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ANDRÉS ROSLER

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Political Authority and Obligation in Aristotle

ANDRÉS ROSLER

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For my parents

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Preface and Acknowledgements

The purpose of this book is to argue that, in spite of the prevailing view to the contrary, Aristotle does examine the question of political obligation and its limits. To prove this point some connected issues will be tackled as well, such as the ethical underpinning of Aristotle's political thought, the normativity of his ethical and political theory, and the concepts of political authority and obligation itself.

It is true that Aristotle does not discuss these topics systematically in particular chapters devoted to them. Actually, it looks as though Aristotle's books on practical philosophy that have come down to us are mainly the result of assembling some, as it were, 'ready-to-go-to-press' materials together with lecture notes and/or papers written to be looked up at the library of the school. Furthermore, there is no question that his main interests, challenges, and opponents were generally different from the usual modern ones. But I believe there is still a case for arguing that he does not fail to make an issue of topics which are thought to be particularly modern ones, such as political authority and obligation.

A brief perusal of its index will show that this study straddles the usual academic division of labour between the history of philosophy and contemporary moral, political, and legal philosophy. As a result of our departmentalized view of the academic business it is not unusual for classical scholars to work with a stereotypical or outdated picture of modern political philosophy, and something similar applies to modern moral and political theorists as they deal with classical thought. Furthermore, scholars pursuing the study of classical and modern philosophy often overlook the findings of their colleagues involved in contemporary philosophy. Perhaps a comparative study focused on the analysis of what appears to be a mainly modern and contemporary issue in a classical thinker may contribute something of value to most of the fields at stake.

Since the structure of this book is designed to meet several arguments against its principal thesis, those who are unimpressed by some of these arguments may want to pass over the sections where the latter are dealt with. Of course, I would be delighted if somebody wanted to see new or different arms and tactics deployed against old or familiar enemies, let alone if the book were read from start to finish. Nevertheless, readers

may be happy to know that, for instance, those who are not worried about the normative credentials or the foundations of Aristotle's ethical and political naturalism may want to skip Chapter 2 altogether—mind you, this caveat does not apply to those interested in the way the foundation of Aristotle's ethical and political thought stands *vis-à-vis* Hobbes's and Kant's. In a similar sense, those who are willing to ascribe the notion of morality to Aristotle may have reason to omit the first three sections as they read through Chapter 4. At any rate, readers should feel free to help themselves to whatever they find of interest in this book.

An earlier and rather different version of this work was submitted as a doctoral dissertation at Oxford in Hilary Term 1999. My sincere thanks must first go to my supervisor, John Finnis, whose meticulous readings of and insightful critical comments on several drafts improved my dissertation greatly. In fact, I seem to remember that this whole adventure into Aristotelian territory started off one afternoon in early October 1994 in his room at University College, as he subtly suggested that I put off my Hobbesian interests for a while and explore instead the possibilities of ascribing the notion of political obligation to Aristotle. I hope the reader will agree that he was right.

I would also like to thank my D.Phil. examiners, John Gardner and Mark Philp, who proved to be ideal for the job of conducting the *viva voce*. They made a number of helpful criticisms and observations to my thesis and were instrumental in motivating me to develop my dissertation in a published form. Regarding this last point, I should single out John Gardner's help and support. It should be added that Mark Philp had also served as examiner during my transfer to the D.Phil. status, together with David Charles. Their sharp and uncompromising criticisms as stated in the transfer report prodded me to raise significantly the standard of my dissertation.

During my stay at Oxford I was lucky enough to be a member of and enjoy the friendly atmosphere at St Hugh's College. My gratitude goes to Ann Smart, for her help and kindness during my first year at St Hugh's, and especially to Joshua Getzler, who was my graduate tutor all along. They both made me feel quite at home.

The financial support of the British Council during my first year at St Hugh's, and of the Fundación Antorchas during my second and third years of graduate work in addition to a postdoctoral research fellowship, is also gratefully acknowledged.

Any work in philosophy, especially one which is at the crossroads of the history of philosophy and contemporary philosophy, is bound to be heavily indebted to the work of many others. The footnotes throughout the book should acknowledge my many intellectual debts, especially to

Aristotelian scholarship. But there is one study which requires special mention: Fred D. Miller, Jr.'s *Nature, Justice, and Rights in Aristotle's Politics*. Although it came out as my second year as a graduate student was well under way, I have learned much from the structure and content of its argument for the existence of rights in Aristotle. When it comes to commentaries on the *Politics*, Eckart Schütrumpf's *Aristoteles. Politik* is a remarkable achievement, arguably head and shoulders above the rest. It is a pity that his fourth and last volume—on Books VII–VIII—is still in the pipeline.

Although I am very fortunate to have many good friends, both within and without the trade, I would particularly like to thank the help and support of three of my colleagues: Jorge Dotti, Leiser Madanes, and Beatriz Trastoy. Just what I owe them for countless pizzas and barbecues has committed me to an irrevocable status of financial default. To all of them, my gratitude. I should single out nevertheless the encouragement I have received from Jorge Dotti, once my teacher and now a dear friend. My thanks to Carlos Strasser for his early guidance as I was cutting my scholarly teeth back in the early 1990s. Carlos Nino might also have been glad to hear of the existence of this book. And Gabriela Alonso, for her part, made me set the bar higher.

Finally, I want to thank my OUP editor and assistant editor, Peter Momtchiloff and Jacqueline Baker, for their kindness and help, Nigel Hope, for his thorough copy-editing, and two OUP anonymous readers, for their helpful criticisms of and suggestions on the last-but-one version of the book.

A. R.

Buenos Aires

July 2004

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Contents

<i>Abbreviations and References</i>	xiii
Introduction	1
1. The Explanatory Power of Ethics in Aristotle's Theory of Politics and Law	11
1.1 Rulers, Subjects, and the Practical Viewpoint	11
1.2 Description and Evaluation in Social Science	19
1.3 Complementarity of Description and Evaluation: Social Science and Moral Agency	33
2. Nature and Normativity	42
2.1 Nature in Ethics and Politics	42
2.2 Mind the Gap	45
2.3 The Human Thing to Do	53
2.4 Political Animals	67
2.5 It's Only Natural	73
2.6 Getting Aristotle's Priorities Right	80
3. The Concept of Political Authority	87
3.1 Introduction	87
3.2 Words Can't Describe	88
3.3 The Nature of Authority	90
3.4 Political Authority in the <i>Ethics</i> and <i>Politics</i>	101
3.5 Ways of Speaking about 'Authority' in the <i>Politics</i>	112
4. Morality and Political Obligation	116
4.1 Introduction	116
4.2 Morality in Aristotle?	116
4.3 'Moral Ought' in the <i>Ethics</i>	133
4.4 The Concept of Political Obligation	136
4.5 Political Allegiance: Obligation or Duty?	140

5. The Question of Political Obligation	145
5.1 Popping the Question	145
5.2 The Extreme Democratic Challenge	150
5.3 Some Communitarian Fallacies	167
6. The Justification of Political Authority	178
6.1 For Your Own Good: Two First Arguments	178
6.2 Enabling Constraint and Coordination	186
6.3 <i>Et in Arcadia auctoritas?</i>	193
7. The Limits of Political Obligation	219
7.1 Breadth and Depth of the Political Question	219
7.2 You Belong to Me	222
7.3 <i>Eunomia</i> and ‘Constitutional’ Vice	233
7.4 Tyranny and the Right of Resistance	239
Conclusion	259
<i>Bibliography</i>	261
<i>Index Locorum</i>	275
<i>Index Nominum</i>	288
<i>General Index</i>	292

Abbreviations and References

This list of abbreviations mainly follows the usage of the *Oxford Classical Dictionary*, 3rd edn. (1996).

Aeschin. Aeschines

Aristoph. Aristophanes

Ran. Ranae

Aristotle

An. Post. Analytica Posteriora

[*Ath. Pol.*] *Athēnaiōn Politeia*

DA de Anima

EE Ethica Eudemia

EN Ethica Nicomachea

HA Historia Animalium

Int. de Interpretatione

MA de Motu Animalium

Met. Metaphysica

Meteor. Metereologica

PA de Partibus Animalium

Phys. Physica

Poet. Poetica

Pol. Politica

Pr. Problems

Rhet. Rhetorica

Top. Topica

Dem. Demosthenes

Dig. Digesta

Eur. Euripides

Med. Medea

Suppl. Supplices

GG O. Brunner, W. Conze and R. Koselleck (eds.), *Geschichtliche Grundbegriffe. Lexikon zur politisch-sozialen Sprache in Deutschland*, 8 vols. (Stuttgart, 1972–97)

Hdt. Herodotus, *The Histories*

Homer

Il. Iliad

Hyp. Hyperides

Isocr. Isocrates, [VII] *Areopagiticus*

Locke

2T *The Second Treatise of Government*

Loeb Loeb Classical Library

Lycurg. Lycurgus

Leoc. Against Leocrates

Lys. Lysias

OCD Simon Hornblower and Antony Spawforth (eds.), *Oxford Classical Dictionary*, 3rd edn. (Oxford, 1996)

OCT Oxford Classical Texts

Plato

Leg. Laws

Phd. Phaedo

Plt. Politicus

Resp. Republic

Rousseau

CS Social contract

Soph. Sophocles

Phil. Philoctetes

Thuc. Thucydides, *History of the Peloponnesian War*

Tod M. N. Tod, *Greek Historical Inscriptions*, vol. 1 (1946), 2 (1948)

Xen.

Hell. Hellenica

Lac. Respublica Lacedaemoniorum

Mem. Memorabilia

References to Aristotle's works follow the standard usage of giving first the number of book and chapter using a roman numeral plus an arabic numeral (e.g. I.1), followed by the page, column, and line number in the classic Berlin edition by Bekker (e.g. 1252^a1). In the case of a reference to a passage in Aristotle in which no work is mentioned, the reference is to a passage in the *Politics*. If no book number is given, the reference is to the passage in the book last mentioned. The use of an arabic numeral followed by another arabic numeral (e.g. 1.1) refers to chapters and sections of this book.

The use of {curly brackets} in quotations indicates that their contents do not appear in the text at issue but are nevertheless implicitly assumed by the text.

Translations from the *Politics* are mainly Reeve's (1998) and from the *Nicomachean Ethics* are mainly Irwin's (1999). As far as the rest of the Aristotelian corpus is concerned I have followed Barnes (1984). Translations from the *Republics* are Waterfield's (1993) and from the *Laws* are Saunders's (1975). Unless otherwise stated, all other translations of classical texts follow Loeb. The Greek texts used follow *OCT*. Emphasis in Aristotle's texts is, of course, my own.

Introduction

There is quite an impressive list of scholars who are convinced that Aristotle does not raise the question of political obligation. It has been asserted that ‘Aristotle is not interested in ... the problem of political obedience’;¹ that ‘Aristotle does not consider how far the citizen should carry his sense of belonging to the *polis*’;² that while ‘We [moderns] often worry whether the State's orders conflict with our conscience’, this question does not ‘occur[] to Aristotle’;³ that the question of political authority and obligation ‘is absent from Aristotle's agenda’.⁴ Very recently it has been claimed that Aristotle is quite distant from the ‘view characteristic of modern political thought’ that ‘the legitimacy of the state must ... be justified, if it can be justified at all, by seeing it as a device for the accomplishment of the rational wishes of many individuals’,⁵ and even more to the point, that Aristotle ‘does not put himself in the position of each one of ... [the citizens], by asking himself what reasons they ought to have to obey ... [the laws]’.⁶

¹ Mulgan (1977), 57.

² Newman (1887–1902), iv. 502.

³ Robinson (1995), 14.

⁴ Taylor (1995), 233–4.

⁵ Kraut (1997), 173. Kraut (2002), 271, seems to have nuanced his position: ‘Aristotle assumes throughout his political writings that a citizen can be called upon to obey the law and serve his political community in many different ways, and he *almost* never pauses to offer a justification for this far-reaching assumption. Perhaps that is because he believes that such a justification is already contained in the doctrine that each citizen is a part of a whole that is prior to him’ (emphasis added).

⁶ Leszl (1997), 293. Actually there are further significant signatures adhering to the cause. Stephen (1904), 175–6, claims that the problem of ‘What is the relation between the sovereign and the subject ... had not been discussed in the classical philosophy. Man as a “political animal” was so identified with the State that citizenship was an essential part of him. Different forms of government might be compared, but the individual could not be conceived as existing independently of the State’. Schütrumpf (1981), 43, n. 22, holds that ‘[bei Aristoteles] Herrschaft wird nicht legitimiert, sondern als naturgegeben außer Frage gestellt’. Cf. also Höffe (2001b), 191: ‘Daß eine Gesellschaft Herrschaft und Regierung braucht, zieht Aristoteles nirgendwo in Zweifel. Die radikale Legitimationsfrage, die nach einer polislegitimierenden Gerechtigkeit: “Warum darf es überhaupt eine Herrschaft von Menschen über Menschen geben?” wirft er nicht auf. ... Nicht bloß Aristoteles, sondern so gut wie allen Griechen ist die radikale Legitimationsfrage fremd.’ Benn (1967), 216, is of the view that ‘The question, “What, in general, can justify authority?” became pressing in political philosophy only after the Reformation. The Greeks and the Romans, taking the need for authority for granted, were mainly concerned about who should exercise it, under what conditions, and within what limits. Christianity taught that all authority was of God, as a remedy for sin, and men owed obedience to earthly authorities because they were divinely commissioned. Only with the growth of early liberalism, out of the wreck of the universal church, and under the influence of the Protestant doctrine of the equal priesthood of all believers and the doctrine of the Inner Light, did the problem of justifying human authority in secular terms become urgent.’ Riley (1982), 3–4, says that: ‘Given the ancient view of the morality of the common good and the supreme importance and naturalness of political life, ancient thought had no need of theories of political obligation, for these are necessary only when the duty to obey is in doubt. Politics being the highest end of man, obligation was not a real problem, and the task of the great legislator was not to show why men ought to obey but merely in what way—under what kind of regime—they should do so.’ Whereas Finley (1983), 134, explains that ‘Political obligation, ... was ... in antiquity ... taken for granted’, Hansen (1991), 304, maintains that Athenian democrats ‘turned a blind eye to the problem of political obligation’. Finally, Veyne (1976), 191, claims that although authority was a fact of life among Greeks, they did not thematize it. He further claims that although Athenians had to obey public commands daily and play a part in policies they did not approve of, they preferred not to think of it and actually lacked theorists of public law altogether. As for their philosophers, adds Veyne, they were simply content with deducing social life from human nature.

Aristotelian scholarship thus seems to agree on the whole that Aristotle does not have a notion of political obligation. To be sure, scholars put forward a variety of reasons to support this claim. But the general consensus remains that Aristotle is not interested in this issue.⁷ Given this *opinio communis*, it seems only natural to assume that the burden of proof should rest on the contrary position, i.e. on those who maintain that Aristotle does have a concept of political authority and obligation.

However, the point may well be made that Aristotle's philosophico-political complex of foundational notions—notably virtue, comprising the idea of *to kalon* and justice; friendship and community; law and government with a view to the common good—should put the ball in the court of those who believe that Aristotle is not interested in the issue of political obligation. For the very notion of community or association (*koinōnía*) as used by Aristotle entails the existence of some sort of coordinated activity over time by a number of persons for the sake of a common goal. Those who undertake the pursuit of this common

⁷ Some scholars do affirm that Aristotle addresses the issue of political obligation, but they do it *en passant*, without giving much thought to it as a topic in its own right (4.4 *ab initio*). For instance, Polin (1971), 9, promisingly asserts that 'Aristotle will take up the problem at the point where the *Criton* had left off and will demonstrate once and for all the essential character of political obligation', but regrettably leaves it at that. Cf. Berti (1997a), 18–19; Chan (1994), 151–3. Cf. also MacIntyre (1984), 254, and Seel (1990). Riedel (1975a), 102, claims that Aristotle—if not the whole Aristotelian tradition—does raise the question of political obligation only to fail to provide it with a sound justification, on the grounds that Aristotelians cannot do better than commit the naturalistic fallacy in this attempt. Jellinek (1905), 214, is of the similar view that 'Die psychologisch-historische Theorie [sc. *Pol.* I.1–2] erklärt mit nichten die Notwendigkeit der staatlichen Zwangsgewalt. Von ihr aus ist und bleibt der Staat eine historische Kategorie, der als solcher niemals der Charakter einer Rechtfertigung innewohnen kann. Sie erklärt das Sein, aber nicht das Seinsollen des Staates.'

goal by coordinated activity have strong practical reasons to set up some form of authoritative rule for solving the coordination problems which are bound to happen as they pursue their common objective. Thus the existence of a group and the existence of authority tend to go together; and, given the (moral) correlativity between authority and obligation, and the normal factual conditions of a group's existence and coordinated activities, there must normally be a moral requirement on its members to abide by the rules that coordinate the common activity towards the common goal.

Similarly, since in Aristotle's eyes ethico-political issues should be understood from the viewpoint of an agent who takes the human good seriously and thus is virtuous and just, viz. the *spoudaios*, and since Aristotle explicitly identifies the law-abiding man with the just or fully virtuous man (*EN* V.1 1129^b11), there is reason to believe that the notion of political obligation could not be totally alien to Aristotle's political theory.

As for the notions of law and government, it seems essential to the law—and thus to the central case of government—that it claims to have (moral) authority over its subjects to require them to set aside their own preferences and prudential judgements on matters regulated by the law, and to treat it as having the peremptory status in deliberation which the law normally claims for itself. In this way, as is widely acknowledged, it is part of the central case of law to be morally binding on the deliberation of its subjects. In short, the moral connection between authority and obligation entails that the notion of law implies the notion of a moral duty to obey it on the part of those who are subject to it.

In the face of these considerations I shall take up the gauntlet of contemporary Aristotelian scholarship by arguing that Aristotle's texts do accommodate the concepts of political authority and obligation. Since the standard view of Aristotelian scholarship is that Aristotle does not raise the question of political obligation, an important part of this study will consist in seeking to prove that view wrong. A large part of the structure of this book is thus based upon the attempt to respond to many of the arguments put forward by contemporary Aristotelian scholarship to the contrary. Although the analysis of these objections does not exhaust the content of the chapters, they often set the stage for the ensuing discussion.⁸

⁸ I should warn the reader that two apparently promising lines of inquiry will not be pursued in this book. Whereas the first one would go for a strong republican approach to our concept, the second one concerns the possibility of defending the existence of political obligation in Aristotle on communitarian grounds. The difficulties involved in and so the reasons for not riding on the back of these stances are mentioned in 2.4 and 5.3 respectively. To give a taste of their shortcomings suffice it to say for the moment that whereas the communitarian approach does not have enough practical bite to account for the normativity of political obligation, a strong republican reading would stake civic bonds entirely on political participation. The latter, if true, would make things too easy for the attempt to argue that Aristotle is interested in political obligation. On the other hand, it would also imply that those who do not partake in the political process would have reason to feel free to ignore the demands from political authority. Neither the communitarian nor the *strong* republican interpretation reflects Aristotle's views on the subject. Having said that, the reader may want to go through 7.2 for an explanation of the role played by the community in Aristotle's political theory and to explore 5.2 *in fine* for a rather *weak* version of republicanism which might be attributed to Aristotle.

Chapters 1 and 2 form a first part of the book, basically concerned with the method and the foundations of Aristotle's practical philosophy. Chapter 1 focuses on some aspects of the explanatory power of ethics in Aristotle's political and legal philosophy. In this chapter I shall take exception to the claim that since his political theory addresses legislators and statesmen rather than citizens or subjects, Aristotle is therefore not concerned about the interests of citizens and subjects and is thus unimpressed by the issue of political obligation (1.1). Once due consideration is given to Aristotle's method in political theory and legal philosophy, it is reasonable to conclude that the interests of citizens or free subjects are very much a concern of his. The fact that Aristotle writes the *Politics* primarily for legislators and statesmen does not contradict the claim that his political theory is concerned with the viewpoints and interests of the individual subject and his relation to the state. We shall see that Aristotle intends legislators and statesmen to rely on the practical viewpoint and to act in the interest of their subjects. Further, we shall see that in doing so Aristotle's political theory is not merely descriptive and/or explanatory but also and essentially normative (1.2). In order to bring this fact to light, I shall discuss some particular features of his expository method, especially the normative subtext of many of his descriptive and explanatory statements (1.3). We shall see that this normative subtext bears on several of the issues discussed in this book, especially on Aristotle's views about the limits of political obligation (7.4).

Chapter 2 studies Aristotle's conception of nature in his ethical and political texts. The examination of Aristotle's conception of nature in his practical works is essential to clear Aristotle of some unwarranted charges made against him, charges which, if proved right, would seriously undermine the normativity of Aristotle's political theory and thus the very attempt to attribute a theory of political obligation to him. These charges, which basically come down to numerous variations on the theme of the naturalistic fallacy, derive essentially from a misunderstanding of Aristotle's handling of the connection between well-being and human nature—especially his discussion of the human function, and his theses

that human beings are political by nature, that the polis exists by nature, and that the polis is naturally prior to its members.

In effect, we shall see that Aristotle's practical philosophy is out of the range of the objections raised by what might be called the 'Kantian card'. In this sense, a case will be made that Aristotle's employment of nature in his ethical and political theory does not commit him to ignoring the distinction between value and fact and thus that he locates his ethical and political theory in the right direction of fit between mind and world. I shall argue that Aristotle's conception of well-being is accompanied by a sound account of the relationship between reason and desire—at the very least, an account which satisfies standard Kantian requirements of normativity (2.2). Special consideration will be given to the human function argument and its role in Aristotle's ethical theory (2.3). As for the complex of theses informing Aristotle's political naturalism, there is reason to believe that they are all immune to standard Kantian firepower. We shall see that the thesis that human beings are political by nature is not so much a biological, ontological, or metaphysical theory as a reflection on what human beings have reason to do (2.4), and that both the natural character of the polis (2.5) and the natural priority of the polis over its parts (2.6) can only be explained in terms of the well-being of its members. The entire edifice of Aristotle's political naturalism is built on a strongly practical bedrock.

Chapters 3 and 4 form a second and mainly conceptual block in order to argue that we can find in Aristotle's political theory a discussion of the notions of authority, obligation, and political obligation in terms that are recognizably modern or, at the very least, recognizably relatable to modern terms. Indeed, it is not unusual for Aristotelian scholars to claim that Aristotle does not have a notion of authority. The argument that insurmountable conceptual-historical barriers make it impossible for a Greek thinker to have something even similar to authority (which is, in turn, allegedly a Roman concept, at best ignored by the Greek world) is usually put forward to deny the existence of such a notion in Aristotle. We shall see that this type of objection often mistakes the existence of a concept for the existence of a single word or expression used to convey such a concept (3.2), and that Aristotle's texts are no stranger to a discernible concept of political authority (3.4–5). Moreover, we shall see that the claim that Aristotle does not have the notion of political authority is often tied in with a misunderstanding of the nature of authority itself (3.3). Once we get to the bottom of the nature of authority, it is fairly clear that Aristotle does accommodate such a notion.

Chapter 4 does some preliminary conceptual work to show the existence of the notion of political obligation itself in Aristotle. Since in this study political obligation will be conceived of as a moral requirement to

comply with the dictates of political authority, we should be able to attribute the notion of morality and/or moral obligation to Aristotle (4.2). Not a few of the arguments advanced to deny the existence of authority in Aristotle also bear on the claim that he does not have a concept of moral obligation. I shall defend the claim that although his ethical theory does not hinge precisely on the concept of moral duty, there is no question that it does contain the idea (4.3). Finally, having seen that something akin to the notion of political obligation appears in Aristotle's politics (4.4) and assumed that moral 'duty' and 'obligation' are fairly equal expressions referring to the same phenomenon, at the end of the chapter we shall dwell on some of their differences when brought to bear on the issue of political allegiance in Aristotle (4.5).

The third part of the book is composed of the last three chapters, which set off on a basically evaluative journey. In this last part I shall argue that Aristotle defends a conception of political authority and obligation according to which the authority of the state and the political bonds of its citizens are essentially guided and limited by moral considerations. I shall first argue in Chapter 5 that Aristotle does raise the question of political obligation in terms that are quite familiar to modern political theory: Why is the individual to obey political authority? I shall argue that his political theory contains the claim that the authority of the state stands in need of justification (5.1) and that he actually faces up to an anarchist challenge of sorts to come up with a justification for the restriction of the liberty of subjects (5.2). Before going into the ways in which Aristotle answers the political question in terms of the well-being of those subject to political authority, some communitarian fallacies will be cleared out of the way of Aristotelian politics (5.3).

In Chapter 6 we shall then examine in more detail his main arguments for justifying political authority and obligation (6.1–2), in particular Aristotle's apparent commitment to the challenging view that not only irrational or immoral people but even fully rational and moral agents would still be in need of political authority (6.3).

Finally, I shall argue in Chapter 7 that Aristotle's philosophy of law does not make sense if read as a plea for, or as taking for granted, unconditional political obligation. I shall offer an interpretation of some controversial passages of Aristotle which explain why he is not guilty of the charge of totalitarianism (7.2). To be sure, he subscribes to the view that some unjust dispositions or laws are to be put up with in the face of the consequences of disobedience for the common good. But this should not prevent us from seeing that Aristotle does defend the view not only that government is limited (7.3) but also that there is a right of resistance against oppression (7.4). Aristotle's discussion of tyranny

reveals that he is more than willing to acknowledge that, in some cases, the very failure of political authority in fulfilling its morally justified tasks releases citizens from their duty to obey the government.

Given the subject-matter of this study, some brief remarks about the method of interpretation of political texts seem to be in order. The very selection of our topic, political authority and obligation in Aristotle, commits the analysis to a particular method of interpretation of philosophical texts. I shall proceed on the assumption of a method of interpreting Aristotle's texts that is often called 'reconstruction' or 'philosophical scholarship'.⁹ According to this reconstructive method, 'a concept or a claim may have a place in a philosopher's thought even though it may not be articulated in terms corresponding to ours'.¹⁰ Texts should be understood not only in their own terms but also by applying external concepts and theories when they do justice to the text itself. This admits of a comparative methodology, so that similarities and differences with modern modes of thought can be brought to light. One may even at times consider further ramifications of a philosopher's thought, occasionally taking it beyond the point he may have considered necessary or possible.

An alternative available to the historian of philosophy seems to be what is sometimes called 'classical scholarship', according to which the interpreter should study a classical philosopher in isolation from modern or contemporary interests and issues. The idea is to make sense of classical texts in their own terms only. In our case, we should approach Aristotle's ideas in his own terminology as an answer to his own questions. No 'alien' element must be allowed into our analysis. Thus Aristotle's texts are or become something of a self-contained museum piece, and their meaning may be retrieved if and only if they are carefully preserved from later intruders.

A full discussion of the methodology of the history of ideas is certainly beyond the scope of this book. Here I would just like to make the point that the idea that Aristotle should only be explained in his own terms and/or exclusively in the light of the work of his contemporaries does not hold water. It is a self-frustrating undertaking. The aspiration to avoid any contaminating element in the discussion so that all modern concepts and assumptions are kept off would, if pursued to the letter, lead to the view that, e.g., we could only make sense of Aristotle if we were

⁹ See Miller (1995), 21–2, who in turn draws on Charles (1984), pp. ix–x.

¹⁰ Miller (1995), 22. Indeed, some reconstruction of Aristotle's major arguments in the *Politics* is unavoidable because of its very fragmentary or overly compressed form. As Yack (1996), 644, says, 'Even the most straightforward commentary must canvass possible meanings, uncover implicit assumptions, consider objections, and compare alternative views in order to draw useful insights from these arguments.'

to write about him in Attic Greek, ignoring *all* previous scholarship—even on Aristotle himself—written in times other than fourth-century Athens or earlier, thinking in his own terms only, if not becoming a Greek contemporary of Aristotle, and so forth.¹¹ In this sense we cannot escape the fact that we are all ‘children of our time’. Commentators are not able to throw all their conceptual luggage overboard as they study the works of previous thinkers, nor is it necessarily desirable for them to do so. Needless to say, this is not meant to imply that *carte blanche* should be given to indulge in all kinds of anachronisms—or readings, for that matter.¹² Being in the business of the history of political thought, we should beware of crossing the often thin and blurred border which separates the interpretation of a political work by X from neo-Xism. The decisive standard for assessing which concepts, assumptions, theories, techniques, and generally readings are (not) admissible must still be the text itself. But in principle there should be no restriction on the possible contribution of previous philosophers to contemporary issues and debates—and vice versa.

Of course, many distinguished intellectual historians tend to focus on political discourse and language rather than political thought itself and to argue that political vocabulary is intelligible only in terms of ‘rhetoric’ and ‘language games’ belonging to a concrete political context.¹³ As a result, emphasis is laid on the specificity of different

¹¹ This smacks of the short story by Jorge Luis Borges about Pierre Menard’s attempt at writing *Don Quixote*, whose ‘initial method ... was relatively simple: to know Spanish well, to re-embrace the Catholic faith, to fight against Moors and Turks, to forget European history between 1602 and 1918, and to *be* Miguel de Cervantes’ (‘Pierre Menard, Author of Don Quixote’, in Borges (1993), 33). On the other hand, even if it were possible to, as it were, ‘play’ exactly what Aristotle wrote, on the instruments he had in mind and in the original pitch and style, it would not follow that that is the only right way of ‘playing’ his political philosophy or even that it is desirable to do so. *Mutatis mutandis*, there seems to be no need to attend a performance of, say, *La Bohème* in the Quartier Latin to get its meaning and beauty, nor does it take Viennese blood to play a waltz properly.

¹² Cf. Terry Eagleton’s *boutade* that ‘Though conclusive evidence is hard to come by, it is difficult to read Shakespeare without feeling that he was almost certainly familiar with the writings of Hegel, Marx, Nietzsche, Freud, Wittgenstein and Derrida’ (Eagleton (1986), pp. ix–x).

¹³ The two main examples of this trend are the ‘Begriffsgeschichte School’ and the so-called ‘Cambridge School’ of intellectual history. For the former see *GG*, especially the introduction to the first volume, Riedel (1975a) and Meier (1990), in which *Begriffsgeschichte* is brought to bear on classical political thought. For the latter see, e.g., Skinner’s essays in Tully (1989); Skinner (1989); Pocock (1987); and Ober (1999). Newey (1998), 29, has recently and wittily pointed out that ‘Before Skinner started work, the shades of long-dead men sat in a timeless symposium discussing justice, liberty, political obligation, and the rest—the Penguin Classics approach, as it might be called. Homo Oxoniensis had risen and thriven in ancient Athens, wending his way via cinquecento Florence to the lush pastures of proto-liberal England. The canonical texts were read as purveying perennial truths about a no less perennial agenda of concerns, in helpfully transparent prose. There were three dogmas about texts in the history of political thought—that they formed a fixed canon, that they debated a fixed agenda and that they were hermeneutically transparent—and these dogmas were mutually supporting’ I am not denying the significance of the work done by context-friendly approaches to the history of political thought. I am only trying to argue that there is a reason for keeping Homo Oxoniensis alive and kicking, since we shall have ever new questions to pose to the history of political thought in general, and to Aristotle in particular. Furthermore, as Kraut (1984), 110, says, ‘interpretations of a historical work must go beyond bare repetition. There are always questions about an author’s meaning that the author does not explicitly answer, and so if we refuse to attribute to a philosopher anything that is not written in his text, we will have to stop writing about the dead.’ The idea is that historical and analytical readings of political philosophy go hand in hand to advance our understanding of the texts.

epochs and/or paradigms with their peculiar languages and idioms. In this book, as we shall see, I have not excluded any contribution to the comprehension of Aristotle's political and legal philosophy purely on the basis of its methodological assumptions. All approaches should be welcome and judged by the contributions they make to the understanding of a philosophical text. Aristotle himself, as he is discussing the concept of citizen, makes it clear that it does not matter which word or expression we use to describe the notion of citizenship as long as what we mean by it is clear enough (*Pol.* III.1 1275^a18–29, 29). Once the point is made, how it is conveyed is not constitutive of its truth.¹⁴

Actually, there is a further reason to believe that Aristotle himself might have agreed with us on this issue. He often approaches his own predecessors from the perspective of his own philosophical theory.¹⁵ Aristotle was not chary of having recourse to his own political theory with a view to explaining historical processes and phenomena. At *Pol.* V.11 1313^a26–7 the remarks on the Spartan king Theopompus (who reigned? 720–670 BC)¹⁶ presuppose the concepts of mixture and moderation as politically stabilizing elements, concepts belonging to late Platonic (*Leg.* III 692a–b) and/or Aristotelian constitutional theory. Thus Theopompus is seen as a seventh-century reformer-king carrying out typically fourth-century policies of constitutional stability, namely moderation in the constitution, especially through checks on the monarchy by an external agency (the ephorate).¹⁷ *Pol.* II.12 1273^b38–9, although more Aristotelian than Aristotle's in nature, reports that ‘some people think’ that Solon, among other things, ‘established the ancestral

¹⁴ Everson (1998b), 95, is of the view that ‘Aristotle ... maintains a psychologistic theory of language, according to which the meaning of words is to be explained by reference to the content of thoughts rather than vice versa [*Int.* 1 16^a 3–8]. On Aristotle's view, we do not need language in order to think.’

¹⁵ See Charles (1997), 234.

¹⁶ See *OCD*, 1505.

¹⁷ See Schütrumpf (1996a), 580. The claim that the alleged creation of the ephorate by Theopompus is actually the work of a later age is grist to our argument's mill: it enhances the fact that Aristotle's philosophical analysis is not especially interested in historical accuracy.

{Athenian} democracy (*dēmokratian*) by mixing the constitution well (*meixanta kalōs tēn politeian*). Although the text certainly rejects some of the grounds on which ‘some people think’ that Solon set up the ancestral constitution, the author of this passage is happy (a) to attribute to Solon the creation of an institution whose concept dates from c.508/7 BC at the latest,¹⁸ and (b) to explain Solon's institutional design in terms of a ‘well mixed constitution’, a politico-philosophical notion doubtless foreign to the early sixth century but certainly at home in Aristotle's time.¹⁹

Furthermore, elsewhere in the *Politics* we find that Aristotle is not wary of understanding non-Greek cultures in terms of his own social theory. For instance, Cyrus is reported at V.10 1310^b38 to have set free (*eleutherōsantes*) some poleis and nations by means of the typically Greek transfer of the intra-political concepts of freedom and slavery to the inter-political arena, in the spirit of Herodotus (III.82; I.123 ff., 126–7).²⁰ At VII.10 1329^b23–4 we also read that according to Aristotle the division of the *political* multitude (*ton politikou plēthous*) by class comes from (ancient) Egypt, and at 1329^b31 that the Egyptians ‘have <always> had laws and political order [*tax[is] politikē*]’.

As for the *vexata quaestio* of the order of the Books in the *Politics*, I shall assume that the present order is the right one. The thesis that Aristotle has (not) a concept of political obligation is not basically affected by the order and the composition of the Books. At any rate, this is a question which cannot be successfully dealt with here.²¹

¹⁸ See *OCD*, 453.

¹⁹ See Rhodes (1981), 185–6. Cleisthenes' political activities are also understood in a retrospective and at least Aristotelian light: ‘The *Athēnaiōn Politeia* (20.4) calls him *ton dēmon prostatēs* (the leader who stands up before the people) and, though the label is anachronistic for the late sixth century, it seems to me a pretty reasonable description of Cleisthenes' historical role: like later Athenian politicians, Cleisthenes' leadership was not dependent on constitutional authority, but rather upon his ability to persuade the Athenian people to adopt and to act on the proposals he advocated’ (Ober (1996), 35).

²⁰ See Schütrumpf (1996a), 550.

²¹ For a scholarly survey of the literature on this issue see Schütrumpf (1991a), 39–67.

1

The Explanatory Power of Ethics in Aristotle's Theory of Politics and Law

1.1 Rulers, subjects, and the practical viewpoint

The main purpose of this chapter is not so much to offer a full-scale assessment of the bearing of Aristotle's ethics on his social science as to sort out some preliminary issues regarding the viewpoint adopted by Aristotle in his political and legal theory which bear on the attempt to argue for the existence of political obligation in his social thought. The subject-matter of this chapter will also give us an opportunity to tackle some questions which will resurface differently shaped throughout the book: From which viewpoint does Aristotle approach social reality? Is he in the descriptive or the evaluative social-scientific business? (1.2) Is he in both? If so, can he get away with it? (1.3).

We shall first go into the extent to which his intended audience or 'readership', basically lawgivers and statesmen, is (not) an insurmountable barrier for the view that there is something akin to political obligation in Aristotle. The remainder of the chapter will take its cue from the identification of the main viewpoint adopted by Aristotle in his social philosophy and elaborate the way in which Aristotle's ethical theory bears on his legal and political philosophy. Having seen that Aristotle does connect description and evaluation in social science, we shall see whether this connection is established in a satisfactory way.

It is now a common view among its practitioners that social science should approach its subject-matter from the viewpoint of social agents, from what has variously been called the 'hermeneutic', 'internal', 'native', or 'practical' point of view. To be sure, there is some disagreement regarding how far the theorist is supposed to go down the road of the practical point of view. For example, is he simply to put himself in the position of the agent and just 'see things' as they appear to the agent, since there is no way to step safely outside the agent and/or his community, history, and culture? Or is the theorist rather to base his analysis on an evaluative notion of rationality in order to pass judgement on the

agent's viewpoint? At any rate, it is generally agreed that a methodology in social science which skips the beliefs, desires, and goals of agents is bound to fail in understanding social reality properly.

Aristotle's most celebrated works in social science, the *Nicomachean Ethics* and the *Politics*, start off by making reference to the intentional character of human conduct. Human actions (*EN* I.1 1094^a1–2) and associations (*Pol.* I.1 1252^a1–6) can only be adequately understood as the carrying out of (rational) choices. The opening statements of both treatises cut across Aristotle's social theory as a salient approach to human affairs. The subject-matter of social theory is *peri tōn eph' hēmin*, the things that are up to us (*EN* III.3 1112^a31; cf. III.5 *passim*). It deals with a distinctive order of reality, the realm of things that are the result of deliberative action. Aristotle seems well-advised in approaching the realm of human deliberation in the light of a rational perspective. What is the object of deliberation is not to be understood from the point of view of a fool or a madman but from the point of view of a rational agent (*EN* III.3 1112^a19–21). We can thus make sense of human action by attempting a rational reconstruction of the deeds of agents in terms of their goals or purposes and deliberation.

Given the opening of these practical treatises and what they appear to imply for Aristotle's strategy in the remainder of these works, it seems reasonable to expect that they would commit him to address those 'at the bottom' rather than those 'at the top'. It is not a question of ideology; it is rather that his emphasis on the practical viewpoint suggests that he should write (or lecture) for subjects and citizens. And yet it seems to be the case that Aristotle does not address subjects and citizens in general but rather statesmen and lawgivers.²²

²² Aristotle tries to contribute to the knowledge needed by lawgivers and statesmen: *Pol.* III.3 1276^a33; IV.1 1288^b26–7, 1289^a6–7; V.9 1309^b35 ff.; VII.4 1326^a4; VII.14 1333^a37. He addresses lawgivers and statesmen: II.11 1273 10–11; III.13 1283 36–7, 1284 17; IV.12 1296 34 ff.; 14 1297 37–8; VI.5 1319 33; VII.2 1325^a8; 7 1327 37–8; 13 1332 28–9, 8–9; 14 1332 34–5, 1333^a14, 37, 1334^a2–3; 15 1334, 28; 16 1335^a6, 14; VIII.1 1337^a11. See Schütrumpf (1991b), 384, and (1980), 27, n. 93. Ordinary citizens should be distinguished from both (a) daily politicians or rulers, those who hold *archai*, attend the assembly and sit in judgment as juries, and thus carry on with the business of 'first-order' political issues which are mainly dealt with through ordinary legislation and decrees, and from (b) constitutional architects or lawgivers in the strong sense, those who are involved in 'second-order' political issues, such as the rules governing the making of rules themselves, laying down by whom and how political decision-making is to be discharged, etc. Aristotle usually writes for those mentioned in (b). Perhaps III.4–5 is one of the few places in the *Politics* where we hear from rulers in charge of the daily political business. See Schütrumpf (1991b), 384, 443–4, (1996a), 140–1, 215–16; Kraut (1997), 66. For the distinction between 'normal' and 'constitutional' politics see Ackerman (1988), 162–3.

Now it has been claimed that the very audience Aristotle has in mind as he lectures on ethics and politics makes it quite difficult for him to tackle the issue of political obedience:

Like all major Greek political theorists, Aristotle is writing primarily for the ruler, the statesman or legislator who will be making important political decisions, rather than for the ordinary citizen ... In this respect Greek political theory differs from the main modern tradition of political theory which has been more concerned with the interests of the individual subject and his relation to the state. ... Aristotle's political theory is written from the point of view of the ruler rather than the subject and he is more concerned with the community as a whole than with the fate of particular individuals.²³

Mulgan makes at least two different points: (a) Aristotle addresses primarily statesmen and legislators rather than ordinary citizens; (b) this fact commits him to neglect the viewpoint of ordinary citizens and subjects and thus their interests and relation to the state.²⁴ The point made in (a) might be unquestionable. But the conclusion (b) he draws from it is controversial. Aristotle does share Mulgan's concern about the interest and viewpoint of citizens, and Mulgan seems to overlook this fact because of a basic assumption: the very viewpoint of lawgivers and statesmen, rulers in general, is not essentially connected to the viewpoint of ordinary citizens. The former, it is claimed, is completely independent of the latter. Whereas we shall return to and deal in more detail with the relation between the interests of ordinary citizens and the state elsewhere (5.1–2 and 6), in the remainder of this section I would like to call into question Mulgan's 'readership' objection.

One way of tackling the 'readership' objection would be to challenge the claim that Aristotle's rulers are not citizens in any relevant sense. A second way would involve arguing that even if it were true that Aristotle's rulers are not citizens or subjects, the distinction between rulers and ordinary citizens does not show that the viewpoint and interest of the latter are not covered by the rulers' job as stated by Aristotle. I shall mainly take this second road.²⁵

²³ Mulgan (1977), 9, 33. Leszl (1997), 293, seems to follow in Mulgan's footsteps: 'il punto di vista adottato e quello di chi deve comandare, non quello di chi deve ubbidire'.

²⁴ We have seen in the Introduction that Mulgan (1977), 57, claims that 'Aristotle is not interested in ... the problem of political obedience'.

²⁵ At II.12 1273^b 30–2 we read that some lawgivers (*nomothetai*) did engage in politics themselves (*politēuthentes autoi*), i.e. took up first-order political decision-making. The problem with this passage as evidence for the identification of lawgivers with citizens is that it appears in a chapter which is Aristotelian rather by Aristotle: 'the chapter is the hotch-potch of a pupil who hoped to parade his independent but uncoordinated research into lawgivers by tacking it on to the end of a completed section of the Master's work' (Saunders (1995), 167).

Aristotle postulates at the beginning of the *Nicomachean Ethics* that the objective of the statesman or lawgiver is the supreme good (I.2 1094^a27, 1094^b7; cf. *EN* VII.11 1152^b1–2; *Pol.* VII.2 1325^a7–10; 13 1333^a14–16), and goes on to study the nature of this objective. It turns out that the human good consists in the perfect exercise of rational activity, be it theoretical and/or practical (*EN* I.7 1098^a17–18).²⁶ It is the very task of the statesman to ‘produce’, as it were, fully virtuous agents, that is to say, people who act not simply according to virtue in the sense of merely doing (what externally may be described as) a virtuous action, but essentially people who act virtuously in the sense of acting for the right reason instead of, e.g., avoiding punishment (*EN* II.4 1105^a32). It is not merely a matter of acting as the practically wise agent *would*, but a matter of our being practically wise ourselves (VI.13 1144^b24–8). This is incompatible with mere amenability to external direction;²⁷ the very idea of acting for the right reason implies that an agent acts virtuously to the extent that he acts from his own decision. This is what the lawgiver has to bring about. If these considerations make sense, it seems that lawgivers and statesmen will have a hard time producing²⁸ perfect instances of practical reasoning in their citizens without having the citizens' practical reasoning in mind; they would not be able to do their job if they ignored the viewpoint and/or practical reasoning of ordinary citizens.

Furthermore, the study of virtue and virtuous actions undertaken by the ‘true student of politics’ or lawgiver (*EN* I.13 1102^a11) leads to the examination of the practical reasoning of the perfect agent (*spoudaios* or *phronimos*), who is an invaluable guide to the human good. It is a recurrent and general principle of Aristotle's practical philosophy that ‘that which appears to the good man is thought to be really so’ (*EN* X.5 1176^a16–17), ‘that that which is in truth an object of wish is an object of wish to the good man’, that ‘the good man judges each class of things rightly, and in each the truth appears to him ... {the good man} being as it were the norm and measure of them’ (III.4 1113^a25, 29–33), that ‘excellence and the good man seem ... to be the measure of every class of things’ (IX.4 1166^a12), etc. Perhaps lawgivers not only should attempt to make citizens practically wise or *spoudaioi* but also adopt the practical reasoning of *spoudaioi*, i.e. lawgivers should work in close connection with (the viewpoint of) these practically wise agents themselves. It is not

²⁶ We do not need to go into the debate between intellectualism and inclusivism, i.e. whether the human good is a matter mainly of contemplating or some mixture of activities: both sides in the debate would agree with our point—no matter who wins the argument both sides would acknowledge the goal of the lawgiver as bringing about or facilitating the well-being of citizens.

²⁷ See Broadie (1991), 258.

²⁸ For the time being, let us skip the issue of how autonomous agency could be produced at all by somebody who is not the agent himself (6.1).

easy at times to resist the impression that the lawgivers themselves are *phronimoi*—and perhaps would-be citizens of the city they are designing. At *EN* VI.7 1141^a20 Aristotle claims that political science and practical wisdom come together and at VI.8 1141^b23–4 Aristotle says that ‘political science (*politikē*) and prudence (*phronēsis*) are the same state (*hexis*), but their being is not the same’. This seems to be Aristotle's way of indicating that two distinct definitions are met by one thing because of its different properties, so that the same person is a true politician, i.e. a statesman, and a practically wise agent.²⁹

This concern with practical reason(ing) as a constituent of well-being chimes in with Aristotle's discussion of citizenship in his *Politics*. He devotes the first chapters of Book III to the elucidation of what and who a citizen is, of a concept thought of as clearly different from the concepts of lawgiver and statesman (e.g. III.5 1278^b3) and vital for understanding what a constitution is. Unlike Plato, whose political drama usually assigns the leading roles to lawgivers and statesmen (e.g. *Plt.* 309d; *Leg.* I 628d6; III 688a1, 696a6), Aristotle sets out to develop a theory of citizenship as an essential part of his political thought. When it comes to the *politikos* Aristotle does not treat the issue in a Platonic way, i.e. he does not focus on the person and knowledge of the ruler, but on the kind of rulership at stake (e.g. *Pol.* I.2 1252^a7–9; 3 1253^b18; 5 1254^b3–13; III.17 1287^b37), which is in turn a function of the kind of *ruled*: the better the ruled, the better the rule (I.5 1254^a24–6; cf. I.5 1254^b12–13, 19–20; 7 1255^b16–20). Since Aristotelian practical wisdom is a part of human excellence, its exercise should not be restricted in a Platonic way to a particular social class of lawgivers and statesmen. In the case of the best polis, the lawgiver is designing a constitution for people whose activity of practical reason is not unlike his own.

Now even assuming that the connection between the viewpoint of lawgivers and the viewpoint of ordinary citizens has come out rather smoothly so far, it might be claimed that this connection has been put forward on the assumption of a further link between legislation and the best polis. As far as the best polis is concerned, the job description of the lawgiver is to make citizens happy, and (perfect) practical reasoning is paramount in happiness. Hence, the viewpoint of citizens is part and parcel of the task of the lawgiver. He has the daunting goal of enabling citizens to be fully self-directed agents. But what if

²⁹ See Irwin (1999), 229. Cf. Brodie (1991), 204: ‘Presumably he means that the same upbringing fosters both, but they differ in their spheres of operation.’ Moreover, perhaps being the former implies being the latter (all true statesmen are necessarily *phronimoi*), but the reverse does not obtain in all cases (*phronimoi may keep out of politics for some reason*).

legislation is not undertaken with a view to the best polis, but rather with a view to garden-variety constitutions, which fall short of reaching happiness and which, as things are, belong to the majority of—if not all—poleis? Would the connection between viewpoints still apply to the job description of somebody who is in the day-in day-out constitutional business?

This objection can be handled in two different but related ways: on the explanatory and on the practical level. First of all, Aristotle often approaches peripheral cases of constitutions, citizenship, justice, law, virtue, etc., precisely as watered-down versions of the central or morally sound case of constitution, citizenship, justice, law, virtue, etc. The former are understood as deviations (*par-ek-baseis*) from the latter, as if they would deviate from the right step (*basis*). Mistaken constitutions are conceptually dependent on or posterior to correct ones because they are conceived of in terms of correct constitutions.³⁰ Aristotle argues that we should investigate correct regimes first of all, on the grounds that ‘the deviations (*hai parekbaseis*) will be evident once these have been discussed’ (*Pol.* III.7 1279^a24–5).

