William Galston, who attempt to harmonize a classical attention to virtue with modern liberalism. See especially, Alasdair MacIntyre, *After Virtue*. (Notre Dame, IN: Notre Dame University Press, 1981); John Finnis, *Natural Law and Natural Rights*. (Oxford: Oxford University Press, 1980); Mary Ann Glendon, *Rights Talk: The Impoverishment of Political Discourse*. (New York: Free Press, 1991); Robert George, *Making Men Moral: Civil Liberties and Public Morality*. (Oxford: Clarendon Press, 1993); Richard Dagger, *Civic Virtues: Rights, Citizenship, and Republican Liberalism*. (New York: Oxford University Press, 1997); William Galston, *Liberal Purposes: Goods, Virtues and Diversity in the Liberal State*. (Cambridge: Cambridge University Press, 1991); Peter Berkowitz, *Virtue and the Making of Modern Liberalism*. (Princeton: Princeton University Press, 1999); and Douglas Rasmussen and Douglas J. Den Uyl, *Liberty and Nature: An Aristotelian Defense of Liberal Order*. (La Salle, IL: Open Court, 1991). Notable "civic republicans" who rely either directly or implicitly on Aristotle as the source of their classical republicanism include Michael Sandel, *Democracy's Discontents: America in Search of a Public Philosophy*. (Cambridge, MA: Belknap Press, 1995); Philip Pettit, *Republicanism: A Theory of Freedom and Government*. (Oxford: Clarendon Press, 1997); Quentin Skinner, *Liberty Before Liberalism*. (New York: Cambridge University Press, 1998); Maurizio Viroli, *Republicanism*. (New York: Hill and Wang, 2002).

3. While he does not explicitly appeal to Aristotle in support of his variant of republicanism, David Miller likewise theorizes republican citizenship by layering

additional republican duties and responsibilities on top of a baseline of liberal rights. See Miller, *Citizenship and National Identity*. (Cambridge: Polity Press, 2000), esp. pp. 53–60, 82–89.

4. On the theoretical compatibility between liberalism and various sorts of domestic and colonial exclusions, see especially James Tully, *Strange Multiplicity: Constitutionalism in an Age of Diversity*. (Cambridge: Cambridge University Press, 1995), esp. pp. 63–68, 71–88; Uday S. Mehta, “Liberal Strategies of Exclusion,” in *Tensions of Empire: Colonial Cultures in a Bourgeois World*, ed. Frederick Cooper and Ann Laura Stoler. (Berkeley: University of California Press, 1997), pp. 59–86; Mehta, *Liberalism and Empire*. (Chicago: University of Chicago Press, 1999); Bhikhu Parekh, “Liberalism and Colonialism: A Critique of Locke and Mill” in Jan Nederveen and Parekh, eds. *The Decolonization of Imagination*. (London: Zed Books, 1995), p. 82; Karuna Mantena, *Alibis of Empire: Henry Maine and the Ends of Liberal Imperialism*. (Princeton: Princeton University Press, 2010).

5. For a recent example of the appeal to political culture as a justification for exclusion, see especially Samuel Huntington, *Who are We?: The Challenges to America's National Identity*. (New York: Simon & Schuster, 2005).

6. On the putative distinction between “civic” and “ethnic” nations with respect to policies of immigration and naturalization, see Rogers Brubaker, *Citizenship and Nationhood in France and Germany*. (Cambridge, MA: Harvard University Press, 1992). For a criticism of this distinction as empirically untenable, see especially Bernard Yack, “The Myth of the Civic Nation” *Critical Review* 10 (Spring, 1996): 193–211. On the mythical character of so-called civic nations, see especially Rogers Smith, *Stories of Peoplehood: The Politics and Morals of Membership*. (Cambridge: Cambridge University Press, 2003).