On the practical front, Aristotle appears to be willing to bring the viewpoint of the best constitution to bear upon less than perfect regimes. We read in the *Politics*, IV.1, in the context of his discussion of the goals of lawgivers and statesmen, that ‘it is with the same practical wisdom (*tēs autēs phronēseōs*) that one should try to see both which laws are best and which are appropriate for each of the constitutions’ (1289^a12–13). Aristotle uses his discussion of the best constitution as a standard to be used in his analysis of the less than perfect regimes. It is not only that he understands the latter in terms of the former, but also that he recommends the policy of improving the latter through moderation of their defects, and the model to be employed in this process is the standard provided by the best constitution. To be sure, it would be naive of Aristotle to assume that the best constitution is a sort of *prêt-à-porter* device, which does not need any precondition to work. However, he is quite aware of the preconditions for setting up the ideal (e.g. *Pol.* VII.4–7; IV.1 1288^b36–1289^a1). And even if the best polis, for all its practicability (VII.4 1325^b39), never comes into being, it can still be used as a goal to be aimed at by deviant constitutions; for instance, deviant constitutions

³⁰ See Fortenbaugh (1991)_b 229–30, 234–5. On deviant constitutions see *Pol.* II.11 1273^a21, 31; III.6 1279^a20; 7 1279^a31, ^b4; 17 1287^b40; IV.2 1289^a38–9; 3 1290^a26; V.9 1309 19. Laws: III.11 1282 13; 15 1286 23. Justice: V.7 1307 7. *Pol.* IV.8 1293 25, 27 equates *parekbaseis* with constitutions that fall short of the most correct *politeia*, *diēmartēkasi tēs orthotatēs politeias*. Aristotle seems to think of acting wrongly in a similar vein as a deviation from or a diluted version of acting rightly (*EN* IV.5 1126 35, ^b2–3).

would be more stable if they were able to moderate their injustice (e.g. *Pol.* V.8–9).³¹

In *Politics* IV.1 Aristotle also brings out the fact that those who are to set up or modify a constitution should set to work without overlooking the viewpoint of ordinary citizens: ‘what should be done is to introduce the sort of organization that people will be easily persuaded to accept and be able to participate in from the framework of the existing conditions (*ek tōn huparchousōn*)’ (1289^a1–2).³² As we have just seen, a constitution is not a ready-to-wear garment. However, it has not been unheard-of for readers of modern political theory to come across the view that a political system could work in spite—and sometimes even precisely because—of the lack of virtue in its citizens and/or the shortcomings of human nature. What lies behind this idea is the thought that a constitution is a sort of automatic system. This constitutional device is not only arranged so as to work in conditions of political apathy, but it is actually anticipating outright hostility on the part of its subjects. It looks as if the constitution is always on guard against its own citizens; a mechanism always operating, as it were, behind enemy lines. So, the institutional design should be a faultless and timeless system that operates like clockwork without (what would be at any case totally hopeless) external intervention, in Kant's words, a mechanism suitable ‘for a nation of devils’.³³

Aristotle would not be entirely unhappy with the idea that the constitution is a technical product, given his own image of the lawgiver as a craftsman (*Pol.* VII.4 1326^a35–8; II.12 1273^b32; I.2 1253^a30–1; III.3 1276^b1–11).³⁴ A constitution could thus be a system in so far as we keep in mind that it is brought about by choice and in need of permanent service and support. To be sure, the legislator is not necessarily expected to participate in government once he is done with the constitution. He may well be a foreigner, ready to leave as soon as he has set up the constitutional framework. But the whole institutional design will only work if it is adopted by the subjects as providing authoritative reasons for action (*Pol.* III.11 1282^b2–3; cf. IV.1 1289^a11–23, *EN* I.2 1094^b5). The relation between the constitution and its subjects is thus a two-way

³¹ Cf. Mulgan (1977), 117–18: ‘though Books Five and Six are rightly called the most “scientific” or “empirical” books of the *Politics*, we must not forget that their ultimate purpose is moral and practical’. Kahn (1990), 370, also claims that ‘even in his more empirical or descriptive stretches, the *Politica* is systematically normative and goal-directed’. Eckart Schütrumpf has been an unflinching opponent of this view. See, e.g., Schütrumpf (1991a), 87, (1996a), 151, 167–8, 214.

³² See Schütrumpf (1980), 26–7; 129, n. 158; 223; 228.

³³ ‘[F]ür ein Volk von Teufeln’, *Zum Ewigen Frieden*, 2nd Part, 1st add., in Kant (1966), vi. 224, and Kant (1991a), 112.

³⁴ See Miller (1995), 39.

avenue (3.3): the former acts upon its subjects by imposing some (not necessarily disabling) requirements on them, and the latter in turn act upon the former and actually keep it in existence by their acceptance, political participation, support, moral character, etc. (e.g. *Pol.* V.9 1310^a12–36; VIII.1).

Indeed, the constitution is not merely a rule for the allotment of offices, but the very way of life of the city (*Pol.* IV.11 1295^a40–^b1). Aristotle is against the view which assumes that the city may have one goal and the citizens another (e.g. VII.3 1325^b30–1). As it has been said, ‘the goal of the city can only be carried out if the citizens take it to be their own’.³⁵ Precisely, part of the point of inculcating moral virtues in citizens is that they enable them to perform their constitutional role as political, legal, and judicial decision-makers. If subjects fail to go down their stretch of the road, if they turn their back on the constitution, there is no way it will work and arguably it will not survive. It is the job of the citizen to preserve the constitution (III.4 1276^b28–9; cf. II.9 1270^b21–2; VI.5 1320^a14–17; IV.9 1294^b34–40; cf. V.9 1309^b16–18). The lawgiver thus cannot afford to lay down a constitution without considering the practical reasoning and thus the viewpoint of its would-be citizens.³⁶

Finally, Aristotle's emphasis on the significance of analysing political matters in the light of the reasons for action of social agents reaches its peak in Book V of the *Politics*. There Aristotle maps out all possible reasons for engaging in faction, overthrowing governments, political killings, embarking on revolutions, and so forth.

Thus the claim that Aristotle is writing primarily for rulers, statesmen, or legislators does not contradict the claim that his political theory is concerned with the viewpoints and interests of the individual subject and his relation to the state. As we have seen, most of Aristotle's political theory relies on the practical viewpoint of subjects and citizens. He is far from assuming that subjects are faceless pawns without any worth whom the ruler pushes about on the chessboard. On the contrary, on Aristotle's view, the subjects are *actors* of their own political drama.³⁷

³⁵ Kraut (1997), 81.

³⁶ Cf. Tocqueville's *De la démocratie en Amérique* (1992), 135, I.I.viii: ‘il y a dans la Constitution de tous les peuples, quelle que soit, du reste, sa nature, un point où le législateur est obligé de s'en rapporter au bon sens et à la vertu des citoyens. Ce point est plus rapproché et plus visible dans les républiques, plus éloigné et caché avec plus de soin dans les monarchies; mais il se trouve toujours quelque part. Il n'y pas de pays où la loi puisse tout prévoir, et où les institutions doivent tenir lieu de la raison et des mœurs.’

³⁷ In the words of Ryffel (1949), 140, ‘Aristotle does not remain caught ... in the standpoint “from above”, but he gains ... a point of departure in reality, he sees the problem from the perspective “from below”, from the position of the governed’. See also Schütrumpf (1991b), 490.

1.2 Description and Evaluation in social science

It seems clear then that Aristotle approaches social reality from the internal viewpoint of ordinary citizens even though his readership is mainly composed of lawgivers and statesmen. But we would want to know more about the method of Aristotle's social science. Reference has been made to interest and well-being. How should we understand them? Are we to proceed on the assumption of the agent's own idea of interest or well-being? Should we also or rather take into account the agent's real or true interest? Similarly, how far should the social theorist go in adopting the internal viewpoint? Is social science supposed to be purely descriptive, or as descriptive as it can be? If it is meant to go further than pure description and embrace some form of practical guidance, what is exactly the kind of goal to be advanced by political theory? Does this practical endeavour not call into question the scientific nature of Aristotle's social theory? Is it not actually the case that the practical aim of Aristotle's political theory simply dissolves it into moral philosophy, so that it is unable to come to grips with the blunt facts of political reality, with the result that description melts into evaluation?

In what follows we shall deal with these worries by first seeing the way in which Aristotle's political theory connects description and evaluation, social science and practical philosophy. It might be claimed that it is not the business of social science to set foot upon practical country, and/or that it is not for morality to venture into the analysis of social reality. Perhaps it is in the interest of neither to get involved with the other. In the next section (1.3) we shall tackle a particular way Aristotle has of connecting description and evaluation by means of a special type of agency.

To begin with, let us recall the significant possible variations on the theme of exploring social reality from the internal viewpoint. For instance, the social theorist might take the viewpoint of agents as given without assessing their beliefs, desires, and the way they actually go about their business. On this view, there are as many viewpoints as agents, all of the same worth and hence to be treated on an equal footing. In some sense, the agent, like the customer, is always right. Even if the theorist were to disagree with the goals of the agents he is studying and/or the way they carry them out, he is not allowed to put across his disagreement, essentially on the grounds that there is no possibility of a rational assessment of practical issues such as cultural and moral values, practices, and beliefs. Another variation is to go further than the 'value-free' view, so that the theorist is not describing social reality in terms of the self-understanding of agents only, but also examines the

way agents endeavour to achieve their goals. Unlike the first approach, there is some evaluation at work here, since the theorist may well find fault with the way in which the agents have proceeded to achieve their goals, either because they have simply failed to achieve their goals or because they have achieved their goals all right but failed to perceive that there was a better option in store for them. Finally, we can go all the way and make an issue not only of the agents' means but also of the ends themselves.

To illustrate these possibilities, let us think of the case of King Agis at the battle of Mantinea (418 BC) and his last-minute tactical redeployment in the face of the enemy as reported by Thucydides (V.66 ff.). We might first simply explain his command as based on his viewpoint: he must have thought he had a (good) reason for deploying his forces in that way. But were we to accept his judgement, we would fail to appreciate the fact that he manoeuvred poorly and actually put his whole army at risk by issuing such an order; our understanding of the battle would thus be seriously impaired. We have now engaged in a description which assesses King Agis' actions on the assumption of his own goal, which was surely to win the battle, and yet, without departing from his standpoint, there is reason for criticizing his decision. (Had he led his troops in that way deliberately with a view to defeat, we should not hesitate to describe his action as treacherous.) Finally, we may also evaluate King Agis' goals: Was he supposed to be on campaign in the first place? Was he morally justified in waging war?

There is some indication that Aristotle examines social reality from all these viewpoints, although he does not seem to put them all on an equal footing. We have already seen (1.1) that he is of the view that ethics plays a significant role in social science. However, the role he ascribes to ethical argument in social theory is not so strong as to commit him to the view that (a) anything which falls short of being morally justified is *eo ipso* not worthy of being examined or (b) anything which falls short of being morally justified *eo ipso* does not exist at all. So although he subscribes to the doctrine that social science cannot do entirely without values, nevertheless he is happy to grant it a relatively significant degree of leeway. Let us first see the explanatory work done by Aristotle's ethical theory in political science, and then move on to study how this stops short of moralizing social reality out of existence.

The basic idea seems to be that you can run but you cannot hide from evaluation in social science. As it has been said, according to Aristotle '[t]he business of the social scientist is not only to interpret the significance of the conventions of existing cities but to criticize and offer guidance to these cities in the light of an adequate conception of

human flourishing'.³⁸ There are at least three main and related lines of Aristotelian argument explaining the link between ethics and social science. According to the first one, once you cross the Rubicon of the practical viewpoint you cannot go back, on pain of irrationality. If you were to refuse to enter practical country and insist on a systemic or external approach to social reality, Aristotle would surely not agree with you, but at any rate much of the battle would still lie ahead. But if you were instead to acknowledge the salience of the practical viewpoint, there would be no point in keeping on fighting. You cannot consistently endorse the practical viewpoint and refuse to adopt the unrestricted practical perspective of a virtuous agent.³⁹ This argument, of course, proceeds on the assumption of a robust theory of well-being and practical reason(ing): Why would we fall short of reaching that destination at the end of the practical road? What would be the point of stopping short of studying social reality in the light of what is truly good for us?

According to a second and related line of argument, it is not so much a matter of consistency in defending the practical viewpoint as a question of realizing that even a purely descriptive social theory cannot be successful without the concepts found appropriate by morally virtuous agents to describe to themselves what they think worth doing and achieving. The political theorist, for instance, would not be able to separate the borderline or deviant cases from the central cases of law and government, to describe and explain adequately his subject-matter, unless he were to rely on a sound conception of the human good, the factor which allows him to distinguish between right and wrong forms of constitutions.

In effect, the social scientist has to take a stand on many issues at the very beginning of his theoretical journey: What are the activities which are truly in the human interest and thus should be the subject of social science? Are self-direction and citizenship actually important and worthwhile? Is it rather the case that political theory should be replaced with a general theory of consumption and thus consumer-satisfying institutions? So, if there are rational standards for discovering what the human good is, they constitute for theorists not only the right standards by which to lead their own lives, but also the appropriate criteria for selecting material for the theoretical study of social science.⁴⁰ In the particular case of the concept of citizenship, Aristotle thinks that his theory of well-being enables him to connect the notion of being a good citizen with the requirement to care about the character and well-being of one's fellow citizens. When Aristotle is interested in Book III of the *Politics* in the notion of citizenship, he is not simply inquiring about the ways in

³⁸ Salkever (1980), 491.

³⁹ Cf. Finnis (1980), 15.

⁴⁰ See Finnis (1998), 42, 49–51. Cf. Kraut (2002), 395–6.

which a word is employed nor is he interested in citizenship just because it happens to exist, but rather the notion of citizenship is examined in the light of what is required to lead a good life. It is a comprehension of human flourishing which explains why any clear-headed theorist would be interested in constitutions and citizenship.

The third line of argument would try to show that ethical theory may be brought to bear upon empirical issues by way of a sort of moral or political causation broached at the end of the previous section (1.1).⁴¹ Aristotle's theory of human flourishing would be practically relevant to empirical analysis if a case were made to the effect that people will be better off by approximating to the moral and political ideal, so that morality and virtue would always be the best policy. Aristotle does seem to explore the political consequences of conceptions of happiness that undervalue or neglect the correct account of virtue. As it happens, deviant conceptions of happiness, when put into practice, do more damage than good to political systems and their citizens; the correct conception of well-being, on the contrary, enhances the stability of political systems and make their citizens better off to the extent that these political systems approximate the best regime (e.g. *Pol.* V.9 1309^b18–22). For instance, virtuous behaviour enhances the stability of a constitution because virtuous citizens do not usually fight over political power (e.g. V.6 1305^a7–10), and virtuous behaviour also protects hegemonic poleis from destruction, because virtuous soldiers will not be softened by the vicious temptations of a leisurely life once their usual fighting season is over (e.g. VII.14 1334^a3–7). Similarly, moral corruption has seriously impaired political stability and brought down many poleis (e.g. II.5 1263^b20–3; V.3 1302^b25–33; VI.5 1320^a21–2).

What we have said so far should not be taken to deny that sometimes you can run a long way from evaluation. Aristotle's emphasis on the role of moral analysis in social science does not prevent him from being able to distinguish between description and prescription, between what is and what ought to be the case, and thus to study social reality from both viewpoints. In this sense, the connection between ethics and social science is not so strong as the connection between ethics and poetry (in the broad and Greek sense of the term), the ethical purpose of which does allow Aristotle to say that: 'If the poet's description be criticized as not true to fact, one may urge perhaps that the object ought to be as described—an answer like that of Sophocles, who said that he drew men as they ought to be, and Euripides as they were' (*Poet.* 25, 1460^b32 ff.).

Indeed, the distinction between what is and what ought to be is clearly at work in Aristotle's political treatise. At II.9 1269^a30 Aristotle holds

⁴¹ See Irwin (1985), esp. 154, 163; Irwin (1988), 355, 449.

that there are two lines of inquiry regarding constitutions. The first one asks whether the constitution is good in an unqualified sense, i.e. if judged by the standard of the best constitution. The second one starts off by holding that the constitution may be good in a qualified sense, i.e. if judged by the standards laid down in the constitution itself. This second approach simply examines the consistency of the goals and institutions of a constitution *vis-à-vis* its own principles and character.

Aristotle approaches the notion of citizenship in *Politics* III.1–2 in a similar way. Citizens may be unqualifiedly good (or just), or good (or just) under some assumption (e.g. IV.7 1293^b3–4; V.9 1309^a36 ff.; VII.9 1328^b38–9). Aristotle may be taken to claim that the statement ‘C is a citizen’ may be read both in a descriptive (III.2 1275^b38) and in an evaluative sense (III.2 1275^b30). As far as the first sense is concerned, C is a citizen of the polis P if he meets the requirements stated by the laws of P.⁴² But when it comes to the second sense, being a citizen is not simply a matter of meeting legal standards but of considering what citizenship *ought* to be (and who *ought* to be a citizen), even if this way of considering citizenship would depart from what is constitutionally stated and/or usual in contemporary political practice. The truth of this statement thus cannot be properly assessed if seen in the light of the first sense.

However, Aristotle reports that some people go so far as to claim that the denial of the truth of the prescriptive statement implies the denial of the descriptive statement (1276^a1–2). In view of Aristotle's subsequent claim that there is no need to go against the current of ordinary political talk and thus that we may continue to say in the case of people who rule unjustly that they do govern, though in an unjust way (1276^a3), there is reason to believe that he does not agree with those who maintain that an unjust citizen is not a citizen, i.e. he does not agree with those who mix up entirely evaluation and description, so that *evaluation* of X sits in judgment on the very *existence* of X. From a purely conceptual standpoint there is no reason to say that somebody who fulfils the tasks of a citizen is not a citizen, notwithstanding that these tasks are morally controversial, poorly fulfilled, fulfilled by an undeserving person, or simply different from what other poleis demand. Something similar is at stake with concepts such as government, office, or magistracy. Although not

⁴² Aristotle's discussion of citizenship covers not only the tasks or activities of citizenship (holding office, being a jury, attending the assembly), but also who should perform these tasks (e.g. virtuous, free, or wealthy people): “Citizen” in this narrow sense [sc. trueborn Athenians] is an ascriptive word. To call a person a citizen is to ascribe to him certain political privileges and duties. Hence two different but connected questions arise: What are these privileges and duties; and to whom should they belong? The meaning of “citizen” is not simple, but has these two sides’ (Robinson (1995), 7).

a few Athenians were against, say, the values Sparta stood for and her policies, they did not dispute the fact that there were Spartan officials, magistrates, kings, citizens, etc., and vice versa.

We might have some misgivings about the depth of Aristotle's convictions on this issue. Indeed, in other parts of the *Politics* it looks as if Aristotle himself is denying existence on the grounds of moral imperfection. On occasion he claims that, e.g., a deviant constitution is not a constitution at all (II.6 1266^a3; 10 1272^b2; III.9 1280^b6 ff.; IV.4 1292^a32; V.9 1309^b34; V.10 1310^a39; cf. II.10 1272^b9–11).⁴³ Has he cold feet at his acknowledgement of the relative 'autonomy' of description? Not only is it a significant blunder for a philosopher to mistake what is (not) for what ought (not) to be, but there is also the serious contradiction of stating that a bad X is not an X.

At *EN* III.4 we may find the beginning of an answer to this query. There we read:

Wish, we have said, is for the end. But some think that wish is for the good (*tagathou*), others that it is for the apparent good. For those who say the good is wished (*boulêton*), it follows that what someone wishes if he chooses incorrectly is not wished at all. For if it is wished, then {on this view} it is good; but what he wishes is in fact bad, if it turns out that way. {Hence what he wishes is not wished, which is self-contradictory.} But for those who say the apparent good is wished, it follows that nothing is wished by nature (*phusei*). Rather, for each person what is wished is what seems {good to him}; but *different things*, and indeed contrary things, if it turns out that way, *appear good to different people*. {Hence contrary things will be wished and nothing will be wished by nature.} If, then, these views do not satisfy us, should we say that, without qualification and in reality, what is wished is the good, but for each person what is wished is the apparent good? For the excellent person, then, what is wished will be what is {wished} in reality, while for the base person what is wished is whatever it turns out to be {that appears good to him}. ... For *each state {of character} has its own distinctive {view of} what is fine and pleasant*. Presumably, then, the excellent person is far superior because he sees what is true in each case, being himself a sort of standard and measure. (1113^a15–26, 31–^b4)

Aristotle states here that there is something good by nature, i.e. something whose goodness is independent of our mental states. Thus we might be wrong in wishing something: the mere fact of wishing for X does not

⁴³ Schürtrumpf (1996a), 296, refers to Cic. *De Rep.* III.33.45 and quotes Orosius VII.43.6: 'leges..., sine quibus respublica non est respublica'. See also *Leg.* IV 715^b 3–6, VIII 832 2: where the laws are enacted in the interest of only a section of the polis Plato calls the constitution a *stasiôteia* (something like 'partytution') rather than a *politeia*. The Article 16 of the French Declaration of the Rights of Man and Citizen (1789) proclaimed that 'Toute société dans laquelle la garantie des droits n'est pas assurée, ni la séparation des pouvoirs déterminée, n'a pas de constitution.' Cf. Schürtrumpf (1991b), 342.

make X good. However, it would be a mistake to believe that we cannot wish for what is actually wrong for us. This is precisely the case of defective states of character. So, instead of claiming that only good agents wish for what is good, he claims that each kind of agent wishes (in some sense) for what is good. Of course, only the perfect agent happens to wish for what is *truly* good; imperfect agents wish only for what appears good *to them*. The very ambiguity of ‘wished’ (*boulēton*), which encompasses both what is wished and what ought to be wished, allows us to see that the same statement may be read in a qualified and in an unqualified sense.⁴⁴ In the case of the perfect agent, this ambiguity is not a problem, since he wishes as he ought to.

What this kind of passage seems to imply is that Aristotle is prepared to acknowledge that one and the same grammatical form (e.g. C is (not) a constitution) may be used to assert (i) what there is good reason to do from the unrestricted practical viewpoint (e.g. C is a morally justified constitution and thus should be supported), or (ii) that a group considers that C is a good constitution (e.g. C is a constitution whose main goal is to encourage suicide pacts among its citizens), and we may add (iii) what there is good reason to do from the viewpoint of a certain group or on the basis of certain rules, or if certain rules give good reason for so acting, but without affirming or denying that that viewpoint and the rules are reasonable (e.g. C is a constitution for theoretical purposes). One and the same person may make statements of all three types, switching his viewpoint without warning or grammatical indication.⁴⁵

The first part of Aristotle's discussion of the relationship between ethical excellence and civic virtue in *Politics* III.4 (we shall say something on its second part in 1.3), together with his analysis of the way in which tyrannies are preserved, also suggests that he is happy to admit that the normative viewpoint does not rule alone in the kingdom of social

⁴⁴ See Urmson (1988), 58: ‘In the jargon [of the philosophy of language] ... the good ... [is] the intentional object of the verb, but not always the extensional object’. At any rate, Aristotle usually reserves *boulēsis* for rational wish (e.g. *EN* III.2 1111 26, 5 1114 14; VIII.2 1155 29, 3 1156 31), not just any wish or desire. Cf. Irwin (1999), 319, on *hairetos*, choiceworthy: ‘The term is an adjective from the verb “*hairein*”, “choose” (a part of *probairēisthai* ...) plus a verbal ending, which is ambiguous between (a) actually chosen, (b) capable of being chosen, (c) deserving to be chosen. Similar questions arise about the opposite of *hairetos*, “to be avoided” (*phēketos*, e.g. x 2); about *boulētos*, “wished” in iii 4; about *philetos*, “lovable” in viii 2; about *gnōrimos*, “known” in I 4; and about *phoberos*, “frightening” (note to 1115 8)’. See also *EN* X.6 1176 21–4, 26–7: ‘just as different things appear honourable to boys and to men, it is reasonable that in the same way different things appear honourable to base and to decent people. ... To each type of person the activity that accords with his own proper state is most choiceworthy; hence the activity in accord with virtue is most choiceworthy to the excellent person.’

⁴⁵ See Finnis (1980), 235.

science. Here we are told that since there are several forms of constitutions, it follows that there are several forms of civic virtue. It is only in the case of good constitutions that the good citizen may be a fully good man. In all other cases, civic virtue may well differ from the ethical virtue of the good man (1276^b30–4). This fact does not keep Aristotle from speaking of the ‘virtue’ of the citizen under different forms of constitution. He even admits that there may well be as many forms of civic virtue as constitutions, and thus what is a duty under the constitution of polis X may well be banned in polis Y. For instance, ‘it was part of the virtue of the citizen in Sparta to intimidate the manual-working population through military violence. Whoever attempted this in Athens would have got the cup of hemlock.’⁴⁶ And he also says that it is the general job or task of a citizen to preserve the constitution, just as it is the common job of a sailor to preserve the ship on which he serves as a member of the crew (1276^b20–7). This is just what is expected of him, as far as his role is concerned. (Perhaps *EN* III.3 1112^b13 applies to our sailor: he does not deliberate on the goal he has as a sailor, i.e. whether he should preserve the constitution, but only on the means towards that end, just as a doctor, as a doctor, does not deliberate whether to heal.) Of course, we should not thus take Aristotle to imply that the mere fact that C happens to be a citizen of a polis P gives C sufficient reason to fulfil the duties expected of citizens in P, or that Aristotle simply urges all citizens to perform what their constitutions expect of them (2.6, 5.3, 7.4).

This ‘descriptive’ reading of III.4 seems to be borne out by Aristotle's remarks on tyranny elsewhere in the *Politics*. Aristotle is happy to assign it a place among the constitutions (IV.10 1295^a3–4) and to say that it has citizens (V.10 1312^a5, III.4 1277^a23–4), offices (*tas archas*, V.10 1312^b22), people who participate in the constitution (*hoi metechones*, 1312^b9, V.11 1314^b25), etc. The tyrant himself may well be said to occupy an office with its incumbent right of authority (*exousia*, 1315^a23). Aristotle actually is also happy to point out that tyranny can be preserved as a constitution in some sense (V.11 1313^a39–40) by keeping up its tyrannical work, by exacerbating its own vicious nature by way of getting rid of high-minded men, prohibiting activities which foster the well-being of its subjects, encouraging mistrust among its subjects, etc. (V.11 1313^a40 ff.). Aristotle's point seems to be that it is only to be expected of tyrants to preserve their regime in this way. Otherwise, they would not be tyrants. However, one may find fault with this policy as a rational way of preserving the regime, independently of its defective

⁴⁶ Rosenberg (1933), 343, who immediately adds: ‘Or an example from our time: a democratic individualist who would make a good Swiss citizen, but a very bad Soviet citizen.’

moral quality. Aristotle himself goes on to suggest a non-tyrannical or 'kingly' way for the preservation of tyranny, a policy which is more efficient and actually comes close to changing the nature of the tyrannical regime itself into a quasi-kingship (V.11 1315^b1). But what is of interest for us at the moment is the fact that Aristotle has no qualms in saying that tyranny is a constitution, with offices and their structural entourage, duties, etc., if considered in the light of the intra-systemic viewpoint.

Aristotle's treatment of craft and virtue may be of help at this juncture. One of the differences between them is that whereas craft is concerned with what is good for a human being from a particular viewpoint (e.g. as workers, doctors, builders, etc.), virtue (especially practical wisdom) deals with what is unqualifiedly good and bad for human beings as such (EN VI.5 1140^b4–6, 20–1, 1140^a27–8). Aristotle at times gives the impression that the relationship between craft and practical wisdom is the same as the relationship between making (or production) and acting (or activity) (VI.4 1140^a16–17, 1140^a5–6). Whereas craft is an instance of production to the extent that its end or object can be distinguished from the process that brings it about, practical wisdom is like action to the extent that, in a sense, there is no end apart from the activity itself (this is what the idiom 'for its own sake' seems to convey). But what is most germane to our interests is the distinction between craft and virtue as a way of conveying different degrees of 'practicality'.⁴⁷ What is good from the viewpoint of technical expertise does not give us *eo ipso* a reason to act (and, reciprocally, saying that φ is an action or that it ought to be done all things considered does not imply that φ is a fine instance of technical expertise).⁴⁸ The Aristotelian term for conveying what is fully or immediately practical is that virtue is prohairetic (II.6 1106^b36, VI.2 1139^a22–3), whereas the technical assessment of what is to be done is only conditionally practical or prohairetic. It will be practical to the extent that it gets approval from practical reason's unrestricted analysis of what is good for human agents.

Against this background, there is reason to believe that civic virtue is not immediately practical in itself. Civic virtue as such is a craft, in that having thought through what this craft demands, it still makes sense to ask whether we should exercise it. It may well be the case that, from the limited or conditionally practical viewpoint of civic virtue, we ought to φ , and yet it may turn out that, from the (fully practical) viewpoint of practical wisdom, we ought not to φ . If X were a virtuous man and a general

⁴⁷ Here I follow Broadie's (1991), 86, insightful analysis of EN II.4 1105^a22–6.

⁴⁸ See Broadie and Rowe (2002), 366, and EN VI.4 1140^a5–6: 'An instance of fine production is not necessarily one of good conduct, as when excellent clothes are produced fast and cheaply through the use of child labour, and vice versa, as when Penelope repeatedly wove and unravelled the tapestry so as to stay faithful to her husband.'

of the army of polis P, and P were involved in an unjust war, it would not be hard to see that, since X is virtuous, he will be reluctant to fulfil his duties as general in this case. As Aristotle says, it is only in the case of a good constitution that X's technical and practical perspectives will point in the same direction, that civic virtue concurs with ethical excellence.

On the other hand, civic virtue may also be displayed in wrong constitutions, to the extent that civic virtue is a function of the constitution. This is another way of saying that there are some activities which come with the role. The beginning of *Nicomachean Ethics* also seems to bear out this point. Aristotle's panoramic opening ('Every craft ... seems to seek some good') suggests that, as a rule, human agents act with a view to (what, as we have seen, may turn out to be extensionally or intentionally) the good.⁴⁹ So the goal-directed chain mentioned in *EN* I.1, which goes from bridle-making all the way up to victory, may apply both to good and to bad poleis. Morally deficient poleis will want their bridle-makers to act for the sake of horsemanship, riders for the sake of generals, and generals for the sake of victory, no less than flourishing poleis will. This is what 'good' bridle-makers, riders, and generals do. In other words, bad constitutions may also have 'good' citizens in a sense, citizens who perform their civic duties (as soldiers, jurymen, assemblymen, etc.). Hence the deliberation leading to the conclusion that 'C ought to fulfil the positional duty φ ', may be conducted from different points of view, among them the viewpoint of full practical reason and/or the viewpoint of the scheme that defines and regulates φ -ing. Aristotle would agree that it seems quite normal to say that a certain scheme expects its members to φ , so that we may claim that 'C ought to φ ' or 'C's virtue consists in φ -ing' without settling the issue whether we are to φ all things considered.⁵⁰

Another way of explaining how does Aristotle get away with reconciling statements such as 'X is a constitution' and 'X is not a constitution' would be to linger a little bit on the way in which Aristotle's uses of

⁴⁹ See also *Pol.* I.1 1252^a 1–6.

⁵⁰ As Simmons (1979), 18, points out, 'while the President of the United States, the manager of the Yankees, and the dishwasher at Joe's all have positional duties, the Spanish Inquisitors, a leader of the Gestapo, and a member of the Ku Klux Klan all have positional duties in precisely the same sense. The positional duties to exterminate the Jews and the positional duty to turn in the Yankee lineup card are on a par, *as far as the relation between the act and the position is concerned*' (emphasis added). See also Hollis (1998), 116: 'we are inclined to distinguish normative expectations from pukka moral obligations, since there are roles whose morality we would firmly deny. ... It would be hard to quarrel with ... [the claim that we cannot acquire a duty to murder someone just by taking a job as hit-man for the Mafia]. Yet this is what hit-men are engaged to do and, internally speaking, failure to perform lays them open to righteous anger and a bullet for dishonourable conduct. ... Internally speaking, I can indeed acquire a "quasi-duty" to murder someone just by taking a job as a hit-man.' Cf. Rawls (1999), 306–7, 354.

language mirror the fulfilment of the inclusion conditions employed to identify the kinds of things he is referring to, or to affirm or deny the existence of a particular thing.⁵¹ These inclusion conditions may be divided into non-evaluative and evaluative. Things such as natural kinds, which have inclusion conditions that are basically non-evaluative, are not of interest for our purposes. It is reasonable to expect that some non-natural or conventional kinds will also have inclusion conditions entirely non-evaluative in nature—e.g. quaver, postal address. Other non-natural kinds are evaluative only—e.g. work of art, or genius. There are, however, other conventional kinds whose inclusion conditions contain evaluative as well as non-evaluative items. Thus the cases relevant for assessing Aristotle's expressions of the type 'a bad X is (not) an X'—hereafter dismissive judgements—are those concerning conventional kinds that have both non-evaluative and evaluative inclusion conditions without being essentially distinguishable by their evaluative properties only—e.g. argument, harpist, lawyer.⁵²

Now when we hear that somebody replies to an affirmation by saying, e.g., 'That is not an argument', this remark will be a dismissive judgement to the extent that it is applied to an instance which, although it *does* fulfil the non-evaluative conditions for inclusion (i.e. it is a claim used in support of a proposition or point), is a bad *argument* nevertheless because it fails to fulfil its task (i.e. proving a point, stating the truth).⁵³ In a similar vein, X might meaningfully say that 'Y is no harpist', in spite of the fact that Y *is* playing the harp as X speaks, if what X has in mind is an evaluative point. Last, but not least, we have familiar expressions such as 'You're no son of mine' or 'You are not yourself', expressions which would lose their dramatic point if the parent were not sure the young man he is addressing was indeed his child in all non-evaluative respects, and/or the addressee was not in a relevant sense the person whose selfhood we are denying.⁵⁴

⁵¹ In what follows I draw mainly on Kretzmann (1991).

⁵² Let us assume, for the sake of argument, that lawyers are a kind which has (not necessarily negative) evaluative inclusion conditions.

⁵³ The initiated will have spotted the reference to Monty Python's memorable 'Clinic Argument' sketch.

⁵⁴ See Kretzmann (1991), 115. Shakespearean drama offers several examples of dismissive judgements. Romeo laments over his amorous disappointments 'Tut, I have lost myself, I am not here; | This is not Romeo, he's some other where' (*Romeo and Juliet*, I.i.193–4; cf. II.iii.84). King Lear refers to Cordelia as his 'sometime daughter' (I.i.114) and disclaims all paternal link to her after she has apparently failed to behave like a daughter, i.e. to outdo her sisters in the flattering competition urged by Lear himself. Daughters also use dismissive judgements themselves; Jessica sets the record straight on his relation to Shylock: 'though I am a daughter to his blood, | I am not to his manners' (*The Merchant of Venice*, II.iii.18–19). On the other hand, just as the dismissive judgements we have seen are not necessarily contradictory, there are assertive statements which are not necessarily tautological, such as 'business is business', or 'the law is the law', or 'a kiss is still a kiss'. In these cases, the meaning of the sentence reveals that the predicate usually has an evaluative overtone whereas the subject is basically non-evaluative: 'X (e.g. the activity of φ -ing) is X (valuable, worthwhile, obligatory: delete as appropriate)'. I think that Wittgenstein means something similar when he says that 'you should consider the occasion and purpose of ... phrases [such as] "War is war" ... [they are] not an example of the law of identity' (*Philosophical Investigations* (Oxford, 1958), 221, cited in Hacker (1999), 30).

So, since the conditions of being included in certain kinds imply some evaluative requirements, then a dismissive judgement applied to a certifiable instance of one of these kinds may be interpreted as denying that X is really X just because X is X only technically or only as far as non-evaluative inclusion conditions are concerned. Another way of putting this point is to say that X is not X on the grounds that X is not an instance of X *par excellence*, *haplōs*, in virtue of failing to meet some of the evaluative inclusion conditions that may supplement the non-evaluative ones. These considerations seem to apply to human institutions such as a constitution. Aristotle, assuming that the constitution has a (moral) function to perform, may say that a constitution such as a tyrannical regime 'is not a constitution' despite the fact that it distributes political offices, lays down how political decision-making is to be carried out, and/or that many of its subjects are entirely happy with this tyranny, etc. This is mainly a moral judgement which is meant to affect the practical reasoning of its subjects, and not meant to deny the existence of a particular institutional arrangement. In fact, as we have seen, Aristotle elsewhere does say that tyranny is a form of constitution (e.g. *Pol.* III.7 1279^b4; IV.2 1289^a37–8; 10 1295^a1–4), without contradicting himself, since in this case he may be referring to the intra-systemic viewpoint of its subjects and officials, or some of them, and/or to the technical or professional viewpoint of somebody, like Aristotle himself, who assumes its status as a constitution for theoretical purposes.⁵⁵

⁵⁵ Finnis (1980), 357, a distinguished natural lawyer, is happy to explain that: 'It is not conducive to clear thought, or to any good practical purpose, to smudge the positivity of law by denying the legal obligatoriness *in the legal or intra-systemic sense* of a rule recently affirmed as legally valid and obligatory by the highest institution of the "legal system".' See esp. Finnis's (1980), 363–8, treatment of 'Lex injusta non est lex', and the 'truth[s] in legal positivism': 'There is no necessary or conceptual connection between positive law and morality', and 'The identification of the existence and content of law does not require resort to any moral argument' (Finnis (1996), 204, 205). See also Dworkin (1986), 103–4: 'We need not deny that the Nazi system was an example of law, ... because there is an available sense in which it plainly was law. But we have no difficulty in understanding someone who does say that Nazi law was not really law, or was law in a degenerate sense, or was less than fully law. ... [The point of the latter claim is] that Nazi law lacked features crucial to flourishing legal systems whose rules and procedures do justify coercion'. Kavka (1986), 159–60, says in a similar vein that: 'We do not normally believe that: a State ceases to exist if it contains a persecuted minority group, but often the government apparatus of a State fails to adequately protect minority group members (e.g., blacks in the old South) from depredations by members of favored groups, or actively attacks the group itself (as in the Nazis' treatment of Jews). There is an important sense in which the persecuted group members are not citizens, in which the State is not a State *with respect to them*, because its government patently fails to carry out the primary function of the State and government—providing protection and security—with regard to these people. ... Thus, in characterizing a human organization as a State, we imply that it possesses certain important descriptive features, but we do not necessarily honor it.'

Aristotle seems to handle the idea of friendship in a similar way:

The bad may be friends to one another on the ground both of usefulness and of pleasure; but some deny them to be friends, because there is not the primary friendship (*hē prōtē*) between them; for a bad man will injure a bad man, and those who are injured by one another do not love one another; but in fact *they do love, only not with the primary friendship*. ... {Pleasure-friendship} *is*, however, ..., a friendship, only *not* the *primary* kind, but derived from it. To speak, then, of friendship in the primary sense only is to do violence to the phenomena, and makes one assert paradoxes; but it is impossible for all friendships to come under one definition. The only alternative left is that in a sense there is only one friendship, the primary; but in a sense all kinds are friendship, not as possessing a common name accidentally without being specially related to one another, nor yet as falling under one species, but rather as in relation to one and the same thing. (*EE* VII.2 1236^b10–15, 20–7)

Some people claim that bad persons cannot be friends because they cannot achieve the highest or central case of friendship (i.e. friendship among virtuous agents). But there is no need to straitjacket the phenomena, since bad people do appear to consider that they do have friends (e.g. tyrants have friends: *Pol.* V.10 1312^a6, 11 1313^b31). Although it is impossible for all friendships to come under a single account or definition, still we can distinguish between friendship *par excellence* and more or less diluted instances of friendship. There is a central case of friendship, which is the association in which its members care for and love each other on the basis of their moral character. According to Aristotle, this is friendship most fully, friendship *haplōs*. In comparison, we may claim that the rest are not friendships, despite the fact there is some loving or affection involved. However, in another sense, it would be wrong to deny that there are other, peripheral cases of friendship; although these instances fail to meet the evaluative conditions for being included in the central case, they are friendships nevertheless to the extent that they are certifiable examples of the non-evaluative aspects of φ-ing (e.g. they do love, only not with the primary friendship).

In the *Nicomachean Ethics*, II.2 1103^b6–10, Aristotle says that ‘the sources and means that develop each virtue also ruin it, just as they do in a craft. For playing the harp makes both good and bad harpists, and it is analogous in the case of builders and all the rest: for building well makes good builders, and building badly makes bad ones.’ Here there is no question that, for instance, good and bad harpists have in common the activity of playing the harp. Aristotle is not saying that bad harpists simply are not harpists or that they do not play the harp at all.⁵⁶ On the other hand, the sheer fact of playing the harp does not make us good harpists.

The dismissive judgement is also implicitly employed in Aristotle's morally oriented wording of some passages containing ‘political’ and its cognates (7.4). On the one hand, it is fairly clear that it is not unusual for Aristotle to use ‘political’ simply as an adjective to make reference to the polis or the citizens (*politai*), in cases such as civic or political courage (*EN* III.8 1116^a17), political justice (*V.7* 1134^b18), political friendship (*IX.1* 1163^b34), a political disposition (*EE* VII.15 1248^b38), etc. On the other, it seems to be no less clear that occasionally Aristotle's attribution of political categories to X conveys an underlying and favourable moral evaluation of X, and the denial of political attribution to X may reflect poorly on X's morality. Thus Aristotle in *EE* I.5 1216^a23–8 takes exception to the use of *politikos* to make reference to those who participate in government out of money and greed. These people ‘are not truly so called’, ‘are not in truth political’ (*ou ... eisi politikoi kata ton alētheian*). ‘The true politician’ (*EN* I.13 1102^a8) undertakes to make citizens good and law-abiding. But then again, this does not prevent Aristotle from saying that those ‘busybodies’ (*polupragmontes*, *EN* VI.8 1142^a2) who participate in government are, in some sense, *politicians* after all. As we have seen, what allows Aristotle to make his dismissive judgement is that both good (truly so called) and (bad) politicians have φ-ing in common

⁵⁶ Aristotle may be said to be harping on at this point (II.2 1103^b 6–10), since he has employed this image to illustrate (what is usually called) the function argument in *EN* I.7 (2.3). There he claims that ‘the function of a {kind of thing}—of a harpist, for instance—is the same in kind as the function of an excellent individual of the kind—of an excellent harpist, for instance’ (1098^a 8–10). Thrasymachus defends the extreme opposite position in *Resp.* I 340c–e: ‘It's true that the expression is in our language: we say that a doctor or a mathematician or a teacher makes mistakes; but in fact, in my opinion, to the extent that each of them is what we call him, he never makes mistakes. And the consequence of this is that, strictly speaking—and you're [sc. Socrates] the stickler for verbal precision—no professional makes mistakes: a mistake is due to a failure of knowledge, and for as long as that lasts he is not a professional [*ouk esti dēmiourgos*]. ... [D]espite the universal usage of expressions like “The doctor made a mistake” or “The ruler made a mistake”’.

(holding government or political power). This is what makes *politicians* of them both.⁵⁷

1.3 Complementarity of description and evaluation: social science and moral agency

So, Aristotle sometimes is simply describing social reality to the extent that he, e.g., picks up words used by the agents themselves when they explain and interpret what they do, and sometimes he operates in a straight practical or evaluative mode. We have seen that one and the same statement may issue different meanings if seen through different lenses, so that an affirmative answer from the evaluative viewpoint (Is this to be done?) is more often than not met by a negative answer from the descriptive viewpoint (Does it happen that way?), and vice versa: the affirmative answer to the descriptive question finds a negative one at the other level (2.2). We may wonder whether it is at all possible to find examples of statements which do both jobs well. In this section I would like to explain why Aristotle is right in thinking that these multifunctional statements are possible and relies on them in some parts of his practical philosophy.

One way in which Aristotle conveys these statements consists in picking out normatively significant agents as the subject of what is superficially a descriptive statement, say 'X does (not do) φ '. The accuracy of

⁵⁷ Schütrumpf (1997), 15, points out that Aristotle's 'true politician' may be the offspring of Socrates' apparent paradoxical position in *Gorgias*, who claims to be the only one who undertakes the true political craft (521d6 ff.): 'The true "political art" of Socrates is the commitment of an unpolitical individual, who flees the marketplace in order to achieve "in a corner with three or four lads" (485d) what is best for them. Socrates' "political art" is not the activity of a statesman and does not reflect the values of the society.' Now Socrates' position is not necessarily paradoxical. He is a 'true politician' to the extent that he is doing what those holding political power *ought* to do through governmental means (this is what the central case of constitution *does*); thus Socrates might be said to be a sort of educational officer without portfolio. The adjective 'political' used by Plato to refer to Socrates' activity seems to be employed as a foil to bring out the moral shortcomings of existing political regimes. See also Schütrumpf (1991a), 78–9. Cf. *Pol.* IV.1 1288 27; III.4 1277 4: [*ho*] *agathos* [*s*] *politikos* [*s*]. By the end of the sixteenth century 'Politician' (and cognates) developed an outright pejorative meaning in England, as the following remarks by Hotspur and Lear show: 'Why, look you, I am whipped and scourged with rods, | Nettled and stung with pismires, when I hear | Of this vile politician, Bolingbroke' (*1 Henry IV*, I.iii.238–40); 'Get thee glass eyes, | And, like a scurvy politician, seem | To see the things thou dost not' (*King Lear*, IV.v.167–8). (It appears that 'vile' and 'scurvy' in these passages play an emphatic rather than an attributive role.) For the transformation of the medieval language of politics into the modern notion of reason of state see Viroli (1992).

this descriptive statement derives from the accuracy of the prescriptive statement 'X ought (not) to φ '. The fact that X is a morally relevant agent explains the connection between the prescriptive and the descriptive meaning of the statement. By knowing what morality expects virtuous agents to do in a particular case we may predict and describe what they will end up doing in that case. And as far as a virtuous agent is concerned, we may also go the other way round, from the description or prediction of an action back to its prescription: unlike 'the wicked man (*tōi mochthērōi*), in whose case what ought to be done is not in tune with what is done, {in the case of} the good man (*ho ... epieikēs*) what ought to be done is the same as what is done' (*EN IX.8 1169^a15–16*, cf. *IV.3 1123^b21–2*).⁵⁸

Aristotle's 'virtue' and character talk allows him to go to and fro between describing and prescribing what virtuous agents do. The type of agency he is putting forward may be described as a role to be played by anybody seriously interested in his well-being. It is not incidental to this plot that he does bring up the idea of *ergon*, function or task, in the context of his account of the human good (2.3). Well-being broadly considered is basically a role (rational activity) virtuously performed. The activity displayed by this role, just as many other roles,

⁵⁸ See Charles (1984), 212: '[I]f an Aristotelian agent is rational, we will be able to predict his actions accurately because he has integrated his motivational states and values, and ensured that his values are stable and his discriminating capacity in good condition. Thus, given his best judgment (based on his values and supported by his honest assertion), we will be able to say how he will act (given appropriately specified physical conditions); and also, given his values, we will in general be able to predict what his best judgment will be'. This explains why, as far as Aristotelian virtuous agents are concerned, there is not many a slip 'twixt the normative cup and the empirical lip. Perhaps something similar applies to vicious agents, since vice, like virtue, is a *hexis*, a sort of fixed trait of character (e.g. *EN II.3 1104^b28*). This seems to be part of the theoretical background of Thucydides's historiography. Cf. Ste. Croix (1992), 28: 'one of the dominant ideas in his work [Thucydides'] is the consistency of human behavior, and the belief that by studying precisely how human nature has worked in a great number of actual cases one can form a good general idea of it and then proceed to deduce what is likely to happen in a particular situation with which one is confronted. ... The constancy of human nature ensures that *patterns of behavior will tend to recur*, ... One of the most remarkable features of Thucydides's work is that its "lessons" (if such a term is permissible) are implicit in the narrative and do not need to be spelt out in the History in general terms'. Cf. also Ste. Croix (1972), 6, 29–30. See Thuc. III.82.2: 'as happens and always will happen while human nature remains the same [*hē autē phusis anthrōpōn*]'. The Athenian general Nicias is reported by Thucydides elsewhere as making a prediction on the behaviour of X on the basis of the kind of agent X is: he predicts the behaviour of his Athenian soldiers (they would prosecute and condemn the generals upon their return to Athens if they were ordered to retreat from Sicily) on the basis of their nature ('He himself knowing the nature of the Athenians' [*autos ge epistamenos tas Athēnaiōn phuseis*], VII.48.4).

involves both normative expectations of and a predictive guide to what people performing this role are likely to do. Our particular agent or performer, namely our *phronimos*, *does* and/or *will* do what is right, *can be expected* to have a firm or stable disposition, *should* be neither fearless nor pusillanimous, etc.⁵⁹ In other words, in labelling man as fully rational, Aristotle provides for the derivation of claims which not only describe how an ideal agent would act, but also how 'normal' people should behave.⁶⁰

These considerations may help us understand why Aristotle may be confident enough to claim at *Pol.* VII.14 1332^b28–9 that 'it is difficult for a constitution established contrary to justice (*sunestēkaiian para to dikaion*) to last'. We may take this claim to imply that a constitution which is unqualifiedly just will be able to hold its ground. This is an instance of the moral or political causation we have spoken of in the previous section. This prediction or description is based on a normative statement, namely 'just constitutions ought to be supported', and the belief that this precept will be honoured. Aristotle may be confident that the best constitution will be stable since it will be set up for agents with a splendid moral record. They are *eu phronountas* (VII.1 1323^b18–20, 2 1324^a33–4), *megalopsuchoi* (7 1328^a9–10, VIII.3 1338^b3; cf. VII.13 1332^a22–3, 35–6), unqualifiedly just men (9 1328^b39), adjectives which are variations on the theme of perfect moral agency. Whereas many would raise their eyebrows at this claim for the stability of just constitutions if it appeared in the context of the

⁵⁹ Hollis (1998), 11–12, rightly notes that '[T]he normative [does not] reduce[] to the normal. The difference will be memorably clear to anyone who reflects on the signal which Nelson sent to the fleet in 1805 at the start of the battle of Trafalgar: "England expects every man to do his duty this day". The signal put his trust in their patriotism and sense of duty. Since he thought his sailors the scum of the sea, he may not have expected *that* they would do their duty, at least without the help of petty officers ready to shoot those disinclined to do so; but he still expected it *of* them.' *EN* III.8 1116^a32– 2, where Aristotle seems to quote Homer by rote, invokes a similar scenario, when it refers to soldiers who act because of fear, not shame: 'For their commanders compel them, as Hector does; "If I notice anyone shrinking back from the battle, nothing will save him from being eaten by the dogs". Commanders who strike any troops who give ground, or who post them in front of ditches and suchlike, do the same thing, since they all compel them.' Nevertheless, Aristotle thinks that sometimes prediction and evaluation may come together and hence anticipates or expects that his perfect agents will do their duty precisely *because* it is (morally) expected of them (III.8 1116^b2–3): 'the brave person, however, must be moved by_b the fine, not by compulsion'.

⁶⁰ Gauthier (1969), 20–3, finds Hobbes to proceed in a similar way. See also Broadie (1991), 242, ad 1112^b13: 'Aristotle's doctrine that deliberation is of "How?" [rather than of "Whether?"] can be construed as a warning against practical fantasizing and its brutal, self-stultifying consequences. He is recommending *how* we should deliberate, and, as in other cases, recommendation passes over into definition.'

so-called 'empirical books', where virtue is most deeply needed but hardly followed, we may be confident that this claim is quite at home here.⁶¹

Aristotle uses this expository method of referring to a special type of agency once more in *Pol.* V.10, in the context of some remarks on kingship in the light of contemporary politics:

kingship is rule over willing subjects and has authority over more important matters. But nowadays there are numerous men of equal quality, although none so outstanding as to measure up to the magnitude and dignity of the office of king. Hence people are unwilling to put up with this sort of rule. And if someone comes to exercise it, whether through force or deceit, this is immediately regarded as tyranny. (V.10 1313^a5–10)

It is a principle of justice which explains why subjects willingly abide by the rule of a king, i.e. of somebody who measures up to the dignity of the office (and rules with a view to what is morally admirable and in the interest of his subjects, V.10 1311^a4–5 with 3–4), and why subjects do not abide willingly by the rule of a man who is not morally entitled to rule as a king. The principle of justice involved is that when there is one man who is so exceedingly superior in virtue over the rest of the citizens, the latter should gladly obey and follow the former (e.g. III.13 1284^b32–3; VII.3 1325^b10–12). If virtue, on the other hand, is evenly distributed among all citizens, it is also a requirement of justice that they should rule in turns accordingly. Thus Aristotle's reasoning seems to be that subjects willingly obey a king *because* they ought to do so. This reasoning makes sense: they ought to obey if obedience is reasonable on the basis of the common good, and what is reasonable is an attractive opinion for mature practical agents. The willingness to obey this type of regime is thus the result of a rational choice or decision. And Aristotle's wording at the end of this particular passage ('this is immediately regarded as tyranny') seems to imply that the fact that a regime is tyrannical is bound to bear upon the practical reasoning of subjects (7.4).