7. For criticisms of Rawlsian liberalism for neglecting the ascriptive basis of political membership, see Rogers Smith, *Civic Ideals: Conflicting Visions of Citizenship in U.S. History*. (New Haven: Yale University Press, 1999), pp. 10, 481–85; Seyla Benhabib, *The Rights of Others: Aliens, Residents, and Citizens*. (Cambridge: Cambridge University Press, 2004), pp. 74–94; David Miller, *Citizenship and National Identity*, p. 46; Frederick Whelan, “Strangers to the Constitution: Immigrants in American Law” *University of Pittsburgh Law Review* 44 (Winter, 1983): 448–9; Joseph Carens, “Aliens and Citizens: The Case for Open Borders,” *Review of Politics* 49 (Spring, 1987): 251–73; Allan Buchanan, “Rawls's Law of Peoples: Rules for a Vanished Westphalian World” *Ethics* 111 (July, 2000): 697–721.

8. Martha Nussbaum, *The Fragility of Goodness: Luck and Ethics in Greek Tragedy and Philosophy*. (Cambridge: Cambridge University Press, 2001), p. 345.

9. This point is broadly consistent with Nussbaum's emphasis on the political community's role in furnishing external preconditions for living well and cultivating one's internal capabilities. Nonetheless, Nussbaum treats this largely as a matter of the distribution of resources within a *given* political community, at some points, or of trans-political *human* capabilities, at others, rather than as a question of *citizenship*. While raising complementary questions about the “breadth” of distribution and the legislator's need to determine “to whom these benefits will be conferred,” Nussbaum denies that the “subjects of distribution” are “subjects *because of being citizens*” (my emphasis). And yet if we are dealing—as is Aristotle—with a *political* community as the site and agent of *political* distribution, then it is hard to see how citizenship could be irrelevant to the subject of distribution. As Michael Walzer points out, membership

in a political community is what entitles someone to a distributive share in the first place. As such, citizenship itself may be the primary object of distributive concerns. Cf. Nussbaum, “Nature, Function, and Capability; Aristotle on Political Distribution,” in *Oxford Studies in Ancient Philosophy*, Supplementary Volume (1988), esp. pp. 25–8; Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality*. (New York: Basic Books, 1983), Ch. 2.

10. Walzer, *Spheres of Justice*, Ch. 2.

11. Unless otherwise noted, all references are to the Lord edition of the *Politics*, with minor modifications. *The Politics*, ed. and trans. Carnes Lord. (Chicago: University of Chicago Press, 1985).

12. Jill Frank similarly observes that Aristotle’s discussion of citizenship in Book III seeks to shift attention away from notions of citizenship as “made” by accidents of birth, parentage or location and toward citizenship as constituted by activity. And yet at the same time, the point of the Gorgias of Leontini reference seems to reinforce the idea that all instantiations of citizenship are at some level artificial or “made.” Cf. Jill Frank, *A Democracy of Distinction: Aristotle and the Work of Politics*. (Chicago: University of Chicago Press, 2005), esp. p. 23.

13. Cf. Mary P. Nichols, *Citizens and Statesmen: A Study of Aristotle’s Politics*. (Lanham, MD: Rowman & Littlefield, 1992), esp. pp. 56–57.

14. Cf. Peter L. Phillips Simpson, *A Philosophical Commentary on the Politics of Aristotle*. (Chapel Hill: University of North Carolina Press, 1998), pp. 136–137.

15. Plato, *Republic*, Book III, 414d–e.

16. For a more nuanced consideration of the various sub-categories and gradations of citizenship within the *polis*, see especially Fred D. Miller, Jr., *Nature, Justice, and Rights in Aristotle’s Politics*. (Oxford: Clarendon, 1995), pp. 143–8.

17. On Guizot’s notion of political capacity and its “elitist” overtones, see especially Aurelian Craiutu, *Liberalism Under Siege: The Political Thought of the French Doctrinaires*. (Lanham, MD: Lexington Books, 2003); on Burke’s elitism, see Don Herzog, *Poisoning the Minds of the Lower Orders*. (Princeton: Princeton University Press, 2000). For a contrary view of J. S. Mill that does not regard his theory of representation as inherently anti-democratic, see especially Nadia Urbinati, *Mill on Democracy: From the Athenian Polis to Representative Government*. (Chicago: University of Chicago Press, 2002).

18. On Aristotle’s commitment to exclusions rooted in social class, see especially Richard Kraut, *Aristotle: Political Philosophy*. (Oxford: Oxford University Press, 2002), pp. 214–20, 234–5.