The normative subtext of some descriptive statements by Aristotle may also refer to collective agents. In *Pol.* V.10 Aristotle takes up some of his ethico-individual concepts and imports them into the political realm:

As with each of the other constitutions, one way a tyranny is destroyed is from the outside, if there is a more powerful constitution opposed to it. For the wish to destroy a tyranny will clearly be present, because the deliberate choices (*tēs prohaireseōs*) of the two are opposed; and people always do what

⁶¹ It might sound a little bit too optimistic even in this context. But Aristotle may well be assuming that there are no external enemies around, and that moral education has gone rather smoothly (6.3). Cf. Kraut (1997), 136.

they wish when they have the power. The constitutions opposed to tyranny are democracy, kingship, and aristocracy. Democracy is opposed to it as 'potter to potter' (as Hesiod puts it), since the extreme sort of democracy is also a tyranny. Kingship and aristocracy are opposed to it because of opposition of constitution. That is why the Spartans overthrew a large number of tyrannies, as did the Syracusans while they managed their political affairs properly (*epoliteuonto kalōs*). (1312^a39–^b9)

If we leave democracy out of the picture for the moment, we may put forward the following reading. Aristotle here is explaining the conflict of right and wrong constitutions in terms of the oppositions of political choices,⁶² and its result in terms of the superiority in force of the allegedly right constitution (e.g. Sparta, Syracuse) over the tyranny at issue. But Aristotle is not simply observing an empirical fact. When the conflict is between tyranny and a right constitution, i. e. between a mere choice—which may also cover vicious deliberators (e.g. *EN* VI.13 1145^a4) and/or constitutions—and a choice arrived at by a virtuous deliberator/just government, the latter may be not only superior in force (as described in this passage) but also—and essentially—morally justified to act on its choice. The conflict between right and wrong constitutions does not simply take place, but ought to take place. By saying what well-run poleis do, or what poleis did when they were well run, he seems to be recommending what is to be done.

As for democracy, Aristotle is right in making a special case of its opposition to tyranny. The reference to the proverb 'as potter to potter' sets the irrational tone of the opposition. First, the form of democracy involved is the extreme case of democracy, which is another term for tyranny (*Pol.* IV.4 1292^a4–13). Secondly, and because of it, there is no morally justified goal which makes extreme democracy and tyranny come into conflict, but perhaps a matter of realpolitik, or simply a whimsical political decision to attack another polis and/or a conflict between two irrational collective agents. It is typical of these regimes to be all too ready to make war to keep their subjects occupied and in need of leadership (V.11 1313^b29), independently of who might turn out to be the enemy and why.

To be sure, the attribution to Sparta of a resolute policy of overthrowing tyrannies should be taken with a pinch of salt.⁶³ In this passage Aristotle seems to employ morally embellished pictures of agents whose character seems controversial at first glance. He himself has found fault

⁶² Aristotle's ascription of 'choices' and 'aims' to governments and constitutions is not unheard of in contemporary philosophy of social science. For instance, von Wright (1971), 140–1, 143, explains the outbreak of the First World War in terms of the 'practical inferences' and 'motivation backgrounds' of the Austrian and Russian governments in the wake of the assassination of Archduke Franz Ferdinand at Sarajevo.

⁶³ See Clauss (1983), 29, and Schürtrumpf (1996a), 568–9.

with Spartan goals and policies throughout the *Politics* (7.2–3). However, given the general assumption that Sparta delighted in good government (after all, there are two forms of *eunomia*—one is unqualifiedly right, the other right given an assumption: IV.8 1294^a8–9), it was a short step to ascribe a morally justified anti-tyrannical campaign to Sparta. Aristotle sometimes seems to tailor historical facts, in this case Spartan foreign policy, to the moral interests of his political theory, so that he can make a point about what constitutions should do and eventually do when occasion arises.⁶⁴

We are now in a position to go back to *Politics* III.4 together with its continuation in III.5 and its reverberation in V.9, and see the variance between civic virtue and ethical excellence in a different light. There, in the context of analysing whether full ethical excellence is the same as civic virtue and having drawn an analogy between the crew of a ship and the citizens of a constitution, Aristotle claims that

citizens ..., even though they are dissimilar, have the preservation of the constitution as their task. But the community is the constitution. Hence the virtue of a citizen must be suited to his constitution [*pros tēn politeian*]. Consequently, if indeed there are several kinds of constitutions, it is clear that there cannot be a single virtue that is the virtue—the complete virtue—of a good citizen. But the good man, we say, does express a single virtue: the complete one. Evidently then, it is possible for someone to be a good citizen without having acquired the virtue expressed by a good man. (1276^b28–34)

As we have seen (1.2), it seems only natural to put down the variability of civic virtue exclusively to the fact that since civic virtue is a function of the constitution, what a deviant constitution might expect of its citizens under the heading of civic virtue may well not be performed by a decent agent. Bad regimes are bound to pursue goals and policies which deviate from what is truly good. The good man may understand that civic virtue is an art of sorts which requires the fulfilment of some tasks but will also wonder whether they are choiceworthy, not only from the intra-systemic

⁶⁴ Aristotle's historical stylization is also at work elsewhere in Book V of the *Politics*. For instance, he often 'presents and assesses the events as defined by a certain pre-understanding of democracy' (Schütrumpf (1996a), 448). In this sense, Aristotle explains the contempt of the wealthy for democracy, e.g. in Syracuse, in terms of the alleged disorder and lack of government in democracy. However, the claim that the wealthy took action against the people because of the existent *ataxia* and *anarchia* 'is nothing more than a theoretically justified (*theoriogerechte*) allegation', i.e. a claim based on Aristotle's moral and political philosophy. Of a similar character are Aristotle's remarks on the responsibility of social conflict for political instability in Greece. See Schütrumpf (1996a), 532–3; Gehrke (1985), 325–6. Aristotle's stylization, thus, not only ameliorates reality at times (e.g. Sparta), but also renders a picture of some agents and constitutions (e.g. democracy) that is worse than their reality.

viewpoint of the craft, but from the unrestrained perspective of what is fully practical or prohairetic. So it should come as no surprise that a good man may well refuse to be a practitioner of this art, i.e. a practitioner of preserving a totally deviant regime. 'Civic virtue' may be a term of art without any implicit moral meaning as such: whereas 'civic' refers to 'city', any city as we have seen above, 'virtue' simply indicates excellence in relation to a goal or under an assumption.⁶⁵ To say that civic or political (*politou*) virtue must be towards the constitution (*politeia*) is basically a conceptual play on *polis* and its cognates, a sort of constitutional *passe-partout*. This reading chimes in with the belief that Aristotle would not recommend the preservation of deviant regimes in the same spirit as he favours the preservation of good regimes. Indeed, since the next passage claims that the same consideration applies to the best constitution, it would be odd of him to claim that the civic virtue in relation to (*pros to*) any constitution whatsoever is the same as the civic virtue displayed in the best polis. Hence, his idea of civic virtue, as stated in this chapter, is then conceptual or taxonomic, having no practical bite *per se*. (Or, if it does have some practical purchase, it is only in reference to the best polis. When it comes to the rest, it is simply descriptive.)

But there is another way of reading *Pol.* III.4 which is prompted by what appear to be some shortcomings of the descriptive reading.⁶⁶ First of all, it does not seem to hold water as a description. On Aristotle's view, it is not true that what preserves a deviant regime is civic virtue in terms of being, e.g., as oligarchic as possible: if money-making is made the supreme goal for the sake of which all other actions are to be pursued, the days of this oligarchic regime itself are numbered. The only way to preserve a deviant regime is to keep its deviant nature and goals somehow at bay (6.2): it is in the interest of money-making that it be kept in check (e.g. *Pol.* V.9 1310^a12–35). There seems to be some morality involved in the means toward preservation after all. In *Pol.* III.5, which takes up the discussion from III.4, Aristotle suggests that this endeavour hinges on some degree of virtue, so that civic virtue is not totally alien to moral virtue:

The best city-state will not confer citizenship on vulgar craftsmen, however; but if they too are citizens, then what we have characterized as a citizen's virtue {in III.4} cannot be ascribed to everyone, or even to all free people, but only to those who are freed from necessary tasks. (1278^a8–11, 20–1)

⁶⁵ See also *Pol.* IV.7 1293^b 3–4. Cf. *EN* III.8 1116^a 17 on the difference between civic or political courage and full or true courage. Aristotle speaks of *aretē politikē* at III.9 1280^b 5 in the sense of full or complete virtue which enables us to lead a happy life, and not simply what is expected of a citizen under the assumption of his constitution. See Schürtrumpf (1991b), 485.

⁶⁶ See the subtle and insightful discussion of *Pol.* III.4–5 in Kraut (2002), 362–71.

It might be possible to take Aristotle to be saying the following: the best polis will not confer citizenship on *banausoi*, but if they too were to be citizens of the best polis, then civic virtue cannot be ascribed to all citizens of the best polis. But this would make it difficult to make sense of the very notion of the best polis, whose citizens are not only free from necessary tasks but are also *ex hypothesi* good, i.e. all citizens display civic virtue. So the scenario of *banausoi* as citizens seems to make reference to constitutions other than the best polis. The remainder of *Pol.* III.5 shows that the constitutions at stake are basically deviant ones (oligarchy and democracy, the most common ones in contemporary Greece). Against this background, Aristotle's proviso makes much better sense: if *banausoi* are citizens, then civic virtue, as stated in III.4, cannot be spoken of as applying to all citizens, but only to people who are not only citizens but also freed from necessary tasks. And this is explained by Aristotle's assumption that virtue is incompatible with any form of labour.

This moral flavour of civic virtue allows us to argue that Aristotle is not simply describing what can be expected of democrats and oligarchs, but also recommends the policy of moderation dictated by civic virtue. This policy makes bad regimes as good as they can be, i.e. it sets them on the track of virtue. Of course, they will not go as far as good regimes will, but they may become good enough forms of constitution (V.9 1309^b31–3). The moral component of civic virtue is not full ethical virtue, but true opinion, the knowledge *that* X is to be done, but not *why*. Hence, Aristotle has dressed civic virtue in some normative attire after all; his description of civic virtue is thus practical. Civic virtue amounts to true opinion, which in the best regime will enable citizens to fulfil their tasks, obey their rulers, and do some ruling themselves under the supervision of their rulers (III.16 1287^b29–30; III.5 1278^a35–6), and in deviant regimes it will enable some citizens to fulfil their task of moderating the constitution and thus their task of improving it to some extent, an assignment explicitly advocated by Aristotle in *Pol.* IV.1 1289^a3 (cf. V.9 1309^a33 with 36).

However, now we can also see that there is a way of accommodating both readings (descriptive and practical). When Aristotle says that civic virtue must be *pros tēn politeian*, he may be referring to (a) what there is reason to do from the intra-systemic or technical viewpoint of the constitution, under the hypothesis of what is expected of a citizen in that constitution; or to (b) what there is reason to do in a prohairetic sense, to what there is reason to do all things considered, in the light of unrestrained practical deliberation. Accordingly, *politeia* in this formula may refer either to an institutional design purely in neutral terms (tyranny is a constitution) or to an institutional design which is

(un)attractive for some reason (tyranny is not a constitution) and thus, as it were, practically loaded.

So, description may occasionally moonlight as prescription in Aristotle's social science. This is a feature which often underlies Aristotle's political theory, and thus will come out in several places in this book, especially in the last chapter. Some passages in Aristotle's practical treatises seem to slide from one level of analysis to another, so that it is not clear at first glance whether he is describing what does happen or prescribing what ought to happen.⁶⁷ But the considerations offered in this chapter may help us understand the way in which Aristotle is entitled to move between these dimensions. Aristotle's social science sometimes conveys what is to be done by someone who is interested in knowing how political communities and their members should act if their well-being is to be supported and promoted. But it also describes what happens when individual and social agency ignores the human good and when it is informed by rational choice. With the passage of time, rational action may become frequent, usual, common; in a word, 'natural'.

⁶⁷ Contemporary practical philosophy still draws attention to the close relationship between description, explanation, and prescription of actions: 'the concept of a reason for action stands at the point of intersection, so to speak, between the theory of the explanation, of actions and the theory of their justification' (Woods (1972), 189, cited in Smith (1994), 95). 'Woods is surely right that our concept of a reason for action is loosely defined by these two dimensions of explanation and justification. Indeed, it seems to me that we work with two quite different concepts of a reason for action depending on whether we emphasize the explanatory dimension and downplay the justificatory, or *vice versa*. The claim "A has a reason to φ " is thus itself ambiguous. It may be a claim about a *motivating* reason A has, when we emphasize the explanatory dimension and downplay the justificatory, or a claim about a *normative* reason A has, when we emphasize the justificatory dimension and downplay the explanatory. ... Motivating and normative reasons do have something in common in virtue of which they both count as reasons. For citing either would allow us to render an agent's action intelligible' (Smith (1994), 95). See also Pitkin (1993), 199: 'the same propositions may be sometimes a rule to be followed or enforced, sometimes a factual description of what is (to be) done, of "what we do"'. Wittgenstein also observed that 'every regulation (*Vorschrift*) can be understood as a description, every description as a regulation' (*Philosophische Bemerkungen*, ed. Rush Rhees, Oxford, Basil Blackwell, 1964, p. 59, quoted in Pitkin (1993), 228).

2

Nature and Normativity

2.1 Nature in Ethics and Politics

The general subject of this chapter, the normativity of practical philosophy, has already been broached in our discussion of Aristotle's social science. We have seen that Aristotle's political theory has cleared normative customs. What lies at the bottom of his social theory is not an unjustifiable inference of what ought to be from what is the case but rather an 'unconfused juxtaposing of prescription and explanatory description'. Although he does distinguish between description and evaluation, he sometimes takes the distinction for granted and shifts easily from one perspective to another while treating the unrestrained practical viewpoint as his primary concern.⁶⁸ But what might appear particularly suspect to our normative customs officer is Aristotle's employment of 'nature' in his ethical and political theory. It is Aristotle's endorsement of some version of naturalism which seems to call into question the normativity of his moral and political philosophy and hence the very possibility of making any headway towards the attribution of a seemingly notion of political obligation to Aristotle. In this chapter I shall argue that Aristotle's naturalism in ethics and politics does not fail to meet fairly modern standards of normativity and that, although this is by no means enough by itself to prove our case, it does merit a *nihil obstat* to continuing our exploration of political obligation in Aristotle's thought.

To say that we are inquiring into the normativity of an ethical or political theory, to say that we are posing the normative question of what is to be done—these are ways of saying that we are interested in the way in which X (be it a moral principle, theory, or action) presents itself as an attractive option to practical reason. Now this chapter will not offer a full-blown account of the normativity of Aristotle's practical philosophy. Such an enterprise would take a whole book by itself. I would rather like

⁶⁸ See Finnis (1998), 34, (1980), 365–6.

to concentrate on the bearing of Aristotle's naturalism on the notion of political obligation and to argue that Aristotle's version of normativity is not all that different from the modern alternatives on the market, especially of the Kantian type, regarding the connection between normativity and practical reason.

It is precisely from the Kantian quarters that several volleys of complaints have been fired against Aristotle's treatment of human nature and practical reason.⁶⁹ These complaints cover doubts on the objectivity and universality of Aristotle's eudaimonism, his theory of practical reason, and his foundation of ethics and politics upon human nature. So something has to be said on the extent to which the Kantian is a safe card to play against Aristotle's ethical and political naturalism. The Kantian card will come into play again as we examine whether Aristotle's ethics leaves enough room for the notion of morality or moral reason to arise (4.2), an important issue for us since we shall claim that Aristotle's notion of political obligation is moral in nature (5.3). But before tackling the notion of morality itself we should first assess whether Aristotle has the proper normative ground to support his moral building.

We shall start with some considerations on the normativity of Aristotle's ethics, especially on the bearing of human nature on his theory of well-being. What is at stake now is whether Aristotle's ethics deals with the normative question appropriately, a basic aspect of which is to distinguish between value and fact and thus to locate ethics in the appropriate direction of fit between mind and world. It is against this background that we shall examine Aristotle's conception of well-being and practical reason (2.2), especially his *ergon* argument, which has often been brought up as a token of the normative shortcomings of Aristotle's ethical theory (2.3).

We shall then dwell on some uses of 'nature' in Aristotle's political theory, a topic which has enjoyed considerable popularity among classicists and modern political theorists, in addition to the criticisms it has invited. The first part of this chapter will have given us by now some indication of what we are driving at in its second part. We shall explore the normative credentials of the complex of theses which usually come under the heading of political naturalism: that humans are political by nature (2.4), that the polis exists by nature (2.5), and that the polis is naturally prior to its members (2.6). Were Aristotle's political naturalism to prove normatively insufficient, the attempt to argue for the existence of a notion of political obligation in Aristotle would be pointless. The success

⁶⁹ For Kant's own warnings against deriving moral reasons for action from human nature see, e.g., Kant (2002), 5, 26, 27, 42–3, 59, 64.

of Aristotle's political theory is thus tied up to the normativity of his political naturalism.⁷⁰

Indeed, it has been claimed that the very invocation of nature makes it impossible for Aristotle to come up with a critical standard to justify the authority of the polis. Although he may have thought of his political naturalism as an evaluative thesis, Aristotle actually ends up justifying all constitutions by covering all historical poleis with a natural mantle. In addition to this fact, goes the objection, Aristotle claims that both the political relationship among citizens and the despotic relationship between master and slave are natural. This simply compounds the previous difficulty by giving the impression that Aristotle is not aware of the difference between both spheres, between the political and the despotic realm. So we might wonder whether there is any point in mining Aristotle's works for an interesting theory of political authority.⁷¹

Whereas the concept of political authority will be the subject of Chapter 3, in the last part of the present one I shall argue that Aristotle's version of political naturalism is a normatively satisfactory account of the connection between the polis, human nature, and practical reason. In our particular case, a conception of political naturalism will be satisfactory to the extent that it accounts at least for (a) the separateness of individuals and (b) the requirements imposed by the polis on its members for their own sake. If political relations were natural in the sense that individuals are 'always already' in the polis, then it would be impossible for the question of political obligation to arise with any normative force, or if it does arise, it would only yield the uninteresting conclusion that political obligation is not really a question after all. It would be a conceptual point at best: obedience to the authority of the polis would be conceptually included in the very idea of being human. There must be a relevant sense in which individuals may be separated from the polis for the question of political obligation to have a significant practical purchase. I shall argue that Aristotle's political naturalism does make appropriate and sufficient room for the question of political obligation to arise, which is an answer to (a). As for the challenge presented in (b), this chapter is but the beginning of an argument which will be developed throughout the book, especially in Chapters 5, 6, and 7: whereas the first two chapters focus on the question of political obligation itself, the last one examines whether Aristotle's political theory sets any limits on political obligation.⁷²

⁷⁰ In doing so, I shall follow the Standard Operating Procedure among political theorists and simply assume that political naturalism plays an important role in Aristotle's political theory.

⁷¹ See Riedel (1975a), 258–9, 102.

⁷² A brief disclaimer: this chapter is mainly concerned with Aristotle's uses of nature in his ethical and political thought. A full-scale analysis of Aristotle's philosophy of nature would certainly be beyond the scope of this study.

2.2 Mind the Gap

There seems to be a ghost haunting Aristotle's ethics. It is a problem which lies at the heart of his practical works. Aristotle's ethics may well have a lot to say about the end of our actions, namely happiness, and hence may well be forthcoming on *what* an agent is supposed to do in certain circumstances and *how* he will do it. But it seems to shed no light as to *why* a certain agent ought to do a certain action.⁷³

This ghost has taken different *noms de guerre*, such as the problem of the norm, the normative question, or the issue of moral obligatoriness. When we pose the normative question regarding a requirement about what is to be done we are not simply inquiring about the existence of a moral principle, or about whether our actions fall under a moral principle, but we are rather making an issue of the moral principle itself.⁷⁴ Suppose we are told that we should do φ . We can then launch a normative inquiry by asking why we should do φ . This may lead us to the fact that principle P is, in some relevant sense, behind φ . Should we go forward, we might be able to get N, a normative account of P itself, which, if we have done our normative homework properly, will bring our search to an end. Thus the 'open question' will have been closed. Once we have reached this stage, once we have understood N, it will make no sense to ask for the normativity of N. At this point we will have obtained a final explanation of the connection between P and practical reason. N should provide us with an explanation of the way in which P is capable of binding, pulling, or attracting practical reason.⁷⁵ This is another way of saying that P itself is binding on us, normative for us. The rationality of P is also often couched in terms like goodness or value, so that someone may refer to P's value or goodness—properties or qualities which make reason, as it were, lock on to P—instead of its normativity.

These brief remarks will have betrayed by now the Kantian overtone of posing the normative question. Kantian ethics has been distinguished by its interest in the normative question and has a favourite answer to it. The aim of the Kantian ethical enterprise is to come up with a sound and undiminished account of practical reasoning—of acting for a reason, and it is as a result of this goal that the issue of normativity has arisen. Now although Aristotle seems to be in a line of business quite germane to Kant's, it has not been unusual for both classicists and moral philosophers to play (what we might call) the Kantian card against Aristotle's ethics.

⁷³ See Vegetti (1989), 183–4; Riedel (1975a), 62; Aubenque (1978), 50–1.

⁷⁴ See Korsgaard (1996b), 38–9.

⁷⁵ This 'capability' refers both to (a) the way in which we are motivated, actually moved, by moral reasons and (b) the fact that moral reasons are binding on us or, in other words, which reasons *ought* to motivate us. See Korsgaard (1996a), 43–4. Cf. Hartung (1999), 130.

To be sure, the Kantian card is a theme which admits of several variations: Aristotle's moral psychology leaves much to be desired, his eudaimonism is incompatible with a proper account of acting for a moral reason, his ethical theory is hopelessly world-loaded, etc. But all these variations seem to come down to the same basic point: Aristotle's ethics has a hard time coming to terms with the gap between practical and theoretical reason, value and world.

Perhaps the bare essentials of the Kantian case against Aristotle's ethics may be captured by the following description. It is not that Aristotle bypasses the normative question altogether, but rather that his way of handling it is not completely satisfactory. He seems to believe that being guided by value, finding out what is worthwhile or valuable, is a matter of being guided by the way things ultimately are. When it comes to finding out what is worthwhile or valuable for us to do, it is a question of being good at what we are, which is, in turn, another idiom for ethical excellence. Now if ethical excellence is a question of being (good at being) what we are, how come there is so much vice around us, so very few instances of excellent agents? Aristotle's answer seems to be that being good or excellent is a question of imposing a form on the matter of a thing. Excellence or perfection, which is the value we are striving for, fails to *form* the matter it is working on, 'because there is some reluctance, some recalcitrance, some resistance in its matter: the matter refuses, so to speak, to take the form'.⁷⁶ So, continues this Kantian exposition, Aristotle has not promised an easy route to excellence after all. Value or perfection have to work with appropriate materials or matter, in the sense that our ethical garden must already be in the appropriate condition for perfection to take root.

But it seems that Aristotle's answer to the normative question is to get rid of the question itself by making it redundant or unintelligible, on the one hand, or impossible, on the other. A well-brought-up person does not appear to have excellence actually forced upon him or to take any step or make any decision to become excellent. Granting some preconditions, the achievement of excellence would be a natural process for him. Value is but a natural outcome, it is in our nature. Being excellent is as natural as growing up.⁷⁷ But this argument is purchased at the expense of practical reason itself. If nature is in charge of the process of the emergence of

⁷⁶ Korsgaard (1996b), 2.

⁷⁷ Korsgaard (1996b), 2–5. Behind this reading of Aristotle seems to lie the Hellenic ideal of psychic harmony (opposed by Kantians but endorsed by Hegelians and many Romantics) as 'not just a superficial rationality, a forcible imposition of structure upon a resistant, seething, chaotic mass underneath. Rather, harmony prevails ... because the fact that the parts of one's self that are not themselves somehow contained within reason fit effortlessly into the pattern that reason endorses' (White (2002), 14).

value in the world, it does not make any sense to ask for the connection between goodness or value, on the one hand, and practical reason, on the other. This is the way things ultimately *are*: they cannot be otherwise and thus there would be no point in indicating the way they *ought* to be. But the very idea of practical reason implies that some agency is involved, that we may act otherwise, that things might happen otherwise because of our doing. So this allegedly Aristotelian account of normativity literally gives us no choice.

Of course, Aristotle would be happy to admit that some are lacking in their natural layout, sometimes to the degree of being natural slaves. Nature sometimes fails to be equally generous with the world. In this case, imposition is very much in order. This discrepancy between value and the world reintroduces the normative question, in the sense that those who are naturally unable to act in full accordance with value by themselves will be forced to do so by others. But this is far from being the comeback we might have wished for. Not only because there is some external enforcement at work, but because this enforcement can only be justified by an appeal to autonomy. Indeed, Kantians are only too eager to justify the external enforcement of some requirements when autonomy is at stake. But this Kantian enthusiasm for enforcement fades rapidly when the human good is invoked to justify it. So, from a Kantian viewpoint, those endorsing the Aristotelian position must face the following dilemma: the normative question is either (a) redundant, since virtuous people are ‘always already’ obligated to the good—if obligation may be predicated of a natural relation—and hence they do not actually bring *themselves* to be good, or (b) virtually impossible, since those who, for some reason, are not good, fail to see the point of being good and thus can only be *made* good by some external intervention which cannot be morally accounted for.⁷⁸

Now Aristotle could argue that this *aporia* is not as taxing on him as it appears. First of all, it seems to drive a neutral and controversial wedge between autonomy and the good. Such a cleavage is far too simplistic. A liberal political morality may well be committed to the claim that the value of autonomy cannot be properly defended on an entirely neutral basis or in opposition to the good, but rather precisely against the background of a sound picture of the human good.⁷⁹ Once this is admitted,

⁷⁸ See Riedel (1975a), 102.

⁷⁹ There is the obvious objection that a purely neutral position could not defend itself without being unfaithful to its own premisses. Furthermore, the most liberal penal code protects the exercise of certain rights because of their role in a good life. The very ascription of rights to individuals is based upon the role played by these rights in a sound picture of the human good. Kymlicka (1989), 10, notes that liberal political morality begins with the basic claim that ‘Our essential interest is in leading a good life, in having those things that a good life contains’, with the important consequence that ‘leading a good life is different from leading the life we *currently believe* to be good—that is, we recognize that we may be mistaken about the worth or value of what we are currently doing’. Of course, Kymlicka is adamant that the pursuit of the good life should be guided by the endorsement constraint: it is also an essential human interest to lead our lives from the inside (6.1).

the opposition between autonomy and the good can no longer be used as an argument against Aristotelian ethics. We should stop poking the neutral stick at Aristotle's—or anybody else's, for that matter—theory of the human good. Of course, this does not mean that the impossibility horn of the dilemma has collapsed, since there are not a few difficulties involved in *making* people good. Indeed, Aristotle's views on this issue may be said to be below par, even with respect to his own ethical principles (6.1 *in fine*). However, we shall see that Aristotle does not sail his political vessel too close to the impossibility shore (6.2–3).

Secondly, there is reason to believe that the cap of the redundancy horn does not fit Aristotle's ethics either, since it overlooks the role played by practical reason in his theory of well-being. His endorsement of ethical naturalism does not commit him to the view that ethical excellence is a natural *qua* biological process or simply the result of the development of our natural desires. This would imply the sacrifice of practical reason at the altar of natural desire, and this is a move avoided by Aristotle (4.2–3). A rational agent does not simply follow his natural desires but would deliberate about which of them he will satisfy (*DA* III.10 433^b5–10). Rational agents have decision or rational choice (*prohairesis*), while non-rational agents have only appetite and emotion (*EN* III.2 1111^b11–13; *Pol.* III.9 1280^a33–4). Decision is deliberative choice (*EN* III.3 1113^a10–11, VI.2 1139^a23): 'If, then, the decision is excellent, the reason must be true and the desire correct, so that what reason asserts is what desire pursues. This, then, is practical thought and truth' (VI.2 1139^a24 ff.). And decision is about actions which are up to us (1113^a10–11), a description which, in a relevant sense, excludes processes such as growing up or breathing. Of course, sometimes rational agency is not fully employed but rather says yes to or pursues a wrong desire. But this is precisely what should help us see that Aristotle does not claim that there is something simply 'natural' or biological in developing good or bad characters. It is basically up to us to do so.

Now sometimes Aristotle does talk of 'nature' and cognates in a practical or ethical context. There seem to be three main reasons for this. First of all, 'natural' can be used to signify that some standards or criteria of judgement in practical matters are not arbitrary or capricious but objective.⁸⁰ Secondly, it should go without saying that we do need some

⁸⁰ See Finnis (2002), 1.

natural equipment to do our practical work and that ethics contributes to our well-being. So, in this loose sense, ethics is natural (2.3). Finally, this ‘nature’ talk is of a highly analogical character (2.4–6). For instance, ethical virtue, fully equipped with practical reason, takes a great deal of habituation. But habituation may end up adopting an almost natural outlook: ‘the reason why habit is ... difficult to change is that it is like nature; as Eunenus says, “Habit, I say, is longtime training, my friend, and in the end training is nature for human beings” ’ (VII.10 1152^a31–3).⁸¹ It may be ‘natural’ for a rational agent to perform a virtuous action, in the sense that it is habitual for him, almost not deliberate, as if he would not have to bring himself to do it, etc. But behind this ‘naturalness’ there is a considerable and previous amount of work done by deliberation and practical reason. There is a decision to be in the habit of acting virtuously in the first place.

Aristotle also distinguishes between theoretical and practical reasoning, between being engaged in a reflection on what is and what ought to be the case. Although Aristotle draws an analogy between theoretical and practical reason, his point is not that the second may be reduced to the former, but rather that both work with issues which are subject to rational assessment—we might say that both satisfy, in their own way, the standards of normativity. We can say yes or no to beliefs and desires: ‘As assertion and denial are to thought, so pursuit and avoidance are to desire’ (EN VI.2 1139^a21–2). What makes the difference between

⁸¹ There is but a very short step from this image to the notion of ‘second nature’, a popular expression in post-Aristotelian ethics. See McDowell (1995), 166: ‘the concept of second nature ... is all but explicit in Aristotle’s account of the acquisition of virtue of character’. Burnyeat (1980), 74, 77, 78, 88, explains that according to Aristotle virtue becomes ‘second nature’ for the agent properly trained, i.e. for the agent with right beliefs and desires. Burnyeat (1980), 89, n. 11, also refers to *Resp.* III 395d3 as ‘featuring the idea that habit becomes second nature’. Alfred Verdross put forward some time ago that classical philosophy was no stranger to the distinction between two senses of ‘nature’: ‘While we [moderns] ... with the word “nature” indicate as a rule, especially since Kant, the “nature of the sciences” only, classical political theory (*Staatslehre*) understands “nature” as the totality of being (*die Gesamtheit des Seins*). There belongs thus to “nature” not only irrational nature (nature in the strict sense), but also intellectual (*geistige*) nature (nature in an extended sense). Most of the prejudices against natural law (*Naturrecht*) arise from this often overlooked double concept of nature. For it is clear that no norm can be deduced from irrational nature. Things change as we proceed with classical legal theory on the assumption of [a] *rational nature*, since reason leads a human being to the insight that [it is] only in the community [that] he is able to come to the development of his natural dispositions’ (Verdross (1948), 145). See also Welzel (1990), 30–1: ‘Not everything that means (*heißt*) nature in the sense of external reality (*Wirklichkeit*) is “nature” in a teleological sense. The teleological nature is rather a reality predetermined by an evaluative point of view. ... What is according to nature (*Das Naturgemäße*) [is] actually only a function of the good.’ If we read ‘practically rational’ instead of ‘teleological’, we would get a distinction between two conceptions of nature along lines similar to ours.

theoretical and practical inquiry is the presence of desire, given that action follows from choice and choice is a combination of reason and desire (1139^a31–^b5). Choice itself is made on the assumption of a goal or end, and it is in the very nature of a goal to be desired, and the same will apply to the means thereunto (*EN* III.2–3). When we engage in practical reasoning, then, the very presence of desire suggests that we are not taking the world as it is, but as we wish it were, as it ought to be. The desire is thus ‘world-correcting’. In the case of a theoretical inquiry, it is the reverse relation that holds: it is ‘world-corrected’.⁸² So Aristotle seems to be working in the right direction of fit between value and world.⁸³ Of course, the sheer presence of desire does not of itself provide for a satisfactory view of practical reasoning. After all, the very appearance of desire might be considered a natural phenomenon and/or the mere fact that a wish is not in accordance with the world is no proof of its rationality. But Aristotle's discussion of wish or rational desire (4.2) leads us to believe that practical reasoning is capable of producing the necessary desires to achieve its goals. The desires which operate on practical reasoning are desires for ends which are worthy of desire, i.e. rational desires. Rational agency is not a slave of prior and totally unaccountable desires.

It is not uncommon for Kant to criticize classical moral philosophy for claiming that the specification of virtue depends on the specification of the highest good. Ancient ethics got it backwards: we do not get to virtue by examining the highest good; we get to the highest good by studying virtue. But this criticism—and its implied concern with the proper relation between value and world—does not actually apply to Aristotle. Although he does begin his ethical works by inquiring about the highest good, when we unpack the rest of his ethical argument it seems clear that he does not take the line to which Kant objected. The description of well-being as activity of soul in accordance with virtue ‘determines the direction of the ensuing inquiry by indicating that the task is one of studying the highest good by studying virtue (not the reverse)’.⁸⁴ In *EN* I.13, which serves as an introduction to Aristotle's discussion of virtue,

⁸² See Darwall (1998), 74. In our quest for value we should keep some distance from the world, in the knowledge that total detachment will not do, given that, in a sense, we shall have to come back to the world since we have to operate in it. So a sound account of normativity has to navigate between the Scylla of not minding the gap between value and world and the Charybdis of a normative bridge too far. Whereas Kantians usually remind us of avoiding Scylla, Humeans as a rule are prone to bid us beware of falling into Charybdis. Although the thrust of this section is to account for Aristotle's awareness of the normative gap, 2.3 and 2.5 attempt to explain the role played by the world in his ethical and political theory.

⁸³ A *neo-Aristotelian* like Schnädelbach (1986), 51, is happy to say nevertheless ‘*dass das Gute schon in der Welt ist und nicht darauf wartet, von uns aus einem abstrakten Ideenhimmel in sie erst hineingebracht zu werden*’.

⁸⁴ Engstrom (1996), 113.

we read at its very beginning: ‘Since happiness is a certain activity of the soul in accord with complete virtue, we must examine virtue; for that will perhaps also be a way to study happiness better’ (1102^a5–7). In the practical life this activity of soul involves wish for the human good, deliberation concerning the means through which the end may be achieved, and choice of action issued by that deliberation. If exercised in accordance with virtue, wish and deliberation issue in the choice of noble action, action chosen for its own sake and not for the sake of some end beyond itself (IV.1 1120^a23–4, X.6 1176^b6–9). The wished-for end itself essentially contains noble action, action chosen for its own sake. The good consists in this sort of practical activity, an activity which cannot enter the world but through moral action. So, it is not that the goodness of moral action depends on its contribution to the highest good, but rather that an appropriate conception of the highest good will underwrite the view that virtuous action is a constituent of the highest good (2.3).

The very notion of well-being as activity should also help allay Kantian misgivings. Even if Aristotle's reference to a chief good at the very beginning of his ethical works might give the impression that he is on to some sort of good-maximizing ethical theory, his characterization of well-being as an activity points in a Kantian direction. Well-being consists essentially in the activity of theoretical and/or practical reason. The fact that we are talking *praxis* here implies that the aim of practical reason is not external to the activity itself (*EN* VI.5 1140^b6–7). Hence the end of the activity is internal to the operation of reason, which is precisely the issue which lies at the heart of Kantian ethics. Of course, when it comes to self-sufficiency, leisure, and freedom from weariness (*EN* X.7 1177^b22), the activity of practical reason compares unfavourably with the activity of theoretical reason. The former is more demanding in external equipment and possibilities of operation and, if compared with the latter, issues in a result (X.7 1177^b5–12). Theoretical reason seems to be less demanding in equipment and more self-sufficient in that it does not result in something external to the activity. It does not take political power or friends, and it may take place on many more occasions than its practical counterpart. To be generous we need people to whom we might give money, to be temperate we need the presence of other people so that we can put our desires to the test of attraction, etc. To contemplate we need to be alone and just employ our reason.⁸⁵ At any rate, in both cases Aristotle is referring to activity.

⁸⁵ What seems to fall under the description of practical activity or *praxis* may also be described as a process yielding a result which is different from the process itself. A brave action, which is done for its own sake and does not have as such an end external to the activity, may also be described as an event which is different from the process that brought it about (e.g. ‘these soldiers performed a brave action’ and ‘the Persian stronghold has been taken’). But the same applies to Kant's notion of a moral action: an action done for its own sake may also be described as an instance of a process yielding a result which brings about a change in the world: acting from duty I have returned the money, money has changed hands, etc. And in order for my action to be moral, returning the money has to be a part of its explanation. The fact that moral action may be seen from a different viewpoint does not call into question the active character of reason.

Furthermore, it is not uncommon for Aristotle to refer to the gods to explain the idea of perfect activity. Divine activity, unlike its human counterpart, is truly perfect and self-sufficient (*EN* X.8 1178^b34; cf. *Met.* XII.9 1074^b15–1075^a5; 7 1072^b8–10). ‘The whole life of the gods is blessed, and human life is blessed to the extent that it has something resembling this sort of activity’ (1178^b25–7): when Aristotle makes this claim he does have the life of study or contemplation in mind. But the life of practical activity has a shot at happiness as well to the extent that it approximates to the divine ideas of completeness (I.7 1097^a33–4) and self-sufficiency (1097^b6–7; cf. X.7 1177^a27–^b1), precisely the self-determination implied by them. The comparison between divine activity and virtuous agency is explicit in *Pol.* VII.1, where Aristotle is arguing for the superiority of the goods of the soul over external goods:

We may take it as agreed, then, that each person has just as much happiness as he has virtue, practical wisdom, and the action that expresses them. We may use god as evidence of this. For he is blessedly happy, not because of any external goods but because of himself and a certain quality in his nature. This is also the reason that good luck and happiness are necessarily different. For chance or luck produces goods external to the soul, but no one is just or temperate as a result of luck or because of luck.(1323^b21–9)⁸⁶

It was also part of Kant's discursive strategy in his mature ethical writings to transpose onto human practical reason the relation he had worked out earlier in his previous writings between God and the goodness of his choices. ‘The mature Kant does not hesitate to make an explicit comparison between human agents and God. When we try to bring about a harmonious totality of all ends, a totality made possible and governed by the moral law, we may think of ourselves “as analogous to the divinity”.’⁸⁷ Of course, I am not claiming that Aristotle's ‘theology’ is the same as Kant's. The theological background of Kant is certainly different from Aristotle's. But they do have in common the assumption that the notion of a self-determined divinity or god as the paragon of perfect

⁸⁶ Whiting (1996), 184, has drawn my attention to this passage as an explicit example of the connection between godlike activity and human well-being.

⁸⁷ Schneewind (1998), 512, making reference to ‘Concerning the Old Saying: That May Be True in Theory, but it Won't Work in Practice’, Kant (1991a), 65 n.

activity may be brought to bear upon ethical reflection, especially upon a sound theory of practical reasoning.

2.3 The Human Thing To Do

Our Kantian objector may come to see that Aristotle's answer to the normative question is not as different from Kant's as it might have seemed at first glance, but he would still think that there are some difficulties with Aristotle's account of practical reason. Even if Aristotle does attempt to draw a line between value (or ethical excellence) and nature, and to think of the human good in terms of activity and moral virtue, his employment of the human function argument might give the impression nevertheless that we are back to square one. The Kantian concern about the relation between value and world in Aristotle seems to be compounded by his *ergon* argument and its place in his ethical argument. A discussion of the bearing of the function argument on Aristotle's ethical theory may help us see the Kantian criticism in a better light.

Let us have a look at Aristotle's famous argument:⁸⁸

{§ 1} Perhaps, ..., we shall find {a clearer statement of what happiness is} ... if we first grasp the function of a human being. For just as the good, i.e. {doing} well, for a flautist, a sculptor, and every craftsman, and, in general, for whatever has a function and {characteristic} action, seems to depend on its function, the same seems to be true for a human being, if a human being has some function.

{§ 2} Then do the carpenter and the leather worker have their functions and actions, but a human being has no function? Is he by nature idle, without any function? Or, just as eye, hand, foot, and, in general, every {bodily} part apparently has its function, may we likewise ascribe to a human being some function apart from all of these?

{§ 3} What, then, could this be? For living is apparently shared with plants, but what we are looking for is the special function of a human being; hence we should set aside the life of nutrition and growth. The life next in order is some sort of life of sense perception; but this too is apparently shared with horse, ox, and every animal.

{§ 4} The remaining possibility, then, is some sort of life of action of the {the part of the soul} that has reason. One {part} of it has reason as obeying reason; the other has it as itself having reason and thinking. Moreover, life is also spoken of in two ways {as capacity and as activity}, and we must take {a human being's special function to be} life as activity, since this seems to be called life more fully. We have found, then, that the human function is activity of the soul in accordance with reason or requiring reason.

⁸⁸ The division into paragraphs follows Irwin's (1999), 8–9, although with a different numeration. I also follow Irwin's epiexegetical reading of *kai* at 1097^b 27: *tagathon ... kai to eu*.

{§ 5} Now we say that the function of a {kind of thing}—of a harpist, for instance—is the same in kind as the function of an excellent individual of the kind—of an excellent harpist, for instance. And the same is true without qualification in every case, if we add to the function superior achievement in accordance with the virtue; for the function of a harpist is to play the harp, and the function of a good harpist is to play it well. Moreover, we take the human function to be a certain kind of life, and take this life to be activity and actions of the soul that involve reason; hence the function of the excellent man is to do this well and finely.

{§ 6} Now each function is completed well by being completed in accord with the virtue proper {to that kind of thing}. And so the human good proves to be activity of the soul in accord with virtue, and indeed with the best and most complete virtue, if there are more virtues than one.(EN I.7 1097^b24–1098^a18)

At first glance it would appear that Aristotle has a metaphysical or ontological battle-plan in mind to explain his theory of the good. § § 1–4 seem to pave the way for such a strategy. The good or doing well for whatever has a function and activity depends on this function and activity. This dependence of X's good on X's function would be understood properly if we were to launch an inquiry into the ontology of X to find out X's function. Taking into account the development of § § 1–4, it is not only a question of examining X's function, but essentially a matter of locating X's peculiar or characteristic (*idion*, 97^b34) and/or proper (from 98^a15: *kata tēn oikeian aretēn*) function and activity. On the other hand, § 2 seems to suggest an inductive argument for the existence of a human function: given that carpenters and leather workers have a function, it is only to be expected that human beings have one as well. They might have one, but it is still not clear what it might be. § 3 rejects living and perception as peculiarly human functions. § 4 gives the prize to some active life of reason, and § § 5–6 qualifies this activity by adding the requirement that it should be performed according to virtue.

This way of presenting the function argument has caused much controversy. To start with, the inductive argument cannot take us very far. The fact that carpenters, leather workers, and every kind of profession have a function does not entail that human beings as such have one as well. This induction could only work if we were to assume that these professions are somewhat related to the human good which happens to be the human function. But it is precisely the human good and its function which we are after: it would not be a sound argumentative policy to assume what we are trying to establish.

The very thought of a metaphysical or ontological battle-plan for a practical campaign also seems to be doubtful. By adhering to this type of strategy, Aristotle might be said to be dressing his ethical theory in borrowed robes by mistaking what is for what ought to be the case. ‘To the student of later European political theory it may look as if Aristotle is

straightforwardly guilty of a breach in the principle most forcefully stated by Hume, to the extent that normative statements cannot be deduced from descriptive ones.⁸⁹ The theme of the naturalistic fallacy may take the variation of what has been called the naturalist fallacy and which may be brought to bear on Aristotle's function argument:⁹⁰ we have a natural function φ , so we ought to encourage φ -ing. But, of course, if we had this natural function φ , there would be no need to encourage φ -ing since we would be φ -ing anyway. Further, if we were less than fully φ , it would not follow that we should become more so, unless we were to assume that if we had this function φ by nature, then it would be good for us to φ and/or to φ as much as possible. So this kind of argument would be either superfluous for a theory of practice or grossly wrong: it would jump from the description of a natural fact to a recommendation (2.2). Thus it is not clear why a biological or metaphysical conception of the good would be relevant as such for the choices of a rational agent without further ado.

This brings us to the peculiarity fallacy. If we pressed on with the question of the distinguishingly human mark, we might end up attributing to Aristotle the claim that the following activities constitute human well-being: cheating a referee into believing that, e.g., a goal was fairly scored when it actually came as a result of an intentional handball, forging works of art, brainwashing, carrying out *coups d'état*, etc.⁹¹ In a sense, it is

⁸⁹ Lloyd (1996), 184. Verdross (1958), 40, notes that in Aristotle's philosophy of law 'there is no complete separation between is and ought, since the latter is anchored in human nature', and Aubenque (1978), 50–1, points out that for Aristotle 'the axiological is ... always deduced from the ontological', it has no autonomous standing. Cf. Mulgan (1977), 9. Pufendorf objects to Aristotle's practical philosophy that 'his *Ethics*, which deals with the principles of human action, apparently contains scarcely anything other than the duties of a citizen in some Greek *polis*. Just as in his *Politics*, he seems mainly to have had in view the practices of his own Greek states, and to have put a special value on their liberty; which is a grave defect in a study intended to serve the interests of the whole human race' (*Specimen controversiarum circa jus naturale ipsi nuper motorum* (Uppsala, 1678), 9, tr. and cit. by Tuck (1987), 104). Hobbes (1991), 149–50, had already noted in his *Leviathan* that 'Aristotle, Cicero, and other men, Greeks and Romans ... derived ... [the] Rights [of Commonwealths], not from the Principles of Nature, but transcribed them into their books, out of the Practise of their own Common-wealths', and that '[the] Morall Philosophy [of 'The Schoole of the Graecians'] is but a description of their own Passions' (461).

⁹⁰ Cf. Kavka (1986), 32.

⁹¹ As Williams (1993a), 59, explains, 'If one approached without preconceptions the question of finding characteristics which differentiate men from other animals, one could as well, on these principles, end up with a morality which exhorted men to spend as much time as possible in making fire; or developing peculiarly human physical characteristics; or having sexual intercourse without regard to season; or despoiling the environment and upsetting the balance of nature; or killing things for fun.' See also Castoriadis (1991), 88: '[W]hile ... [the Greco-Western tradition] has produced democracy and philosophy, both the American and the French Revolutions, the Paris Commune and the Hungarian Workers' Councils, the Parthenon and *Macbeth*, it has produced as well the massacre of the Melians by the Athenians, the Inquisitions, Auschwitz, the Gulag, the H-bomb. It created reason, freedom, and beauty—and it also created massive monstrosity. No animal species could ever create Auschwitz or the Gulag; to create that you must be a human being. These extreme possibilities of humanity in the field of the monstrous have been realized *par excellence* in our own tradition.'

typically human to sink beneath even conventional standards of morality. So the *ergon* route does not necessarily take us to ethical virtue, the destination intended by Aristotle's inquiry. It may be peculiar to X to be good at φ -ing, but that does not imply that it is good for X to φ . Aristotle thus seems to overlook this ambiguity in the word 'good'. Whereas in the first part of *EN* I, which stretches out from the opening statement up to the beginning of the *ergon* argument, it is claimed that there is a good for human beings which is strived for by all humans, in the second part—which is precisely the function argument—we find claims about what a good human being would do. But there is no necessary or evident link between the different senses of 'good' at stake. What is good for man (what is in the real interest of man) may well be different from being—i.e. doing what is peculiar to—a good man (being a good example of the human kind of life).⁹²

In the light of these considerations, it looks as though Aristotle would have been better off if he had thrown the *ergon* argument overboard. These difficulties with the human function argument have led some scholars to play down its role in Aristotle's theory of well-being and to explore whether there is a way of getting to the Aristotelian human good by bypassing the controversial argument. There are actually two main ways of drawing the Aristotelian map of the human good.⁹³ On the one hand, we find scholars who argue that Aristotle's notion of *eudaimonia* hinges on a notion of human nature derived from his psychological, biological, and metaphysical writings, so that considerations about a human's task imported from outside the moral domain determine the composition of human flourishing. On the other hand, we come across philosophers who adhere to the thesis that Aristotle's notion of *eudaimonia* is ethically autochthonous. On this view, well-being is secured upon considerations about what is to be done and hence upon the worthwhileness

⁹² Bostock (2000), 25–6. It is interesting that according to Kymlicka (1989), 103, 'Marx argued that freely chosen activity is our essential interest because this is what differentiates us from other species—i.e. it's what defines us *as humans*. But this "differentia" argument is, of course, a *non sequitur*, notwithstanding its venerable roots in Western thought'. Kymlicka goes on to quote M. Midgley, *Beast and Man* (New York, 1978), 204: '[Asking what is best in a human life is not a question] about biological classification. It is a question in moral philosophy. And we do not help ourselves at all in answering it if we decide in advance that the answer ought to be a single, simple characteristic, unshared by other species, such as the differentia is meant to be'. Cf. Lukes (1985), 87.

⁹³ See Charles (1997), 253.

of the different activities which make up the content of *eudaimonia*. It is no meditation on the metaphysics of human nature but the point of moral excellence which helps us understand the content of human flourishing. Whereas the former approach seems to lay considerable store by the trans-ethical question ‘Of what kind is the human being?’, on the assumption that its answer will lead to the proper business of human beings, the latter seems to assign a higher value to the practical question ‘What is it worth while to do?’, on the assumption that it is φ 's value which reveals whether φ is a component of human flourishing. So, it looks as if the latter reading could be a promising way of getting Aristotle off the functional hook.

Aristotle's discussion of what he calls ‘external goods’ suggests that he does not stake his conception of the human good on the *ergon* argument entirely.⁹⁴ He contrasts external goods with goods of the soul (*EN* I.8 1098^b12–14), and so if any of them are included within the constituents of happiness, this cannot be because their value is derived from their being excellently human. Aristotle affirms that ‘we say that the goods of the soul are goods most fully’ (1098^b14–15), and some external goods are clearly of instrumental value only, i.e. they are goods to the extent that they enable one to engage in excellent activity (1099^a31–^b2). They do not, however, exhaust the class of external goods. Aristotle goes on to say that

deprivation of certain {externals}—for instance, good birth, good children, beauty—mars our blessedness. For we do not altogether have the character of happiness if we look utterly repulsive or are ill-born, solitary, or childless; and we have it even less, presumably, if our children or friends are totally bad, or were good but have died. And so, as we have said, happiness would seem to need this sort of prosperity added also. (1099^b2–7)

Aristotle does not say that their goodness is a function of their being instrumental in any way or their assistance in developing a peculiarly human function. It rather looks as if one's well-being will be marred just by lacking them. That Aristotle is of the view that at least one external good is intrinsically valuable is also evidenced by the list given at *EN* I.7 1097^b1–5 of things through which we think we shall be happy. Alongside pleasure and understanding, Aristotle mentions honour, which is, according to *EN* IV.3 1123^b20–1, ‘the greatest of the external goods’. Honour belongs to the kind of things we would choose even if nothing further came of it: it is something which is intrinsically valuable. If this is correct, Aristotle cannot claim that one can determine whether something has intrinsic value only by turning to what it is to be human.

⁹⁴ See Everson (1998b), 98.

Furthermore, the *ergon* argument, if taken at face value, would lead to a conclusion which Aristotle himself does not want. He thinks that theoretical contemplation is (at the very least) a part of happiness. But theoretical contemplation is an activity which is not peculiar to human beings; by Aristotelian standards it is something characteristic of gods (e.g. *EN* X.7 1177^b30–1). Thus, if what it is for an individual to be happy were simply determined by his *ergon* as a human, then living well would not involve the exercise of *theōria*. Aristotle actually finds fault with those who put forward just the type of argument which is so often attributed to Aristotle himself by some of his commentators, i.e. that one can find out what is worth while for humans to pursue simply by determining what is peculiar human activity. He explicitly indicates that

We ought not to follow the makers of proverbs and ‘Think human, since you are human’, or ‘Think mortal, since you are mortal’. Rather, as far as we can, we ought to be pro-immortal, and go to all lengths to live a life in accord with our supreme element; for however much this element may lack in bulk, by much more it surpasses everything in power and value. (*EN* X.7 1177^b31–1178^a2)

What makes *theōria* valuable is not that it is something derived from human nature or peculiar to humans, but precisely that it is the *best* activity, an activity which is intrinsically valuable whatever *our* nature.

The *ergon* argument thus is not the linchpin of Aristotle's conception of the human good. It is introduced as something which might clarify the nature of well-being and not as something which will determine its content. He actually invokes the *ergon* argument only to leave open how one might argue that this or that is what a human being should do. Indeed, right at the heels of the *ergon* argument Aristotle says that ‘This, then, is a sketch of the good; for, presumably, we must draw the outline first, and fill it in later’ (*EN* I.7 1098^a20–2).

The provisional nature of the *ergon* defence is also confirmed by the itinerary of the chapters that follow *EN* I.7. Once Aristotle has gone through the role of external goods and fortune in well-being, he is able to come up with a less provisional conclusion: ‘Then why not say that the happy person is the one whose activities accord with complete virtue, with an adequate supply of external goods, not for just any time but for a complete life?’ (I.10 1101^a14–16). This seems to be the definition, and not that offered in I.7, which is given official status in Book I.⁹⁵ The reference to the human task is thus but the beginning of a long argument, so that perhaps its importance has been exaggerated. At II.6 1106^a22–3 we are told that ethical excellence is brought in to explain good human functioning: ‘the virtue of a human being will ... be the state that makes a human being good and makes him perform his function well’. And at

⁹⁵ See Everson (1998b), 101.

VI.12 1144^a6 it is added that ‘we fulfil our function in so far as we have *phronēsis* and virtue of character’. So, Aristotle’s account of the human good is not supported by a single argument but is rather an argumentative team game played according to ethical rules.

In view of these considerations, it appears that Aristotle does not subscribe to a style of ethical theory which has often been attributed to him, a theory according to which things are valuable just in so far as they contribute to *eudaimonia*, nor is his conception of well-being in turn derived from metaphysical or anthropological arguments. This can now be seen as getting things the wrong way round: it is not that something is valuable because it contributes to happiness, but rather something will be a constituent of happiness only in so far as it is intrinsically valuable itself. Happiness is not thus an external state of affairs to be brought about by purely instrumental means, but rather a second-order good which is composed of all intrinsically valuable goods and activities. What actually ‘makes’ somebody happy is not the fact that he has achieved excellence in respect of his *ergon* but that by means of his virtuous character he is able to make correct judgements concerning what is valuable and what is not, what there is point to choose and pursue, and the correctness of these judgements ‘is independent of considerations to do with human nature and functioning’.⁹⁶

The difficulties involved in the human function argument may well strike us as odd seeing that elsewhere Aristotle is prepared to distinguish clearly between fact and value and thus to cut the ground from under the feet of those who charge him with committing the naturalistic fallacy. To start with, it has been held that (what is usually referred to as) Hume’s law regarding the distinction between is and ought is itself a rule of Aristotelian logic, according to which it is not fair logical play to prove anything by crossing from another genus (*metabasis eis allo genos*).⁹⁷ As we have seen (2.2), although Aristotle does draw an analogy between theoretical and practical reason (VI.2 1139^a21–2, 27, 29, 36), this is to convey the idea that both their objects are subject to rational assessment, not that the latter should be understood as a variety of theoretical reason. Not far from the very beginning of his *Nicomachean Ethics* Aristotle makes it clear that he is interested not in knowledge *per se*, but in action. The kind of knowledge he is interested in is not simply theoretical or empirical, but rather concerning what is to be done, *practical* knowledge (I.3 1095^a5–6).

⁹⁶ Everson (1998b), 106. McDowell (1980), 370–1, rightly denies that Aristotle is interested in claiming that the business of a human being is to maximize ‘the satisfaction of some set of “normal” or “natural” desires’, justified in turn ‘by a *a priori* theory of human nature’.

⁹⁷ See Berti (1991), 41–2, who seems to refer to *An. Post.* I.7 75^a39–2.

Aristotle's distinction between action and production, *praxis* and *poiēsis*, may also be taken as an indication of his reluctance to slide from fact to value (1.2). Although the case of making or producing something (e.g. I have placed a pebble in the jury urn) may be considered as a case of *acting* in a certain way (i.e. I have acted justly), to assess a series of bodily movements as an instance of production is different from assessing it as an action: a good instance of production is not necessarily a good instance of an action, and vice versa (VI.4 1140^a5–6).⁹⁸ When it comes to an instance of production P under a particular set of circumstances, it would make sense for a rational agent to ask whether it would be good to produce P under the circumstances. The fact that P is a fine instance of production does not turn it *eo ipso* into a good action. Whereas the point of a 'productive' reasoning is to achieve some particular end which might be good under some assumption, the point of practical reasoning is to find out what is to be done all things considered. It would be pointless to imagine some P whose nature would make it irrelevant for a rational agent to inquire about the way it would be produced and/or whether it should be produced at all.⁹⁹ Good action is always the direct or indirect (through habit) result of deliberation about what *is to be* done, and so there is no state of affairs whose goodness will *ex ante* remove all objections to bringing it about so that this instance of production would be automatically practical.

It might be objected that, for instance, the goal of making all citizens good according to the directions of the *Nicomachean Ethics* and *Politics* VII–VIII would fit the bill. Here we have a state of affair which is automatically 'practical' or 'prohairetic'. The benefits of this proposal are obvious and arguably would bring about the best scenario Aristotle could possibly aspire to. But Aristotle would reject even this alternative. The best regime is not a ready-to-wear design which should be applied without considering the pros and cons of its implementation under a given circumstance (*Pol.* IV.1 1288^b36–1289^a1, VII.4–7). Some preconditions should obtain for the best regime to be set up, and so even the best

⁹⁸ The construction of the pyramids of Egypt and the temple of Olympian Zeus count among tyrannical measures aiming at impoverishing the people so that they lack the leisure for plotting against the unjust regime (*Pol.* V.11 1313^b20–3) and thus are not to be done. Being a poor craftsman is what is expected of a virtuous agent (VII.9 1328^b33–29^a2, with ^a36).

⁹⁹ To think that it would be possible or even desirable would be tantamount to aestheticizing ethical theory. Cf. Brophy (1988), 24, 25: '[I]n art it is only results that count. ... Beethoven assaults our emotions head on, heroically hurling his forces over the top, at no matter what cost to himself. Mozart is the strategist who takes our breath away by the audacity of his plans. He is upon us and has captured the citadel before we had time to conceive that he might come by that route. In art, the only criterion is the effectiveness of the capture. If the citadel succumbs to him, Mozart is no less effective than Beethoven.'

regime one could wish for is not always without contraindications. This is why a good politician or statesman would not only know about the best regime but also how to moderate deviant regimes and preserve less than ideal regimes (IV.1 1288^b27 ff.). The fact that the open question may be brought to bear upon any instance of craft or production presented as a case of action ‘reads like a kind of practical rejection of the naturalistic fallacy. There is no P whose nature guarantees that producing P is always a good thing to do.’¹⁰⁰

§ 2, in the passage discussing the human function, may now be read in a different light. Aristotle here is contrasting *ergon* with *argon*: the active life of a craftsman with a hypothetical passive or idle life of a human being. Perhaps Aristotle's point is that the human function is somehow related to some kind of activity, and so if we want to understand this function we have to have a look at these activities. In the next chapter, *EN* I.8 1098^b18–19, Aristotle says that ‘our account is also correct in saying that some sort of actions and activities are the end’. So the reference to a function or work is not so much a proposal to inquiry into the nature or ontology of human beings as an indication of the active character of the human good. What we would like to know now is how Aristotle explains the connection between the nature, function, and activity of a thing. It has been argued that *DA* II.4 415^a16–21, a passage germane to the *ergon* defence in *EN* I.7, may be mined for that answer:

if we are to express what each {form of soul} is, viz. what the thinking power is, or the perceptive, or the nutritive, we must go farther back and first give an account of thinking or perceiving; for activities and actions are prior in definition to potentialities. If so, and if, still prior to them, we should have reflected on their correlative objects, then for the same reason we must first determine about them, i.e. about food and the objects of perception and thought.

¹⁰⁰ Broadie (1991), 209–10. To be honest, Broadie immediately adds that ‘For Aristotle, however, the futility of looking for that sort of guarantee shows not that “It is good (now) to produce P” predicates a non-natural property, nor (the historical next step) that the sentence makes no objective claim but only expresses an attitude; it shows, rather, that the goodness, objective as it is whenever it obtains, of the action of producing P (as distinct from the goodness of P) varies with circumstances in accordance with no rule.’ I agree that Aristotle does not think of practical goodness as a non-natural property or as a personal attitude or preference. (The way in which the human good is natural or depends on nature will become clearer at the end of this section.) But Broadie also claims that Aristotle's theory of practical wisdom and the doctrine of the mean not only excludes a consequentialist approach to action but also a deontological approach. According to the latter, there would be a certain kind of action which should always be enacted, and this is incompatible with Aristotle's ethics. I am not so sure about that, since Aristotle does give the impression that he defends at least a negative version of that approach: there are some actions which should never be done (*EN* II.6 1107^a 8–17; cf. III.1 1110^a 25–7).

So, if we want to study what the nature of a being is, we will have to study its potentialities and capacities, since they are prior in knowledge or definition: knowledge of X's capacity is necessary to know what X's nature is, but the contrary does not necessarily hold. And if we want to get to the bottom of a capacity we will have to study its actualization, due to its epistemological priority, and the same applies to actualization itself and its connection to its object. When it comes to human life, i.e. the life of thought and choice, the examination of our nature or function will take us to our capacities, then to their actualizations and eventually to their objects. Now 'the principal objects of our capacities and activities is the concern of practical reason, i.e. of our thinking about what to do and be'.¹⁰¹ As it turns out, Aristotle's apparent metaphysical argument ends up being a part of a consideration of what we have reason to do or pursue. He is not deducing value from fact or evaluative from non-evaluative properties. Aristotle is not of the view that, when it comes to ethical reflection, we can understand our nature from an ontological or simply theoretical outside. His approach recommends understanding it rather from the inside, taking into account our rational preferences and choices, adopting a practical and evaluative viewpoint. His claims about what is natural for us or what is our function in the sense of being valuable and worth pursuing are based upon appraisals of what we do choose and pursue in terms of what we find worthwhile to choose and pursue, i.e. in terms of activities whose point or object we see and pursue accordingly.

We can also perceive now that Aristotle's ethics does not make sense as a chronicle of fourth-century BC Greek moral attitudes and conventions either. Virtues such as courage, generosity, magnanimity, etc., are often said to portray the moral values and practices of a particular society rather than reliable practical norms connected to what is truly and universally in the human interest. But Aristotle's enumeration of the virtues attempts to convey the skills necessary for what might roughly be described as a worthwhile human life. We see the point of the virtues to the extent that we are interested in rational choice and emotion in social interaction, and rational choice and emotion are precisely another idiom which conveys the idea of good human functioning. This is not to deny that part of the list is unquestionably dated. But were we to get rid of Aristotle's ethics because some of its elements are dated, we would be throwing away the baby with the bath-water. It should not be hard to see the point of virtues such as justice, courage, temperance, generosity, friendship, practical reasoning, and knowledge in any attractive life. Moreover, Aristotle sometimes claims that he is describing virtues the names of which are unknown (e.g. *EN* II.7 1107^b1–2, 1107^b30–1108^a1,

¹⁰¹ Finnis (1983), 21.

IV.4 1125^b17–18, IV.6 1127^a7–17, IV.7 1127^a14). He also departs from common morality to the extent that his conception of the human good is a critique of the common views on pleasure, honour, and virtue (*EN* I.4 1095^a22–8, 5 1095^b19–22); and both of the lives he recommends, the political life and the theoretical life, were under criticism in his time (VI.8 1142^a1–9; X.7 1177^b31–3; cf. *Pol.* VII.3 1325^a16–34).¹⁰²

So the reference to a human function or nature may be also seen as a reaction against those who claim that ethics is purely conventional or not open to rational assessment. Hence the universal pretension of Aristotle's ethical theory in terms of what is practically reasonable.¹⁰³ Aristotle's analysis of the virtues is meant to perform a normative job in terms of what is reasonable to do. So, according to Aristotle's ethics, something ought to be done not because it is simply 'natural' or 'peculiar to us' but because it is virtuous, good, worthwhile. In this sense, we may say that, e.g., courage is natural to the extent that it is good or rational, not the other way round.

There is an interesting line of inquiry which would suggest that we have been unfair to the whole of the *ergon* argument so far. Its last two paragraphs, which contain vital information for understanding Aristotle's point, may help the *ergon* argument put up a good fight on its own terms. We have seen that Aristotle adopts the following principle (1097^b26–7): for all things that have a function (*ergon ti*) or activity (*praxis*), the good (i.e. their doing well) is thought to reside in or to depend on the function (*en tōi ergōi*). This principle might be taken to imply (§ § 1–4) that sheer performance of the function brings about the human good. But there is another way to understand the idea that X's doing well depends on or resides in X's function, a reading suggested by § § 5–6, according to which doing well for things that have a function, the truth of a favourable evaluative claim about them, depends on the *quality* of the function.

¹⁰² See Kraut (1989) 342–3, n. 27.

¹⁰³ See Nussbaum (1995), 106: 'The claims that friendship is necessary and natural are joined to, and supported by nothing beyond, claims about *our preferences and choices*. ... [T]o find out *what our nature is* seems to be one and the same thing as to find out what we deeply believe to be most *important and indispensable*' (emphasis added). See Sherman (1997), 327–8: 'the virtues can be given a more general account than Aristotle is often thought to provide. The virtues can be defined as ways of preserving self in certain ways—that if we don't stand up to certain fears, we can't preserve ourselves in the face of frequent threats and vulnerabilities; that if we don't work toward temperance, we can't make long range goals and plans that takes us beyond the immediate desires of brutish living; that if we are uncommitted to generosity, we fail to appreciate our nature as socially interdependent beings whose flourishing depends upon the goodness of others, and so on. In each case, what is excellent in the use of our human powers is not defined arbitrarily by the example of some heroic individual, but by what is reasonable to require of a human being in order to cope well in the pervasive conditions of this world.'

So, the examples provided by what appears to be an inductive argument may also be seen in a different light. If we take into account that *ergon* may also mean ‘work’ in the sense of the product of a *technē* or craft, the allusion to different examples of artists or craftsmen may mean that a favourable judgement about, say, a flute-player is the result of the favourable evaluation of his actual musical performance. A good flute-player is someone who plays the flute well. The mere fact of playing the flute, the sheer operation of the *ergon*, would not do, since this would be common to good and bad flute-players alike, and Aristotle surely wants to avoid the claim that, when it comes to doing well, there is no difference between good and bad flute-players. So, Aristotle may be taken to be saying something like this: just as we do with artists and their crafts, let us first identify what it is that marks out their craft without posing any evaluative question, and only *then* go into the evaluative business of saying who is doing a good job at it. Let us first see *what* they are doing, and only then see *how* they are doing. Aristotle, to succeed in this new enterprise, has to come up with a peculiar function or job, the *excellent* performance of which will yield the human good. On this view, the non-evaluative character of the human *ergon* should not call into question the relevance of the argument for the human good: a *good* human being performs his function *well*; evaluative terms appear on both sides of the border.

It has been argued that Aristotle has a serious candidate for the job. The activity at stake is the practice of reasoning. Only humans engage in the practice of giving reasons for their beliefs, desires, and actions. They may be right or wrong, but it does not matter for the moment. What does matter is that they may be right or wrong ‘precisely because they are accompanied by a *logos* or awareness of a propositional account of some sort which can be affirmed or denied by the agent’.¹⁰⁴ Hence, for instance, rationalizations are typical examples of the human *ergon*. They do not give the real motive for our actions, and yet they do provide some propositional account which claims to explain them. In this sense, they do not fail to capture the gist of the human *ergon*. But, as we know, the reference to the characteristic activity does not convey an evaluation of any kind. This reference simply gives us the name of the game. Let us recall the following passage (1.2), which seems to confirm the argument of § 5: ‘the sources and means that develop each virtue also ruins it, just

¹⁰⁴ Gómez-Lobo (1999), 177–8. Hamlet, by saying that it is ‘questionable’, assumes at the very least that the ghost of his father as it appears to him shares in this distinguishingly human mark, and thus that this ghost may give propositional accounts, answer his questions: ‘Thou com'st in such a questionable shape | That I will speak to thee. ... Oh answer me. ... [T]ell me why ... [W]hy is this?’ (*Hamlet* I.iv.43–4, 45, 46–7, 49).

as they do in a craft. For playing the harp makes both good and bad harpists, and it is analogous in the case of builders and all the rest; for building well makes good builders, and building badly makes bad ones' (*EN* II.2 1103^b6–10). It is only the way in which the game is played that will give us the evaluative assessment we are looking for. The *ergon* and the good are not identical. So § 5 ends up by claiming that the human function or job consists in the activity and actions of the soul that involve reason (*meta logou*), and that the human good—as exemplified by the excellent agent—consists in doing this job well, in a morally admirable way (1098^a14–15).¹⁰⁵

This way of looking at the human function seems much more promising. Now we can approach the equation good X = good for X from a different angle: we run into normative judgements in both halves of the equation. Being X is to be a rational agent, and being a good rational agent is what is good for a human being. Being X would not do as a description of human flourishing, since we may be astonishingly rational in designing a complex scheme to commit suicide or in running an extermination camp, but this is not what Aristotle has in mind surely. His idea of well-being is rather excellent or virtuous employment of reason. This conception of well-being explains why Aristotle launches his analysis of virtue precisely by way of clarification of his views on human function and flourishing (*EN* I.13 1102^a5–7, II.6 1106^a22–4). Most of us would be happy to say that rational activity plays a significant role in human flourishing.

However, there seems to be a problem which lurks about this normative reading of the human function argument. The two-step strategy of identifying our distinguishing mark first and only then evaluating our function overlooks the fact that according to Aristotle rational activity is undertaken not only by humans but also, and essentially, by god(s). So this is not an activity peculiar to humans. It has been suggested that there is no need to believe that Aristotle's quest for peculiarity is pursued against the background of all living beings, but only against the background of *inferior* beings. This would explain why our function sets us apart from plants and other animals, but not from the gods. Aristotle is then looking for something which is not simply peculiar to or distinctive of human beings but valuable, superior. The fact that something is simply different or peculiar does not make it worth striving for.¹⁰⁶ But then this

¹⁰⁵ As Gómez-Lobo (1999), 177–8, points out, *Met.* IX.2 1046^b 24–8 bears out Aristotle's awareness that being *meta logou* is no guarantee of a good employment of a craft or skill: 'It is obvious also that the potentiality of merely doing a thing or having it done to one is implied in that of doing it or having it done *well*, but the latter is not always implied in the former: for he who does a thing well must do it, but he who does it merely need not do it well.'

¹⁰⁶ See Kraut (1989), 317.

way of reading I.7 would spell trouble for the two-step strategy. The first step, which appeared to be purely identificatory or neutral, would be normative or evaluative after all. What we are looking for is not simply an activity, but an activity of some worth, be it a superior or simply a valuable activity.

I have been trying to disentangle the normativity of ethics from a purely theoretical (be it metaphysical, biological, or anthropological) account of human nature. The idea is that no account of human functioning or a distinguishingly human mark may determine the content of well-being. There is reason to believe that this piece of information is not relevant for a reflection on what we have reason to do or be. But, for all these problems, the fact remains that Aristotle is talking about the human good, that human nature is somewhere in the picture, and this presence must be accounted for properly.

There thus seem to be three main strategies to deal with the bearing of the human *ergon* or nature on Aristotle's ethics. The first one, of course, is to insist on a metaphysical defence of Aristotle's ethics. If we do not feel attracted to this option, we could downsize the *ergon* argument to a minimal level or play down its role in Aristotle's ethical argument overall. The remaining alternative is to offer a different explanation for the *ergon* argument, such as the two-step account mentioned above. But we have seen that the two-step account fails to provide a first step which is entirely descriptive.

We may now be able to present a slight variation on the theme of keeping the *ergon* onboard. Scholars of Kantian persuasion make no bones about the fact that (even) 'Kant ... thinks that morality is grounded in human nature'.¹⁰⁷ The issue is not then *whether* there is a connection between human nature and ethics but *of what kind* this connection is. There is no denial that ethical argument is related to facts about human nature. As we have seen, Aristotle does say that the human good, doing good, literally 'is thought to be in the *ergon*' (I.7 1097^b26–7). But that does not commit him to the claim that the content of well-being is deduced from human nature without further ado. There is quite a difference between saying that human nature affects or is related to ethics and thinking that the latter is simply deduced from or determined by the former. It is generally true that without certain preconditions P we would not be able to φ , but it does not follow that P *is* φ -ing.¹⁰⁸ Rather, φ -ing would be impossible without P, which is a far cry from saying that φ -ing is deduced in any relevant sense from P.

A sound account of the normativity or practicality of ethics, an account which fully explains the way in which practical thought and choice are

¹⁰⁷ Korsgaard (1996b), 91.

¹⁰⁸ Cf. *EE* II.2 1214^a 7 ff.; *Pol.* VII.8 1328^a 23, ^b 2 ff.; *EN* I.9 1099^b 25–30.

related to the good, need not be committed to the view that ethics is *entirely* independent of nature. We have seen above the road which goes from X's nature to X's objects. We may now take the same road but in the opposite direction and go from X's objects (i.e. the human good) back to X's nature. When we go from X's object back to X's nature, we can see that although the object is practically prior to the actualization of a capacity, the actualization of the capacity is ontologically prior to the object since without it there would be no object. Similarly, although X's actualization is practically prior to X's capacities, the latter are ontologically prior to the former; X's capacities would also be out of the question without X's potentialities, and so on and so forth all the way down to X's nature.

This is a reasonable approach for someone interested in a metaphysical or ontological trip. This direction of explanation, from ethics to nature, also indicates that what is good for us to do is such because of our nature. Ethical requirements are meant for agents of a particular kind, and not for another. If human nature were different, ethics would also be different. In this sense, ethics is grounded in human nature and thus 'world-corrected', to the extent that all sound ethical theory must be so. But this kind of information cannot exhaust practical knowledge, the knowledge about what is to be done. Knowledge of our nature would only help us understand our natural layout, which is built-in, as it were, for us to be able to act, but it could not help us much to decide what we have reason to do. So, this differentiation between our natural layout and what is natural for us to do in terms of being the rational thing to do (2.2) would allow us to make Aristotle agree with Kant in that there is a difference between the study of human affairs from the perspective 'of what Nature makes of man', and the knowledge of 'what man makes, can, or ought to make of himself as a freely acting being'.¹⁰⁹ So, Aristotle may be taken to embrace the thesis that in ethics and politics the standard of conformity with or contrariety to human nature is what is practically reasonable to do.¹¹⁰

2.4 Political Animals

In the remaining sections of this chapter I shall propose an interpretation of the concept of nature at work in three central theses of Aristotle's political philosophy which will help us to understand and integrate them into a coherent and perhaps attractive system: human beings are political by nature (2.4), the polis exists by nature (2.5), and the polis is prior by

¹⁰⁹ *Contra* Aubenque (1978), 55. Kant's quotations belong to *Anthropology from a pragmatic point of view*, in Kant (1964), 399.

¹¹⁰ Cf. Finnis (1980), 35–6.

nature to each of its members (2.6).¹¹¹ This interpretation should explain why the complex of Aristotle's political naturalism does not prevent him from approaching the issue of the relation between the state and its subjects in terms not entirely unlike mainstream modern political theory.

As Hobbes says, 'Man is an animal born fit for Society, the Greeks say *Zōon politikon*, hence upon this foundation they build a civil doctrine.'¹¹² We can distinguish a narrow and a broad sense of the thesis that humans are *political* by nature. According to the narrow interpretation a *politikon zōon* is a polis-dwelling animal, an animal capable of living in a polis, so that, in this sense, only human beings are political animals. On this view, in claiming that bees or ants are political animals, Aristotle is taking the liberty of extending rather loosely the central meaning of the word to other animals. Although this interpretation can call as a witness in its favour the etymological connection between *politikon* and *polis*, it might be challenged by the evidence that Aristotle uses 'political animal' in a broader, biological sense at *Pol.* I.2 1253^a7–9, where he claims that a human being is a political animal *more* than any other gregarious animal. This seems to imply that the expression 'political animal' applies to animals other than humans. This wider, zoologically oriented understanding of 'political animal' reappears at *HA* I.1 488^a7–10: 'Social creatures (*Politika*) are such as have some common object in view; and this property is not common to all creatures that are gregarious. Such social creatures are man, the bee, the wasp, the ant, and the crane.' In the light of this passage, 'political' applies to other kinds of animals besides humans, but human beings allegedly satisfy the definition more fully. Having a common function involves cooperation, and it is possible to engage in more complex and effective forms of cooperation to the extent that the cooperative group's members rationally coordinate their activity (6.2–3). Still, the argument for the biological or wider sense of 'political' admits that the central case of polis and its cognates is at home mainly in human affairs, and hence that Aristotle's use of 'political' in his biological theory is basically analogical, an extension of its central case in political theory, rather than the other way round. In fact, at *Pol.* III.9 1280^a32–3 we read that neither slaves nor 'the other animals' may

¹¹¹ The structure of the following sections draws on Miller (1995), 30–61.

¹¹² Hobbes (1983), 90: 'Hominem esse animal aptum natum ad Societatem, Graeci dicunt *Zōon politikon*, eoque fundamento ita superaedificant doctrinam civilem.' Aristotle's dictum is the epicentre of Hobbes's generalization of the *zōon politikon* doctrine to all Greek political thinkers. Hobbes believes not only that this axiom is wrong but also that its rejection is what distinguishes his own political theory from the classical doctrine of public affairs (see Hobbes (1994), 105–6, (1983), 132–3, (1991), 119–20). We shall see that this is not entirely accurate, since Hobbes explicitly endorses a version of this postulate (2.5).

be members of the polis, since they do not share in happiness and are unable to lead a rational life.

We should pause to take into account the very ambiguity of ‘polis’ and ‘political’ even within the narrow sense. We might think that when Aristotle says that man is a *zōon politikon* by nature he means either that (i) man is a *social* animal, or that (ii) man is an animal fit for a society organized in a political way. Whereas the former simply implies the point that man does not live alone, the latter adds to the former the implication of an organization that fulfils more complex and specific desires than the inclination to escape isolation. Aristotle seems to be aware of the ambiguity of ‘polis’ (*Pol.* III.3 1276^a23–4), and it is fairly clear that he uses the same term to convey both the general idea of society (I.13 1260^b17; II.2 1261^a23; III.4 1277^a5 ff.; VII.4 1326^a19) and the political community properly speaking or the state (III.1 1274^b41, 6 1278^b10, 9 1280^a32–3, 1280^b17 ff.; V.3 1303^a26; IV.4 1291^a25; VII.4 1326^b27, 8 1328^b16).¹¹³ Since Aristotle in *Pol.* I.1 refers to the most authoritative or highest community (*kuriōtatē*), his thesis on the political character of human beings in *Pol.* I.2 seems to refer to the complex notion of polis which presupposes and goes beyond the simple one (5.3 *in finē*).¹¹⁴

It is not unusual for the complex notion, in turn, to be read as implying not only that human beings live in societies organized in a political way, but also that human beings are politically active citizens by nature. But this is not warranted by Aristotle's political naturalism. Otherwise constitutions such as kingship and aristocracy would not be natural (*contra* III.17 1287^b39–41 with III.6 1279^a17–7, 1279^b10) and would make it impossible for their ruled citizens or subjects to be happy or fulfil their potential as naturally political animals. What Aristotle must have in mind here is that some complex form of social life involving some form of governmental direction is natural for human beings, and this seems preferable both to the reading that our political nature simply excludes sheer isolation and to the ‘republican’ or civic humanist reading.¹¹⁵

¹¹³ See Schürtrumpf (1991a), 173.

¹¹⁴ *EN* VIII.12 1162^a17–19 also seems to dispatch the loose sense of the thesis: ‘human beings form couples more naturally than they form cities’.

¹¹⁵ One of the leitmotifs of Pocock's remarkable study, *The Machiavellian Moment*, following Arendt (1958), 22–8, is the assumption that Aristotle adheres to the strong or civic version of the idea of human political naturalism. Thus Pocock (1975), 335, speaks of ‘the ancient notions of political *virtus*, of the *zōon politikon* whose nature was to rule, to act, to make decisions’. Pocock explicitly says that a ‘cardinal assertion of Western thought has been that man is naturally a citizen—*kata phusin zōon politikon*. ... In this book we have been concerned with ... [the] tradition, reducible to the sequence of Aristotle's thesis that human nature is civic ... [T]his book has told part of the story of the revival in the early modern West of the ancient ideal of *homo politicus* (the *zōon politikon* of Aristotle), who affirms his being and his virtue by the medium of political action, whose closest kinsman is *homo rhetor* and whose antithesis is the *homo credens* of Christian faith’ (Pocock (1975), 527, 550). Elsewhere in the book, Pocock offers a significantly different rendering, much closer to the weaker or intermediate one I am defending here: ‘man is *zōon politikon*, his virtue and reason can flourish only in political associations’ (Pocock (1975), 98).

Now the thesis that human beings are political animals by nature might be understood in different ways not only regarding the meaning of 'political' but also corresponding to no less different orders of reality implied by the expression 'by nature'. Aristotle, for instance, might be taken to refer to the fact that human beings possess innate potentialities for living in a polis. This may be understood as involving two distinct components: that human beings possess innate *capacities* for political life (*Pol.* I.2 1253^a7–18: speech and reason, virtue, etc.), and that they have innate *impulses* to live in political associations (1253^a29–30; cf. III.6 1278^b15–30).

The argument from political capacities (I.2 1253^a7–18) explicitly invokes Aristotle's natural teleology:

It is also clear why a human being is more of a political animal than a bee or any other gregarious animal. Nature makes nothing pointlessly, as we say, and no animal has speech except a human being. A voice is a signifier of what is pleasant or painful, which is why it is also possessed by the other animals (for their nature goes this far: they not only perceive what is pleasant or painful but signify it to each other). But speech is for making clear what is beneficial or harmful, and hence also what is just or unjust. For it is peculiar to human beings, in comparison to the other animals, that they alone have perception of what is good or bad, just or unjust, and the rest. And it is community in these that makes a household and a city-state.

Nature does nothing in vain in the sense that only human beings have a perception of what is good and bad, just and unjust. The community in what is good and bad, just and unjust, is the basis for a household and a polis. This bears out the claim that human beings are more political than other gregarious animals. They alone possess moral perception and *logos*, the perception of advantage and justice. This makes cooperation for human beings with a view to a common end or function all the more smooth. Actually it enables them to cooperate in the pursuit of goods higher than mere pleasure and pain, namely ethical and intellectual virtues, and to do so by means of far more complex and effective social arrangements than any other 'social' animal.

Aristotle's account so far seems to be open to criticism. If humans are political by nature in terms of the capacity they possess to live in a city, and if that capacity in turn is a function of leading a political life, Aristotle's argument is in trouble. He seems to be claiming that the capacity to distinguish right from wrong, what is advantageous from

what is not, is the capacity which enables us to live in a polis; and yet, so the objection goes, this capacity is only acquired by moral habituation and education, jobs which are to be performed by the polis itself. So the human capacities that lead us to the polis are themselves a product of political life. But Aristotle's political theory is not powerless to face up to this objection. He may answer the charge of circularity by distinguishing different levels of realization of the political potentiality:¹¹⁶

(A) At this level (first-level capacity) we find a sheer potentiality for φ -ing. X, as a young child, has the capacity to perceive justice, because he is a human being, and human beings are able to acquire ethical virtue and practical wisdom and thereby perceive justice.

(B) The capacity is developed. X has now the second-level capacity to perceive justice and the good, because he has undergone moral education and habituation through being told how to act morally and making for himself (at least) some moral choices.

(C) X's capacity has become actuality. X is now perceiving and doing the just thing. This is the highest-level actualization of the moral capacity which has existed in different forms and degrees in the individual all along.

So, Aristotle at *Pol.* I.2 1253^a7–18 only needs to assume that human beings possess by nature a first-level capacity or potentiality for moral perception, requiring habituation and moral education in the polis to attain the higher levels.

Aristotle also infers that, since there is such a capacity in human beings, ‘an impulse (*bormè*) toward this sort of community exists by nature in everyone’ (I.2 1253^a29–30). His claim that the political impulse is naturally present in all human beings is thus open to a teleological explanation: nature endows human beings with the desire for communities, including political communities, because life in such communities is necessary for human self-realization. ‘A charitable interpretation of Aristotle's reasoning would take the foregoing arguments from innate capacities and impulses *together* as providing evidence for the claim that human beings are by nature political animals.’¹¹⁷ The argument from innate capacities only would not do, since somebody might have the first-level capacity or potentiality to be a physician but no desire to act on it. Likewise with the argument from impulses: the desire to be a philosopher without the capacity to back it up should be hopeless. Aristotle is thus arguing that

¹¹⁶ See *DA* II.5 417^a21–2; Miller (1995), 34; Irwin (1988), 229–31.

¹¹⁷ Miller (1995), 36 (emphasis added).

human beings as such have both the innate first-level capacity and the innate impulse for political life.

There is also a third argument for the claim that human beings are by nature political animals. As far as this argument is concerned, the proof from capacities operates on a level with the demonstration from impulses: they both offer mainly non-practical or scientific explanations of the rise of the polis. The third argument bears rather on the justification of the political life, since it explains why it is rational for human beings to choose the political life instead of other forms of life, i.e. why it is rational for human beings to act on their impulses and capacities for political life instead of digging in their domestic or village-like feet. It is rational for them to establish and live in a polis, to be political, because this will enable each of them to live well. To be sure, Aristotle puts the same statement (human beings are by nature political animals) to different uses throughout his practical works; he conveys different meanings through the same expression. Thus he might sound ambiguous or equivocal. However, as we have seen in the previous chapter (1.2), this is only apparently so, since one and the same statement may be read in a different light and Aristotle does not fail to account for these different meanings or conceptions of nature elsewhere in the text. So the justification of political life, if using the same concept to some extent, operates with a conception of nature altogether different from the biological or psychological sense.

Pol. III.6 1278^b17–30 seems to be a case in point:

In our first discussions, indeed, where conclusions were reached about household management and rule by a master, it was also said that {T} a human being is by nature a political animal {19}. That is why (*dio*, 20), {i} even when they do not need one another's help, people no less desire to live together, although it is also true that {ii} the common benefit brings them together, to the extent that it contributes some part of living well to each. This above all (*malista*, 23) is the end, then, whether of everyone in common or of each separately. But {iii} human beings also join together and maintain political communities for the sake of life by itself. For there is perhaps some share of what is morally admirable in life alone, as long as it is not too overburdened with the hardships of life. In any case, it is clear that most human beings are willing to endure much hardship in order to cling to life, as if it had a sort of joy inherent in it and a natural sweetness.

The thesis T at ^b19 is supported by at least two different arguments in the following lines: (i) a purely descriptive or motivational account of political life and (ii, iii) a justificatory account of the naturalness of political life. Whereas (i) seems to report simply that people desire to live together, (ii) gives a practical explanation of what might cause that desire and thus justify it (2.2, 4.2). There seem to be two different uses of

nature at work: nature1 as the potentialities and impulses which make up our ‘natural’ layout; and nature2 as a practical standard, i.e. a standard to assess what is to be done.¹¹⁸ If we read this passage (with 1278^b20–5 as providing arguments (i), (ii), and (iii) in support of T through *dio* at ^b19) in the light of this distinction between different senses of ‘nature’, it results that Aristotle comes up with the following claims: (1) humans have a natural1 impulse to lead a political life; (2) it is natural2 for human beings to be political because this contributes to the well-being of each; and (3) Aristotle might be taken to mean that it is rational for human beings to be political for the sake of life in its own right, to the extent that there is some share of what is morally admirable in life itself.

The practical or justificatory sense of ‘nature’ may also support the narrow reading of Aristotle's claim that humans are ‘more political than’ other gregarious animals. From a strictly biological standpoint it is certain that humans are less political than other animals: whereas the latter are deterministically ‘political’, humans have only an innate potentiality to lead a cooperative life, which might not be developed into an actualized capacity (5.2). It is a distinctive feature of human beings that it is up to them to develop or hinder their natural capacities (2.2). *Pol.* I.2 1253^a14–15 reminds us that we have the alternative of leading a wrong and unjust life, that we are not deterministically ‘natural’ (cf. *Met.* IX.2 1046^a36 ff.; 5 1047^b31 ff.). As we have seen, human flourishing is not accomplished through a simple biological or natural1 process. Biology rather accounts for the natural1 layout for this process (2.3); it is what makes it possible for nature2 to operate, and ethics takes it from there.

2.5 It's Only Natural

It is a commonplace in political philosophy to oppose the views of Hobbes and Aristotle regarding the nature of the political association. Whereas Hobbes is a major exponent of the thesis that civil society comes to being as a result of a technical creation,¹¹⁹ Aristotle, in contrast, is taken to mean that the polis is natural in the sense that it comes to being independently of any technique or, for that matter, any voluntary act. The artificial character of the state is usually considered as making a

¹¹⁸ Cf. Miller's (1995), 88, distinction between ‘a natural1 right ... based on natural justice; [and] a natural2 right ... possessed in a state of nature, i.e. in a prepolitical state’.

¹¹⁹ In the introduction to *Leviathan* we read that ‘by Art is created that great LEVIATHAN called a COMMON-WEALTH, or STATE, (in latine CIVITAS). ... [T]he *Pacts and Covenants*, by which the parts of the Body Politique were at first made, set together, and united, resemble that *Fiat*, or the *Let us make man*, pronounced by God in the creation’ (Hobbes (1991), 9–10).

significant political difference: whereas Aristotle's political naturalism implies that the individual cannot even be conceived of as existing independently of the state, Hobbes's contractarian conception of the state entails that the relation of the state to its subjects is always in question and thus a political issue of the highest importance. However, Aristotle himself recognizes in the same sentence in which he finishes one of his arguments for the naturalness of political life that the polis is brought into being by somebody who should be praised as a great benefactor (*Pol.* I.2 1253^a29–31). Thus, Aristotle's civil society seems to be no less an artefact than Hobbes's (II.12 1273^b32–3; 1274^b18; VII.4 1325^b41). Moreover, Aristotle describes the emergence of a polis as a process involving pre-existing communities, and thus seems to admit of some sort of pre-political hypothesis or situation.¹²⁰

But, in the light of the opposition between nature and reason, Aristotle's assertion seems to be quite confusing. If the polis is a natural entity, it cannot also be a product of human reason. Thus it has been claimed in a recent and influential paper that 'there is a blunder at the very root of Aristotle's political philosophy'.¹²¹ Let us then have a look at the natural character of the polis according to Aristotle.

The thesis that the polis is or exists by nature, which is certainly as famous as its individual counterpart that 'man is political by nature', may be amenable to at least two different lines of argument.¹²² The first reading, recently called 'the internal-cause interpretation', maintains that Aristotle transfers the concept of nature as employed in his physics lock, stock, and barrel to his political theory. On this view, a thing exists by nature if, and only if, it has a nature in the sense of a source or cause of moving or being at rest, which is internal to it as such (*Phys.* II.1 192^b21–3; *Met.* V.4). Paradigms of natural existence are animals and plants which grow and move due to their souls, which function as internal causes. This version of the naturalness of the polis has the advantage of its argumentative economy, on the grounds that it connects Aristotle's political naturalism to his metaphysical naturalism. In view of the fact that naturally existing things are naturally generated, one is led to believe that Aristotle considers the polis as something which is naturally generated in the same way (e.g. *Pol.* I.2 1252^a24–6).

However, this reading has some important disadvantages. First of all, Aristotle does not establish that the polis actually satisfies his physical requirements for natural existence: he does not hold that the polis exists by nature *because* it has an innate impulse to change or remain

¹²⁰ Schüttrumpf (1991a), 223, notes that *phuetai* at I.2 1253^a34 is reminiscent of a state of nature inhabited by individuals.

¹²¹ Keyt (1991), 118.

¹²² The classification follows Miller (1995), 37–45.

at rest. Secondly, and decisively for our purposes, it is also at odds with other Aristotelian claims, most particularly in the following nature–art dilemma:

- (a) The polis exists by nature.
- (b) The polis is brought into being by a craftsmanlike lawgiver.
- (c) That which exists by nature cannot also be an artefact.

In *Physics* II.1 natural existence is tied to natural generation and cannot result from other types of causation, including art. Art involves a human agent who possesses the form of the product in his soul and then imposes the form upon a material which is inert in so far as that specific form is concerned (192^b16–20). (b) is borne out by several passages in Aristotle's work, since he often compares politics to the crafts.¹²³ Like the craftsman, the lawgiver imposes a constitutional form upon the material of population and territory (*Pol.* VII.4 1326^a35–8; cf. II.12 1273^b32). Actually, as we have seen, the very argument for the naturalness of the polis in *Politics* I.2 makes reference to the lawgiver who creates the polis (1253^a30–1). (c) is implied by Aristotle's physical account of nature.

Furthermore, if it is seen in the light of this 'internal-cause' explanation, Aristotle's main argument for the claim that the polis exists by nature is exposed to another serious objection. It looks as though all that Aristotle has to go on to defend the natural existence of the polis is the argument that since the polis develops out of more basic communities which exist by nature, therefore it exists by nature itself. Since the communities of the household (male and female, master and slave, father and children) and the villages are by nature, it follows that the polis is by nature. If X is prior in completeness to (i.e. it is more complete than) Y (2.6), but Y exists by nature, then X also exists by nature without further ado. This argument has been called the 'transitivity of naturalness principle'. The problem is that this principle is false even by Aristotle's own standards (cf. *PA* II.1 646^a24–9).¹²⁴ Even if a house is prior in substance to the materials of which it is composed, materials which in turn exist by nature, it does not follow that the house exists by nature itself.

These objections would carry the day only if it were true that Aristotle has no other argument to support his thesis of the naturalness of the polis. This is where the second argument makes its entrance. According to this reading, or 'teleological interpretation', we can only make sense of the naturalness of the polis against the background of his theory of human

¹²³ *Pol.* I.10 1258^a21–3; II.8 1268^b34–8; III.4 1276^b21 ff.; 6 1278^b40 ff.; 12 1282^b30; 13 1284^b7 ff.; 15 1286^a11 ff.; 16 1287^a32 ff.; IV.1 1288^b10 ff.; VI.6 1320^b34 ff.; VII.2 1324^a29 ff.; 13 1331^a34 ff. See Schütrumpf (1991b), 277, 280. However, Aristotle himself sometimes is ill at ease regarding the comparison of politics to arts: II.8 1269^a19–20.

¹²⁴ See Keyt (1991), 130–1.

nature (2.3). On this view human beings have impulses for communal life *because* these will serve to promote their natural ends.¹²⁵ ‘Nature’ and its cognates are thus susceptible of a second, extended notion: something may be natural to the extent that it plays a role in promoting X’s natural ends and results, in whole or in part, from X’s natural capacities and impulses. The polis meets both requirements: (a) its main purpose is the promotion of human natural ends or well-being, and (b) its existence is due in a sense to the natural impulses and capacities that human beings have to lead a political life. Thus the causal requirements adopted in the ‘extended’ explanation of the natural existence of the polis have a good chance of overcoming the objections presented by the nature–craft dilemma to the internal-cause interpretation: the teleological view goes between the horns of the dilemma by claiming that it is possible for human reason and natural impulses to act as the causes of a product. The lawgiver establishes a polis in agreement with the natural impulses of its prospective members, and, of course, human reason is a natural capacity itself.

We may wonder how the transitivity of naturalness principle would look like if revisited in this new light. This view handles the principle as follows: community C2 is more complete (or final) than community C1 if, and only if, C2 serves natural ends which are of a higher order or more inclusive than the natural ends served by C1. The ends pursued by a community are the standard to assess the completeness or perfection of such community. Further, this view holds that C2 is a natural extension of C1 if, and only if, C2 contains and comes to be from C1, and C2 is more complete than C1 (i.e. C2 pursues ends higher than C1’s). So the transitivity of naturalness principle may be kept if it is restricted to natural extensions: if C1 exists by nature, and C2 is a natural extension of (contains, comes to be from, and serves natural ends of higher order than those served by) C1, then C2 also exists by nature.¹²⁶

Hence, on this view, Aristotle speaks of ‘natural existence’ both in an extended and in a strict sense, and it is only the strict sense (i.e. having an internal cause) that excludes production by craft. Accordingly, as we have seen, Aristotle claims that human beings have a natural potentiality for moral perception; however, it is clear that it cannot be developed into a capacity, let alone actuality, without some sort of external—especially social—intervention. The craft of moral education thus has a natural basis (*Pol.* VII.17 1336^b40–1337^a3). The same is true with capacities in general: we all have a natural (first-level) capacity to speak, i.e. to learn a language, whose actualization depends on proper training and development according to a technique. In general, the natural ends of

¹²⁵ See Miller (1995), 40–5; Kamp (1985a), 113; Annas (1996), 734–5.

¹²⁶ See Miller (1995), 42.

human beings involve intelligence and choice, and the realization of such ends requires the contribution of humans themselves through education and habituation.¹²⁷

Aristotle's claim that ethical virtue arises neither by nor against nature may well be read in the light of this interpretation:

Virtue of character (*ēthos*) results from habit (*ethos*); hence its name 'ethical', slightly varied from 'ethos'. Hence it is also clear that none of the virtues of character arises in us naturally. For if something is by nature in one condition, habituation cannot bring it into another condition. A stone, for instance, by nature moves downwards, and habituation could not make it move upwards, not even if you threw it up ten thousand times to habituate it; nor could habituation make fire move downwards, or bring anything that is by nature in one condition into another condition. And so the virtues arise in us neither by nature nor against nature. Rather, we are by nature able to acquire them, and we are completed through habit. (*EN* II.1 1103^a17–27)

Aristotle here holds that although ethical virtues do not arise in us by nature, we are naturally able to acquire them and we must develop this capacity through habituation. Furthermore, we are born in one condition and brought into another condition through habituation. And this process is not unnatural. Of course, virtue is not natural in the strict sense of nature as the internal cause of change and rest, as indicated by the reference to stone and fire. Since virtues develop only as a result of habituation and reason (*Pol.* cf. VII.13 1332^a39–^b11), they are not natural in this sense, but this is different from claiming that they are not natural in any sense. Aristotle says that we perfect virtue by habit; elsewhere in his practical works he uses 'nature' for a human being's final or complete end, the character he has when his coming-into-being has been completed (e.g. I.2 1252^b32–3). So a virtue completed by habit is natural in the normative sense, in the sense that nature as perfection is a standard of value (*EN* X.7 1178^a5–6; I.9 1099^b21–2; IX.9 1170^a13–16, ^b1–2, 15; V.7 1135^a5).

At *Pol.* VII.15 1334^b15 Aristotle claims that 'reason and intellect are for us an end of nature'; for us it is natural to be rational. But it does not follow that rationality grows on or like trees in any way. Rather, arrangements should be *made* for procreation and habituation to be taken care of so that reason and intellect are promoted (1334^b16). Hence, for us, to be rational is natural in an extended sense. Similarly, at VII.1 1323^b19–20 Aristotle connects a normative sense of nature with reason by claiming that there is something that is to be desired naturally

¹²⁷ Chan (1992), 193, is right in claiming that 'if the mere fact that a certain thing's existence requires human involvement and effort renders that thing unnatural, then all types of human relation are unnatural'.

(*tauta pepbuken haireta*) and this is what every rational person ought to desire (*dei pantas hairesthai tous eu phronountas*).

At this point it may be useful to go back to Hobbes for a moment. We have seen above that Hobbes is usually opposed to Aristotle on the nature of civil society. Whereas the latter is supposed to explain the origin of the polis in purely ‘natural’ (i.e. non-voluntary) terms, the former puts it down entirely to human will by way of a contract. In his *De Cive* Hobbes brings out the contrast between civil society taking place ‘because by nature it could not be otherwise’ and civil society arising ‘by accident’.¹²⁸ (Hobbes's point is that civil society is an accident if seen from the viewpoint of what happens ‘naturally’, i.e. without the intervention of human will. It is not necessarily an accident if seen in the light of what is rational for individuals to do.) Nature and will are thus marked off as two different sources of civil society. Hobbes seems to be implying that were it not for voluntary agreements, people would lead entirely isolated and apolitical lives, ‘as if they had emerged from the earth (like mushrooms) suddenly and grown up without any obligation to each other’.¹²⁹ Nevertheless, one of the notes added by Hobbes to his *De Cive*—in the edition of 1647 to answer to the comments provoked by the first edition of 1642—qualifies in a way the sharp contrast between Greek political naturalism and his own political theory:

*Since we see that men have in fact formed societies, that no one lives outside society, and that all men seek to meet and talk with each other, it may seem a piece of weird foolishness to set a stumbling block in front of the reader on the very threshold of civil doctrine, by insisting that man is not born fit for society. Something must be said in explanation.*¹³⁰

Hobbes feels that he must clear up his point. In this lengthy note at the end of the first chapter of *De Cive* Hobbes brings out the fact that he agrees that ‘we seek each other's company urged by nature (*natura cogente*)’. The denial of this he has never meant. But he is intent on claiming that civil or political society is not just like any other society or group. He distinguishes between mere gatherings or associations (*meri congressus*) on the one hand, and political or civil societies (*societates civiles*) or alliances (*foedera*) on the other. Whereas the former may well be natural in terms of impulses that bring individuals together, the latter seem to imply complex operations of practical reason. So Hobbes finishes off by saying that

It is evident therefore that all men (since all men are born as infants) are born unfit for society; and very many (perhaps the majority) remain so throughout

¹²⁸ Hobbes (1983), 90: ‘quod aliter fieri natura non possit, sed ex accidente’.

¹²⁹ Hobbes (1983), 160.

¹³⁰ Hobbes (1998), 24.