19. Mary Nichols has made a similar point about Aristotle’s treatment of slavery. “The Good Life, Slavery, and Acquisition: Aristotle’s Introduction to Politics” *Interpretation* 11 (May, 1983): 171–183.

20. On the origins of these racist discourses of exclusion in the second half of the nineteenth century, see especially Karuna Mantena, *Alibis of Empire*.

21. Susan Collins, *Aristotle and the Rediscovery of Citizenship*. (Cambridge: Cambridge University Press, 2006), p. 121.

22. Josiah Ober, *Political Dissent in Democratic Athens*, Chapter 6; Jill Frank, “Citizens, Slaves and Foreigners: Aristotle on Human Nature” *American Political Science Review* 98 (February, 2004): 91–104; Frank, *Democracy of Distinction*; Martha Nussbaum, “Aristotle and Social Democracy”; Nussbaum, “Nature, Function, and Capability.”

23. Frank, “Citizens, Slaves and Foreigners,” esp. pp. 93–99.

24. Here my emphasis diverges from that of Collins, who reads Aristotle as correcting the individualism, proceduralism, and purposive neutrality of modern liberal citizenship with a more demanding form of Aristotelian citizenship based on moral education, seriousness, and noble self-forgetting. Yet she also acknowledges Aristotle's questioning of more traditional (and necessarily exclusionary) accounts of citizenship understood in terms of manliness, martial courage, and conquest. Cf. Collins, *Aristotle and the Rediscovery of Citizenship*, esp. pp. 47–58, 113–5. Others more skeptical of whether Aristotelian community and citizenship are really as demanding as contemporary “civic republicans” and “communitarians” might wish are Bernard Yack, “Community: An Aristotelian Social Theory,” in Aristide Tessitore, ed. *Aristotle and Modern Politics*. (Notre Dame: University of Notre Dame Press, 2002): 19–46; Yack, *The Problems of a Political Animal*. (Berkeley: University of California Press, 1993); and Stephen Salkever, *Finding the Mean: Theory and Practice in Aristotelian Political Philosophy*. (Princeton: Princeton University Press, 1990), esp. pp. 59–60, 72–90, 146–8, 170–4, 185–6, 191, 197–204, 238–44, 262–4.

25. Cf. Nussbaum, *Fragility of Goodness*, pp. 349–350; Nussbaum, “Aristotelian Social Democracy” in Tessitore, ed. *Aristotle and Modern Politics*, pp. 78–9; Nussbaum, “Nature, Function, and Capability,” pp. 145–83. Jill Frank has importantly demonstrated the degree to which activities and capabilities are dialectically intertwined with one another, such that “even as activities emerge from a stable character, activities themselves are formative of character.” *Democracy of Distinction*, p. 10.

26. While emphasizing how Aristotle's notion of citizenship is “quite remote from our democratic ideals,” Dorothea Frede suggestively notes that Aristotle's “broadening” of the definition of citizen is putatively a liberal and democratizing move. Cf. Frede, “Aristotle and Citizenship,” in Richard Kraut and Steven Skultety, eds. *Aristotle's Politics: Critical Essays*. (Lanham, MD: Rowman & Littlefield, 2005), esp. pp. 168, 171, 174, 176–8, 180–2.

27. Curtis N. Johnson, *Aristotle's Theory of the State*. (New York: St. Martin's Press, 1990), p. 117.

28. Johnson, *Aristotle's Theory of the State*, pp. 119–120.

29. Josiah Ober, *Political Dissent in Democratic Athens: Intellectual Critics of Popular Rule*. (Princeton, NJ: Princeton University Press, 1998), pp. 300–301.

30. For an exploration of this empirical claim, see Jeremy Waldron, “The Wisdom of the Multitude: Some Reflections on Book III, Chapter 11 of Aristotle's *Politics*,” in Kraut and Skultety, eds. *Aristotle's Politics: Critical Essays*, pp. 145–65.

31. This is also famously Tocqueville's assessment of the relative merits of aristocratic and democratic governments. See Tocqueville, *Democracy in America*, Volume 1, pp. 233–34. Cf. Salkever, *Finding the Mean*, pp. 223–6.

32. Shklar, *American Citizenship*, p. 33.

33. Arendt, *The Origins of Totalitarianism*. (New York: Harcourt, Brace, 1951).