*their lives, because of mental illness or lack of training [disciplina]. Yet as infants and as adults they do have a human nature. Therefore man is made fit for Society not by nature, but by training. Therefore, even if man were born in a condition to desire society, it does not follow that he was born suitably equipped to enter society. Wanting is one thing, ability another. For even those who arrogantly reject the equal conditions without which society is not possible, still want it.*¹³¹

We have seen above (2.4) the way in which capacities and impulses bear upon the thesis that humans are political by nature and hence why both arguments should be taken together to drive the point home. So let us skip Hobbes's remarks on capacity and desire and concentrate on his claims on the bearing of *disciplina* on politics. He seems to use them as a weapon against Aristotle's doctrine of political naturalism. But, even if we were to leave aside Aristotle's treatment of the natural character of the polis in *Pol.* I.1–2, which does not seem to yield a physical interpretation of the nature of the polis, there are other passages in the *Politics* which convey Hobbes's point on nature and training rather nicely. At VII.7 1327^b23–4 we read that the European nations (*ethnè*), full of spirit but somewhat deficient in intelligence and craft knowledge, are free (*eleuthera*) but apolitical (*apolitenta*). (This is not all that different from the outlook described by the first part of *De Cive*, the title of which is *Libertas*.¹³²) They seem to be capable of keeping a reasonable degree of freedom but are unable to organize themselves politically because of their shortcomings in the intellectual department, which is Hobbes's first explanation for the absence of political society. At *Pol.* II.10 1272^b1–14, in his discussion of the Cretan constitution, Aristotle brings out the fact that the Cretan way of doing politics and dealing with constitutional crises more often than not provokes faction and civil war, so much so that these conflicts dissolve the political community (5.2). In this case, since the Cretans are Greek rather than Asian or European, the difficulties with civil society are not due to lack of *thumos* or *dianoia*, but to educational deficiencies—which is the factor referred to in Hobbes's second explanation. It is the oligarchic habits which explain the instability, if not the dissolution, of the Cretan political community. So Hobbes's attribution of a kind of naive or simple sociality to Aristotle does not hold water. Hobbes and Aristotle actually appear to be both in the same boat on this issue.

We can now reformulate the teleological interpretation as follows: the polis exists by nature in the (extended) sense that it is necessary for the fulfilment of human nature² (i.e. our end or norm). While the thesis

¹³¹ Hobbes (1998), 25.

¹³² Whereas in one of the original title-pages *Libertas* is represented by a native with bow and arrow against a background of primitive warfare, *Imperium* is represented by a crowned female figure with sword and the scales of justice against a scene of peaceful agriculture. See the explanation of Howard Warrender in Hobbes (1983), p. xiii.

that the polis exists by nature¹ provides a causal explanation of its emergence in terms of the impulses and innate capacities of its members, the thesis that the polis exists by nature² makes reference mainly to the justification of the polis in terms of the well-being of its members. In this last sense, to claim that the polis exists by nature is a way of claiming that it is rational for (i.e. in the best interest of) human beings to create and remain within the polis. Thus, to claim that it is natural for X to φ is a way of saying that it is rational for X to φ .¹³³ So the thesis of the naturalness of the polis may be synchronized with the thesis of the natural politicalness of human beings: they do essentially practical work, i.e. they utter what is *to be* done.

2.6 Getting Aristotle's Priorities Right

The discussion of an extended notion of nature brought up the idea that there is a link between the natural existence of the polis and the

¹³³ Ritter (1977), 76, remarks that ‘As actuality of reason the city itself is “by nature.”’ Bien (1985), 72, points out that ‘The sphere of the political is—following Hegel’s formulation—the ethical universe, the ground of reason (*logos*) and the just (*dikaion*).’ To some extent, the following passage from Hegel’s *Philosophy of Right* points to the kernel of the natural character of the state: ‘the arbitrary will of individuals is not in a position to break away from the state, because the individual is already by nature a citizen of it. It is the rational determination [*Bestimmung*] of human beings to live within a state, and even if no state is yet present, reason requires that one be established’ (Hegel (1991), 106, trans. slightly altered). Here Hegel avows that it is up to us to establish the state, to the extent that he recommends setting up a state where none exists and claims that it is both natural and rational for us to do it. (We could not be required to do something which is not up to us to do.) What seems to lie behind this comment is a warning against thinking of the state in terms of a contract, against transferring, in Hegel’s own words, ‘the determinations of private property to a sphere of a totally different and higher nature’ (Hegel (1991), 106). The rationale behind Hegel’s uneasiness regarding contractarianism cannot be simply that contracts are morally dubious. Once a contract is made, they have as much practical bite or obligatory force as any other moral requirement. Perhaps the point is that whereas there is no requirement to celebrate a contract (although, of course, having been made it must be kept), there is a requirement to live in civil society. As Patten (1999), 118, 116, puts it, according to Hegel ‘contractarianism risks undermining the very attitudes and capacities that make up free agency. To the extent that social contract theory allows that it is optional for individuals whether they contract into the rational state, the possibility opens up that the individual freedom that contractarians so greatly cherish will not be realized at all. ... The attitudes and capacities that make up free and rational agency cannot reliably be developed and sustained in the state of nature but only in the context of social institutions, including the rational state.’ We shall see that much of the sting of this Hegelian objection seems to ride on a certain ambiguity in the meaning of ‘state’ (5.3). Aristotle also seems to find fault with the contractarian approach to politics suggested by Lykophron (*Pol.* III.9 1280 10–11), i.e. that the polis should cover the tasks of a minimal state, on the grounds that Lykophron’s proposal falls short of the true end of a polis (i.e. virtue). But here the issue is not so much *how* the state comes to being as *what* the polis is supposed to do.

well-being of its members, a link related to some sort of priority of the polis over its citizens. To the modern taste, Aristotle's thesis that the polis is prior by nature to the individual (*Pol.* I.2 1253^a19–20) has often smacked of an unpalatable flavour, akin to the no less modern political experience of totalitarianism and its related disposition on the part of citizens to subordinate themselves unconditionally and ecstatically to the commands of the 'Fatherland'. Although this reading may betray some familiarity with contemporary history, it does not seem to do justice to Aristotle's political thought (7.2–4). To be sure, Aristotle speaks of one thing as prior to another in several different senses, and it is not immediately clear which is the sense intended in the thesis of civic priority.¹³⁴ A discussion, thus, of the senses in which Aristotle predicates that X is prior to Y is very much in order.

We may read Aristotle's claim that X is prior to Y in four major senses: (a) 'archeological', (b) epistemological, (c) existential, (d) morally normative.¹³⁵ (a) When Aristotle claims that X is prior to Y in the archeological sense, he means that X is closer to the *archē* or beginning than Y. The *archē* or beginning may be absolute or relative, and it may have a spatial or temporal meaning, as in 'X is prior to Y in generation'. (b) According to the priority in knowledge, X is prior to Y in the sense that knowledge of X is required for knowledge of Y, but knowledge of Y is not required for knowledge of X. This priority in knowledge may be due to the fact that we need the definition of X to know the definition of Y, but the contrary does not hold. For instance, 'democratic' is prior to 'democratic constitution'. (c) Priority in existence of X over Y is predicated when we say that 'X can exist without Y', but 'Y cannot exist without X'. An instance of this type of priority is that of wholes and parts: the former are prior to the latter. (d) X may also be said to be prior to Y in the sense that X is more perfect or complete than Y. Aristotle often remarks that that which is posterior in generation may be prior in this sense. An example of this priority is Aristotle's claim that (ethical) virtue is more perfect than (although posterior in generation to) natural virtue (*EN* II.1 1103^a24–6).

It seems to be clear that the polis is prior to the individual neither (a) in generation nor (b) in knowledge. Regarding (a), there seems to be no doubt that both the individual and the household are prior in generation to the polis, since the polis arises as a result of the union of villages which are themselves formed from the union of households,

¹³⁴ To the best of my knowledge, 'civic priority' is an idiom conveniently coined by Kraut (2002), e.g. 240, 266, 269.

¹³⁵ I draw on Miller (1995), 46–56, who in turn refers to Ross (1948), 317–18, and Keyt (1991), 126–7.

which come to be in turn out of the association of individuals. The polis, thus, comes to take a posterior place down the line of generation (*EN* VIII.12 1162^a17–18). As for (b), it is also clear that the formula or definition of the polis often makes reference to the individual, since it is a multitude of citizens, defined in terms of its members rather than the other way round (*Pol.* III.1 1274^b38–1275^a2, 6 1279^a21).¹³⁶ So the finalists in the priority contest seem to be the separate existence and the normative completeness descriptions.

According to the separate-existence interpretation, Aristotle's priority thesis relies on an analogy between an organism and its individual parts or organs on the one hand, and the polis and its individual members on the other. Just as, e.g., a part of the body cannot exist without the body, an individual cannot exist without the polis. But, just as the body may exist without some of its parts, the polis may well exist without some of its citizens. Actually, the polis provides for an institutional mechanism to expel its citizens on a regular basis (ostracism: *Pol.* III.13 1284^a17–^b34). The passage at I.2 1253^a18–29, which is very much in tune with the spirit of this argument, where Aristotle seems to compare the individual member of the polis to a hand or a foot, makes a promising ground on which to make a stand for this interpretation:

The polis is thus prior in nature to the household and to each of us individually, since a whole is necessarily prior to its parts. For if the whole body is dead, there will no longer be a foot or a hand, except homonymously, as one might speak of a stone 'hand' (for a dead hand will be like that); but everything is defined by its task and by its capacity; so that in such condition they should not be said to be the same things but homonymous ones. Hence that the polis is natural and prior in nature to the individual is clear. For if an individual is not self-sufficient when separated, he will be like all other parts in relation to the whole. Anyone who cannot form a community with others, or who does not need to because he is self-sufficient, is no part of a city-state—he is either a beast or a god.

Aristotle offers the priority of the whole over its parts as an argument to support the priority of the polis over its members. Of course, when we go into the priority of wholes over parts we run into the priority issue again, the very issue we are trying to explain. But the analogy of wholes and parts gives us something to work on. The first thing that comes to mind is the conceptual point that to be a part simply means to be a part of something, of a whole (5.3). So, if X is a part of Y and is taken away

¹³⁶ It might be objected that the polis has some priority over its citizens in this sense after all, since it is the polis through its constitution which determines who is (not) a citizen. But we should charitably assume that Aristotle is not referring to this type of symmetrical (and rather uninteresting or uninformative) dependence but rather is interested in an 'asymmetrical' relation of priority.

from Y or Y ceases to be, X would have a hard time trying to be a part of Y, i.e. fulfilling the role or task incumbent on X as a part of Y (1.3). But this line of argument seems to be rather unpromising. Aristotle surely is not simply making this trivial conceptual point, that citizens cannot exist without their cities, just as bus drivers cannot exist as such without buses or Olympic athletes cannot exist as such without Olympic contests. He must have a different point in mind. What he needs to say is not that X cannot exist as part of Y once Y ceases to be, but that X cannot exist without further qualification once Y ceases to be. X, *qua* X, cannot exist but as a part of Y. It is in the very essence of X to be a part of Y. That is what X simply is.¹³⁷

Now although this reading is not tautological, it is not warranted by Aristotle's own standards either. For he admits that when an artificial whole such as a house is destroyed its parts can continue to be called beams, bricks, doors, etc. without homonymy, unless they have been damaged in the process (*Top.* VI.13 150^a33–6). So the house will not be prior in separateness to a particular part.¹³⁸ Thus, perhaps what Aristotle has in mind is not an artefact but an organism, so that the idea that parts cannot exist with their natural capacities and function if removed from the whole is restricted to natural wholes, things which exist by nature in the internal-cause sense. The polis would thus be a social organism which has literally a life of its own *vis-à-vis* the life of each of its members.

Let us now consider an interesting counter-example which has been put forward to assess the merits of the separate-existence thesis. Philoctetes is somebody forced to live in isolation because of a snake bite which has no cure and on top of that gives off an unbearable stench. Since Philoctetes is less than a god he is not the sort of person who is self-sufficient on his own and thus has no need of a polis (*Pol.* I.2 1253^a28). According to the organic thesis, the polis can exist without Philoctetes, but he cannot exist without the polis. To claim that he cannot exist without a polis is different from claiming that he would, e.g., starve to death without it; the point is rather that he would not be a human being any longer and would thus sink to the level of an animal (1253^a27–9). According to the organic or separate-existence thesis, he would be a man in name only, actually just an animal called Philoctetes.

¹³⁷ According to Remigio of Girolami, whoever loses the quality of citizen loses that of man too, since nobody can lead a proper human life without being a citizen: 'Et si non est civis non est homo, quia "homo est naturaliter animal civile", secundum philosophum in VIII Ethic. et in I Polit' (*Tractatus de bono communi*, published in 1304, in Maria C. De Matteis, *La teologia politica comunale di Remigio de Girolami* (Bologna, 1977), 18, cited in Viroli (1992), 47, n. 119). Taylor (1975), 383, explains that in Hegel's eyes 'The happiest, unalienated life for man, which the Greeks enjoyed, is where the norms and ends expressed in the public life of a society are the most important ones by which its members define their identity as human beings.'

¹³⁸ See Miller (1995), 48.

Now it would be wrong to claim that Philoctetes' inability to share in the polis has done away with his humanness. Aristotle distinguishes two ways in which X may be unable to φ : (i) X may lack the capacity or skill to φ or (ii) X may have the capacity or skill to φ but simply lack the opportunity to φ .¹³⁹ Somebody untrained in carpentry is as unable to build a house as a carpenter without tools and material, but for different reasons. Somebody untrained in carpentry is no carpenter at all, but a carpenter out of work is still a carpenter. In this sense, Philoctetes living alone on an island is like a carpenter out of work. 'Aristotle concedes as much ... [by claiming that] "he who is polisless by nature (*dia phusin*) and not by chance (*dia tuchēn*) is either a low sort or superior to man" (1253^a3–4). Thus by Aristotle's own principles Philoctetes while living in isolation remains a human being. Since the organic thesis entails the contrary, it must be false.'¹⁴⁰

Hence it seems that the normative reading has the upper hand: whereas the polis is a complete and self-sufficient whole, its members, if taken by themselves and apart from the polis, are not complete and self-sufficient. In this sense, the polis is prior in moral perfection to the individual, although posterior in generation. This corresponds to Aristotle's claim that self-sufficiency is not what suffices for a solitary life, cut off from society or any sort of social life, but what suffices for the individuals and his relatives, friends, fellow-citizens, because the human being is a political animal by nature (*EN* I.7 1097^b8–13). Human beings can only attain self-sufficiency or completeness in communities, actually in the political community (*Pol.* I.2 1253^a26–8). This reading is in tune with the ending of the argument of 1253^a18–33: 'just as a human being is the best of animals when perfected, when separated from law and justice he is the worst of all'. On this view, Aristotle's point is not the controversial one that

¹³⁹ Keyt (1991), 139, refers to *Phys.* VIII.4 225^a30–^b5; *DA* II.5 417^a21–418^a6, III.4 429^b5–9.

¹⁴⁰ Keyt (1991), 139. Cf. Homer, *Il.* II.2.722–3. Newman (1887–1902), i, 120, ad I.2 1253^a19, refers to Soph. *Philoct.* 1018: 'friendless, deserted, cityless, a corpse among the living [*aphilon berēmon apolin en zōsin nekros*]'; Schütrumpf (1991a), 220, refers to Eur. *Med.* 225. Schütrumpf (1991a), 209, also mentions the fate of the Plataeans as a result of the Boeotian attack in 371 (*Xen. Hell.* VI.3). Note that some contractarian eyebrows may well raise at Aristotle's rejection of the conceptual or separate-existence reading of political priority: there seems to be a new and unexpected member of the club. Cf. Hampton (1986), 270: 'consider talk of "states of nature"'. In contrast to philosophers such as Socrates and Aristotle, the social contract theorist believes it makes sense to think of individuals as conceptually prior to the political systems in which they live, and to this extent the contractarian is an individualist. ... [T]he contractarian presupposes that none of the intrinsic features of human beings (i.e., those features that establish us as human) are *politically* created. Whether or not they are socially created is another matter; the contractarian need not take the extreme Hobbesian position that *all* intrinsic features are pre-social as well as pre-political.'

individuals cannot exist or lead a human life without the polis, but that they cannot perfect themselves or live well without it.¹⁴¹ Aristotle does not deny the existence of something on the basis of its poor evaluative record (1.2), nor does he draw normative conclusions from metaphysical or theoretical premisses (2.2–3). He rather says that a *human being* would be the *best* of animals were he to lead a political life, i.e. a life according to law and justice—and the *worst*, were he to live separate from them. This is why the polis is prior by nature to its members.¹⁴²

Although the polis sets the stage for their development, education, and virtuous activity, it is not the case that Aristotle's political theory entertains the claim that the members of the polis cannot be conceptually separated from it, and thus that they could not be conceived of as outside the polis. Actually, the idea that the polis is natural and prior by nature to the individual relies heavily on the claim that the individual is political by nature, i.e. that the individual can only attain fulfilment or completeness within the polis (2.4). Aristotle's political naturalism as a whole thus is not conceptual, biological, or metaphysical in character, but basically practical or ethical. His political theory generally operates with a practical-normative account of nature, which cannot be *reduced* to or explained *only* by the way this concept is handled in his physical and metaphysical works.

Aristotle's political naturalism is thus a powerful evaluative tool to assess how well a particular polis fares in its capacity as the condition of possibility for human well-being. This should explain why the complex of theses which make up Aristotle's political naturalism does not commit him to endorsing any contemporary or historical form of polis. On the

¹⁴¹ Höffe (2001a), 23, has recently come to the same conclusion: '[Aristoteles] behauptet nicht, die Menschen lebten schon immer in einer Polis, sondern lediglich, daß sie erst in ihr das *eu zēn*, das gute und gelungene Leben, verwirklichen könnten. ... [W]eil das *eu zēn* ein normativer Begriff ist, ... entgeht er dem Sein-Sollensfehler'. Cf. Höffe (1999), 249; Wolfers (1991), 88; Kraut (2002), 264–6. Cf. also Cohen (1988), 152, who mentions two contrasting principles about (human) essence: (E) 'If an activity is essential to a being, then the being does not *exist* (and, *a fortiori*, does not flourish) unless it performs it' and (F) 'If an activity is essential to a thing, then the being does not *flourish* (though it might exist) unless it performs it.'

¹⁴² Bien (1981), pp. xxxiii–xxxiv, puts forward a hermeneutic reading of the priority thesis. Just as the communicative situation, or the whole of the text, is prior in meaning to the individual word, *mutatis mutandis*, the polis is prior to its members. Bien brings out the fact that this analogy holds only if we think of polis in terms of culture, society, and refined life-world, rather than in terms of a state involved with material necessities and the protection of rights. See also Bien (1985), 72: 'The political as the human world, the space in which the human being understands himself and understands himself as human, is prior to the human being and all human institutions; this is a thesis which can only be adequately explained by a hermeneutical theory of language.' The analogy between politics and language shall be revisited in 5.3.

contrary, according to the *Politics* (II.1 1260^b34–6) no historical example is in good condition. What is ‘natural’ is different from what is ‘usual’, and thus we should have allayed by now the normative misgivings provoked by Aristotle's naturalism. It is this very difference between what happens and what ought to happen which is the *raison d'être* of Aristotle's naturalism. Aristotle's employment of ‘nature’ in ethics and politics is of a highly analogical character, which perhaps can be explained by Aristotle's theoretical undertaking against the sophistic conception of nature influential in his time and his anxiety to couch ethical knowledge in the allegedly firmer terms of theoretical knowledge.¹⁴³ At any rate, this analogy should be kept on a tight rein in view of his practical foundation of ethical and political theory (2.2). Thus, to claim that something is natural in a practical sense is a way of putting across the claim that it is rational for humans to do it. Not a few difficulties in interpreting Aristotle's political naturalism are solved when one sees in this light claims such as ‘this institution is (un)natural’, ‘it is (un)natural for X to do φ ’, or that ‘nature is the end’, ‘X is prior by nature to Y’, etc.

There are other worries which this discussion might not have assuaged yet, especially those regarding the intervention of the state in the life of its citizens. We shall see that Aristotle does not adhere to the view that the relation of the individual to the polis is the same as, say, the relation of a limb to an organism (5.3, 7.2), nor does his employment of the whole/part analogy commit him to totalitarianism (7.4). What we must bear in mind for now is that the very idea of conceiving of the individual as a part of a natural whole applies only to a polis which has met the minimal standards laid down by Aristotle's theory of well-being to qualify as a natural polis. His point is that a form of subordination of the citizens as parts to the whole of the polis is in their best interests.

¹⁴³ Cf. Anscombe (1977), 67.

3

The Concept of Political Authority

3.1 Introduction

In the previous chapter we have mentioned some misgivings about the very project of attributing the concept of political authority to Aristotle. Even if his appeal to nature in ethical and political contexts is, on the whole, normatively sound, there is still the concern that Aristotle seems to claim that both the government of free and rational agents *and* the rule over slaves are natural, and hence he would be unable to see the essential differences between political and domestic rule. Furthermore, in addition to his apparent confusion of slavery with citizenship (or mastery with government) there seem to be some insurmountable conceptual-historical barriers for anybody interested in claiming that there is something like political authority to be found in Aristotle's political texts. Finally, even if there were no conceptual-historical controversies at stake, in any case, since we are trying to make a case for the existence of a notion of political obligation in Aristotle's thought, it would be of great help for our undertaking to explore whether Aristotle has a recognizable notion of political authority as a prolegomena to the discussion of the notion of political obligation itself. Were Aristotle to accommodate the concept of political authority, the attempt to show that he has a theory of political obligation would gain some momentum if only because of the moral entailment between authority and obligation (5.3).

The main thread of this chapter will be conceptual in nature. I shall examine the issue of the nature of authority rather than the question whether political authority is permissible or justifiable from a moral point of view. In doing so I proceed on the assumption that in order to attend to the topic of the justification of political authority (the subject-matter of Chapters 5 and 6) I should first go into the conceptual analysis of authority (in this chapter) and obligation (in Chapter 4). To be sure, some normative issues arise of necessity in the discussion of the concepts of authority and obligation. Nevertheless, the basic concern of Chapters 3 and 4 will be conceptual or explanatory-descriptive rather than normative. In what follows I shall first deal with some conceptual-historical objections to the very attempt at finding the notion of authority in Aristotle's political thought (3.2), then dwell on the nature of authority (3.3)

and its place in Aristotle's major texts on practical philosophy (3.4); finally, a general review will be made of the evidence for the proposition that Aristotle does speak about authority in the *Politics*, although using several idioms to do so (3.5).

3.2 Words Can't Describe

Although very few would doubt that the idea of authority was present in—if not invented by—Roman legal and political thought, an issue has been made of the emergence of the concept of authority among classical Greek thinkers. Indeed, it has been claimed not only that *auctoritas* ‘is ... a specifically Roman concept’, but particularly that ‘the Greek language possesses no word that coincides with *auctoritas*’ or simply captures its essential meaning. What is more, ‘the Greeks did not have in any case the need to express the concept [of] *auctoritas* in one word’. Even in the case of the translation of the *Res gestae divi Augusti* into Greek, according to this argument, the translator had to fall back on *axiōma* as the closest surrogate for *auctoritas*, a word which invokes only a part of the meaning of *auctoritas*, i.e. the dignity or standing of a person, but it fails to convey appropriately the idea of influence over other people. This evidence, concludes the argument, supports the claim that the Greeks did not acknowledge authority as a form of rule altogether.¹⁴⁴

Similarly, the thesis that *auctoritas* is an exclusively Roman concept also appears to be proved by the fact that Cassius Dio in his *Roman History* (LV.3.5) could not find a Greek term to do justice to the ‘force of the word (*hē dunamis tou onomatos*)’: he claimed indeed that it is impossible to translate it into Greek.¹⁴⁵ These claims convey the idea that the Greeks did not have anything even similar to the Roman notion of authority. On this view, the project of finding something akin to the idea of authority in a Greek philosopher who, for historical reasons, could not have even heard of *auctoritas*, is surely hopeless. The classical Greek world did not have the need to convey the phenomenon in its language and even post-classical Greek thinkers were still at a loss for a Greek equivalent of *auctoritas*.

The problem with this type of objection is that it seems to mistake the existence of the word for the existence of the concept itself and that it also seems to claim that for a concept to exist it must be conveyed by a single word or expression. But, as it has recently been said, [the] assumption

¹⁴⁴ Heinze (1938), 6, 21–2.

¹⁴⁵ *Hellenisai gar auto* [sc. *auktōritas*] *kathapax adunaton estin*, quoted in Hellegouarc’h (1963), 295, n. 1.

that lack of a descriptive term argues the absence of the phenomenon for which there is no name, is a snare and a delusion'. For instance, English has no word for the self-congratulatory glow of satisfaction provoked by the news of misfortunes of our acquaintances. When English speakers want to convey these emotions they must fall back on a German word, *Schadenfreude*. But 'It is to be hoped that no future student of *Geistesgeschichte* will announce, on this basis, that this ignoble emotion was never experienced by people who grew up speaking English—or French or, for that matter, Italian.'¹⁴⁶ Thus, even if we were sure that no single word in classical Greek is a precise counterpart to Roman *auctoritas* and/or the modern noun 'authority', it would not necessarily follow that classical Greek—and hence Aristotle—lacked the linguistic apparatus to communicate the idea of authority. He may well have the concept if he conveys it by various and equivalent linguistic avenues.¹⁴⁷

The doubts regarding the existence of authority in classical Greece are not restricted to classical scholars. A distinguished political theorist like Hannah Arendt claims that: 'The word and the concept are Roman in origin. Neither the Greek language nor the varied political experiences of Greek history shows any knowledge of authority and the kind of rule it implies.' What is more, she is of the view that the lack of the concept 'is expressed most clearly in the philosophy of Plato and Aristotle, who, in quite different ways but from the same political experiences, tried to introduce something akin to authority into the public life of the Greek polis'.¹⁴⁸ Although Arendt joins classical scholars in claiming that the concept is alien to Greek culture, she seems to acknowledge that Aristotle did try to formulate the concept of authority, only to fail in his attempt. Nevertheless, we should take exception to the argument used to defend her claim.

According to Arendt, Aristotle tries to introduce the notion of authority into the political realm by the superimposition on political action and life of standards, examples and models 'which are valid only for the behavior and life' in the pre-political or domestic community.¹⁴⁹ To be sure, one of the ways in which Aristotle conveys the notion of authority might be equivocal; he chooses the same word, *archē*, to put across the meanings of both sheer rulership or mastery (e. g. *Pol.* I.5 1254^b4; III.4 1277^a33)

¹⁴⁶ Knox (1993), 41, 42. Miller (1996), 881, has drawn my attention to Knox's insightful book.

¹⁴⁷ Lütcke (1968), 47, comes to a similar conclusion. Although he is not entirely sympathetic to the idea that Aristotle has the notion of authority, he says that it would be wrong to claim that the Greeks did not know the phenomenon referred to today via the word 'authority' and/or the Roman notion of *auctoritas* only on the grounds that they lacked a clear 'concept' to convey it.

¹⁴⁸ Arendt (1977), 104.

¹⁴⁹ Arendt (1977), 118.

and political government (e.g. I.5 1254^b4; III.4 1277^b7). However, one of the leading motives running through the *Politics* from its very first page is Aristotle's criticism of those who claim that 'all the sorts of *archē* are the same as one another' (I.7 1255^b17; cf. I.1 1252^a7–9; VII.2 1324^b32 ff.; 3 1325^a27 ff.; 14 1333^a3 ff.; ^b27 ff.). To the observation that in his discussion of domestic rule he warns us that there are various kinds of *archē* (I.5 1254^a24–5), it might still be replied that the difference between political and non-political *archē* is such that it would be wrong to think of domestic and political *archē* as two forms of the same genus, and/or that he should have used different terms altogether to convey these concepts. But even if this objection were true, it would still be clear that Aristotle—if using the same word—is conveying absolutely opposite meanings given by the adjectives qualifying the noun, the context in which the noun appears, or both (3.5). As Aristotle states elsewhere, if the meaning is clear, it does not matter which words are used to convey or explain it.¹⁵⁰

Although we shall expose in more detail below how the concept of authority appears in the *Politics* (3.4), it seems clear by now that the conceptual-historical objection does not prevent us from examining whether Aristotle has a concept of authority to begin with.

3.3 The Nature of Authority

The conceptual-historical objection as a whole somehow ties the explanation of the notion of (political) authority to the Roman concept of *auctoritas*. But the exact meaning of the concept of authority has been a matter of controversy for some time now. Hannah Arendt sketches a brief and lucid picture of the heart of the issue:

Since authority always demands obedience, it is commonly mistaken for some form of power or violence. Yet authority precludes the use of external means of coercion; where force is used, authority itself has failed. Authority, on the other hand, is incompatible with persuasion, which presupposes equality and works through a process of argumentation. Where arguments are used, authority is left

¹⁵⁰ *Pol.* III.1 1275^a 18: *ouden gar diapherei. delon gar to legomenon*; and 29–30: *alla diapheretō mēden. peri onomatos gar ho logos*. William of Ockham (1995), 134, in his *Dialogus de potestate papae et imperatoris* III, I. ii. 3, also noted that the words related to authority were used in an equivocal way: 'In one way *dominus*, "lord", is said in respect of subjects who are indeed free, namely those over whom someone is lord not mainly for his own advantage but mainly for the advantage of the subjects. Such a lord is not called by Aristotle a despot, and the government by which such a lord rules he does not call despotic. In another way "lord" is said in respect of subjects who are not free but slaves, who are the lord's possession in the same way as other temporal things are said to be someone's possession. Such a lord is called by Aristotle a despot and his rule is called despotic.'

in abeyance. Against the egalitarian order of persuasion stands the authoritarian order, which is always hierarchical. If authority is to be defined at all, then, it must be in contradistinction to both coercion by force and persuasion through arguments.¹⁵¹

It has been customary in the history of legal and political thought to distinguish between two main forms of control, namely willing and unwilling subjection or subordination. Whereas it seems apparent that concepts such as sheer power or rulership, tyranny, despotism, and so forth correspond to unwilling subjection, it is no less apparent that authority essentially belongs to willing subjection: it implies a form of subordination that, in the central case, counts on the willing support or recognition of its subjects. However, whereas the difference between violence and authority seems to be all too clear, the precise nature and extent of the willing support or recognition entailed by authority has been disputed for ages.

On the one hand, there is the issue of the difference between authority and persuasion. Although it is clear that authority involves willing submission, it is hard to see how authority can be voluntary without falling into persuasion and thus being redundant. On the other hand, how can a fully rational and moral subject abide by the authority of another person or persons without compromising his rational and moral maturity? It looks as though the concept of authority can have any purchase only at the expense of autonomous practical reasoning, and thus we end up running into violence or power after all. Of course, we might be willing to conceive of authority as an abdication or once-for-all surrender of autonomy on the part of subjects in favour of authority. But, beyond its purely theoretical appeal, this conception does not seem to provide an attractive description of authority.

So, the threat implied by government or political authority to rationality and morality also casts some doubt on the existence of a concept of authority as a distinctive notion essentially different from power or rulership and hence as a morally justified institution. To insist on the notion of authority as a distinctive concept different from, say, sheer power, would be tantamount to offering the (wrong) impression that subjects abide freely and justly by authority; this insistence on authority as a self-standing concept would hence conceal the fact that it actually

¹⁵¹ Arendt (1977), 92–3. There is a passage in *Du contrat social* (II.7) where Rousseau seems to be looking for an explanation of the phenomenon of authority but is unable to put his finger on its precise nature. He claims that in order to provide a nascent people with sound maxims of politics, ‘the lawgiver, incapable of appealing either to force or reason, must have recourse to an authority of another order, which can lead without compelling and persuade without convincing’ (Rousseau (1987), 109).

encroaches on the subject's autonomy and dignity.¹⁵² In short, the challenge to authority comes down to the following: 'when authorities are wrong, they cannot have the power to obligate others—when they are right, their power to obligate is meaningless. It would seem that the institution of authority is either pernicious or otiose.'¹⁵³

In the spirit of these considerations regarding the apparent tension between authority and morality it has recently been claimed that 'Aristotle has a substantial problem of political legitimacy', and 'Yet ... he largely ignores it'. Since we believe that autonomy is a central value, 'we also think that there is a deep problem of political legitimacy, a problem for the state in justifying whatever degree of authority it claims to exercise over the lives and actions of its citizens'. Let us now quote what amounts to be the nub of this argument:

We think that autonomy is intrinsic to a person. ... But Aristotle ... thinks that even people who have unqualified practical wisdom of a very high degree can lose their status as rulers (as autonomous beings) if someone with a much higher degree of practical wisdom appears in their community. ... One can have more than enough practical wisdom to be autonomous, and still be under the authority of others, when the others possess a higher degree of practical wisdom than one's own.¹⁵⁴

This line of argument takes for granted that autonomous practical reasoning (and hence well-being) and submission to political authority are essentially opposite concepts (5.1). This assumption, in turn, often goes hand in hand with the thought that the exercise of political office is a constituent of well-being and that the autonomous person may only give but not take orders. The mere fact of abiding by somebody else's orders implies a *capitis diminutio* in autonomy and hence in well-being.¹⁵⁵ Indeed, the following remarks in *Pol.* III.4 regarding the question

¹⁵² William Godwin has expressed this concern forcefully, almost with a Stoic flair: "To a government, that talked to us of deference to political authority, and honour to be rendered to our superiors, our answer should be: "It is yours, to shackle the body, and restrain our external actions, that is a restraint we understand. Announce your penalties; and we will make an election of submission or suffering. But do not seek to enslave our minds ... Obedience and external submission is all you can be entitled to claim, you can have no right to extort our deference, and command us not to see, and disapprove of, your errors""' (*An Enquiry Concerning Political Justice* III.6, 2nd edn. (London, 1796), 238–9, cited in Philp (1986), 133–4).

¹⁵³ Shapiro (2002), 383.

¹⁵⁴ Reeve (1998), lxiii, lxii.

¹⁵⁵ Not a few commentators have taken this line of argument. For instance, Robinson (1995), 14, claims that: 'it seems clear that an outstanding and frequently manifested part of the goodness of the good citizen will be obedience to laws and orders, which unfortunately conflicts with Aristotle's feeling that the perfect man is a giver of orders, not a recipient of them'. Bodéüs (1993), 44, maintains that '[the excellence of the good man] presupposes prudence (*phronēsis*) and, as a result, it can only be identified with the excellence of the leader (*arcbōn*). ... To sum up, the excellence of the good citizen coincides with the excellence of the good man under the two conditions that he exercises a commanding role and that he exercises this role in the best type of city'

whether the virtue of the good man is the same as the virtue of the excellent citizen have struck a chord with those discussing the relationship between autonomy and government in Aristotle:

We say, indeed, that an excellent ruler is good and possesses practical wisdom (*phronimon*), but that a citizen need not possess practical wisdom [^a14–16]. ... {The virtue of a} ruler and that of a citizen would not be the same [^a23]. ... Practical wisdom (*phronēsis*) is the only virtue peculiar to a ruler; for the others, it would seem, must be common to both rulers and ruled. At any rate, practical wisdom is not the virtue of one who is ruled, but true opinion is [*doxa alēthēs*, ^b25–9]. (1277a–b)

The apparent contrast made by Aristotle between the rather shy presence of true opinion in the ruled and the full exercise of practical reason by the ruler mirrors the Platonic difference between simply knowing *that* V is a virtuous action and *why* V is a virtuous action, an epistemic difference which is synchronized with the distinction between rulers and subjects (*Resp.* III 412^e10 ff., IV 430^b2 ff., 431^e10, V 473^e11 ff.). Those in government would know why something is to be done and what is to be done, so that subjects will substitute the ruler's orders for their own deliberation on the merits of an action. But this is precisely the fact that seemed to doom to failure any attempt to reconcile authority with the subject's autonomy and well-being.

Pol. III.4 has invited other rewarding comments inspired by the same concern we have been examining, such as the following one which claims that Aristotle himself is ill at ease about the imposition of political authority on virtuous agents:

Aristotle argues that the good citizen can be a good man only in the best state, and only then when he is performing the function of ruling, not when he is being ruled. ... The last paragraph of the chapter perhaps suggests that Aristotle found these conclusions [sc. 'Only when the good citizen is ruling is his virtue identical with that of the good man' or 'the virtue of the ... [good man] is exercised only when ruling'] somewhat unpalatable. His dilemma arises, as so often, from his belief in natural teleology. Man has certain faculties to use, including the noblest, the intellectual. A man cannot be 'good' if he is not using his faculties: there is a kind of *moral imperative* to use them Now *a man who is ruled has to hold his reasoning faculty in abeyance*, to the extent that he must do as he is told and not exercise judgement or take a decision of his own or direct other people. He cannot, therefore, be a 'good' man. He may be a good citizen, of a particular constitution; but unless he is ruling well over fellow-citizens, having first learned to do so by being ruled, he is not exercising his human faculties to the full, and is not 'good'. The 'good man' looks as though he will be a rather rare phenomenon

(cf. the exacting criteria and apparent rarity of *phronēsis*, practical wisdom, in *Nicomachean Ethics*, VI xiii); and at the end of the present chapter we learn that men who are being ruled will need mere ‘right opinion’, not *phronēsis* (cf. Plato, *Republic* IV).¹⁵⁶

The argument about the disagreement between full virtue and obedience to authority in Aristotle now seems to take the following form:

1. There is a moral imperative to use one's intellectual capacities.

Therefore,

3. there is a moral imperative to use practical wisdom.

4. If a man abides by (political) authority, he does not use practical wisdom.

Therefore, from (3) and (4)

5. there is a moral imperative not to abide by political authority.

The point might be made that (1) and (3) refer not simply to the use of intellectual abilities but to the exercise of political authority. On this view, the good man should always be ruling and never be ruled (leaving aside, perhaps, the case of obedience as a necessary step in moral training for a young agent), on the grounds that if he is ruled (and/or not in office) his well-being might be seriously impaired. A first problem with this idea is that Aristotle does not claim that political rule is a necessary precondition for happiness. It may well be a means or a sufficient condition for it, but it is not a necessary one. To start with, Aristotle claims that ‘complete happiness is some activity of study’ (*EN* X.8 1178^b7–8), an activity which is not essentially related to political participation. Furthermore, ‘private persons seem to do decent actions no less than people in power do—even more, in fact’ (*EN* X.9 1179^a6–8; cf. *Pol.* VII.2 1324^a41–^b1). Moreover, it will do for a good man actually to be simply *capable* of exercising authority (*Pol.* III.5 1278^b3–4).

Another problem with taking Aristotle to be saying that virtue is incompatible with political obedience is that, on this view, Aristotle would be claiming that an agent switches on and off the virtues as he is or is not in office. But it is hard to imagine why a good man would lose practical wisdom on account of leaving political office.¹⁵⁷ There is no need to saddle Aristotle with this claim. We should bear in mind that, according to Aristotle, practical wisdom is a virtue, a *hexis*, a fixed state that is only acquired as the result of laborious training over many years and cannot be forgotten (cf. *EN* II.3 1104^b28). Aristotle's point seems to

¹⁵⁶ Saunders (1981), 177, 178–9 (emphasis added).

¹⁵⁷ See Schürtrumpf (1991b), 430–1, and Simpson (1998), 145–6.

be that when the good man is ruled his virtue of practical wisdom will not be exercised in the sense that he will not use it in ruling the city, which is a far cry from claiming that it is not exercised at all.¹⁵⁸

And this takes us back to proposition (4), which bears the heaviest weight of the argument. In some sense, when we recognize or follow someone else's authority our reasoning faculty is held in abeyance, but does it follow that it is not exercised at all? To what extent is it the case that political authority implies a surrender of practical reasoning? Perhaps *Pol.* III.4 is not only the problem but also the beginning of the solution. The contrast made by Aristotle between the full exercise of practical reason by the ruler and the rather shy presence of true opinion in the ruled not only mirrors a Platonic distinction in epistemic level of virtue but also may be taken as echoing the fact that governments usually claim to exclude private judgement and to replace it with public and authoritative reasons for acting. The very idea of government requires substituting the state's judgements, its reasons for acting, for some reasons of one's own; and a system of political authority can only exist if those who fall under its jurisdiction desist from making compliance a function of their judgement of the merits of what the law prescribes. To think that this is a dilemma for authority is basically an illusion created by an oversimplification of the way in which practical reasoning operates in general.¹⁵⁹

In effect, although we often talk metaphorically about balancing considerations as if we had in mind a single metric on which we perform an arithmetic of decisions, our actual reasoning patterns are more complex. The considerations relevant to making a decision are sometimes organized into different kinds or levels. *First-order* reasons are ordinary reasons for action such as beliefs, desires, interests, or needs. Conflicts among such reasons might be resolved by comparing their relative weights on a single scale. A reason on this level is defeated by another reason on the same level only if the former is, as it were, outweighed by the latter. But this is not the whole picture of practical reasoning, for just as there are reasons for acting, we also sometimes recognize reasons for and against acting on such reasons; these reasons are *second-order* reasons. For example, a temporary incapacity such as a headache or

¹⁵⁸ Aquinas (1971), 196^a 261–2, 267–9, in his commentary on the *Politics*, brings to light the fact that practical reason(ing) is at work both in the ruler and the ruled: he points out that the ruled citizen also participates in practical reason (*tamen aliquid prudentie participant subdit*) to the extent that he has a right belief about what is to be done which enables him to govern himself taking into account the orders of the ruler (*per quam possint se ipsos gubernari in propriis actibus secundum gubernationem principis*).

¹⁵⁹ On the nature of authority as an exclusionary reason for action I draw on Raz's illuminating analysis (1990a) and Green's (1988), 38–42, insightful exposition of the gist of Raz's theory of authority.

a sleepless night might give us a reason not to act in a way that seems right on balance regarding, say, a business decision, even when to refrain from assuming the merits of the deal is to reject it. The incapacity does not, however, count in favour of the investment or against it. The conflict between the second-order reason and the first-order reason is not resolved because the former outweighs the latter; the incapacity is no reason to decide one way or the other. Rather, it excludes action taken on the first-order balance of reasons alone and is thus an *exclusionary* reason. A further example of authority is the case of the orders given by a commanding officer to his subordinates. As far as authority is concerned, an 'order is a reason for doing what you were ordered regardless of the balance of reasons'. The very notion of being a subordinate implies that it is not for you to decide what is best but simply to follow the order given by the commanding officer (3.4).¹⁶⁰

Exclusionary reasons exclude those they defeat by kind, not weight. If a subject happens to refuse to substitute the ruler's order for his own independent deliberation on the merits of the case so that the ruler has to turn to other reasons for action such as threats or sanctions in the event of disobedience in order to make him obey, then the obedience obtained is not the result of a relationship of authority, i.e. the result of a second-order deliberation, but the consequence of a decision taken on the basis of first-order deliberation: threats and sanctions are intended to affect the subject's (first-order) deliberation as dominant reasons, i.e. reasons strong enough to overcome any contrary consideration against the command. Unlike authoritative reasons, threats and sanctions are auxiliary reasons which are mainly 'a *pis aller*: they are secondary provisions for a breakdown in case the primary intended peremptory reasons are not accepted as such'.¹⁶¹ On the other hand, if the agent actually agrees with the content of the reason and acts accordingly this reason is not authoritative in nature but rather the result of persuasion and in this sense it operates on the same level as threats or punishments, i.e. it operates as a first-order reason for action. Second-order reasons may be thus both *prima facie*, in the sense that they are not conclusive about what ought to be done (they do exclude *some* but not *all* of the reasons for action an

¹⁶⁰ Raz (1990a), 38. Another example is given in Raz (1979), 17, according to which a parent instructs his son (not) to act on his other parent's orders.

¹⁶¹ Hart (1982), 254. Cf. *EN* III.8 1116^a 32–b3 once more: 'their commanders compel them (*anankazousi ... boi kurion*), as Hector does; "If I notice anyone shrinking back from the battle, nothing will save him from being eaten by the dogs". Commanders (*boi prostattontes*) who strike any troops who give ground, or who post them in front of ditches and suchlike, do the same thing, since they all compel them (*pantes gar anankazousin*). The brave person, however, must be moved by the fine (*boti kalon*), not by compulsion (*ou di' anankēn einai*).'

agent might have), and at the same time categorical, since they exclude rather than simply outweigh some first-order reasons for action.¹⁶²

So, in the context of this theory of authority, exclusionary reasons not only exclude other reasons for action but also give us a reason to act. A person treats an order or a rule as authoritative if and only if he treats it as giving him sufficient reason for acting in accordance with it notwithstanding that he himself cannot otherwise see good reason for so acting, or would actually have acted otherwise in the absence of the authoritative reason for action, or think it to be mistaken altogether:

there is no point in having authorities unless their determinations are binding even if mistaken (though some mistakes may disqualify them). The whole point and purpose of authorities, ..., is to pre-empt individual judgment on the merits of a case, and this will not be achieved if, in order to establish whether the authoritative determination is binding, individuals have to rely on their own judgment of the merits.¹⁶³

We can thus ‘act *contrary to the balance of reasons* without thereby acting *contrary to reason*’.¹⁶⁴ It is not true that in the case of acknowledging an authoritative reason for action an agent simply acts contrary

¹⁶² See Raz (1986), 46: ‘[T]he fact that an authority requires performance of an action is a reason for its performance which is not to be added to all other relevant reasons when assessing what to do, but should exclude and take the place of some of them’. Cf. Green (1988), 39.

¹⁶³ Raz (1986), 47–8. Hobbes (1991), 33, illustrates the exclusionary nature of authoritative reasons for action by means of the following analogy with a card game: ‘when men think themselves wiser than all others, clamor and demand right Reason for judge; yet seek no more, but that things should be determined, by no other men's reason but their own, it is as intolerable in the society of men, as it is in play after trump is turned, to use for trump on every occasion, the suite whereof they have most in their hand’. Locke (1997), 21, in his *First Tract on Government* also brings out the independence of public authority *vis-à-vis* private judgements: ‘If private men's judgements were the moulds wherein laws were to be cast 'tis a question whether we should have any at all. If this be the rule that must measure the equity and obligation of all edicts I doubt whether any can challenge [claim] a universal obedience, when it is impossible that any law should be by human prudence so contrived which whilst it minds the good of the whole will not be inconvenient to several of the members, and wherein many will not think themselves hardly and unequally dealt with.’ In a famous passage in the first book of the *Iliad* (I.187 ff.) in which the goddess Athena seizes Achilles by the hair as he is wondering whether to kill Agamemnon on the spot, she tells him that Hera has sent her, and asks for his obedience: he should spare Agamemnon. The goddess has not merely helped him to see that one course of action is better than the other in terms he was already considering; as Williams (1993b), 30, says, she has given him ‘an extra and decisive reason, *which he did not have before*, for thinking that it is better’ (emphasis added). The reason given by the goddess to Achilles is not merely added to the others Achilles already has but rather excludes them altogether.

¹⁶⁴ Green (1988), 37. As we have just seen, Athena in the *Iliad* makes a similar point; Achilles acts rationally by obeying the authority of the gods: ‘Let great *Achilles*, to the Gods resign'd, | To reason yield the empire o'er his mind' (I.275–6 [207] in Alexander Pope's translation (1996), 33).

to reason or for no reason at all (6.2–3). The recognition of an authoritative reason for action may well be contrary to our first-order deliberation, but our second-order deliberation is very much in charge of this recognition of authority itself. The difference in levels of our practical reasoning makes it clear that there is no paradox in recognizing somebody else's authority. It is X who recognizes Y's authority while being subordinated to Y's decisions. In some sense, X acts as Y tells him to, and, in another sense, Y's authority depends on or comes from X's recognition. We should hence distinguish between two kinds of political realms or games which involve two different levels of reasoning and judgement. There is the object realm or first-order level, according to which there are object judgements made by the ruler in question as governor of the people. These judgements exclude or cut off the first-order deliberation of subjects. But there is also a meta-realm, in which meta-judgements are made by the very people whose first-order deliberation is excluded by authoritative reasons for action. In this realm, the very people who as subjects cannot make first-order judgements do make meta-judgements, i.e. judgements about the ruler's object judgements.¹⁶⁵

In Locke's helpful analogy, once the political community has been established, 'all private judgement of every particular Member being excluded, the Community comes to be Umpire, by settled standing Rules, indifferent, and the same to all Parties'.¹⁶⁶ This common umpire has been empowered by the people, and the decisions made by the umpire exclude the deliberation of the players. That is the whole point of empowering umpires. But, although the very idea of being a player involves adhering to the decisions made by the umpire *within* the game, the people also play a different game *without* and hence not defined by the rules of the first-order game—namely, the meta-game of sitting in judgement on the umpire himself and the way in which he applies the first-order game rules. As a result, the umpire may well be fired and/or many of his decisions voided (7.4).¹⁶⁷ As first-order players, the people substitute the umpire's decisions for their own deliberation; but the normative power exercised

¹⁶⁵ For this 'stratified' solution to the political game see Hampton (1986), 280–1.

¹⁶⁶ Locke (1988), 2T, 324.

¹⁶⁷ Blackburn (1998), 44, draws an analogy between ethics and self-contained rule-governed activities such as games. He explains that: 'Understanding that there is a point to the rules must coexist with proper devotion to them. ... Let us consider in closer detail the intelligent participant. On the one hand, as a participant, he is to concentrate only on what is required by the rules. On the other hand, as reflective thinker, he knows that the rules are there only for a purpose, and that this purpose may be better served by occasional infraction. How is he to know, we might ask, when to occupy the unthinking internal role, and when to adopt the more thoughtful, external perspective? When is he to let consequential considerations invade his role, and when is he to shut them out? ... The boring but true answer is that it will require judgement and training to know when a situation is a real emergency, one where for the sake of avoiding harm or doing good one should grasp the nettle and bend or abandon a prescribed rule.'

by the umpires is a function of their being entitled to rule and recognized as authorities by the players themselves. The concept of authority is then best understood if it is seen in the light of the players' viewpoint and practical reasoning. It is the subjects who *make* something authoritative by substituting it for their own first-order deliberation, and not the other way round (1.1).

This stratified approach to the concept of authority may make what appear to be strange political bedfellows. Although Hobbes and Locke are usually read as holding two opposing styles of dealing with government, they agree on the way political authority works. For, as far as the first-order political realm or game is concerned, i.e. when it comes to the way in which authority affects practical reasoning, Hobbes and Locke share the view that *that* something has been dictated by an authoritative source is, generally speaking, more important than *what* has been decreed. Hobbes precisely explains that 'COMMAND is, where a man saith, *Doe this*, or *Doe not this*, without expecting other reason than the Will of him that says it'.¹⁶⁸ In this sense, he is right in thinking that among the '*Diseases of a Common-wealth*' is to be found the seditious doctrine that '*every private man is Judge of Good and Evill actions*'. What he has in mind here is 'this false doctrine' that subjects may obey or disobey 'the commands of the Common-wealth ... as in the private judgements they shall think fit'.¹⁶⁹ Locke's views on government may help us see that no authoritarianism is meant here. He reassuringly claims that political authority as umpireship precisely excludes private judgement or assessment of the merits of what is to be done. Men set up 'a known Authority, to which every one of that Society may Appeal upon any Injury received, or Controversie that may arise, and which every one of the Society ought to obey'.¹⁷⁰

When it comes to the meta-political game, where Locke is most usually found and appears to be most comfortably at home, having said that authority excludes the private judgement of subjects, he asks and answers the essential (meta-)political question: '*Who shall be Judge* whether the Prince or Legislative act contrary to their Trust? ... *The People shall be Judge*'.¹⁷¹ Locke is not only making the descriptive point that that is the way the meta-political game is played, but also that the people ought to empower or disempower government. But even if, for some reason, subjects decline to exercise the right of judging the political performance of government and would rather prefer someone else to

¹⁶⁸ Hobbes (1991), 176. Hart (1990), 100–1, also sees a connection between Hobbes's views on law and Raz's theory of authority.

¹⁶⁹ Hobbes (1991), 223.

¹⁷⁰ Locke (1988), 2T, 326.

¹⁷¹ Locke (1988), 2T, 426–7.

evaluate it—perhaps they would rather prefer to delegate that function to the government itself—it is still a fact that it is in the subjects themselves to create authority, allow it to exist, rather than the other way round.

This is a powerful descriptive and normative point, a point recognized by Hobbes himself, perhaps *malgré lui*. He agrees that there are cases in which the subject has ‘the Liberty to disobey’. To be sure, the general principle is that ‘When ... our refusall to obey, frustrates the End for which the Sovereignty was ordained, then there is no Liberty to refuse: *otherwise there is*’. A few lines below Hobbes adds that: ‘The Obligation of Subjects to the Sovereign, is understood to last as long, and no longer, than the power lasteth, by which he is able to protect them’, since the natural right of men to protect themselves ‘when none else can protect them, can by no Covenant be relinquished’.¹⁷² Although Hobbes does not make it totally explicit, these clauses would only make sense if it is the subject himself who judges whether his disobedience is (not) appropriate, i.e. whether the end for the sake of which he entered civil society is being properly taken care of by the state. Just as Locke adopts a ‘Hobbesian’ perspective regarding the first-order matters of authority, Hobbes adopts the ‘Lockean’ approach regarding the second-order matters of explaining the (dis)empowering of rulers.¹⁷³ Indeed, it looks as if any clear-headed political theorist has good reason to be both Hobbesian and Lockean at the appropriate level.¹⁷⁴

¹⁷² Hobbes (1991), 151, 153 (emphasis added).

¹⁷³ Hobbes asks a few paragraphs below: ‘in case a great many men together, have already resisted the Sovereign Power unjustly, or committed some Capitall crime, for which every one of them expecteth death, whether have they not the Liberty then to joyn together, and assist, and defend one another? Certainly they have: For they but defend their lives, which the Guilty man may as well do, as the Innocent. There was indeed injustice in the first breach of their duty; Their bearing of Arms subsequent to it, though it be to maintain what they have done, is no new unjust act. And if it be onely to defend their persons, it is not unjust at all’ (Hobbes (1991), 152). Having quoted this passage on the right of self-defence Bishop Bramhall asks: ‘Why should we not change the Name of *Leviathan* into *Rebells catechism*?’ (*The Catching of Leviathan or the Great Whale* (London, 1658), p. 515, quoted in Hampton (1986), 199). According to Richard Cumberland, another contemporary of Hobbes, ‘Hobbes, whilst he pretends with one hand to bestow gifts upon Princes, does with the other treacherously strike a dagger to their hearts’ (*A Treatise of the Laws of Nature*, trans. J. Maxwell (London, 1727), 377 (first published as *De Legibus Naturae* (London, 1672)), quoted in Goldie (1991), 604).

¹⁷⁴ It is noteworthy that Kant does not seem to share in Hobbes's and Locke's stratified approach to political authority. In some sense, by embracing the maxim ‘Argue as much as you like and about whatever you like, but obey!’, he out-Hobbes Hobbes in demanding unconditional compliance to authority. Indeed, although Kant affirms that a citizen ‘does not contravene his civil obligations if, as a learned individual, he publicly voices his thoughts on the impropriety or even injustice of’, say, some financial measures, he is adamant that ‘The citizen cannot refuse to pay the taxes imposed upon him; presumptuous criticisms of such taxes, where someone is called upon to pay them, may be punished as an outrage which could lead to general insubordination’ (‘What is Enlightenment?’, in Kant (1991a), 56). According to Kant, the meta-political game is out of bounds to the citizens (7.4).

3.4 Political Authority in the *Ethics* and *Politics*

This Hobbesian and Lockean detour invites the question of whether Aristotle embraces the stratified solution to political authority. Whereas his handling of the meta-political game will come up in 7.4, and his treatment of the justification itself of political authority will be examined in Chapters 5 and 6, here we shall see whether Aristotle accommodates the notion of authority in terms that are recognizably modern or recognizably relatable to modern terms.

Aristotle's account of deliberation in *EN* III.3 may be said to be a good place to start our inquiry whether Aristotle is receptive to the notion of authoritative reasons for action within the framework of practical reasoning. There Aristotle claims that 'we lay down the end, and then examine the ways and means to achieve it. If it appears that any of several means will reach it, we examine which of them will reach it most easily and most finely' (1112^b15–17). Thus, if φ -ing, e.g. obeying government, is the easiest and finest way to achieve well-being or a means thereto, then we have a reason for φ -ing, i.e. a reason for excluding our own deliberation or balance of reasons. It might be objected that this is too quick a move: although this passage does not seem to have anything against the idea of authority as a second-order reason for action, it does not say much in its favour either. What we need is an instance of virtuous deliberation in which authority plays a significant role. Courage seems to fit the description, since it implies obedience to military commands (V.1 1129^b19–21).

This obedience in turn does not appear to be the result of the agent's own private or first-order assessment of the order received from the official but rather the substitution of the commanding officer's own first-order deliberation for the agent's own assessment of the case. An army could hardly operate if it had to rely on the agreement between the deliberation of its members and the orders given by its officials.¹⁷⁵ In *EN* III.8 Aristotle distinguishes between courage and, for instance, political

¹⁷⁵ The French constitution of 5 Fructidor III (Title IX, 275), established that 'No armed force may deliberate [*nul corps armé ne peut délibérer*]'. Many Americans on both sides during the Civil War seem to have approached the nature of authority on the wrong foot: 'Just because their neighbors from down the road back home now wore shoulder straps, Johnny Rebs and Billy Yank could see no reason why their orders should be obeyed unless the orders seemed reasonable' (McPherson (1989), 329). The Athenian army seems to have gone through the same experience: the fact that Athens's generals commanded men many of whom would in other contexts have been considered their equals appears to bear on the phenomenon that indiscipline was not infrequent in the Athenian army (Xen. *Mem.* III.5.19, 21; Thuc. VII.14.2; see Hamel (1998), 59, 61). Egalitarianism sometimes may mislead people into believing that democracy is incompatible with authority *tout court*. Not a few report that Athenians were not keen on accepting any form of authority (e.g. Aristoph. *Ran.* 1071–2; Xen. *Mem.* III.5, 16; *Lac.* VIII. 2; Plato, *Resp.* VIII 557e3; 562d6, e4; 558c4; *Leg.* III 701 5; Aristotle himself at *Pol.* VI.2 1317 14 ff.; cf. Schütrumpf (1991b), 278–80). However, a considerable part of these accounts should be taken with a pinch of salt; most of them express the view of authors who had themselves an oligarchic axe to grind: although not all Athenians fully shared Socrates's high-minded respect for the law, there is reason to believe that, on the whole, they did endorse the notion of obedience to the law. Cf. the references given by Sinclair (1988), 49, 220–1, and Burckhardt (1996), 61, n. 166: Aeschin. I.4–6, 177–8; III.6–7; Dem. 24.5, 36, 75–6, 210; Eur. *Suppl.* 312–14, 429–41; Hdt. III.80.6; Hyp. 4–5; Lycurg. *Leoc.* 2–4; Lys. II.18–19; Thuc. II.37.3; III.37.3; VI.38–9; VIII.64.5; Xen. *Mem.* III.5.16–18.

or civic courage. Whereas the latter is the disposition of those who are brave and fight because they are compelled by their superiors (1116^a30) and want to avoid legal penalties (1116^a19), someone may be said to be fully courageous to the extent that he fights for the sake of what is morally admirable and obeys military authority, a reason which excludes first-order reasons.¹⁷⁶

We have seen that Hobbes and Raz turn to the notion of ‘command’ to explain legal authority.¹⁷⁷ This parallelism is not to be taken as implying that citizens should salute members of government as they pass them or that military discipline should prevail within civil society. The whole point of the analogy is that it is a particularly illustrative instance of the way in which authoritative reasons for action affect the subject's practical reasoning. Aristotle himself couches most of his political analysis in military terms and thus seems to be comfortable with the idea

¹⁷⁶ For a similar point see Broadie (1991), 87: “‘Autonomy’ must not be taken in an extreme sense so as to imply that no one can be acting virtuously if he acts under somebody else's orders. The brave soldier need not himself have decided that this is the place and time to scale the rampart, and it often belongs to practical wisdom to accept someone else's authority on what should be done. Even if the decision is not a decision for experts, it may simply not be one's business to make it. This is obvious to anyone with the slightest experience of cooperative enterprise.”

¹⁷⁷ So does Hart (1990). Hobbes (1991), 32–3, also turns to the figure of arbitration to explain the nature of political authority: ‘as when there is a controversy in an account, the parties must by their own accord, set up for right Reason, the Reason of some Arbitrator, or Judge, to whose sentence they will both stand, or their controversie must either come to blowes, or be undecided, for want of a right Reason constituted by Nature; so is it also in all debates of what kind soever’. We also read in Hobbes's *Leviathan* that ‘it is of the Law of Nature, *That they that are at controversie, submit their Right to the judgement of an Arbitrator*’ (109); ‘it belongeth of Right, to whatsoever Man, or Assembly that hath the Sovereignty, to be Judge both of the meanes of Peace and Defence’ (124). Raz (1986), 41–2, also turns to arbitration to illustrate the nature of authority. Aristotle refers to arbitration in political issues as well (*Pol.* II.8 1268^a 6, IV.12 1297^a 4–6; cf. *Rhet.* I.13 1374^a 19 ff.), and arbitration also falls under his job description of judicial authority (*EN* V.4 1132^a 19, 22–3).

that political theory could use some military idioms of command and obedience to explain the operation of political authority. He claims that issuing commands (*epitaxeis*) is characteristic of political office (*Pol.* IV.15 1299^a26–7; VII.4 1326^b14). In fact, there are several passages in the *Politics* dealing with constitutional and political issues where the military overtone is unmistakable.¹⁷⁸ He draws an explicit analogy between military authority and political rule at III.4 1277^b7–16:

there is also a kind of rule exercised over those who are similar in birth and free. This we call ‘political’ rule (*tēn politikēn archēn*). A ruler must learn it by being ruled, just as one learns to be a cavalry commander by serving under a cavalry commander, or to be a general by serving under a general, or under a major or a company commander to learn to occupy the office. Hence this too is rightly said,

¹⁷⁸ For instance, ‘since the election is from all, the people share in the greatest office and hence wish the regime to stand its ground (*menein tēn politeian*)’ (II.10 1272^a 33; IV.12 1296^b 16); ‘it is an indication of a well-drawn up regime (*politeias suntetagmenēs*) that the people remain in the formation of the constitution (*diamenein en tē taxei tēs politeias*)’ (II.11 1272^b 30–1); ‘it is difficult {for} a constitution to stand its ground (*menein tēn politeian*) {if} set up contrary to what is just (*tēn sunestēkuiān para to dikaion*)’ (VII.14 1332^b 28–9); ‘it is absurd that, though remaining within the laws (*menontes en tois nomois*) ... they {sc. the Spartans} should have lost the good life’ (1333^b 23–4). Military terms such as *taxis* and its cognates are also a common occurrence in the *Politics*. For instance, ‘an arrangement (*tax[is]*) of correct laws’ (II.5 1263^a 23; 10 1271^b 29, 32); ‘the arrangement is law (*hē ... taxis nomos*)’ (III.16 1287^a 18; VII.4 1326^a 30); ‘the arrangement of the constitution (*tēs politeias tēn taxin*)’ (II.6 1264^a 31; 10 1272^a 4; 1272^b 9–10; V.7 1307^b 18); ‘the constitution is an arrangement (*hē politeia ... esti taxis tis*)’ (III.1 1274^a 38; IV.9 1294^a 21; VII.2 1324^a 24; VII.4 1326^a 32) or ‘the arrangement (*taxis*) of the polis’ (III.6 1278^a 8–9; IV.1 1289^a 15–16) or ‘the arrangement of the offices (*politeia ... hē tōn archōn taxis esti*)’ (IV.3 1290^b 7–8); ‘political arrangement (*tēn politikēn taxin*)’ (II.8 1269^a 10); ‘the best {constitutional} arrangement (*tēn aristēn ... taxin*)’ (II.9 1269^a 31–2; ‘national’ or ethnic *taxeis*: 10 1271^a 40; 11 1273^b 21–2). Compare also ‘without {a battle} array (*suntax[is]*) the heavy-armed element is useless’ (IV.13 1297^a 19–20) with ‘the entire arrangement (*suntaxis*) of laws’ (II.9 1271^a 2) and ‘the organization of the constitution (*tēs politeias hē suntaxis*)’ (VII.2 1325^a 3); lawgivers are those who draw up constitutions (*suntaxantes*, VII.14 1333^b 7–8), and constitutions are in turn drawn up (*suntetagmenē*, II.11 1272^b 30). An oligarchic constitution may expect to secure its preservation only through good order or discipline (*eutaxia*], VI.6 1321^a 4); it is impossible for a polis to be finely administered without *eutaxia* (VI.8 1321^b 7); good government (*eunomia*) must involve *eutaxia* (VII.4 1326^a 30). For the parallelism between the position of the citizen within the constitutional order and the post of the soldier in the line of battle, cf. Dem. 15, 32 (*For the liberty of the Rhodians*): *peri tēs en tē politeia taxeoūs=peri tēs en tais strateiais [taxeoūs] ecbete*. Likewise, Aristotle himself remarks that whilst ‘{professional} soldiers flee {from the battle}, citizen-soldiers remain {in formation} (*ta de politika menonta*) and die’ (EN III.8 1116^b 17). Cf. also the admonition of the Laws to Socrates in the *Crito* (51b7–c1): ‘you must neither give way nor retreat, nor leave your position (*leipteon tēn taxin*, b8); rather, in warfare, in court, and everywhere else (*alla kai en polemō kai en dikastēriō kai pantachou*), you must do whatever your city or fatherland commands (*poiēteon a an keleuē hē polis kai hē patris*)’.

that one cannot rule well without having been ruled. And whereas the virtues of these are different, a good citizen must have the knowledge and ability both to be ruled and to rule, and this is the virtue of a citizen, to know the rule of free people from both sides.

Pol. II.11 offers another instance of Aristotle's treatment of political office in military terms: 'Where the city-state is not small, it is more political, and more democratic, if more people participate in the offices. For it is more widely shared, as we said, and each of the offices is more finely carried out and more quickly' (1273^b12–15).¹⁷⁹ What comes to mind after reading Aristotle's final remark in this paragraph, that 'in the case of military and naval affairs ... in both of them ruling and being ruled extend through practically speaking everyone' (1273^b17), is Thucydides' explanation that 'the whole Spartan army, except for a small part, consists of officers commanding officers (*archontes archontôn eis*), and the responsibility for seeing that an order is carried out falls on a great many people'. Indeed, going back to Thucydides' account of the battle of Mantinea (418 BC) we read that:

each man took up his position with the utmost speed and alacrity, Agis, their king, giving the necessary orders, according to the law. When a king is leading the army, everything is ordered by him. He himself gives {the order of} what is to be done to the divisional commanders and {it is passed on} from them to the regimental commanders, from them to the company commanders, from them to the platoon commanders, and from them to the platoons. So, too, the {other} commands, {are carried out} in the same way and quickly become effective, ... (V.66.3)

This report of the Spartan army in combat clearly puts across the idea of actions prompted by the substitution of authoritative reasons for the deliberation of the agent. The exclusionary nature of authority seems to be well suited for explaining the legendary Spartan capacity to move quickly over difficult terrain, concentrate their forces suddenly, and execute complex pre-battle tactical manoeuvres involving thousands of men on the field. Agis only needed to give his orders to the polemarchs, the commanders of the six Spartan divisions (*morae*), 'and the chain of command did the rest'.¹⁸⁰

The exclusionary account of the concept of authority may also be put to use to make sense of some of Aristotle's remarks on political rule and virtue. We may thus come back to *Pol.* III.4 and the claim that when Aristotle says that virtue takes different forms in ruler and ruled so that

¹⁷⁹ The wording of this sentence ('more finely' (*kallion*) and 'more quickly' (*thattōn*)) echoes the passage in *EN* (III.3 1112^b 16–17) we saw at the beginning of this section: 'easily' (*rasō*) and 'finely' (*kallistō*).

¹⁸⁰ Kagan (1981), 123.

the former requires full practical reason and the latter simply correct opinion or belief, this correct opinion does not necessarily imply a complete surrender of practical reasoning but rather refers to the fact that the subject as such recognizes the authority of a given ruler, assumes the justification of his commands, and obeys it even if his own private assessment of the merits of the case differs from the authoritative assessment (3.3). In other words, it is a way of conveying the exclusionary nature of authority: as far as first-order deliberation is concerned, the subject's practical reasoning does not, as it were, go all the way, but in the normal case simply requires a right belief to recognize (the source of) authority.

The notion of authority as an exclusionary reason for action may also be fruitfully brought to bear on Aristotle's remarks on the nature of rule and obedience in his first discussion of the issue whether the virtue of the subject is the same as the virtue of the ruler (*Pol.* I.13 1259^b32–1260^a2). Aristotle raises a much debated topic: if both the ruler and the subject are virtuous, ‘why should one have to rule and the other obey altogether (*kathapax*)?’ (1259^b35–6). In matters of rule and obedience, he continues, although both ruler and ruled have (some type of) virtue, a distinction of more or less between them is beside the point: ‘obeying and ruling (*archesthai kai archein*) differ in kind’ (^b37). Aristotle's insistence on the difference in kind between ruling and obeying and his use of ‘altogether’ or ‘unqualifiedly’ may be explained by the way authority works as an exclusionary reason for action, independently of who is in authority and who obeys it, be it a virtuous or a non-virtuous agent. The adverb *kathapax* may be taken to indicate that authoritative reasons do not simply outweigh other reasons for actions but exclude them altogether, so that the former differ in kind (*eidei diapherei*, ^b37) from the latter. The idea that they would simply differ in degree suggests that the command of the ruler competes on an equal footing with other reasons for action the subject might have, or that the ruler is trying to persuade the ruled by referring to the strength of his case, or that they are deliberating together on the pros and cons of the matter, trying to reason out what is to be done.

To be sure, in the case of slavery, *kathapax* may be taken to imply that rulership has simply no limits: the slave must obey his master unconditionally. But since the question of the difference between (the virtues of) ruler and ruled comes out also in a political context in *Pol.* III.4 and since Aristotle often uses the same word (*arche*) to refer to both authority and rulership, there is no need to restrict the range of *Pol.* I.13 to the domestic sphere or to sheer rulership.

As we have seen, those who take Aristotle to adhere to the view that when the subject obeys the government he does not actually

exercise practical reason seem to assume that the same person cannot simultaneously be both subject and ruler, so that as a ruler he is *eo ipso* under no requirements to obey anybody or anything and as a subject one is totally deprived of practical reason. However, it is a main tenet of republican political thought that it is the same person who is both ruler and subject.¹⁸¹ We are now in a position to add that although it is the same people who fulfil both roles, they do it by operating at different levels: they play both a first-order and a second-order role. So, in this sense, we may feel entitled to talk of the ‘people’s two bodies’.

We have already read at *Pol.* III.4 1277^b13–16 that ‘a good citizen must have the knowledge and the ability both to be ruled and to rule, and this is the virtue of a citizen, to know the rule of free people from both sides’. In *Pol.* III.6 we seem to find an explanation of the need for citizens to know the political business, as it were, from both sides of the counter:

{unlike despotic rule} rule over children, wife, and the household generally, which we call household management, is either for the sake of the ruled or for the sake of something common to both. Essentially, it is for the sake of the ruled, as we see medicine, physical training, and the other crafts (*tas allas technas*) to be, but coincidentally it might be for the sake of the rulers as well. For nothing prevents the trainer from sometimes being one of the athletes he is training, just as the captain of a ship is always one of the sailors. Thus a trainer or a captain looks to the good of those he rules, but when he becomes one of them himself, he shares coincidentally in the benefit. For the captain is a sailor, and the trainer, though still a trainer, becomes one of the trained. Hence, in the case of political offices (*tas politikas archas*) too, where they have been established on the basis of equality and similarity among the citizens, they think it right to take turns at ruling. (1278^b39–1279^a10)

The beginning of this passage does not appear to be promising for our purposes. Aristotle seems to draw a distinction between despotic rule (or mastery) and household management (or domestic rule). Thus, what he has to say here does not seem to have any bearing on political rule.

¹⁸¹ Hence Rousseau’s remark in *CS*, I.6 that ‘they are called *citizens*, when they participate in the sovereign authority, and *subjects* when they are subject to the laws of the state’ (Rousseau (1987), 93). Kant says in a similar vein that in a constitution compatible with the natural rights of man ‘those who obey the law (*die dem Gesetz Geborchenden*) also ought to be (*sein sollen*) lawgiving (*gesetzgebend*) united as a body (*vereinigt*)’ (*The Contest of Faculties*, 2nd Part, § 8 (1966 VI), 364). Kant also claims that the three powers of the state ‘comprise the relation of a *superior* overall (which, from the viewpoint of laws of freedom, can be none other than the united people itself) to the multitude of that people severally as *subjects*, that is, the relation of a *commander* (*imperans*) to those who obey (*subditus*)’ (Kant (1991b), 127). Cf. Dem. 26.5, cited in Rubinstein (1998), 132: ‘for just as they think that the *idiotai* [private citizens or persons] must obey them when they are in office, so they should justly obey the laws that govern (*archous*) the *polis*, when they themselves become *idiotai* again’.

However, not only does he finish off this passage by explicitly pointing out that the same applies to the authority exercised by political offices, but he also implicitly brings political rule into the picture by mentioning ‘the other crafts’, among which we find the political art (e.g. VII.2 1324^b29). Now what is of especial interest for us is that the ruler is, in a sense, ‘one of the boys’: just as ‘the captain of a ship is always one of the sailors’ and the trainer may be one of the trained, the analogy implies that the ruler is also one of the subjects. And this is not only because, since they are ruling in turns, the incumbent ruler has been a subject and will eventually be a subject again once his term is over, but also because his decisions in his official capacity are binding not only on the rest of the community but on him as well. Aristotle nowhere says that political officers are exempted from abiding by their own political decisions (6.3 *in fine*). The idea of a political community among rational, free, and equal members is not incompatible with the distinction between rulers and subjects.

We may also infer from *EN* I.13 1102^b31–2 that Aristotle is happy to acknowledge some constraints on deliberation that are not detrimental to practical reason. There he explicitly connects reason with authority by describing some forms of obedience in terms of rationality. To obey a parent or a friend, for instance, is to have a rational relationship with them:

the appetitive and in general the desiring element in a sense (*pōs*), shares (*metechēi*) {in reason}, in so far as it listens to and obeys it (*peitharchikon*); in the same sense (*outō*) we also say that one defers (*echein logon*) to one's father or one's friends, unlike {what is rational in} mathematics. (*EN* I.13 1102^b30–3)

Having described sharing in reason in terms of both listening to and obeying reason, Aristotle moves on to claim that the same applies when we obey a parent or a friend: to have a rational relationship with friends (*tōn philōn ... echein logon*, 1102^b32) may well carry along with it obedience to them (from ^b31, *peitharchein* and *outō*).¹⁸² In the case of mathematics, instead, we may be said to be rational mainly because we are persuaded by argument. Actually, Aristotle's conception of friendship seems to be wide enough to be extended to some types of political associations: ‘Certainly it is possible to be the friend of many politically (*politikōs*), and still to be a truly decent person’ (*EN* IX.10 1171^a17–19). At *Pol.* III.13 1282a2–3 Aristotle makes it clear that both ruling and being ruled are

¹⁸² Cf. the following translation (virtually cum-paraphrase) by Dirlmeier (1991), 26: ‘In diesem Sinne sagen wir denn auch: “ich habe ein rationales Verhältnis zum Rate des Vaters oder der Freunde” (=ch gehorche ihm).’

the result of a rational choice (*prohairesis*) by an agent who has a life lived according to virtue in view.¹⁸³

Moreover, Aristotle's discussion of reason, political authority, and friendship at *Pol.* IV.11 1295^a34–^b34 implies a close link between these issues. The order in which these issues appear seems to indicate that the lack of or disobedience to reason brings about a deep misunderstanding about the nature of authority (and its justification), and, as a result, an irrational state of affairs in which chaotic anarchy and/or tyranny may well take the place of political authority. The unreasonableness of subjects explains their disobedience to authority and/or their inclination to become either tyrants or slaves.

Aristotle's famous discussion of political justice in *EN* V.7 also seems to accommodate the exclusionary nature of political authority:

One part of the politically just is natural, and the other part legal. The natural has the same validity everywhere alike, independent of its seeming so or not. The legal originally makes no difference (*ouden diapherei*) {whether it is done} one way or another, but makes a difference (*diapherei*) whenever people have laid the rule—that a mina is the price of a ransom, for instance, or that a goat rather than two sheep should be sacrificed. The legal also includes laws passed for particular cases (for instance, that sacrifices should be offered to Brasidas) and enactments by decree. (1134^b18–24)

Whereas natural justice seems to refer to basic reasons for action whose (moral) authority is independent of social conventions, there is a sense in which the requirements imposed by legal justice on its subjects would have no (moral) force but for their very enactment and thus that once laid down they exclude (some) reasons for action their addressees might have. This seems to be what Aristotle has in mind when he speaks of dispositions which make no difference originally, but which once laid down do make a difference from the fact of their creation by a recognized source of legal authority. This new reason is not simply added to the other reasons for action the agent is considering but it is rather a new reason for action which affects his practical reasoning in the exclusionary way we have been examining so far. Thus, for instance, although all citizens may agree that some ransom should be paid or that some sacrifice should be made, they may well disagree on the amount of the ransom to be paid or animals to be sacrificed: once legal authority has laid it down, they all

¹⁸³ Cf. also *Pol.* III.18 1288^a36–7, where both ruling and being ruled (*archesthai*) are referred to with a view to well-being or the most choiceworthy life (*pros tēn hairetōtatēn zōēn*). Kraut (1997), 137, notes that 'commands can be given and obeyed in such a way that those who give them and those who obey are not master and slave but partners in a kind of friendship. Authority and community are compatible, if authority is exercised in the right way.'

have a reason for substituting this determination for their own opinion on the issue.¹⁸⁴ This is a fair illustration of cases in which *that* something be authoritatively settled is more important than *what* is settled.¹⁸⁵

Last, but not least, there is a passage in VII.2 which is in keeping with the argument so far about the existence of the concept of (political) authority in the *Politics*:

to anyone willing to investigate the matter, it would perhaps seem absurd if the task of a statesman involved being able to study ways to rule or master his neighbours, whether they are willing or not. For how could this be a political or legislative task, when it is not even lawful? But to rule not only justly but also unjustly is unlawful, whereas it is quite possible to dominate unjustly. Certainly, this is not what we see in the other sciences; for *it is not the task of the doctor or the pilot to persuade* (*peisai*, ^{b30}) *or to compel* (*biasasthai*, ^{b31}) {persons to submit to their rule}—patients in the case of the one, passengers in the case of the other. Yet many seem to think that statesmanship is the same as mastership. (1324^b22–32)

The Greek of Aristotle's claim at ^{b30}–1 here italicized may be taken to admit of the following readings: (1) P is not X or Y; (2) P is not (X or else Y); (3) P is neither X nor Y. According to (1), Aristotle is claiming that the job of the politician or statesman is not persuasion at the expense of coercion or vice versa, i.e. his claim contains two mutually *exclusive* alternatives. According to (2), Aristotle's point is that the job of the politician does not consist in persuading his subjects or, *failing that*, in

¹⁸⁴ As Kraut (2002), 128, n. 33, explains, 'The examples of legal justice that Aristotle gives in *NE* V.7 may mislead us into supposing that these conventions always regulate matters of little concern, and that their arbitrariness is easily recognized. But that may not be the case. For example, at *Pol.* VII.16 1335^b19–25, he implies that prohibiting the exposure of normal infants is a matter of legal but not natural justice.'

¹⁸⁵ Schmitt (1934), 71, appears to make a paraphrase of the French reactionary Joseph De Maistre by saying that 'Notre intérêt n'est point, qu'une question soit décidée de telle ou telle manière, mais qu'elle le soit sans retard et sans appel'. This is quite fair a picture of the categorical or exclusionary nature of authority. The problem with De Maistre, and arguably with Schmitt as well, is that the explanation of authority is usually escorted by a pessimistic conception of human nature (6.3) and a disappointingly strong emphasis on authority or the first-order political game at the expense of the second-order perspective in politics: 'tout gouvernement est bon lorsqu'il est établi'. (Cf. Creon's statement in Sophocles' *Antigone* 665–6: 'Lawful authority | Must be obeyed in all things, great or small, | Just and unjust alike', Sophocles (1994), 24.) They seem to do the analysis of authority from the 'top down' instead of from the 'bottom up' (1.1 *in fine*). By doing so they resemble Captain Vere in Melville's *Billy Budd*, who is right about the categorical nature of authority but has too passive an idea of authority and thus comes far short of understanding that authoritative reasons exclude *some* but not *all* reasons for action (3.3): 'in receiving our commissions we in the most important regards ceased to be natural free agents. When war is declared are we the commissioned fighters previously consulted? We fight at command. If our judgments approve the war, that is but coincidence' (Melville (1997), 342).

compelling them. As for (3), Aristotle claims that neither persuasion nor force, *neither of them*, fall under the job description of a political ruler.

Let us start with (1). It is clear that the statesman is not supposed to coerce his fellow-citizens at the expense of any attempt at persuading them. On the other hand, if we were to read this claim the other way round, it would still be at fault, not only on the grounds that there is reason to believe that a statesman might occasionally have recourse to some form of coercion, but also because of the fact that although a statesman may well persuade his subjects or fellow-citizens, this feature of his activity is not a distinctive one. It might as well be said of any other citizen in the assembly. And at *EN* III.3 1112^b13–14 we see that Aristotle seems to draw a line between the orator, whose main goal is to persuade (*peith[thein]*), and the politician, whose main job is to produce good order (*eunomia poiein*).¹⁸⁶

When it comes to (2), the analogy with the other crafts and sciences makes it difficult to believe that the statesman is to persuade *or else* to force his subjects into submission. It is not the job of the doctor, for instance, to persuade his patient to take a medicine or follow a treatment and (failing that) to compel him to do it, just as it is not the job of a philosopher or a scientist to persuade or else to compel others to accept their arguments or demonstrations. Moreover, it would be an impossible task for a statesman to persuade all of his subjects every time he had to make a decision concerning public affairs, from a declaration of war on another polis to how much red paint was to be used for the rope meant to prevent people from crowding when the auditorium of the Athenian assembly was already full or to drive people into the auditorium in the case of insufficient attendance.¹⁸⁷

It has been noted recently that Aristotle's analogy between politics and the other crafts and sciences is defective, precisely on the grounds that whereas the former must occasionally turn to the use of force, the latter do not normally employ it.¹⁸⁸ Nevertheless, we can still make a case for Aristotle's comparison between politics and the other crafts or sciences like medicine or seamanship so that option (3) may render a satisfactory

¹⁸⁶ Although Aristotle claims at *Pol.* III.7 1279^a 37 that the many politicize (*politēnētai*) with a view to the common good, this should not give us the impression that instead of exercising authority they are only deliberating among themselves in the public arena. A few lines above, at 1279^a 29, Aristotle holds that the many rule (*archōsi*) with a view to the common good. This, of course, does not mean that they do not deliberate, but it shows that they issue orders, perhaps once they have finished deliberating. Thus the wording at 1279^a 37 (*politēnētai*) may be simply paving the way for Aristotle's designation of this regime as *politeia* (cf. Schürtrumpf (1991b), 466). Cf. also *politēnesthai kai archein* at VI.4 1318^b 15.

¹⁸⁷ Cf. Hansen (1991), 131.

¹⁸⁸ See Kraut (1997), 67–8.

version of 1324^b30–1. A charitable way to see how this analogy falls into place would be to approach it from the standpoint of the concept of authority as an exclusionary reason for action. The doctor and the captain, for instance, in so far as they prescribe reasons for action, may be considered as having practical authority in addition to any theoretical authority they might have. A patient (or a sailor and/or a citizen) is normally neither persuaded nor compelled by a doctor (or a captain and/or a magistrate, respectively) if the former is to accept or recognize the authority of the latter.

Authority is neither persuasion nor compulsion (3.3). Whereas authority operates mainly on the level of second-order reasons for not acting according to the balance of reasons, persuasion and/or compulsion are at work on the level of the balance of reasons, trying to outweigh other reasons for action, whether by winning the sailors (or patients or citizens) over because of an analysis of the content of the order given or by scaring them into submission out of fear of the consequences of doing otherwise. To be sure, on some occasions the captain of a ship might be entitled to compel his sailors to follow his orders, and arguably a doctor might be entitled to heal a patient without his consent in some circumstances. However, it is clear that the central case of medicine and seamanship does not involve force or lack of consent, nor, for that matter, agreement on the content of the authoritative reason for action imparted to the subjects. As a matter of fact, only patients who are doctors themselves may be qualified to go into the precise content of a doctor's prescription, and sailors may well (dis)agree with their captain, but that in itself does not explain the way in which authority affects the deliberation of subjects. If a doctor suffers from some illness and follows the indications given by another doctor because he agrees with the content of the diagnosis, prescription, etc., the person acting in his capacity as physician is not exercising authority but persuasion. *Mutatis mutandis*, the same applies to sailors. Thus doctors, pilots, and lawmakers may be taken to use, not persuasion, not compulsion, but *authority*.¹⁸⁹

¹⁸⁹ It might be objected that we have misapplied a modern conception of authority, mainly of Hobbesian pedigree, to classical political philosophy. Indeed, on goes the objection, whereas classical political thought preferably ascribes some kind of knowledge or virtue to rulers and to some extent makes holding political authority a function of this qualification, Hobbes's political theory denies the existence of any especial virtue or knowledge behind political authority. Perhaps another way of expressing this concern would be to say that whereas Hobbes discusses what *having* authority amounts to, Plato and Aristotle would seem to be discussing cases of *being* an authority in something (be it moral virtue or knowledge). But I feel somewhat uncomfortable with the idea that being an authority and having authority are necessarily incompatible options. I perfectly understand that many instances of having authority do not involve being an authority, that practical authority can often do without theoretical authority. But it does not follow that being an authority in something excludes the possibility of having authority. If I see the doctor and follow his recommendations, his theoretical authority has become practical authority for me, and hence I substitute his indications for my own balance of reasons on, say, whether 5 milligrams of drug X would be good for me. Similarly, if I go to an investment consultant and acknowledge his authority in financial issues, I will substitute his recommendation for my own deliberation on whether share X is to be sold or bought. Classical and modern political theory may well differ on what justifies the exercise of political authority. But they seem to agree on the nature of authority, on the way in which it affects practical reasoning.

The evidence summoned in this section should enable us to see the way in which, at the very least, something quite akin to the notion of authority in terms of an exclusionary reason for action would be easily domiciled in Aristotle's practical philosophy and compatible with his idea of perfect or virtuous agency (6.3).

3.5 Ways of Speaking about 'Authority' in the *Politics*

Aristotle puts across the concept of authority in his political theory through different terms, such as *archē*, *kurios*, and *krisis*. *Archē* and its cognates are one of Aristotle's favourites to describe the active and passive aspects of political and domestic rule; he often appeals to the verb *archein* and the nouns *archē*, *archontos*, and *archomenos* to that effect. It is not unusual to find the term *archē* in the *Politics* to convey the general idea of rule or government.¹⁹⁰ The fact that Aristotle uses the same word to convey meanings as different as political authority or office and the rule of a master over slaves is certainly not an asset of his political thought. However, as we have seen (3.2), it would be inaccurate to claim that Aristotle (mis)takes one form of rule for the other (cf. *Pol.* I.1 1252^a7–8; VII.2 1324^b32). He appeals to the adjectives *politikē* and *despotikē* to draw a line between the rule over free people or political authority and sheer mastery (I.5 1254^b4; III.17 1287^b38);¹⁹¹ he also turns to the adverb *politikōs* to that effect (VII.2 1324^a36–7). At I.7 1255^b20 Aristotle says that *archē politikē* is exercised over free and equal people (*eleutherōn kai isōn*); similarly, at III.4 1277^b9 he maintains that *archē politikē* is a rule over those who are similar in stock and free (*tōn homoion tō genei kai tōn eleutherōn*); at III.17 1288^a10–12 and VII.3 1325^a29 *archē politikē* is brought up in connection with the *archē tōn*

¹⁹⁰ See II.10 1271^b33, 1272^b19–20; III.4 1277^b7, 16; 6 1278^b16, 30; 13 1284^b14; IV.10 1295^a23; 11 1295^b20; V.10 1310^b20; 11 1313^a21, 25, 1314^a13, 19; VI.2 1317^b18; VII.3 1325^a27; 8 1328^a8–9; 14 1333^a3, 26.

¹⁹¹ For *archē despotikē* see, e.g., III.4 1277^a33; 14 1285^a22, ^b24; IV.11 1295^b21; for *archē doulikē*, IV.11 1295^b19–20; *archē tōn doulōn* (objective genitive), VII.3 1325^a29.

eleutherōn (cf. VII.14 1333^b27). The term *archē* is also often employed to refer to the idea of office or magistracy;¹⁹² it is also narrowed down to the expression in the plural *politikai archai* in the literal sense of political offices.¹⁹³

The same difficulty regarding the noun *archē* applies to the verb *archein*: it is used both in the domestic and political realms. However, the context in which it appears provides the elements necessary for a correct understanding of its meaning. Aristotle thus employs the verb *archein* to refer to the activity of those in office;¹⁹⁴ at IV.15 1299^a26–7 we read that issuing orders (*epitattēin*) is a characteristic activity of political office and at VII.4 1326^b14 that to issue commands is the job of the official or ruler (*archontos*).¹⁹⁵ The passive *archesthai* may also refer both to the submission of free people to political authority,¹⁹⁶ and to the submission of a slave to a master.¹⁹⁷

A first use of *kurios* corresponds to Hohfeldian power or authority rights: by exercising authority X can create, modify, or extinguish specific rights, duties, powers, etc. on the part of Y. The laws, thus, serve the constitution by defining the rights and duties of citizens. They determine who has the right to serve in which offices and what authority each office has, who has the right to bear arms and perform military service, who has the right to acquire property under what circumstances, who has the right to be educated and in what manner, and what duties

¹⁹² II.6 1264^b 35; II.9 1270^b 7, 14, 19, 24, 36; II.10 1272^a 32; III.1 1275^a 23, b18; 5 1277^b 35, 1278^a 26; 6 1279^a 14; IV.4 1290^a 35; V.1 1301^b 18; 8 1308^b 20; 9 1309^a 35; 10 1313^a 8; VI.2 1317^b 32; 8 1321^a 14, 1322^a 23.

¹⁹³ I.12 1259^a 4; III.6 1279^a 8–9; 10 1281^a 30–1; 16 1287^a 37; IV.15 1299^a 18; VI.8 1322^b 17–18; VII.3 1325^a 19.

¹⁹⁴ II.9 1271^a 12; 10 1272^a 38; 11 1273^a 25, 5; III.2 1276^a 3; 6 1279^a 10, 35; IV.1 1289^a 19; 4 1291^a 37, b6; 12 1297^a 4; 14 1298^a 28; V.8 1309^a 2; VI.2 1317^b 23; 4 1318^b 15.

¹⁹⁵ Albertus Magnus (1891), 406 b, commenting on IV.15 1299^a 25–8, remarks that ‘prescribing (*Praecipere*) ... indicates authority (*indicat auctoritatem*)’. Cf. also EN I.2 1094^a 5–6: *hē politikē* legislates what ought to be done (*tī dei prattein*) and what avoided (*tīnōn apechesthai*). As Rome’s dominion came to extend overseas in the third and second centuries it was conceived of in terms of the magistrate’s power to give orders and to exact obedience to them, i.e. in terms of *imperium*; the first official expression of this is found in Greek and we see that the verb (*epi*)*tattēin* was chosen to render the Latin *imperare*, so that the treaty between Rome and Thracian Maronea from the 160s refers to ‘the Roman people and those ordered under them’ (*ho dēmos ho Rōmaion kai hoi hyp’ autous tassomenoi*); this standard phrase appears in Latin in Rome’s treaty with Callatis on the Black Sea as ‘the Roman people and those under their *imperium* [*sub imperio*]’ (see *OCD*, 751–2). For the use of *archein* to refer to the exercise of rule by a master see, e.g., I.13 1259^a 35; IV.10 1295^a 16–17; VII.2 1324^a 36; 14 1333^b 27. For *epitaxis* in a domestic context, VII.3 1325^a 26.

¹⁹⁶ III.13 1283^a 29–30; 15 1286^a 9; 17 1288^a 10–11; IV.11 1295^b 15, 17; 1295^a 20–1; 13 1297^b 8; V.8 1309^a 9; VI.2 1317^b 15; VII.2 1324^b 35; 14 1332^b 38; 14 1333^a 2.

¹⁹⁷ I.5 1254^a 19; 6 1255^a 7–8; 8 1256^a 25; 13 1259^a 36; IV.11 1295^a 19–20; V.11 1314^a 20.

are associated with the foregoing rights. The deliberative part of the constitution is called *kurios*, ‘authoritative’ (IV.14 1299^a1–2; VI.1 1316^b31–2), because it has the authority to declare war and peace, make alliances and dissolve them, pass laws, impose penalties of death, exile, confiscate property, and elect and audit officials (IV.14 1298^a3–7).¹⁹⁸

Kurios may thus refer to the case of someone in authority (e.g. to have authority over all the citizens, *to kurion hena pantōn einai tōn politōn*, III.16 1287^a11)¹⁹⁹ or to something authoritative (the law, III. 1282^b2–3; 15 1286^a23–4; IV.6 1293^a17; 4 1292^a5; a magistracy or office, III.6 1278^b10; 14 1285^a4–5; a group of people, III.17 1288^a18; a court, II.8 1267^b39, III.16 1287^b16; cf. II.9 1271^b6; VI.3 1318^a29, 32). It can also be used with the infinitive to indicate that X has the authority to do φ: to ratify proposals of the senators and *kosmoi* ([*ekklesia*] *kuria ... sunepipsēphisai ta doxanta tois gerousi kai tois kosmois*, II.10 1272^a11); to submit a proposal to the people (*ta ... prosagein ... pros ton demon ... kurioi*, II.11 1273^a8); to decide on some public matter (*kurioi krinein eisi*, ^a11); to execute someone (*kteinai ... kurios*, III.14 1285^a8); to judge concerning some matters ([*hai archai*] *kuriai krinein*, III.16 1287^b16); to elect and audit officials (*to kurios einai tou elesthai kai euthunein*, VI.4 1318^b21).

The adjective can also take a genitive to indicate the things or affairs over which X has authority or jurisdiction: the polis as a whole (*kurion tēs poleōs*, II.6 1264^b34, III.10 1281^a11; *tōn poleōn*, III.7 1279^a26–7); designation of officials (*kurios einai tēs tōn archontōn katastaseōs*, II.8 1268^a28); important {judicial} decisions (*kriseōn eisi megalōn kurioi*, II.9 1270^b28–9, 39, cf. II.11 1272^b41); election of officials or their auditing (*kurio[>] ... tōn archairesiōn ... [kai] tōn euthunōn*, III.11 1282a13, cf. VI.4 1318b38); administration (*kurion tēs diokēseōs*, III.16 1287a6); cases of death and exile (*kurios thanatou kai phugēs*, IV.9 1294^b33–4); the whole constitution (*to kurion tēs politeias*, IV.1 1289^a17, IV.6 1292^b26, 1293^a10, V.8 1309^a30); the government (*kurioi tēs archēs*, IV.4 1290^b18–19, 14 1298^a2, 15 1299^b16, ^b23, V.9 1309^a33); revenues and/or defence (*kuria[] [sc. archē] tōn prosodōn kai ... tēs phulakēs*, IV.15 1300^b9–10).²⁰⁰ Occasionally, *kurios* is accompanied by another adjective indicating the area over which authority is exercised, e.g. authority to veto and/or pass legislative proposals (*apopsēphizōmenon ... kurion*,

¹⁹⁸ See Miller (1995), 167; Siegfried (1947), 31, n. 74, renders *kurios* as ‘zu einer Entscheidung befugt’, and refers to [II.5] 1264^a33; [8] 1268^a28; [9] 1270^b8, 29, 39; [11] 1273^a8, 11, 13; [12] 1274^a4, 17; [III.11] 1282^a13, 25, 28, ^b38, 29, 39.

¹⁹⁹ Cf. II.9 1269^a10; 11 1273^a39–40; III.5 1278^a3; 7 1279^a27; 10 1281^a16, 29, 35; 15 1286^a1–2, ^b31; 17 1288^a2, 29; V.6 1306^a11; 9 1310^a29; VII.6 1327^b10.

²⁰⁰ For the general idiom cf. II.12 1274^a17; III.6 1278^a10; 11 1281^a24, 1282^a25, 28, b4; IV.15 1300^a5 (*kurios esti toiautēs epimeleias*); V.10 1313^a2.

katapsēphizomenon ... *kurion*, IV.14 1298^b36, 37, 39, 40). The superlative, *kuriōtatos*, may roughly correspond to the modern term ‘sovereign’ (II.8 1268^a23; 9 1270^b7–8; III.6 1278^b9–10; 7 1279^b3; 12 1282^b15–16; 16 1287^b5; V.3 1303^a17).

A third family of terms used by Aristotle to convey the meaning of authority revolves around the noun *krisis* and the verb *krinein*. Although they deal mainly with judicial authority making reference to its decisions (*krisis[is]*, III.1 1275^a23), the office itself (*arch[ē] kritikē*, III.1 1275^b19; *krinon peri tōn dikaion*, VII.9 1329^a4) or the activity of the judicial magistracy (*krinein*, III.11 1281^b31; *krinousin*, 15 1286^a26; 16 1287^b16; *krinounta to dikaion*, IV.4 1291^a23–4, ^a39–40; 1292^a29; *to krinein peri tōn dikaion*, VII.4 1326^b14), there are cases in which they refer to (the exercise of) authority in general, e.g. the case of rulers who should judge (*krinein*) ‘by their most just opinion’ (*tē dikaiotatē gnōmē*) over matters that remain undetermined by the law itself (III.16 1287^a26). They may also refer to the case of legal authority (*krinei[]n*, III.16 1287^b18); the regime (*tautēn politeian krinein*, IV.4 1292^a34); decisions concerning the public interest (VII.8 1328^b14).

4

Morality and Political Obligation

4.1 Introduction

Whereas in this chapter I shall focus on some preliminary conceptual issues regarding the existence of political obligation in Aristotle, in the next ones (5 and 6) I shall examine whether Aristotle poses the question of political obligation and justifies the existence of political bonds. In the last chapter of the book a case will be made for the idea that political obligation, according to Aristotle, is essentially limited by moral considerations.

Since by political obligation I shall refer to a moral requirement or necessity to act in accordance with the dictates of political authority, something should be said about the extent to which Aristotle's practical philosophy contains the notion of morality, moral obligation, or duty. As far as the bulk of this chapter is concerned, the use of 'obligation' is not meant to imply a distinction between duty and obligation properly speaking. The idea of political obligation includes the idea of duty and/or any other concept which conveys the notion of a moral requirement to obey political authority or the authority of the state. Hence the expression 'political obligation' will be used mainly as a shorthand for 'political obligation or duty'. Nevertheless, at the end of the chapter I shall briefly consider whether the moral requirement to support political authority in Aristotle derives from (or is best understood as) either a general duty or a voluntary commitment arising from some act on the part of the subject. But the basic thrust of this chapter is to argue that Aristotle works with a notion of moral duty or obligation and that he also puts it to considerable political work.

4.2 Morality in Aristotle?

Although we do find scholars who claim that 'we indeed have good reason for thinking that the ancients did recognise the distinctive character of ... [moral] reasons',²⁰¹ in particular that 'Aristotle does,

²⁰¹ Everson (1998a), 10.

indeed, employ a concept of moral obligation',²⁰² that he has 'a fairly recognizable concept of moral obligation',²⁰³ that 'To the suggestions that Aristotle ignores obligations it would be reasonable to reply that the [EN's] books on Justice (V) and Friendship (VIII and IX) are about nothing else',²⁰⁴ and even that 'Aristotle has put in the very centre of his ethics the distinct idea of moral "duty" ',²⁰⁵ for many practitioners of the history of ethics it is yet a stock-in-trade pronouncement that Aristotle has no concept of moral ought, obligation, or duty.

On the one hand, this might be seen as an asset. Thus, Elizabeth Anscombe encourages contemporary moral theorists to drop the notion of 'moral ought', claiming that we can 'do ethics without it, as is shown by the example of Aristotle'.²⁰⁶ On the other, there are classicists who have also denied the existence of moral duty in Aristotle but on different grounds. The idea is that Aristotle does not have the theoretical baggage to domicile the notion of moral duty, but this is seen as a shortcoming on his part. Alexander Grant, for example, in his commentary on the *Nicomachean Ethics*, in a note on *to deontos* at EN I.2 1094^a24, says that it is '[n]ot "our duty" in the modern sense, this concept not having been as yet developed'.²⁰⁷ D. J. Allan concludes his discussion of Aristotle's ethics by saying that Aristotle 'takes little or no account of the motive of moral obligation; he does not speak in terms of rules of conduct which apply equally to all men';²⁰⁸ finally, it has recently been claimed that whereas 'much of modern ethics gravitates around the concepts of *duty* or *moral obligation* and *rights*, ... neither of these concepts has any equivalent or close analogue in Greek speculation about how one ought to live'.²⁰⁹

Perhaps the usual distinction between role-related versus non-role-related duties would be useful for purposes of clarifying our target in this chapter. The former are duties concerning jobs which people are expected to perform on account of the fact that they occupy an office or station within some form of social organization. These duties are conceptually built into the role (1.2, 5.3). Thus, a father has certain duties to his children, a teacher to his students, and so on. This concept of role-related duties is quite a common one: it surely exists in all forms of social organization and Aristotle obviously recognizes that. As W. F. Hardie notes, the detailed discussions of justice and friendship in the *Nicomachean Ethics* (books V, VIII, and IX) 'tell us about the duties which fall on judges and jurymen, on soldiers and on voters, on husbands and wives

²⁰² Louden (1992), 34.

²⁰³ Irwin (1986), 130.

²⁰⁴ Hardie (1980), 334.

²⁰⁵ Gauthier and Jolif (1959), 571.

²⁰⁶ 'Modern Moral Philosophy', in J. J. Thompson and G. Dworkin (eds.), *Ethics* (New York, 1968), 196, cited in Louden (1992), 34.

²⁰⁷ *The Ethics of Aristotle*, 3rd. edn., i. 422, cited in Louden (1992), 34.

²⁰⁸ Allan (1970), 140.

²⁰⁹ Kahn (1998), 27. Cf. Williams (1985), 16.

and parents and children; on men as members of clubs and fraternities, as business partners, even as belonging to a parish or local community'.²¹⁰ It is the stronger, non-role-related sense of duty that critics generally have in mind when they claim that Aristotle has no concept of moral obligation, and this is what must be found in Aristotle's ethics to keep our theoretical enterprise going.

In order to assess the claim that Greek philosophy lacked the idea of morality, and thus the notions of moral reason and/or moral ought, we should lay our hands on a working concept of morality and see whether Greek philosophy did (not) recognize it. A recent and handy description of a core notion of a moral reason for action holds that a sound account of morality should meet at least two central demands: (a) the existence of a moral reason should motivate the agent to act for the sake of someone else's interests and (b) this reason should be independent of the agent's desire to act that way.²¹¹

The demand of (what may be called) 'other-regardingness' is not to be taken as implying that acting for a moral reason is necessarily incompatible with acting in one's (best) interest, or that morality is not compatible with pleasure, emotion, or other self-regarding aspects of the agent. The point is that morality is not *defined* by considerations of self-interest; the moral act has as its main concern the interests of other people, it is done for *their* sake. If in addition to being other-regarding the act happens to fall under considerations of self-interest, that is a bonus and should not be rejected, but it is not constitutive of morality.

As for the 'independence-of-desire' requirement, it is helpful to contrast two different styles of the assessment of action (1.2). One might ask how successfully an action satisfies the agent's existing desires and goals. If, for example, Alcibiades wishes to return to the centre of the Athenian political stage after his escape to Sparta, one might regard as appropriate his attempts to obtain the support of Persia and bring about an oligarchic revolution in Athens (Thuc. VIII.45–8); or if Alcibiades wishes to impress his Spartan hosts at the expense of his country his piece of advice that they should send a general to Syracuse and establish a permanent post at Decelea in Attica would be a suitable action if seen in the light of considerations which are internal to the agent himself (Thuc. VI.91). Alternatively, we might assess an action by criteria whose applicability

²¹⁰ Hardie (1980), 334.

²¹¹ See Everson (1998a), esp. 9–16. Although it is arguably implied by the other two, we may add universalization as a third and separate requisite for a moral reason for action. This aspect concerns the relation of the agent's reasons to everyone else's. Given that A has reason to φ in circumstances C, any rational agent has reason to φ in C. According to Cullity and Gaut (1997), 5, Aristotelians, Humeans, and Kantians 'endorse this *reasons universalist* view'.

is not circumscribed by facts about the agent's own motivations. Thus, if we regard Alcibiades' disclosure of his country's strategic Achilles' heel to its enemies in the middle of a war as treason, i.e. as a morally reprehensible action, this evaluation is not dependent upon whether Alcibiades agrees with this assessment of his action, i.e. the evaluation of the action does not stand or fall by the agent's desires and goals. It is in this sense that moral reasons are categorical: their normative strength is not derived from reasons of other kinds, and so, in particular, is independent of the motivational state of the agent to which they apply.

Once again, the independence-of-desire requirement is not to be taken as implying that a reason for action must fight its way into the deliberation of the agent in order to qualify as a moral reason. The idea is that a moral reason for action is not contingent upon the motivational state of the agent. So the mere fact that (moral) reasons for action are welcomed by the agent's motivational state does not necessarily invalidate their moral status.

In the discussion of justice in the *Nicomachean Ethics* V.1 we see that although Aristotle does not restrict the operations of virtue to acts in which the agent subordinates his direct interests to those of other people, virtue nevertheless actually requires such acts, and it is the willingness to perform them which Aristotle seems to take to be the hallmark of a virtuous action. Justice is not just one virtue amongst others; it is

complete virtue to the highest degree because it is the complete exercise of complete virtue. And it is the complete exercise because the person who has justice is able to exercise virtue in relation to another, not only in what concerns himself; for many are able to exercise virtue in their own concerns, but unable in what relates to another. This is why Bias seems to have been correct in saying that ruling will reveal the man; for a ruler is automatically related to another, and in a community. That is also why justice is the only virtue that seems to be another person's good, because it is related to another; for it does what benefits another, either the ruler or the fellow member of the community. The worst person, therefore, is the one who exercises his vice toward himself and his friends as well {as towards others}. And the best person is not the one who exercises virtue {only} toward himself, but the one who {also} exercises it in relation to another, since this is a difficult task. (1129^b30–1130^a8)

To act virtuously in respect of other people is more difficult than acting virtuously in respect of oneself only, since to be virtuous one should have the interests of other people in mind. Someone may perform acts which superficially or externally fall under the description of a virtuous act; thus he might be willing to perform courageous acts in pursuit of his own interests, yet without being disposed to do so to promote the interests of others. Alcibiades, for instance, was certainly a competent military

leader, distinguished himself in fierce battles, and was actually supposed to fight alongside the hoplites under his command in the very front ranks of the phalanx in his capacity as *strategos*, so that he was no stranger to hand-to-hand fighting.²¹² However, his intemperate character, particularly his reckless personal ambition, gives the lie to the claim that his military expertise is an example of virtuous action (cf. Thuc. VI.15.4). To be sure, Athens may well have benefited from (many of) his military victories; however, the fact that the interests of others might be promoted as a result of an action performed for the sake of one's own interests only is inappropriate for that action to be reckoned as moral and thus virtuous. It is a characteristic feature of genuine virtue that one will be motivated to perform actions which are virtuous in respect of other people; in Aristotle's terminology, one will be motivated to perform actions which are not merely virtuous but completely virtuous or *just*. Were we to stick by our military examples, Leonidas and his Spartan rear guard holding off elite Persian infantry for three days at Thermopylae should make a suitable candidate for truly courageous action. By performing this action they did contribute to the promotion of the interests of Greece even when doing so did clearly damage their own interests.²¹³

In the light of these considerations it seems safe to claim that 'Aristotle's distinction between virtuous actions as such and virtuous actions which are related to other people shows ... that [the first requirement for] the notion of a moral reason was recognised in the ancient world ...'.²¹⁴

When it comes to the second requirement for a core notion of moral reason, it seems that the Kantian card is back in business. This requirement bears on morality's independence of desire and hence on the question whether Aristotle accepted that the demands of virtue are categorical, in the sense that the normative force of virtue is not a function of the desires the agent might have. Perhaps an examination of the difference between (what is usually referred to as) the Humean conception of practical reason and that of Aristotle will illustrate Aristotle's position on this issue.²¹⁵ According to the former, an agent's motivational states are totally unconnected to his cognitive states, and the role of practical reason is reduced to determining how best to achieve the goals required by one's desires. Of course, the *locus classicus* for this position is Hume's assertion that 'Reason is, and ought only to be the slave of

²¹² Cf. Hanson (1990), 110: 'the commander was essentially little more than a hoplite who was stationed nearby on the right wing, the first to encounter the charge of the enemy'.

²¹³ The actions of Leonidas and his men seem to fall nicely under Aristotle's description of courageous action (*EN* III.8 1116 21–2): they did not fight on the assumption of superiority nor were they more afraid of being killed than of doing something shameful.

²¹⁴ Everson (1998a), 11.

²¹⁵ See Everson (1998a), 12.

the passions, and can never pretend to any other office than to serve and obey them.²¹⁶ Whereas Aristotle does recognize this subservient capacity of practical reason, he goes further and claims that practical reason should not be restricted to an instrumental role. He thinks that deliberation can do more than find the action that will maximize the satisfaction of the agent's current desires and goals. For at *EN* VI.12 1144^a24–6 Aristotle distinguishes practical reason, *phronēsis*, from mere cleverness: to possess the latter is to be ‘such as to be able to do the actions that tend to promote whatever goal is assumed and to attain them’. Practical reason does require cleverness; but it is a distinctive capacity since cleverness does not go into the target itself but simply assumes it: ‘If, then, the goal is fine cleverness is praiseworthy, and if the goal is base, cleverness is unscrupulousness. That is why both practically rational (*tous phronimous*) and unscrupulous people are called clever’ (1144^a26–8).

Indeed, the agent who is a *phronimos* is able ‘to deliberate finely (*kalōs bouleusasthai*) about things that are good and beneficial for himself, not about some restricted area—about what sorts of things promote health or strength, for instance—but about what sorts of things promote living well in general’ (*EN* VI.5 1140^a25–8). Deliberating well requires being able to deliberate successfully about achieving *eudaimonia*, the fulfilling life, and the determination of what one has reason to do and to achieve is part and parcel of this. This is an issue which is not solved simply by appealing to the agent's existing desires. *Phronēsis* is ‘a state grasping the truth, involving reason, concerned with action about things that are good or bad for a human being’ (1140^b4–6). In order to have *phronēsis* one must have true beliefs about what is valuable and worth doing, and these beliefs are not grounded in the motivational states of the agent. Aristotle thus adopts an evaluative conception of the good, according to which the human good is determined by objective norms and standards, beyond the agent's desires, for real goods.²¹⁷ Aristotle

²¹⁶ Hume (2001), 266. Cf. Hobbes's dictum that ‘the Thoughts, are to the Desires, as Scouts, and Spies, to range abroad, and find the way to the things Desired’ (Hobbes (1991), 53). This ‘Humean’ conception of practical reason is basically a useful foil or stereotype—not unlike our ‘Kantian card’—to bring out Aristotle's own position on the relationship between reason and desire. Should we overstate Hume's dictum on the enslavement of reason by passion we would surely come short of an accurate interpretation of his ethical texts. As Darwall (1995), 60, says, ‘It is usual these days to call “Humean” the constellation of propositions (1) that reason is purely instrumental, (2) that what a person ought to do depends only on what will achieve her ends, and (3) that (1) and (2) follow from a philosophical naturalism that adequately respects the workings and findings of modern science. ... [I]t is far from obvious that Hume himself actually held this view. But, in any case, it should be clear that a far earlier impetus for the *instrumental reason* view came from Hobbes.’

²¹⁷ See Irwin (1988), 363.

does not tie the normativity of ethics to the motivational states of the agent (2.2).

In this sense, Kant and Aristotle are on the same side of the fence. They share a fairly anti-Humean stance about the principles or springs of action.²¹⁸ According to the Humean position, there is only one principle of action, the one shared with animals, namely passion or desire. According to Aristotle and Kant there are two, one which is shared with other animals, and one which is peculiar to us in virtue of being rational. Of course, the ideal Kantian agent certainly acts from a sense of duty, not from inclination, and ‘duty’ is a technical expression in Kant; there seems to be nothing *straightforwardly* corresponding to it in Aristotle. However, it would be a mistake to believe that Aristotle has no equivalent whatsoever for the idea of moral motivation (4.3) and that for that reason Aristotelian agents act from inclination in terms of the principle of movement or action shared with other animals. Seen in this light, the Aristotelian agent does not act from inclination either, but from reason (*logos*) in the form of choice (*prohairesis*). In the *Eudemian Ethics* II.8 1224^a23–30 Aristotle says that:

in the inanimate the moving principle is simple, but in the animated there is more than one principle; for desire and reason do not always agree. And so with the other animals the action on compulsion is simple (just as in the inanimate), for they have not desire and reason, opposing one another, but live by desire; but man has both, that is at a certain age, to which we attribute also the power of action [*to prattein*]; for we do not use this term of the child, nor of the brute, but only of the man who has come to act from reason.

In Aristotelian terms, we could say that in a sense the philanthropists who appear in Kant's well-known example do not actually *act* in the strong sense of the term according to which we act only when motivated by reason. They live *kata pathos*, by inclination, like an animal or a child. Their doings do not issue from reason or choice but passion or emotion: they help other people simply because of their philanthropic inclinations. Hence an Aristotelian may adhere to the Kantian claim that the philanthropists' ‘actions’ (in the broad sense of the term) ‘lack genuine moral worth because they act from inclination not from duty. It is *actions* proper, which issue from reason, that are to be assessed

²¹⁸ In a similar vein, Cullity and Gaut (1997), 4, point out that: ‘[I]f, as it seems to Humeans, the motivational states I would be in if I were thinking fully rationally and knowledgeably depend on my actual motivational tendencies, then we must look to the nature of an agent's arational motivational tendencies to determine the character of his reasons. However, the Kantian and the Aristotelian, by contrast, hold that there are normative reasons that apply to us ... independently of our contingent motivational natures. They believe in non-hypothetical, or *categorical*, reasons.’

as virtuous (or vicious), but their “doings” are not actions, and thereby cannot be said to be, and to be esteemed as, virtuous ones.²¹⁹

Another and related Kantian worry about Aristotelian ethics is the idea that Aristotle—if not eudaimonist ethics in general—treats moral principles as hypothetical imperatives. A Kantian might be willing to agree that Aristotle does assign a role to principles or second-order reasons in our deliberations and thus that Aristotle is not on the other side of the fence (unlike Hume). But, although he is in the right direction, Aristotle does not go all the way since he seems to believe that the main task of these principles is hypothetical in nature. Thus, the objection goes on, whether or not we have sufficient reason to act on moral considerations will finally depend on whether we have a sufficiently strong inclination towards the end we will be promoting by acting on a moral reason. The gist of the Kantian objection is that any reason or principle which acknowledges eudaimonist extraction is *eo ipso* demoted to the rank of hypothetical imperative, because *eudaimonia* is unable to provide any considerations that constitute good, objective reasons for action, independently of the inclinations of the agent.

The point of the Kantian objection is well taken. As we have seen, we could hardly call a reason moral if it is simply at our inclinations' beck and call. Another way of phrasing this point is to ask whether the mere appearance of well-being or the human good on the ethical stage makes the whole play hypothetical. Now there is reason to believe that Aristotle's conception of eudaimonism does not fall under this description. As we have seen in our comparison with Humean practical reason, if morality is ‘subordinated’ to anything, this is a conception of the human good which provides reasons for action which are not hypothetical.²²⁰ This claim is supported by Aristotle's conception of *eudaimonia*. He thinks of it in terms of a final or complete goal which includes the pursuit of intrinsically valuable activities and claims that all actions should be done for the sake of it (2.3). Hence it is the value and point of these goods, especially practical reason, which attract our inclinations, not the other way round. Aristotle is of the opinion that there is a range of things which we have reason to pursue because doing so will contribute to our well-being, but this is consistent with claiming that we have reason to pursue them which is independent of such considerations:

happiness, more than anything else, seems complete without qualification. For we always choose it because of itself, never because of something else. Honor, pleasure, understanding, and every virtue we certainly choose because

²¹⁹ Hursthouse (1999), 103; cf. also 121. For Kant's philanthropists see Kant (2002), 14.

²²⁰ Cf. Irwin (1996a), esp. 67, 68, 71–2, 75, 76, 81.

of themselves, since we would choose each of them even if it had no further result; but we also choose them for the sake of happiness, supposing that through them we shall be happy. Happiness, by contrast, no one ever chooses for their sake, or for the sake of anything else at all. (I.7 1097^a34–^b5)

It seems plausible to take this passage to say that one achieves happiness through attaining those things which are intrinsically valuable. The point here is that ‘the constituents of happiness do not *derive* their value from the role they play in the achievement of happiness; rather, they are able to play that role just because they are worth pursuing for themselves. There is reason to act virtuously even if, for some reason or other, this will not in fact play a part in making the agent happy.’²²¹ Thus, there is reason for acting virtuously regardless of our concern with well-being *and* our existing desires. We are to act according to virtue on account of its own worthwhileness.

We may also approach the authority of moral reasons in the light of the following example. Suppose X is assessing whether to do φ in terms of how much it would cost, how long it would take, etc. X realizes that it would be vicious to do φ , on the grounds that it is, e.g., cowardly. This fact is not just one consideration among others to be taken into account by X as he deliberates about what to do and to be weighed against other reasons for action. If X understands what cowardice is, this reason simply puts a stop to the deliberation. Aristotle explains that ‘to the brave person bravery is fine (*kalon*); hence the end it aims at is also fine, since each thing is defined by its end. The brave person, then, aims at the fine when he stands firm and acts in accord with bravery’ (EN III.7 1115^b21–4). In using *to kalon* Aristotle describes virtuous action in ways which bring it close to modern characterizations of what is done for a moral reason. The virtuous person does the virtuous action for its own sake, and because it is *kalon*; the virtuous action is thus done for its own sake, without ulterior motive, as is supposed to be true of an action done for a moral reason (cf. II.5 1105^a32; VI.12 1144^a19). So this kind of reason, a moral reason, does not outweigh but simply excludes the other kinds:

[T]o consider this fact, of cowardice, as though it were merely another reason like the others, possibly to be outweighed by profit-making, is to misconceive what cowardice is. ... [A]ll ancient theories think exactly the same way about the fact that the action is cowardly: this is a consideration which is not just weighed up against the profit and time expended, but which sweeps them aside; and to think otherwise is to misconstrue what cowardice is.²²²

²²¹ Everson (1998b), 84–5.

²²² Annas (1993), 121–2.

Moral reasons are thus a type of exclusionary reasons for action, i.e. second-order reasons for action. They exercise authority rather than persuasion or power over other reasons for action (3.3). The Kantian misgiving about the influence of desire upon reason is allayed to the extent that for Aristotle moral reasons are in a league of their own, different in kind from other reasons, and this is a reassurance for their categorical nature.

There is a happy metaphor which has been put forward to capture the special position of Aristotelian moral reasons in practical reasoning:

The distinction [between virtue and continence] becomes intelligible if we stop assuming that the virtuous person's judgment is a balancing of reasons for and against. The view of a situation which he arrives at by exercising his sensitivity is one in which some aspect of the situation is seen as constituting a reason for acting in some way; this reason is apprehended, not as outweighing or overriding any reasons for acting in other ways which would otherwise be constituted by other aspects of the situation (the present danger, say), but as silencing them. Here and now the risk to life and limb is not seen as any reason for removing himself.²²³

The appearance of a moral consideration gives the agent a reason for action of a special nature. This is not one reason among others, but a reason which 'silences' or excludes all other reasons.

Now this virtuous silence might actually be part of the problem rather than its solution. A Kantian would rather expect some 'psychic noise' between reason and desire. Indeed, this noise might be music to Kantian ears. So, there seem to be two different conceptions of the phenomenology of morality and obligation at stake. On the one hand, we have Aristotle's optimism about the possibilities of achieving full psychic harmony between our emotional and rational nature on the basis of the pursuit of the fine. On the other hand, we find Kant's pessimism on the prospect of reaching full psychic agreement and his theory of duty which assumes some sort of enduring conflict between morality and inclination. In Kant rational nature and emotional nature do not or cannot speak with the same voice, and the connection between virtue and practical reason is explained in a new way. Instead of being an indication of psychic harmony, virtue seems to become fortitude or strength of will in acting on reasons which may well oppose our inclinations. Virtue is thus relegated to the rank of a sergeant who simply enforces orders given by a superior. So Kantian virtue would be Aristotelian continence at best.²²⁴ Through

²²³ McDowell (1998), 125–6.

²²⁴ Cf. Kant (1991b), 186: 'the capacity and considered resolve to withstand a strong but unjust opponent is *fortitude* (*fortitudo*) and, with respect to what opposes the moral disposition *within us*, *virtue* (*virtus, fortitudo moralis*)'.

the notion of duty Kant assumes the inevitability of psychic conflict in the non-divine agent. We can only act from duty precisely because our inclinations pull us in the opposite direction. It would be meritorious for us if we could achieve psychic harmony, but in the face of temptation it is only duty that appears to be a reliable motive. Aristotle, by contrast, believes that psychic conflict is bound to provoke deep motivational instability and that psychic harmony as expressed in true self-love—i.e. the gratification of our rational nature—is the only real basis for ‘reliably summonable and stable moral motives’.²²⁵

However, the Kantian account of virtue in terms of acting on reasons or choices that incorporate some and oppose other particular inclinations is not news to Aristotelian virtue. Indeed, there seems to be some noise after all in Aristotelian virtue if by psychological ‘noise’ we understand the adjustments made by (second-order) reason to (first-order) reasons for action or inclinations. This noise is implicit in the Aristotelian notion of standing well towards appetites and passions. ‘The very notion of *prohairesis* as deliberative choice that “decides upon” (literally, “takes before others”) certain appetites and emotions as motives may be an expression of something like the general idea embodied in the Kantian notion of acting on a maxim or a reason.’²²⁶ Aristotle connects *prohairesis* and character by claiming that *prohairesis* shows our character (*EN* II.5 1106^a3–4; 6 1106^b36; VI.2 1139^a22–3, 34–5), i.e. our commitment to certain general or higher-order policies which convey our interests and values. Rational choice will promote lower or first-order ends to the extent that these ends fall themselves under a more general conception of good living definitive of a type of character.²²⁷

Furthermore, the psychic harmony characteristic of Aristotelian virtuous agency is not natural in the sense of opposed to the workings of practical reason but it is precisely the result of choice (2.3). The agent brings himself to achieve this motivational harmony through the employment of rational choice and not just (first-order) desire or inclination. So Aristotle's reliance on virtue to explain moral action should not be mistaken for a blind endorsement of desire or emotion. He totally agrees that emotions, viewed simply as psychological phenomena, are no guarantee of right action or acting well. There is

²²⁵ Sherman (1997), 184. According to Wood (1990), 210, Hegel seems to take the Aristotelian side on the debate on reliable motivation: ‘Hegel's point is ... that moral duty is not the only kind of duty, not even the fundamental or typical kind. In fact, if the fulfillment of all duty, following the model of morality, always involved a constraint by universal reason on the particular will, then we could not expect duty to be done reliably enough to produce the good.’

²²⁶ Sherman (1997), 137.

²²⁷ See Sherman (1989), 75, 76, 78, 81, 85, 94.

nothing about them, *qua* natural inclinations, which guarantees that they occur rationally, that is, that they occur when, and only when, they should, towards the people whose circumstances should occasion them, consistently, on reasonable grounds and to an appropriate degree, as Aristotelian virtue requires (e.g. *EN* II.6 1106^b16–28, with 1106^b36–1107^a2). A virtuous agent is somebody whose feelings and emotions are rationally mediated. His actions are right not because they are dictated by emotions but rather because, among other things, his emotional reaction is reasonable. Hence, somebody who is naturally virtuous or has natural virtue is not yet fully virtuous. This latter stage, which is virtuous agency without qualification, is only reached once practical wisdom is in charge of the agent's motivational states (*EN* VI.12 1143^b28–33, 1144^b1–30).²²⁸

If the Kantian longing for some 'psychic noise' has not been allayed yet the virtue of bravery may be of help at this juncture again:

The brave person is unperturbed, as far as a human being can be. Hence, though he will *fear* even the sorts of things that are not irresistible, he will stand firm against them, in the right way, as reason prescribes, for the sake of the fine, since this is the end aimed at by virtue. ... Whoever stands firm against the right things and fears the right things, for the right end, in the right way, at the right time, and is correspondingly confident, is the brave person. (*EN* III.7 1115^b10–13, 17–19)

Aristotle's brave agent is no Siegfried, somebody who does not know what fear is. Siegfried seems to fall under the description of 'the excessively fearless person', someone who would be 'some sort of madman, or incapable of feeling distress, if he feared nothing, neither earthquake nor waves, as they say about the Celts' (1115^b26–8).²²⁹ The brave agent is not expected to be fearless. He will fear as he ought to, not more nor less than it warrants.

We have seen that it is customary to explain Kantian and Aristotelian ethics in terms of two different phenomenologies of moral requirements. Whereas the former type of agent experiences morality typically as a constraint on his motivational state, the latter type experiences morality in

²²⁸ This is not totally unrelated to Kant's distinction between acting in conformity with duty and acting from duty. See, e.g., Kant (2002), 13, 22.

²²⁹ Cf. *EE* III.1 1229^a1–8: 'For bravery consists in following reason, and reason bids one choose the noble. Therefore the man who endures the frightening from any other cause than this is either out of his wits or foolhardy; but the man who does so for the sake of the noble is alone fearless [*aphobos*] and brave. The coward, then, fears even what he ought not, the foolhardy is confident even when he ought not to be; the brave man both *fears* and is confident when he ought to be and is in this sense a mean, for he is confident or fears as reason bids him.'

a different way. If, say, to do φ is morally admirable (*kálon*) and/or an instance of acting well, there is reason to believe that a virtuous agent will not conceive of φ -ing so much as a constraint or as a limit but rather as a cue to action, as an opportunity to act.²³⁰ Goal-directed reasoning will itself bring about the necessary desires to act as reason prescribes; the very fact that φ is good for its own sake will make reason form a wish for φ (*EN* VI.2 1139^a22–6, 31–2, 1139^b3–5, together with III.3 1113^a10–12). But this way of looking at rational agency also suggests a point of contact between Aristotle and Kant. The Kantian rational agent not only experiences morality as a constraint on his deliberation but also as an opportunity to express his true freedom, the spontaneity of reason (6.2 *ab initio*).²³¹ This is a belief that seems to lie behind the very idea of internalism, to the extent that internalism asserts that moral requirements are by themselves *reasons* for action. In this sense, Aristotle's ethics is internalist: the very knowledge or awareness of a moral judgement implies the existence of a reason for acting on that judgement. Arguably the reverse also holds: 'Aristotle does seem to be committed to the view that one who reasons well, whose reasoning contains no

²³⁰ See Irwin (1999), 240. Cf. Vergnières (1995), 186: 'For those [sc. the virtuous citizens], in fact, the law of the city is not perceived as an external constraint (*contrainte*) but as an incitation to fine public actions.' Lachance (1948), 170, notes in a similar spirit that '[Chez Aristote ... l'obligation] est moins entrave qu'impulsion, ..., moins retenue qu'aiguillon'. White (2002), 119, has recently concluded that 'Aristotle saw no special antagonism between the two sorts of formulations, imperative and attractive. He was quite capable of attending chiefly to discussion of what the good for a human being is, while at the same time making ample room within that project for imperative notions.'

²³¹ See Kant (2002), 68–9. Of course, in Kant this spontaneity is mainly thought of in terms of freedom from desire. But this is not all there is to it. As has recently been explained in Hill and Zweig (2002), 64, 'Kant's thesis that moral principles are categorical imperatives is independent of his views about our capacity to transform ourselves so that we are never tempted to do wrong. The primary aspect of Kant's thesis is that there is sufficient reason to conform to moral principles ... This aspect could apply even to those who managed to remake themselves so that they were never tempted to do anything wrong. The other main aspect is that moral principles express *constraints* on those who can follow them but might not. ... By hypothesis, they [sc. virtuous persons] would lack temptations and so would rarely, if ever, need to *feel constrained* by moral principles. ... Aristotle's virtue theory and Kant's moral philosophy differ on many ... points, but those who share Aristotle's optimism about the possibilities of character development do not need to deny Kant's thesis that moral principles are categorical imperatives. ... [W]hen we act out of respect for the moral principles expressed in categorical imperatives, we are not necessarily acting with *a sense of being constrained*'. Hegel (1991), 192, also agrees that duty may be liberating: 'A binding duty can appear as a *limitation* only in relation to indeterminate subjectivity or abstract freedom, and to the drives of the natural will or of the moral will which arbitrarily determines its own indeterminate good. The individual, however, finds his *liberation* in duty. ... In duty, the individual liberates himself so as to attain substantial freedom.'

errors, will in fact reason morally.²³² A rational agent is not so much compelled or constrained by moral requirements as attracted to them.²³³

The claim that Aristotle is reasonably out of the range of the criticisms raised by the Kantian card appears in the context of a recent development in the field of the history of ethics. Not long ago the contrast between Aristotle's and Kant's practical philosophy was considered to be the bread and butter of any historian of moral philosophy. The usual picture of Greek ethical ideas borrowed heavily from an evolutionary and progressive *Weltanschauung*. On this view the Greeks, on account of their position in the course of history, had rather primitive ethical ideas which were eventually superseded by more accurate and mature conceptions in the modern age. In recent years the gap between classical and modern moral philosophy has been considerably narrowed by the fact that both classical scholars and historians of modern philosophy have started building bridges towards one another, seeing resemblances where there used to be only essential discrepancies. Actually, it seems that

²³² Bostock (2000), 20. Cf. 97–100. Cf. Sherman (1989), 116: ‘for the vicious, the means are not worthwhile without the external end. The action, brilliant as it is, hangs tenuously on the outcome. In this sense, the base view their rational agency quite differently from the way the virtuous view theirs. Indeed if it turns out that the base person typically enjoys her scheming, independent of how successful she is, then it seems we question just how “real” her viciousness is after all. For these kinds of reasons, then, I think Aristotle has something interesting to say about the difference between the sort of rational agency that characterizes the virtuous and the base. The externality of the vicious person's ends limits the value and authority of rational agency. It limits the value placed on the action itself. It may be in this sense that vicious activities fail to exemplify the *ergon* or characteristic activity of a human being to live a life of reason.’

²³³ It is this attraction which explains the idea or experience of constraint, not the other way round. Kant's notion of rational ‘interest’ captures this idea of attraction. Rational beings take an interest in something, which finally explains the way morality affects their deliberation. Kant (2002), 76, explains that: “‘Interest’ is that through which reason becomes practical, i.e., becomes a cause determining the will. Hence one says only of a rational being that it takes an interest in something; creatures without reason only feel sensible impulses. Reason takes an immediate interest in an action only when the universal validity of its maxim is a sufficient determining ground of the will. Such an interest is alone pure.’ Cf. Kant (1991b), 41. Korsgaard (1996b), 235–6, observes that: ‘if we contrast activities which are totally unconstrained with activities which are constrained in an external way by certain rules or principles, we may leave an important option out, and at the same time make too much of the mystery of the question why we have to conform to those rules and principles. The option is that the rules and principles are constitutive of, and therefore internal to, the activities themselves, so that we have to conform to those principles if we are really to engage in those activities at all. If I am to walk, I must put one foot in front of the other: this is not a rule that externally constrains my walking, or boxes me in like the walls of a labyrinth, or that I can with much coherence rebel against. ... [T]his in turn is related to the way in which I understand the Kantian enterprise more generally. ... To choose *is* to follow the hypothetical and categorical imperatives.’

the tendency to bring classical ethics closer to modern moral philosophy has reached a point at which it is 'difficult to delineate helpful contrasts between ancient and modern moral philosophy'.²³⁴

In other words, today it is not unusual to hear from the Aristotelian quarters that 'there is a point of resemblance to Kantian thinking, and that is what I want to bring out by saying that the value of doing well is unconditional', that 'In Aristotle's thinking, the goodness of doing well is self-standing.' In effect, 'We might say that when one sees an action as an instance of doing well, one takes it to be dictated by an imperative that is not hypothetical', so that 'we can hold on to the idea that something like categorical imperatives are not alien to Aristotelian ethics'.²³⁵ On the other hand, we hear from the Kantian corner that '[both Aristotle and Kant] believe that the moral value of an action is a function of the way in which it is chosen', that '[b]oth philosophers, . . . , think that what gives an action moral value is the fact that it is chosen for its intrinsic rightness', that 'Kant clearly takes it to be obvious, just as Aristotle does, that a morally good action must be chosen for its own sake', or that '[a]s for nobility, Aristotle seems to think of it very much as Kant thinks of good will—it is the specific kind of *intrinsic* value that moral actions and those who perform them possess'.²³⁶

This is certainly not to deny that there are still differences between Aristotle's and Kant's ethical views. The point is rather that nowadays we are able to approach Aristotle's practical philosophy without forcing it into a narrowly defined understanding of classical moral theory. Aristotle's ethics thus seems to accommodate a conception of morality that chimes in with mainstream modern counterparts.

As for the structure of Aristotle's notion of moral requirement, he seems to pledge allegiance to the view that the claim that X is under an obligation to φ is proved by showing the point of φ -ing, rather than showing, say, that in the last analysis φ has been decreed by some superior power and/or is enough to move X to act on its bidding (2.2). An obligation to φ is thus a rational necessity to act in a certain way in the light of the value of φ -ing. According to Aristotle's *Nicomachean Ethics*, it is through deliberation that rational agents identify the actions which will serve as the most effective means to their ends (III.3 1112^a30–1, ^b11–12). Practical wisdom or *phronēsis* is an excellence in deliberating about the means necessary to and constitutive of living well (VI.7 1141^b9–10). It is an action-guiding excellence concerning what is good or advantageous for the agent in the sense of promoting *eudaimonia* (VI.5 1140^a25–8; 9 1142^b32–3). It operates in a prescriptive mode producing requirements

²³⁴ Everson (1998a), 1.

²³⁵ McDowell (1996), 32, 33.

²³⁶ Korsgaard (1996c), 203, 205, 206, 216–17.

of the form ‘one ought to φ ’ or ‘one ought not to φ ’ (VI.10 1143^a8–9). If put in terms of what has become a usual framework for articulating obligations, Aristotelian ones have the following general form:²³⁷

- (1) X ought to pursue ϵ (on the grounds that ϵ is intrinsically pursuit-worthy) (cf. *Rhet.* I.5 1360^b11–12).
- (2) μ is the only effective means towards ϵ and is open to X's decision (cf. *MA* 7 701^a6–19, *EN* III.3 1112^b15–17).
Therefore,
- (3) X ought to do μ .

There is thus a rational necessity to do μ as a means towards the achievement of ϵ . The obligatoriness to do ϵ is, as it were, passed on to the means thereto, given some constraints (efficacy and handiness); in this way a sort of practical necessity supervenes on the means to ϵ .

As we have seen, by claiming that μ is a means to ϵ Aristotle is not endorsing the view that μ has no intrinsic value, i.e. that it is *only* of instrumental value or dependent on the agent's desires. Aristotle believes that the fact that a virtuous action is to be done for its own sake is not incompatible with the claim that it is done for the sake of *eudaimonia*. Virtuous actions are a constituent of *eudaimonia* precisely in so far as they are performed for their own sake. Furthermore, the idea of being a means to an end should not be narrowly conceived as referring to actions that are purely instrumental to an end, but rather in the broader sense of what promotes or is constitutive of an end (*EN* III.2 1111^b27; 3 1112^b11–12; VI.5 1140^a28; VI.13 1145^a5–6).

Aristotle's conception of moral obligation is often conveyed through the normative subtext of some propositions describing the behaviour of the morally perfect agent (1.3). Aristotle usually says that a vantage point to understand practical affairs in general, and thus to verify our moral beliefs and desires about what is to be done in particular, is the viewpoint of the *spoudaios*. We find at *EN* III.4 1113^a29–33 in the context of the discussion of rational wish (*boulēsis*) that

the *spoudaios* judges each sort of thing correctly (*krinein orthōs*), and in each case what is true appears to him. For each state {of character} has its own special {view of} what is noble (*kala*) and pleasant, and presumably the *spoudaios* differs from others most by seeing what is true in each case, being a sort of standard and measure (*kanōn kai metron*) of what is noble and pleasant.

Furthermore, at *EN* X.5 1176^a16–18 we read that ‘virtue and the *spoudaios* as such are the measure (*metron*) of each thing (*bekaston*)’.

²³⁷ Cf. Miller (1995), 132.

Finally, Aristotle says that well-being is excellent activity, and this in turn is ‘determined by reason and in the way in which the *spondaios* would determine it’ (II.6 1106^b36–1107^a1). So, while Aristotle holds that

a is good (without qualification) ↔ a seems good to the good²³⁸

this appears to be a consequence of the good person's ability to see what is the truth in each case. The *spondaios* can be the *canon* and *measure* in practical matters because what is (unconditionally) good seems good to him. In this way he is a reliable epistemic guide to what is good. We should not be tempted to take Aristotle to subscribe to a sort of ethical decisionism, be it in the individual vein of the *homo mensura* principle or in a rather historicist or communitarian spirit according to which the *spondaios* is simply the bearer of the average common sense of the Greek world in the fourth century BC (2.3). The appeal to the judgement of the *spondaios* is simply a shortcut to the practical truth, a shorthand for what ought to be done at a particular moment. Thus, when Aristotle says that, e.g., φ is good and/or to be done because the *spondaios* does it, or that we ought to act as the *spondaios* does, he proceeds on the assumption that the *spondaios* acts as he ought to (*epieikēs*: IX.8 1169a16). Indeed, instead of formulating his moral theory in terms of practical principles, he often refers to a distinctive moral agent in order to show what ought to be done. Aristotle seems to adhere to what has recently been called ‘an ideal agent theory of normative reasons’: ‘What makes something a reason for acting is that it would be treated as such in an ideal agent's deliberations.’²³⁹

Thus, when Aristotle tells us in *EN* IX.8 that the true self-lover is the person who always acts justly or, generally speaking, in a virtuous way (1168^b25–7), we know that—since the description of the true self-lover corresponds to the virtuous agent or *spondaios/epieikēs* (e.g. 1168^b29–1169^a3)—we *ought to* act justly or according to virtue, on the grounds that the practically wise man acts as he *ought to* act. Aristotle's remarks that the true self-lover (i.e. the good man) ‘gratifies the most authoritative element in himself [sc. reason: 1169^a2] and in all things obeys this’ (1168^b30–1) and that ‘the decent/good man (*ho ... epieikēs*) obeys reason’ (1169^a3, 18) support the rationality of Aristotle's ideal agent.

²³⁸ See Charles (1995), 156.

²³⁹ Darwall (1998), 171. This way of doing moral philosophy also finds Aristotle and Kant under the same ethical banner: ‘Kant and Aristotle, ..., think that what makes an action right is that it is the sort of action a good person—for Kant an autonomous person and for Aristotle a person of practical wisdom—would choose’ (Korsgaard (1996c), 233).

4.3 ‘Moral ought’ in the *Ethics*

Although we have acknowledged in the previous section that ‘duty’ is basically a term of art in Kant and that there seems to be nothing *straightforwardly* corresponding to it in Aristotle, we have also warned that it would be a mistake to believe that Aristotle has no equivalent whatsoever for the idea of moral motivation. So let us now turn to some passages from the *Nicomachean Ethics* which provide us with instances of moral duty. The passages at issue are those in which Aristotle employs the terms *dei* (‘ought’), *dikaion* (‘right’ and/or ‘just’), *kalon* (‘noble’ or ‘morally admirable’), and *kata ton orthon logon* (‘according to correct reason’).²⁴⁰ We shall see that, as with the case of ‘authority’ (3.4–5), the mere absence of an exact and clear-cut equivalent does not imply the absence of the idea.

Dei, usually translated as ‘must’ or ‘ought’, has many different senses in Greek, as is also true of the word *ought* in English. However, it has been noted that ‘Aristotle, in the *Nicomachean Ethics* alone, employs [*dei*] about 170 times in a sense which is uncontestably moral’.²⁴¹ *Dei* does some moral work, for example, at *EN* I.2 1094^b5–6 where Aristotle claims that political science legislates what ought to be done (*ti dei prattein*) and what avoided, and also at *EN* VI.10 1143^a8–9, where it is claimed in a similar vein that practical reason is prescriptive on the grounds that its end is what (*ti*) ought (*dei*) to be done. Furthermore, at *EN* IV.1 1119^b17–18 Aristotle says that the temperate man (*ho sōphrōn*) aims at the morally admirable (*to kalon*) and ‘craves for the things he ought (*dei*), as he ought, and when he ought, and this is what reason (*logos*) prescribes (*tattei*)’. Similarly, we read at III.7 1115^b17–19 that ‘whoever stands firm against the right (*dei*) things and fears the right things, for the right end, in the right way, at the right time, and is correspondingly confident, is the brave person’. At *EN* III.7 1115^b12–13 Aristotle observes that the brave man faces fearful things ‘as he ought (*hōs dei*) and as reason directs (*hōs ho logos hupomenēi*), for the sake of the morally admirable (*ton kalou heneka*), for this is the end of virtue’; here we can also note the connection between *dei*, reason and *kalon*: they point at the same virtuous act and/or feeling.

Aristotle also uses a neuter verbal form, *to deon*, for instance, at *EN* IV.1 1121^a1–4, where the virtue of liberality is discussed; if the liberal

²⁴⁰ In this section I follow Loudon (1992), 35, together with Hardie (1980), 335.

²⁴¹ R. Gauthier, ‘On the Nature of Aristotle’s Ethics’, in J. J. Walsh and H. L. Shapiro (eds.), *Aristotle’s Ethics* (Belmont, CA, 1967), 21, cited in Loudon (1992), 36. Irwin (1999), 346, explains that: ‘*Dein* sometimes indicates actions that are valuable for their own sakes; in these cases, it belongs to fine actions. Hence, in the right contexts, it may convey awareness of an unqualified duty.’

man spends in a manner ‘contrary to what is *to deon* and *to kalon*, he will be pained, but moderately and as he ought (*bōs dei*); for it is the mark of virtue both to be pleased and to be pained at the right (*dei*) objects and as one ought (*bōs dei*)’. *To deon* appears also in his analysis of the vice of self-indulgence: he criticizes the gluttons who fill their bellies ‘beyond what is right’ (*para ton deon*); at *EN* IV.2 1123^a20 the vulgar man is identified as the one who spends *para ton deon*.

Although the expression *to kalon* and its cognates have a definite aesthetic use and thus can be rendered as ‘(the) noble’, ‘(the) fine’, or ‘(the) beautiful’, it may convey in some contexts the notion of what is morally admirable, and this is also the case in Aristotle's ethical theory. In using *to kalon* Aristotle describes virtuous action in ways which bring it close to modern characterizations of what is done for a moral reason. The virtuous person does the virtuous action for its own sake, and because it is *kalon*; the virtuous action is thus done for its own sake, without ulterior motive, as is supposed to be true of an action done for a moral reason (cf. II.5 1105^a32; VI.12 1144^a19); the ideal agent decides on them for their own sake in so far as he decides on them for the sake of the fine.²⁴² At *EN* X.6 1176^b8–9 Aristotle points out that ‘doing noble and excellent actions is choiceworthy for itself’. Another visible example of the moral meaning of *kalos* comes up in the context of Aristotle's discussion of bravery at *EN* III.8 1116^b2–3, where he says that ‘we ought (*dei*) to be brave not under compulsion [*ou di' anankēn*], but because it is morally admirable (*all' hoti kalon*)’; at *EN* IV.1 1120^a23–4 Aristotle remarks that virtuous actions ‘are morally admirable and for the sake of the morally admirable (*kalai kai tou kalou heneka*)’ (cf. IV.2 1122^b6–7).

Moreover, as we have seen, Aristotle occasionally employs this term in conjunction with *dei* as well as with *logos* (*EN* III.7 1115^b12), suggesting that what one ought to do and what reason prescribes to do are at least sometimes synonymous with what is morally admirable to do (cf. *EN* IV.1 1121^a1; *Pol.* VII.14 1333^b2). At *EN* I.9 1099^b31–2 Aristotle explains that it is the goal of political science to make citizens good and capable of morally admirable acts (*praktikous tōn kalōn*).

To be sure, elsewhere Aristotle states that ‘it is impossible, or not easy, to do noble acts without the proper equipment’ (*EN* I.8 1099^a32–3; cf. 1098^b26, 10 1101^a15–16); and the equipment alluded to includes such external goods as wealth, political power, and good birth. Clearly, then, performance of *some* noble actions does presuppose that the agent occupies a certain role in the social hierarchy. For instance, the magnificent man should spend money ‘for the sake of the noble’ (IV.2 1122^b6–7) on a very large scale (1122^a23), so that people of modest means might not

²⁴² See Annas (1993), 123; Irwin (1999), 329.

acquire this virtue. But this does not mean that generosity is out of the question for people of moderate income, or that *to kalon* necessarily calls for huge means and resources. As we have seen in the previous chapter, Aristotle is clear that ‘we can do fine actions even if we do not rule earth and sea; for even from moderate resources we can do the actions that accord with virtue. This is evident to see, since many private citizens seem to do decent actions no less than people in power do—even more, in fact’ (*EN* X.9 1179^a4–8).

The Greek *dikaion* is usually translated as ‘right’ or ‘just’. The virtue of justice, *dikaiosunē*, is discussed at length in book V of the *Nicomachean Ethics*, where Aristotle sets out to distinguish between a wider and a narrower sense of *dikaiosunē* (V.1 1130^b6–7). Justice in the wider sense of ‘complete justice’ is, Aristotle says, the same thing as virtue, and injustice the same thing as vice; but the expressions are not synonymous. In so far as we are interested in the nature of the agent, we speak in terms of virtue or vice; in so far as we are interested in the way his actions affect other people, we speak in terms of justice and injustice (V.1 1130^a8–13). Thus, all other-regarding virtuous acts are just acts.

The fact that Aristotle equates *to dikaion* with *to nomimon*, the lawful, should not lead us to believe that the requirements of moral justice, on Aristotle's view, may not be stronger than potentially competing claims of (positive) law (7.4). When Aristotle identifies justice with the lawful he has a general sense of law(ful) in mind, i.e. he refers generally to moral rules, habits, conventions, and practices. That this wide scope of *nomos* should be remembered at *EN* V.1 1129^b11 rather than the specific sense of (the) positive law(ful) is supported by Aristotle's claim that laws enacted under and designed to fit deviate constitutions are *unjust* laws (III.11 1282^b11–13; cf. *EN* VIII.13 1162^b21–2 for an express reference to a source of non-legal or unwritten justice). The adverb *dikaiōs* is also used to convey the meaning of what is morally justified: *EN* II.4 1105^a29; IV.3 1124^a27; IX.8 1168^b22.

A fourth avenue of conveying the idea of moral ought is the idiom *kata ton orthon logon*; claiming that, for instance, φ -ing is *kata ton orthon logon* is a way of saying that we ought to φ , just as claiming that φ -ing is *para ton orthon logon* is a way of stating that we ought not to φ (cf. *EN* V.11 1138^a10; VII.4 1147^b31; 8 1151^a12). In this sense, we find at *EN* II.2 1103^b31–2 that acting according to right reason (*kata ton orthon logon prattein*) is a common principle, to be assumed in the discussion of moral virtue and eventually examined in Book VI. Finally, right reason is prescriptive (*epitaktikē*, *EN* VI.10 1143^a8), it prescribes what is to be done (*tí ... dei prattein*) and what avoided (1143^a9; cf. *prostaxē*, III.5 1114^b29–30; *hupomenei*, 7 1115^b12; *tattei*, 12 1119^b17–18, IV.5 1125^b35; *legei*, VI.1 1138^b20, cf. ^b29, III.8 1117^a8; 11 1119^a20).

4.4 The Concept of Political Obligation

While several moral philosophers have believed that Aristotle's ethics and the notion of moral duty or obligation are as different as chalk and cheese, not a few political theorists have assumed that the idea of duty or obligation may well chime in with central features of Aristotle's political theory but without elaborating on this assumption. Thus, quite long ago, A. C. Bradley claimed that the relation of the citizen 'to the State is not, like that of the hand to the body, one simply of *fact*, but also one of *duty*'.²⁴³ T. H. Green believed that Aristotle 'regards the State as a society of which the life is maintained by what its members do for the sake of maintaining it, by functions consciously fulfilled with reference to that *end*, and which in that sense imposes duties'.²⁴⁴ Whereas by the middle of the twentieth century Werner Siegfried explains that "'to do what is just" (*prattein ta dikaia*) means to fulfil one's social duties',²⁴⁵ Leo Strauss emphasizes that it was the Aristotelian assumption 'that man cannot reach the perfection of his nature except in and through civil society' that 'led to the view that the primary moral fact is duty and not rights'.²⁴⁶ According to Egon Braun, 'to obey the authority of the *epieikeis* would be an obvious duty, as Aristotle stresses more than once in the *Politics*'.²⁴⁷ Much more recently Fred D. Miller, Jr. asserts that according to Aristotle 'a practically rational agent pursuing the good life ought to choose to enter into a just system of co-operation'.²⁴⁸

When it comes to translations, we often come across some 'deontological' renderings such as 'political duties', 'devoir civique', and '[the obligation, from *epanankes* a10] to do anything else within the province of a citizen' for activities that may take shelter under the wide umbrella of *ti poiein allo ton politikōn* (II.6 1266^a11);²⁴⁹ the German *Verpflichtung* is used to render *atele pantōn* at II.9 1270^b4 and *epanankes* at V.1 1301^b23;²⁵⁰ and so forth.

I shall now suggest that, as we have seen in the case of moral obligation at large, Aristotle conveys the idea of political obligation or duty through different words and expressions. In what follows we shall go into some

²⁴³ Bradley (1991), 34.

²⁴⁴ *Lectures on the Principles of Political Obligation* (London, 1937), sect. 39, cited in Miller (1995), 89.

²⁴⁵ Siegfried (1947), 29: "'Das Gerechte tun" heißt, seine sozialen Pflichten erfüllen'.

²⁴⁶ Strauss (1953), 183.

²⁴⁷ Braun (1956), 20, ad III.17 1288^a 18.

²⁴⁸ Miller (1995), 376.

²⁴⁹ Barnes (1984), 2009; Tricot (1977), 114; Saunders (1995), 33–4.

²⁵⁰ Schürumpf (1991b), 314: 'von allen Verpflichtungen gegen den Staat entbunden', and (1996a), 433: 'die Verpflichtung fortbesteht'. Cf. III.1 1275^a 15 and III.5 1277^a 10–11.

passages in the *Politics* in which Aristotle uses the notion of morality and/or moral ought to political purpose.

At II.1 1260^b34–5 we are told by Aristotle that he sets off to steer a clearly evaluative course in his analysis of constitutions in Book II *en route* to his essay on the best constitution. He explains that he launches his constitutional inquiry on account of the moral inadequacy of ‘really’ existing political systems.²⁵¹ And this is meant to refer even to those political systems which were held in high regard at the time. There is thus no doubt that his is a critical assessment of ancient political reality, not only in his books on the best constitutional arrangement but also in his discussion of second-best and/or more down-to-earth alternatives.²⁵² This announcement allows us to set considerable store by his employment of moral terms in his political analysis. There is reason to believe that the moral salience of the institutional design and the goals of the political system will make quite an impact on the deliberation of the practically rational agent, whose actions are not without political import *vis-à-vis* the deliberations of the rest of the people (*EN* III.4 1113^a33).

A very common occurrence in the *Politics* is the expression *politeuein* and/or *politeuesthai kalōs*, i.e. to govern or administer—or generally to participate in the affairs of—the polis and/or to be governed in a noble or morally admirable way. Generally speaking, a polis that is finely governed (*politeuetai ... kalōs*) may be happy even by itself (VII.2 1325^a1–2). Another way of conveying this claim may be put as follows: if such-and-such a democracy arranges its political system in such-and-such a way, says Aristotle, it will necessarily be finely governed (*anankē ... politeuesthai te kalōs*, VI.4 1318^b32–3). For instance, a polis that is to be governed in a morally admirable way (*politeuesthai kalōs*) must (*dei*) see to it that its citizens will have leisure from the necessary things (II.9 1269^a34): the fact that leisure is allegedly a necessary means to well-being makes it obligatory for citizens to abstain from working; a polis that is to be finely governed must have virtuous citizens (VII.9 1328^b37–8; cf. 13 1331^b26). Moreover it is difficult—if not impossible—for a populous polis to be governed in a noble way (VII.4 1326^a27–8). Since the Carthaginians were held to be governed in a morally admirable way (*[p]oliteuesthai ... kalōs*, II.11 1272^b29) it was rational for them to acquiesce willingly in the arrangement of the regime (II.11 1272^b30–1).²⁵³

²⁵¹ *dia to mē kalōs echein tautas tas nun huparchousas [politias].*

²⁵² Cf. also, for instance, his admonition at IV.14 1298^b34–5 that: ‘the opposite of what occurs in constitutions should be done’; see also VI.5 1320^a6: ‘those concerned with the constitution should take action against this’.

²⁵³ For *oikeisthai kalōs* see, e.g., III.12 1283^a22, 14 1284^b38; VI.8 1321^b8.

Kalōs is also used to describe morally justified rule and obedience. Aristotle explains that some people claim that rulers should not be elected on the basis of desert alone but also on the basis of wealth on the assumption that it is impossible for a poor person to have enough leisure ‘to rule in a morally admirable way’ (*kalōs archein*, II.11 1273^a25; cf. VII.14 1333^a2). At III.4 1277^a27 Aristotle says that the virtue of a citizen of reputation is held to be the capacity both to rule and to be ruled in a morally admirable way (*kai archein kai archesthai kalōs*). Aristotle also makes reference to what is morally admirable (*to kalon*, VII.3 1325^b7, 10, 12) in order to explain that if X has a just-claim right to rule over Y, then it is morally just for Y to follow and obey X (*akolouthēin kai ... peithesthai*, 1325^b12). The adverb *kalōs* is also brought to bear on the assessment of current legislation (II.8 1268^a5) and the enactment of laws (IV.8 1294^a6).

As part of the build-up for his celebrated classification of correct and errant constitutions Aristotle brings up the claim that the common advantage brings men together to the extent that ‘it falls to each to live in a morally admirable way’ (*zēn kalōs*, III.6 1278^b22–3). The good life thus seems to be a component of the standard by which political systems are morally assessed. It is certainly paramount in Aristotle’s study of the best regime in Books VII–VIII of the *Politics*, where we find, for instance, a discussion of the relationship between law and well-being (VII.14 1333^b25), the appropriate education for the good life, the necessary equipment for living nobly (VII.13 1332^a1) in terms of territory, population, distance from the sea, etc.

The adverb *dikaiōs* is also employed to evaluate a political institution in moral terms. For instance, the Lacedaemonian, Cretan, and Carthaginian regimes were justly held in high estimation (II.11 1273^b26). Aristotle also uses it in a way that resembles to some extent the distinction between viewpoints frequently made by contemporary jurisprudence: ‘we see that there are some rulers who rule unjustly (*adikōs*), and yet we do say that they exercise authority (*archein*) but not justly (*all’ ou dikaiōs*)’ (III.2 1276^a3). As we have seen (1.2), statements like ‘X has authority’ may be thus issued (i) in ‘the unrestricted flow of practical reasoning’,²⁵⁴ and thus taken to mean that there is good reason to obey X, i.e. that ‘X has authority *dikaiōs*’ (VI.4 1318^b37; cf. III.11 1282^a38: ‘the multitude has authority justly (*dikaiōs*)’,²⁵⁵ or (ii) from a sociological standpoint so that it singles out the fact that X, though not just, is obeyed, i.e. ‘X has authority *all’ ou dikaiōs*’,²⁵⁶ or (iii) from the perspective which refers to what there is good reason to do for a certain

²⁵⁴ Finnis (1980), 316.

²⁵⁵ Cf. VII.2 1324^b35; III.13 1283^a25.

²⁵⁶ Cf. VII.2 1324^a28: ‘it is possible to dominate unjustly’ (*kratein d’ esti kai mē dikaiōs*).

group on the assumption of certain rules, e.g. on the assumption of the rule that what the majority decides is just (III.10 1281a16). There is good reason to abide by laws passed within the framework of just constitutions: ‘it is clear that those (*tois*) {laws} in accordance with the correct regimes (*kata tas orthas politeias*) are necessarily just (*dikaious*)’ (III.11 1282^b11–13). The adverbial form *dikaiōs* also comes to the fore in the thorny context of revolution (e.g., V.2 1302^a28–9; 3 1302^b14); it seems to imply that occasionally there might be good reason to resist the government (7.4).

If we were looking for passages where Aristotle comes closest to the idiom ‘political obligation’, *Politics* VI.5 and III.4 would seem to offer serious contenders. Regarding the former case, we come across a sentence where the notions of moral ought (*dei*) and citizenship (note the Greek *polit[ē]s*) come together as something very like the modern notion of political or civic obligation: ‘all the citizens (*politai*) ought to (*dei*) be supportive towards the constitution (*tē politeia ... eunous einai*)’ (1320^a15–16).²⁵⁷ As for the latter example, we read there that ‘the preservation of the constitution (*hē sōtēria tēs politeias*) is {the citizens’ (*tōn politōn*)} duty (*ergon*)’ (1276^b28–9).

Another example of a political duty, i.e. of *to deon* and its cognates in the context of a requirement incumbent on a political office, comes up at II.9 1271^a11–12, where we are told that ‘the one who is worthy of the office (*ton axion tēs archēs*) ought to exercise authority (*dei ... archein*) whether he wishes to or not (*kai boulomenon kai mē boulomenon*)’: the expression *kai boulomenon kai mē boulomenon* fairly indicates that this requirement is independent of the motivational state of the agent. Aristotle complements this claim by adding that ‘the good citizen ought (*dei ... ton politēn ton agathon*) to know and have the capacity both to obey and to exercise authority (*kai archesthai kai archein*)’ (III.4 1277^b13).

Finally, correctly enacted laws must be authoritative (*dei ... einai kurious*, III.11 1282^b2; cf. IV.4 1292^a32–3) and the laws must (*dei*) be enacted in accordance with the constitution (*pros tēn politeian*, III.11 1282^b10; cf. IV.1 1289^a13). The prerequisite of the rule of law bears heavily on the moral evaluation of a constitution (1.2): if ‘the laws have no authority (*mē nomoi archousin*)’, Aristotle says, ‘there is no constitution (*ouk esti politeia*)’ (IV.4 1292^a32).

²⁵⁷ Cf. Schürtrumpf’s translation (1996a), 100: ‘müssen alle Bürger die Verfassung befürworten’. Cf. II.8 1268^a24–5: ‘if the farmers and craftsmen cannot participate, how can they possibly have any friendly feelings for the constitution (*philikōs echein pros tēn politeian*)?’.

4.5 Political Allegiance: Obligation or Duty?

Thus far we have treated the terms ‘obligation’ and ‘duty’ more or less indiscriminately, as if they were interchangeable locutions. However, there appears to be room for us to distinguish between political duty and obligation properly speaking. On the one hand, obligations are often spoken of as generated by the deliberate undertaking of the bond at stake; they are owed by a specific person to another specific person or persons; obligations usually bring about a correlative right on the party to whom they are owed. On the other hand, it is not constitutive of duties to arise from voluntary transactions or special performances or undertakings; they are owed by all agents to all persons; finally, there might be duties which do not entail correlative rights to their fulfilment.²⁵⁸

These distinctive features of the concepts of obligation and duty may allow us to distinguish between political obligation and political duty: whereas the former is a requirement arising from some act on the part of the individual (usually conceived of as a contract or a promise to obey political authority), owed by him to particular persons or bodies so that they necessarily have a right to the discharge of this obligation as a result of the individual's act, the latter is simply a derivation from the general idea of moral duty so that no special undertaking on the individual's part is required, no one in particular is owed the duty and thus, properly speaking, no ruler's claim-right comes from this general moral requirement. So, whereas political obligations are characteristically linked to the idea of a special relationship with the state which might be undertaken by the individual in different ways (e.g. by consenting to political authority), political duties are basically the extension of principles of morality which apply to the individual independently of the relationships he enters into, so that it is a quality of (the arrangement of) the political community, say, its justice, which explains the individual's duty to its authority, rather than a voluntary agreement to abide by it.

I shall now finish this chapter by examining whether Aristotle supports the former or the latter notion of political allegiance. Aristotle implies that in the case of the best constitution, individuals do have such political bonds ‘as they voluntarily assume’:²⁵⁹ given that Aristotle's best state must be a colony, its prospective citizens should take the trouble to go all the way from their current place(s) of residence to a brand new polis, and all this surely of their own free will.²⁶⁰ Actually, there is reason to believe that the demand for a position as citizen in this new polis

²⁵⁸ See Simmons (1979), 14–15.

²⁵⁹ *Contra* Kraut (1997), 173, but *with* Kraut (2002), 196–7.

²⁶⁰ On the best polis as a colony cf. Schütrumpf (1980), 13–14; Kraut (1997), 86.

will clearly exceed the supply of vacancies. Although Aristotle certainly does not think that the world is rich in virtuous agents, his remarks in Book VII seem to assume that finding enough virtuous inhabitants will not be a problem. His idea of the best constitution is a moderately populated community (VII.4 1326^a26–7, 31–2), with restrictive membership requirements (1326^a28, ^b1–5, 23–5), small enough for all citizens to participate in the assembly (cf. 1326^b6–7), resembling a face-to-face society in that it must be possible for citizens to get to know each other, knowing what kind of people they are (1326^b14–17). And we should not exclude the possibility that Aristotelian potential citizens will pledge their allegiance to the best state through something similar to the ephebic oath taken each year by the new age-class of eighteen-year-old Athenians as they entered military service,²⁶¹ which was, after all, set up on the model of the Spartan system whose influence on Aristotle's proposal is undeniable (7.2–3).

On the other hand, the passages mentioned in the preceding section suggest that Aristotle defends a notion of political duty not totally unlike the one recently defended by John Rawls, who argues that the moral requirement of allegiance to the state is not the result of a contract but a duty whose source is essentially the quality of the government: this duty binds each member of the political community 'irrespective of his voluntary acts, performative or otherwise'.²⁶² As we have seen (4.4 *in fine*), the wording of *Pol.* VI.5 1320^a15–16 seems to convey the idea that Aristotle is willing to admit that citizens have a duty to support just constitutions: 'all citizens (*pantas ... politas*) ought to (*dei*) be supportive towards the constitution (*tē politeia ... eunous einai*)'.²⁶³ The text of III.4 1276^b28–37 appears to aim in the same direction: 'preservation of the community (*hē sōtēria tēs koinōnias*) is {a civic} duty (*ergon*), and the constitution (*hē politeia*) is {this} community (*koinōnia*); hence it is necessary for the virtue of the citizen (*tēn aretēn ... tou politou*) to be with a view to the constitution (*pros tēn politeian*)' (III.4 1276^b28–31). Of course, if Aristotle adopts the maxim that it is the task of a citizen to provide for the salvation of his constitution, this maxim assumes that the constitution meets certain moral requirements (5.3). Correct constitutions are just without qualification and according to nature (e.g. III.6 1279^a17–21,

²⁶¹ See Hansen (1991), 89: 'From the 370s at latest, perhaps already in 403/2.'

²⁶² Rawls (1999), 294. Rawls is following in the footsteps of Kant, who contends that we have a duty to obey the state whether we have consented to it or not. See Kant (1991b), 121; Kant (1991a), 79.

²⁶³ Cf. Frederick the Great's political testament: 'Le premier devoir d'un citoyen est de servir sa patrie' (Politisches Testament, of 27.8.1752, in *Die politischen Testamente der Hohenzollern*, ed. Richard Dietrich (Cologne and Vienna, 1986), 254, cited in Schindling (1992), 66).

17 1287^b37–41; IV.8 1293^b25). Just constitutions—and, to a lesser extent, constitutions which meet a minimum of decency—thus impose on their subjects a natural duty to support them. It is the quality of the constitution rather than a voluntary undertaking on the individual's part or the position occupied by the citizen in the constitution which explains the moral requirement to obey political authority.

This analysis of political obligation is quite in tune with Aristotle's specification of political obedience in his essay on the best polis as a contribution to a pool (*antilambanein ton eranon*, *Pol.* VII.14 1332^b40): citizens think of obedience in terms of a gift for which repayment in some form is anticipated. When a number of persons conduct a joint enterprise according to some rules and thus restrict their liberty to that effect, those who are law-abiding are thereby entitled to a similar performance from the rest of their partners.²⁶⁴ So, there seems to be a sort of cooperative association going on in Aristotle's best polis. The idea of a scheme of cooperation, in turn, echoes II.2 1261^a30–1, where Aristotle explains that 'reciprocal equality preserves the poleis' (*to ison to antipeponthos sōzei tas poleis*).²⁶⁵ (The preposition *anti-* in *antilambanein* and *antipeponthos* conveys a sense of a political to and fro among law-abiding citizens.) And this last passage of the *Politics* refers the reader to Aristotle's *Ethics* as support for this claim: in *EN* V.5, indeed, we find the general claim that 'in associations for exchange' (*en ... tais koinōniāis tais allaktikais*) it is justice as reciprocity that holds people together (*sunechei*). Although Aristotle certainly does not think that the polis is purely an association for exchange (*Pol.* III.9 1280^a35), he adds nevertheless that a polis is actually 'maintained (*summenei*) by proportionate reciprocity' (1132^b31–1133^a1).

In the light of these remarks, it makes sense to claim that when applied to the political sphere, the requirements of reciprocal equality are fleshed out as a duty to be law-abiding. Aristotle thus seems to put his finger on the classical topos that justice as law-abidingness upholds the continued existence of the political community.²⁶⁶ Aristotle himself repeats this claim at *Rhet.* I.4 1360^a19–20: 'the salvation of the polis is in the laws' (*en ... tois nomois estin hē sōtēria tēs poleōs*).

So, the requirement to obey political authority in Aristotle may be thus seen against the background of a community of citizens sharing in a common enterprise, as his nautical analogy suggests at *Pol.* III.4

²⁶⁴ Cf. Hart (1984) and Klosko (1991).

²⁶⁵ Schütrumpf's rendering (1991b), 12, emphasizes the exchange of performances which underlies this conception of justice: 'die Gleichheit des Empfangens gegenseitiger Leistungen [erhält] die Staaten'.

²⁶⁶ Cf. Dem. 24.216: the laws preserve and hold together the polis (*tauta de panta tēsōzei kai sunechēi; boi nomoi*), and 24.2: [*ta dikastēria*] *sunechein tēn politeian*, cited in Schütrumpf (1991b), 167, ad II.2 1261^a 31.

1276^b26, 29 (cf. III.6 1279^a2–7). Aristotle seems to take up Plato's parallelism between politics and seamanship in *P/t.* 296e4–5—where Plato compares the captain who keeps watch for the good of the crew and the ship with the good and wise politician who keeps watch for those who inhabit the polis—not without adapting it for a different scenario: in Aristotle's work the role of the captain is replaced by the whole community of citizens.²⁶⁷ Whereas both Plato and Aristotle thus agree that political authority ought to serve the common good, they seem to part company when it comes to the nature of the relationship between political authority and obligation: whereas Plato seems to defend a 'vertical' conception of political obligation to the extent that he concedes political rights to the king only (on the basis of the king's philosophical acumen), Aristotle stands for a rather 'horizontal' conception of political allegiance to the extent that he distributes political rights and duties among all citizens on an equal footing. Aristotle's operative political term is not so much 'knowledge' as 'community'.²⁶⁸ To be sure, on a few occasions he seems to follow in the footsteps of his teacher as he speaks of a ruler to whom obedience is due as a matter of natural superiority (III.13 1284^b32–3; 17 1288^a28–9; VII.3 1325^b12), and Plato himself in *Nomoi* actually paves the way for much of Aristotle's reciprocal or communal doctrine of politics. Still, were we to focus on Plato's account in the *Republic* and the *Statesman* and on Aristotle's overall portrait of political activity, the big picture as to the vertical notion of political obligation in the former and the horizontal conception of political duty in the latter would remain essentially the same.

What should we make of Aristotle's apparent oscillation between duty and obligation regarding the nature of political allegiance? The 'colonial' nature of the best polis would go some way towards explaining the way in which Aristotle's political theory deals with what has been called the 'particularity requirement' of political obligation. Those who require 'particularity' in answers to questions about political allegiance have a point. Although it is clear that we have a moral reason to support just institutions and hence just governments, this idea does not seem to tell us much about what we should do regarding political obligation and/or it tells us too much about it. It would bind us not only to our governments but to *all* just governments as such, to the extent that we are able to fulfil our duty. So, the particularity requirement calls for a special link between a subject and his government in addition to the general moral connection between just governments and the

²⁶⁷ Cf. Schürtrumpf (1991b), 418–19.

²⁶⁸ Of course, both the horizontal and the vertical conception of political obligation are compatible with and call for the notion of authority as an exclusionary reason for action (3.3–4). We would misunderstand the very idea of political obligation if we took it as implying unanimity or as doing away with authority altogether.

duty to support them. The distinct link sought after by the particularity requirement must come from the 'special relationships with the state into which the individual can enter (e.g. by promising, consenting, accepting or receiving benefits, etc.)'.²⁶⁹ Entering into a newly set-up ideal polis would do the trick. When it comes to less than ideal poleis, the % particularity requirement would bind the subject in so far as the government does not reach the moral threshold of tyranny (7.4). Aristotle's theory of political obligation may thus have the best of both worlds in so far as willing agreement broadly considered would be morally relevant if given to an appropriate type of government, and a just or fairly decent government would hardly fail to develop the special relationships above mentioned with its subjects, i.e. with those who live under the (alleged) authority of the polis.

²⁶⁹ Simmons (1979), 34. Although Locke may be the first modern advocate of the particularity requirement (cf. Simmons (1993), 203–4), Rousseau seems to come to a similar conclusion via 'the transformation of the divine into the civic'. As Riley (1988), 210–11, says, 'Rousseau shows very clearly that his concern is to produce a general will that is peculiar to some particular nation, not a universal will for the good of the whole human race. ... The *générale* must be somewhat *particulière*.'

5

The Question of Political Obligation

5.1 Popping the Question

Having seen in the previous chapters that Aristotle does have the conceptual basis to convey the idea of authority and the notion of moral and political obligation, we are now in a position to examine whether Aristotle raises the issue of political obligation itself, why is it justified to have any political obligation(s) at all. We have adopted this piecemeal approach to political obligation on the grounds that the conceptual and the justificatory dimensions of the issue of political obligation concern two different questions: whereas the former addresses the answer to (a) ‘What is it to have authority?’ and/or ‘What is it to be under an obligation?’, the latter is related to (b) ‘How is political authority or obligation to be justified?’ Our exploration of the conceptual landscape should have cleared by now the way for the examination of the justificatory front.

We might say that there are basically three main issues in political philosophy. The first question is (a) whether there should be political relations at all. Of course, a negative answer is the position adopted by anarchism and prevents any further inquiry into the matter. If, on the contrary, this is answered in the affirmative, two further issues arise: (b) What questions are political questions? Are there any questions which may not be political? Over which area is the state entitled to act or which is the area covered by political questions? Is there any area or issue which is none of the state's business? Finally, (c) Which is the best political decision-making procedure? How shall political questions be decided? Who will be in charge of making political decisions, decisions which might bear upon (b), i.e. upon which questions are political? This type of concern has often been behind the *vexata quaestio* of the best form of government.²⁷⁰

²⁷⁰ See Nozick (1974), 4: ‘The fundamental question of political philosophy, one that precedes questions about how the state should be organized, is whether there should be any state at all. Why not have anarchy?’ Berlin (1979), 121, speaks of ‘what has long been the central question of politics—the question of obedience and coercion. “Why should I (or anyone) obey anyone else?” “Why should I not live as I like?” “Must I obey?” “If I disobey, may I be coerced? By whom, and to what degree, and in the name of what, and for the sake of what?”’. Barnes (1990), 249, in his study of Aristotle's politics, distinguishes only two main issues, dubbing the first one as the question of ‘political liberty’: (i) What questions are political (i.e. what questions call for the intervention of the state)? and (ii) How shall political questions be decided? This type of approach to the political question may be genealogically linked to the work of Wilhelm von Humboldt, who believes that we should distinguish clearly between (a) What is the extension of the state's authority? and (b) Who and how rules? Writing at the end of the eighteenth century, Humboldt was concerned about the fact that few—if any—political thinkers had paid any attention to (a), (b) being the focus of attention for political theory (see Humboldt (1993), 3). Locke, in the *First Treatise*, had anticipated in some sense Humboldt's concern: ‘The Great Question which in all Ages has disturbed Mankind, and brought on them the greatest part of those Mischiefs which have ruin'd Cities, depopulated Countries, and disordered the Peace of the World, has been, Not whether there be Power in the World, nor whence it came, but who should have it’ (Locke (1988), 218–19). But Locke thinks that it is rightly so: the question of who rules was much more pressing at his time than the questions of the existence and the origin of the state itself. Although Locke is also interested in the political question as such, he seems to believe that to some extent pragmatic reasons prevailed over the theoretical appeal and priority of the justification of the state.

The purpose of this chapter is to argue that Aristotle is interested in the first question, the issue raised by (a), which is basically *the* political question, the political question *par excellence*. Assuming that individuals are autonomous practical reasoners it is quite reasonable to expect that they should be given a reason why they are to acknowledge the special place claimed by the state's directives in their deliberations in advance of any consideration of the advantages of a particular form of government. Before going into what may well be the best form of government, an issue should be made of government itself: why should Aristotle's citizens perform their various tasks, such as being liable to military service, fulfilling financial duties, obeying the law, attending the assembly, holding political offices, etc.? The point of departure of any sound investigation of the issue is that subjects must have a (good) reason for obeying the authority of the state and for disregarding some otherwise good reasons for not doing so (3.3). Thus, whereas in Chapter 7 we shall, to some extent, deal with (b) the issue of the extension of the political, in this chapter we shall delve basically into the problem of whether Aristotle does pose the political question.²⁷¹

Few would doubt that Aristotle is interested in the question of how political questions should be decided, of the different ways in which constitutions assign the function of political decision-making. Indeed, all in all, his considerations on government have proved extremely influential throughout the history of political thought. What *has* been challenged is the idea that Aristotle discusses the connection between liberty and the state: 'Throughout the *Politica* he speaks of ... ruling and being

²⁷¹ Wolff (1991), 39, dubs the difficulty of reconciling autonomy and the state as 'the Lockean predicament'.

ruled. He occupies himself constantly with the question of who should rule whom', but 'barely discusses the substantive question of how much liberty a State may or must allow its citizens'.²⁷²

So, a good start for our discussion would be to find a place where Aristotle does pose the political question in a rather direct way and not indirectly by assessing the pros and cons of a particular form of government. Although Aristotle does not raise the issue of political authority and obligation at the beginning of a chapter devoted to the topic, he does pose two significant questions at *Pol.* II.5 1264^a18–20 in the context of his criticism of Plato's *Republic*: (a) 'What do the subjects gain by submitting to the authority (*tēn archēn*) {of the Guardians}?', and more generally (b) 'Why (*tí mathontes*) do they submit to the authority (*tēn archēn*) {of the Guardians}?'.²⁷³ We may think of (a) as a question which deals with one of the likely answers to (b), i.e. subjects will abide by authority on account of its advantages.

Thus it looks as if there is reason to believe that Aristotle is not totally alien to the political question after all. But it might still be objected that this passage in *Pol.* II.5 does not seem to make a good start for the case that Aristotle has a theory of political obligation: the milieu in which it comes up does not allow us to import it unreservedly into the *political* realm such as Aristotle understands it—a sphere of interaction between equally free and rational subjects. According to this objection, given Aristotle's own assumptions regarding the best state, the subjects at issue in this passage—those who make up the *Republic's* Third Class—are slaves, unfree and irrational people, and thus incapable and unworthy of being politically relevant people. These people, so goes the objection, are not to be persuaded into obedience at all, they actually do not deserve

²⁷² Barnes (1990), 251. It should be borne in mind that Barnes does not have recourse to the common argument that Aristotle is not conceptually equipped to deal with the political question, and rightly so: 'liberty is not a modern problem. Questions of liberty must impose themselves on anyone who is ruled—and on every decent ruler.' Plamenatz (1968), 164–5, however, claims that Plato and Aristotle 'never felt the need' to put forward a theory of political obligation because they were not concerned 'with the problem of how freedom can be reconciled with authority'.

²⁷³ Cf. the following renderings of (b): '[W]arum sollen sie die Herrschaft übernehmen?' (Schütrumpf (1991b), 20); 'Pour quelle raison se soumettront-ils à cette autorité?' (Aubonnet (1960–90), i. 62); '[U]pon what principle would they submit ... ?' (Barnes (1984), ii. 2006); 'What convinces them actually to accept it?' (Stalley (1995), 50). Reeve (1998), 35, dramatically brings out the need for a reason for obeying political authority: 'what on earth will prompt them to submit to it?' Lord (1984), 249, n. 17, takes a different philological path by reading '*pathontes* with some MSS and Susemihl, instead of *mathontes* ... accepted by Dreizehnter', and renders it: 'how will they be forced to submit?' (62). Cf. also Pope's verse translation of Achilles addressing Agamemnon at *Il.* I.151: 'What cause have I to war at thy decree?' (I.199).

that and it would be hopeless to do so anyway. They are simply to be kept down.

This objection may be rebutted on several grounds. In the first place, we should bear in mind that Aristotle here is reporting and analysing Plato's views, on which *all* members of the three classes of the polis are citizens (e.g. *Resp.* III 414e5, 416^d1; V 463^a6). Wearing a Platonic hat he takes up the claim that they are citizens notwithstanding their lack of active political rights, and tries to figure out whether this institutional design will work out, i.e. whether under such assumptions the members of the Third Class will remain within the constitutional framework. Actually, even if he does not approve of Plato's description of them as citizens (Aristotle was not very fond of the idea that somebody who has no active political rights is a citizen, e.g. *Pol.* III.1 1275^a7–8), nevertheless he does fall in with Plato's view that political authority is to be exercised for the sake of the citizens (to speak with Plato: e.g. *Leg.* IV 715^b3–5; *Resp.* I 342^b6) or for the sake of the free subjects at the very least (to say it with Aristotelian vocabulary, cf. III.6 1279^a21). In other words, the lot of free subjects is quite relevant for the purpose of drawing a line between right and wrong constitutions (6.1).

Secondly, we should not underestimate the fact that *Politics* II.5 is part of Aristotle's analysis of the opinions of political and legal scholars on the best constitution as a build-up for his own theory of the best constitution. It serves as a theoretical workshop where the basic concepts, issues, and arguments to be used in his discussion of the best constitution are put to the test and cleared up, so that when he takes them up again in Books VII–VIII he will need to go only briefly through them without further ado. In effect, the parallelisms between *Pol.* II and VII–VIII are several and visible.²⁷⁴ It is against the background of these

²⁷⁴ See Schürtrumpf (1991b), 104–6, 189: the distinction between *polis* and *ethnos* is made with regard to the composition of the political community (II.2 1261^a 22 ff.; VII.4 1326^b 2 ff.); Plato provides for the well-being of some individuals only instead of providing for the well-being of all groups in the polis (II.5 1264 15 ff.; VII.9 1329 23 ff.); the requirement that private property be put to communal use is directed against Plato's bid for public property (II.5, esp. 1263 21 ff.; VII.10 1329 41 ff.); unlike the Spartan arrangement, but in keeping with the Cretan system, common meals are to be met by public contributions so that all citizens will be able to share in them (II.9 1271 28 ff.; II.10 1272^b 12; VII.10 1330 3–13); the idiom *bios politikos*, a life of active politics, is applied to a polis which plays an active role amongst other poleis (II.6 1265^a 21–2; VII.6 1327 4, cf. 3 1325 16 *bios ho praktikos*); in a similar vein the ethico-individual notion of *prohairesis* is extended to poleis (II.9 1269 13; VII.3 1325 24); consideration is given to the size of the country (*chōra*) in the light of the life conditions of the inhabitants (II.6 1265^a 13 ff., 9 1270^a 29 ff.; VII.5 1326 30–1); a contrast is drawn between desirable and feasible conditions regarding the establishment of the best constitution (II.6 1265 17; VII.5 1326 38); it is claimed that lifelong (terms of) offices are dangerous for the constitution (II.9 1270 40; VII.9 1329 32); the danger of helots for the Spartan constitution at II.9 1269 36 ff. is the background against which Aristotle makes his own recommendation at VII.10 1330 25–6 on how to deal with peripheral workers; the criticism of the one-sided institutional design of the Spartan constitution towards war is taken up and intensified in Books VII and VIII (e.g. II.9 1271 4 matches VII.14 1334 6 almost verbatim); the emphasis on moral education (II.5 1263 22–3, 36 ff.; 7 1266 30 ff.) is also taken up and developed in Books VII–VIII; the citizens must be prepared so that they can be won over by the lawgiver (II.9 1270 4 ff.; VII.13 1332 8–9, cf. 7 1327 37 ff.); and so forth.

affinities between Books II and VII–VIII of the *Politics* that we should see that similarly, and decisively for our purposes, Aristotle's inquiry into the difference between rulers and subjects at II.5 1264^a18 ('how will these [sc. the ruled] differ from those, the Guardians?')—which, by the way, also comes out at 6 1265^b19 ('how are the rulers to differ from the ruled?') and seems to imply that these two questions also bear on Aristotle's analysis of Plato's *Nomoi*—reverberates most clearly at VII.14 1332^b24–5, 32–3: 'that the rulers should differ (*diapherein*) from the ruled is indisputable'. The question of political authority and obligation is thus also germane to the essay on the best constitution. Actually, we read Aristotle's own proposal for the best constitution that warriors should be given clear reasons for obeying political authority and thus avoiding attacking the constitutional order. And the main reason they are given—arguably the only one which seems to meet their expectations—is that they will eventually hold office in return (VII.9 1329^a9–12; 14 1332^b25–32).²⁷⁵

Furthermore, Aristotle's remarks at VII.7 1328^a6–7 to the effect that 'both the element of ruling and the element of freedom (*kai to archon de kai to eleutheron*) stem from this capacity for everyone, for spiritedness (*ho thumos*) is a thing {expert at} ruling and indomitable', together with the attitude of the warriors of VII.9 and 14 and his claim that the best state is a community of equals (and/or peers: VII.8 1328^a36–7), would also force him to account for (the justification of) political obligation. Indeed, if spiritedness makes people have an urge to be unrestrained and in command, Aristotle must come up with an explanation of why people who are naturally inclined to rule would comply with the dictates of political authority. These naturally free and equal people must be given a reason why it is in their interest to obey political authority. In this sense,

²⁷⁵ Although there might be a suspicious side to this reason—i.e. warriors are on the verge of blackmailing those in office—the fact remains that it comes up in the context of Aristotle's best constitution and that Aristotle neither makes a fuss about the claims of the warriors nor does he take any steps to modify or prevent the situation; he might have laid down the rule that such claims and/or actions should be prosecuted and punished with heavy fines and/or *atimia*, the loss of political rights. Although the moral character of the class of warriors leaves a lot to be desired, the fact remains that we are not entitled to play down the significance of the question of political obligation simply on account of its context of appearance.

Aristotle's position is similar to mainstream modern political thought in that the relation between governors and governed is mainly of an artificial character (cf. I.2 1253^a30–1) (2.5).²⁷⁶

It was only to be expected that Aristotle would have at least an inkling of this issue. After all, it would be quite awkward for Aristotle to go to the lengths he did in his attempt to show that it is in the best interest of the (natural) slave to abide by the dictates of a (natural) master—e.g. the discussion of slavery in *Pol.* I.5 is directed from the angle of the slave: is it convenient, natural, and just for *him*? (e.g. 1255^a3)—and then to leave unattended the issue of the rationality of political obligation for free and virtuous agents (cf. *Pol.* I.13 1259^b34–6).

As for the wording of the question of political obligation at *Pol.* II.5 1264^a19–20 (*tí mathontes hupomenousi tēn archēn*), the political credentials of both the noun *archē* and the verb *hupomenein* appear to be in order. Since we have already gone through the political uses of *archē* (3.5), I shall now focus briefly on *hupomenein*. At III.15 1286^b13 it is used to describe the actions of free and equally virtuous people (*homoious pros aretēn*) who no longer support monarchy. IV.10 1295^a23 is a nice example of *hupomenein* in the context of free people (*tōn eleutherōn*) resisting tyranny (7.4). At VI.4 1319^b16–17 we read that sometimes the notables (*tous gnorimous*) hardly submit to the authority of democratic constitutions, and VI.8 1322^a3–4 reports that officials who are in charge of carrying out the sentence of the courts and keeping prisoners in custody may at times refuse to fulfil the demands of the law (*hupomeinante ... prattein kata tous nomous*). We also see that it is impossible for the warriors in the best state to obey (*hupomenein*) the authority of others for ever (VII.9 1329^a11).²⁷⁷

5.2 The Extreme Democratic Challenge

Since the *opinio communis* among scholars is that Aristotle is simply not interested in the subject at all, a passage from the *Politics* where something quite akin to the political question comes out should be of considerable value. Thus, *Pol.* II.5 allows us to make some headway in establishing that an interest in the political question is not totally alien to Aristotle. But is it just an inkling? Were it just an inkling, this general

²⁷⁶ Cf. Bodéüs (1996), 52. As far as the usual case of political community is concerned, Aristotle would thus probably agree with Diderot (1986), 257, 258, and his remarks in the article on political authority written for the *Encyclopédie* that 'Aucun homme n'a reçu de la nature le droit de commander aux autres' and that leaving parental authority aside, 'toute autre autorité vient d'une autre origine que de la nature'.

²⁷⁷ Cf. also IV.11 1296^b 2; 13 1297^b 28; V.10 1313^a 9; VI.4 1318^b 18; VIII.5 1340^b 16.

agreement on the subject would remain unchallenged. Aristotle himself employed the proverbial ‘one swallow does not make a spring, nor does one day’ (*EN* I.7 1098^a18–19), and similarly one passage does not make a convincing argument. In fact, he may have popped the question almost inadvertently, like so many others. We need something more solid to build on.

Since anarchism is the doctrine which denies the existence of political questions and/or calls in question the political dimension altogether, were we in a position to see how Aristotle handles the anarchist stand we could then grasp his treatment of the political question in a better light. The reader of Chapter 2 will recall that at the very least Aristotle is aware of one conceptual and two historical instances akin to anarchism. The practical character of Aristotle's political naturalism implies the recognition of a pre-political situation. Aristotle's political theory contains the necessary conceptual space between the individual and the state to launch the political question (2.6). As for the historical instances (2.5) we have the situation of Europeans, a people who have never been politically organized (VII.7 1327^b23–4),²⁷⁸ and the situation of contemporary Cretans, whose political community often dissolves into anarchy:

Their habit is to divide the people and their own friends, create anarchy (*anarchian poiein*), form factions (*stasiazein*), and fight one another. Yet how does this sort of thing differ from a city-state ceasing temporarily to be a city-state (*dia tinos chronou mēketi polin einai tēn toiautēn*), and the political community dissolving (*luesthai tēn politikēn koinōnian*)? A city-state in this condition is in danger, since those who wish to attack it are also able to do so.²⁷⁹ (II.10 1272^b11–16)

Here Aristotle admits of the possibility of a society which is not politically organized and yet is still in existence. Crete did not disappear

²⁷⁸ I might be accused of twisting the evidence in favour of my argument, since Aristotle's Europeans are *apolitical* perhaps, but not necessarily anarchic. The idea is that I would be mistaking the Greek and literal sense of *polis* and its cognates for the relevant sense of what is opposed to anarchy. This objection would hold if Aristotle said that, e.g., Europeans do not live in poleis but are rather organized, e.g., as an empire—but this is not what Aristotle seems to have in mind. They are not an empire *vis-à-vis* their neighbours, nor do they seem to be unified under any kind of centralized power. They are free, at the expense of being unable to rule other people and to live politically. As for the objection that they are socially organized after all: very few forms of anarchism strive for total lack of social organization. We are interested in *political*, not social, anarchism.

²⁷⁹ I am aware that some MSS read *monarchia* rather than *anarchia* at 1272 12. But my case does not rest on that evidence but rather on what appears to be a solid text at 1272 14: *mēketi polin einai tēn toiautēn* and *luesthai*.

when the Cretan officials fought one another to the extent of dissolving the political community. What was at stake was not the Cretan community as such but the ‘association which is the state’, *politikē koinōnia*.²⁸⁰ This distinction between a community and its political organization seems to give Aristotle the conceptual space he would need to make sense of the anarchist question. Those who claim that Aristotle simply identifies the polis with the political community and hence cannot even conceive of the anarchist challenge or cannot even make sense of a society which is not politically organized, to say the very least, overlook the significance of these passages for their position (5.3).²⁸¹

It might be replied that the claim at *Pol.* IV.4 1291^a35–6 that it is impossible for a polis to exist without officials or magistrates calls in question the extent to which Aristotle does conceive of the anarchist position: he seems to be claiming that we could not possibly conceive of the existence of the polis without government after all. This seems to be a strong claim. But it would become a mere tautology if Aristotle were simply saying that it is impossible for a polis as a constitution or system of offices (III.6 1278^b8–10) to exist without officials or even ‘offices’. Now the reference at 1291^b1 to the virtue of citizens suggests that what Aristotle has in mind here is not just any kind of polis but an aristocratic regime. Hence the impossibility at stake is not simply a tautological point nor does it refer to the sheer existence of a polis but it is rather a claim concerning the impossibility of a good polis without (at the very least) minimal organization. Thus Aristotle’s point is that it is impossible for *aristocratic* regimes to exist without some specific structure. This reading of the impossibility claim prevents us from saddling Aristotle with the uninteresting tautological claim that a constitution cannot exist without offices and with the unattractive claim that society as such disappears in the absence of political organization. This latter point also allows us to connect the impossibility claim to Aristotle’s distinction between the Cretan society and its political community in addition to his description of European nations as free but apolitical.²⁸²

²⁸⁰ This is the translation of *politikē* [*koinōnia*] at 1272^b 14–15 given and explained by Saunders (1995), 160–1, and Schütrumpf (1991a), 42: ‘die verfassungsmäßig geordnete Gemeinschaft’.

²⁸¹ It is not then Aristotle, but, for instance, Montesquieu (1979), 127–8, who makes the strong claim that ‘Une société ne saurait subsister sans un gouvernement’ (*De l’Esprit des lois*, I.3).

²⁸² I am aware that at IV.15 1299^a31–3 Aristotle distinguishes between necessary offices and offices useful with a view to an excellent constitution. But I would suggest that what appears superficially to be a first level of bare necessity, once again assumes a minimum of value or order, and that the reference to the excellent constitution points to the best organization a polis may possibly aspire to.

What is more, Aristotle seems to indulge himself in a sort of anarchic *etiamsi daremus*²⁸³ of his own at *EE* VII.10 1242^a22–7:

For man is not merely a political but also a household-maintaining animal, and his unions are not, like those of the other animals, confined to certain times, and formed with any chance partner, whether male or female; but ⟨...⟩ man has a tendency to partnership with those to whom he is by nature akin. There would, then, be partnership and a kind of justice, *even if there were no polis*.²⁸⁴

Of course, I am not saying that Aristotle is here endorsing anarchism—although there appears to be a case for saying that Aristotle does embrace a brand of anarchism (6.3). The point of these considerations is to challenge the widespread view according to which Aristotle is not conceptually equipped to deal with the issue of political obligation on the grounds that he does not even conceive of a political vacuum or anarchism.

There is another passage in the *Politics* where Aristotle seems to have a brief but close encounter with anarchism in the context of his discussion of democracy:

This {sc. majority rule}, then, is one sign of freedom, which all democrats take as a mark of the constitution. Another is to live as one wishes. For this they say is the function of freedom (*tēs eleutherias ergon*), if indeed it is a feature of one who is enslaved not to live as he wishes. This, then, is the second mark of democracy; and from it has come the call not to be ruled, preferably not by anyone, or failing that, {to rule and be ruled} in turn. (VI.2 1317^b10–16)²⁸⁵

Aristotle's democrat seems to be essentially an anarchist at heart, somebody who is far from espousing the rather rosy picture of classical politics entertained by some modern political thinkers as a sphere of public commitment or engaged political participation. He would only enter the political realm and accept the authority of the polis for pragmatic or instrumental reasons. He would prefer to remain aloof from politics (cf. *Pol.* VII.3 1325^a19–20), especially not to be ruled by anyone and,

²⁸³ Of course, this expression usually refers to Grotius's claim in his *De Jure Belli ac Pacis* that his theory of natural law would be valid even if we were to concede that there is no God. But, as Finnis (1980), 43, explains, 'Grotius must be assumed to have known (if only from his reading of Suarez) that, for the purpose of discussing the roots of obligation, the hypothesis of God's non-existence (or indifference) had been a commonplace of theological debate since, at least, the mid-fourteenth century'.

²⁸⁴ Tönnies (1975), 317–18, n. 8, has brought my attention to this passage.

²⁸⁵ Keyt (1999), 41. Throughout this chapter liberty and freedom are employed as synonyms, unless otherwise stated.

failing that, he would engage in the political business only on an equal footing with his fellow citizens, taking turns in government for the sake of protecting his freedom.²⁸⁶ (Aristotle seems to call this view in question when he reports elsewhere that the contrary position is held in high esteem (*Pol.* III.4 1277^a27), i.e. that it is praiseworthy—and not just a necessary evil—to be able to rule and be ruled in a noble way.²⁸⁷) Now at V.9 1310^a25–36 Aristotle not only mentions the two basic features of democracy—i.e. majority rule and freedom in terms of living as one wishes—but also criticizes its underlying conception of freedom and the conclusion drawn by democrats from it:

In democracies—those that are held to be especially democratic—the opposite of what is advantageous has come about. The reason for this is that people define freedom badly. For there are two things by which democracy is thought to be defined: the supremacy of the majority, and freedom. For it is held that the just is equality, that equality is the supremacy of whatever seems right to the mass, and that freedom {and equality} is doing whatever one wishes. Thus in such democracies each man lives as he wishes, and ‘For what he happens to crave’, as Euripides says. But this is bad. For one should not think it slavery to live in harmony with the constitution, but safety.²⁸⁸

At VII.3 1325^a27–8 Aristotle expresses his opposition to the identification of constitutional authority with slavery once again: ‘it is wrong to consider that every kind of rule (*archēn*) is rule by a master (*despoteian*)’. What is of special interest for us is this extreme ‘democratic’ claim that to live according to the constitution is slavery and its foundation upon the conception of freedom as living as one wishes. As we have seen, this extreme ‘democratic’ claim does not necessarily lead to the elimination of the state. It may well be the case that, for pragmatic reasons, we have to put up with government. But as far as our autonomy is concerned, the state is not morally justified. The extreme democrat, then, subscribes to what amounts to theoretical or philosophical anarchism. Although Aristotle in *Pol.* III.6–7 has distinguished between right and wrong constitutions, the very idea of a right constitution would be contradictory if the extreme democrat were right. There may be reasons which explain

²⁸⁶ Ste. Croix (1981), 206, claims that in the ancient Greek world ‘except in a democracy, like that of Athens in the fifth and fourth centuries BC, which extended political rights to the lowest levels of the citizen population, the state would be in effect simply the instrument of the collective property-owners, or even of a restricted circle among men—a Hellenistic king and his henchmen, for instance, or a Roman emperor and the imperial aristocracy’. To some extent, this might explain the extreme democrat’s uneasiness about the state.

²⁸⁷ As Schürtrumpf (1991b), 426, points out, Otanes is reported by Herodotus (III.83.3) to be against both ruling and being ruled (*oute gar archein oute archesthai ethele*), and Xenophon’s Socrates paraphrases Aristippus’ position in a similar way: *mête archein axiōseis mête archesthai* (*Mem.* II.1.12).

²⁸⁸ Keyt (1999), 23.

the existence of the state but these imply keeping our autonomy at bay. The state is hence at best a *pis aller* which is at odds with one of our most cherished moral values.

Aristotle would agree with the extreme democrat or philosophical anarchist that *if* living according to the constitution were slavery, *then* it would be wrong to act according to the constitution—at least as far as naturally free people are concerned (7.4). However, Aristotle thinks there is no reason for granting the conditional and rather assumes that there is a justification for the authority of the polis over free subjects, his point being that extreme democrats mistake the authority of any constitution for a form of slavery or despotism. This is the same point he makes against Plato from the very first pages of the *Politics* (I.1 1252^a7–9). He seems to have in mind passages such as *Leg* IV 712e10 ff. (cf. *Pbd.* 63a5 ff.), where Plato compares the polis made up of despots and slaves with God's despotism (the only difference being that the latter does cater for the well-being of the subjects), and *Resp.* VIII 563d6 (cf. *Leg* III 698c; 701b5 f.; X 890a9), where Plato confounds the domestic dependence of a slave with political subordination by complaining that 'the minds of the citizens of a democracy become so sensitive that they get angry and annoyed at the slightest hint of enslavement'.²⁸⁹

The extreme democrat would see Aristotle's point. On the one hand, Plato seems to end up making an extreme democratic or anarchic claim: there is no difference between government and enslavement. On the other, Plato is wrong since slavery and politics are different. But our extreme democrat would be eagerly looking forward to an explanation of this difference. After all, the extreme democrat has a point. If freedom consists in acting as one wishes, not only the constitution but any external imposition on our deliberation will stand in the way of our freedom and to that extent will amount to a form of slavery for us. This is precisely the conceptual point that lies behind Hobbes's reproach to the notion

²⁸⁹ Schürtrumpf (1991a), 181, has drawn my attention to this conceptual rendezvous between Plato and Aristotle's democrats. At *Resp.* V 463^a6 ff. there is an attempt to make the distinction Aristotle is looking for: 'in most communities they call them "masters", and in democracies they call them just that—"rulers"'. Sometimes Aristotle himself commits the mistake he charges Plato with by speaking of being subservient to the laws or 'having been enslaved to the laws' (*tois nomois edouleuon*, V.12 1315^b 16–17). Cf. Demaratus' warning to Xerxes in Her. VII.104.4: 'They [Spartans] are free (*eleutheroi*)—yes—but not entirely free; for they have a master (*despotēs*), and that master is Law (*nomos*), which they fear much more than your subjects fear you. Whatever this master commands, they do; and his command never varies: it is never to retreat in battle, however great the odds, but always to remain in formation, and to conquer or die.' Cf. Cicero's *Pro Cluentio*, 146: 'legum ... servi sumus ut liberi esse possimus'.

of liberty apparently praised by classical political theory, a point the extreme democrat may well be happy to endorse:

The Libertie, whereof there is so frequent, and honourable mention, in the Histories, and Philosophy of the Antient Greeks, and Romans, and in the writings, and discourse of those that from them have received all their learning in the Politiques, is not the Libertie of Particular men; but the Libertie of the Common-wealth: which is the same with that, which every man then should have, if there were no Civil Laws, nor Common-wealth at all. ... The *Athenians*, and *Romanes* were free; that is, free Common-wealths: not that any particular man had the Libertie to resist their own Representative; but that their Representative had the Libertie to resist, or invade other people. There is written on the Turrets of the city of *Luca* in great characters at this day, the word *LIBERTAS*; yet no man can thence inferre, that a particular man has more Libertie, or Immunitie from the service of the Commonwealth there, than in *Constantinople*. Whether a Common-wealth be Monarchicall, or Popular, the Freedome is still the same.²⁹⁰

Both Hobbes and the extreme democrat claim that, as Mill was to say, there is a ‘struggle between Liberty and Authority’:²⁹¹ liberty and authority are located at opposite ends of the same spectrum, so that the closer we get to one end, the more distant we are from the other. (So Hobbes may be said to embrace some form of ‘conceptual’, but not normative, anarchism: liberty consists in the absence of external impediments, this being something to be regretted rather than encouraged.) There is no liberty left for subjects *vis-à-vis* the law once civil society is set up, especially the liberty of disobeying the government (3.3). Of course, whereas the extreme democrat would find this fact appalling, Hobbes seems to be quite happy with it: he would say that the protection of values like order and security more than makes up for the restriction of liberty implied by the establishment of the state, that the whole point of the state is to restrict the liberty of its subjects. But this scenario would be tantamount

²⁹⁰ Hobbes (1991), 149. Cf. *De Cive*, X.8. It is noteworthy that Hobbes (1991), 150, attributes the extreme democratic notion of liberty to Aristotle on the basis of what appears to be *Pol.* VI.2 1317^a 40–b11, when it is plain that Aristotle in that passage is reporting rather than endorsing the democratic understanding of freedom, having criticized it at V.9 1310^a 28–36. So, Aristotle basically would take sides with Hobbes against extreme democracy. On the other hand, in *The Elements of Law*, Hobbes (1994), 164, does get it right by claiming that ‘Aristotle saith well’ that liberty is a defining feature of democracy. At this point it is clear that Hobbes realizes that Aristotle is simply recounting what it is said about democracy, this remark being one of the very few words of approval Hobbes finds for Aristotle. Hobbes changed his mind eventually in his later political works and came to associate Aristotle with the democratic conception of politics. Skinner (2002), 226–7, describes in some detail Hobbes’s ‘change of direction’ regarding Aristotle’s views on freedom and puts it down to political reasons, but fails to add that in doing so Hobbes is grossly misreading Aristotle.

²⁹¹ Mill (1991), 5.

to slavery for the extreme democrat.²⁹² In fact, Aristotle himself defines the free man as someone who is or lives for his own sake, not for the sake of another (*pros allon zēn*: *Rhet.* I.9 1367^a33; *EN* IV.3 1124^b31; *Pol.* I.13 1260^a31–3; *Met.* I.2 982^b25–6). Hence the extreme democrat would also expect him to be chary about leading a life with a view to the constitution (*pros tēn politeian*).

Aristotle might begin his answer to the extreme democratic challenge by saying that he is no stranger to the notion of negative or neutral liberty, i.e. liberty as the absence of external impediments and hence to the idea that the authority of the constitution does restrict the liberty of subjects. He would point out that it is wrong to conceive of the constitution as slavery, not that the constitution imposes no restrictions whatsoever. For instance, at VI.4 1318^b38–1319^a1 we read in the context of the analysis of some constitutional dispositions that ‘to be under constraint (*to ... epanakremasthai*), and not to be free (*exeina*) to do whatever seems good, is beneficial, since freedom (*exousia*) to do whatever one likes leaves one defenceless against the bad things that exist in every human being’. Thus Aristotle does not ignore the conceptual point between authority and liberty. As this last passage shows, he uses the term *exousia* and cognates to express, among other things, the neutral idea of freedom, i.e. the idea of freedom as absence of external impediments. For instance, while drawing a comparison between political and non-political communities, Aristotle once again turns to this term to convey the idea of complete absence of impediments: ‘Democracy is found most of all in dwellings ... where the ruler is weak and everyone is free (*exousia*) {to do what he likes}’ (*EN* VIII.10 1161^a6–9).

Secondly, we should bear in mind that it is not Aristotle but the medieval commentators on his *Politics* who make the strong claim that freedom consists in living according to the constitution. For instance, it is Peter of Auvergne who claims that ‘vivere secundum rempublicam non est esse in servitute, sed libertate magis’.²⁹³ Aristotle makes a much weaker claim, viz. that a constitution does not imply slavery for its

²⁹² Max Stirner, whose *The Ego and its Own* was to be taken up as the founding text of individualist anarchism, follows closely, almost verbatim, Hobbes's distinction between the liberty of individuals and the liberty of states: “‘Political liberty’, what are we to understand by that? Perhaps the individual's independence of the state and its laws? No; on the contrary, the individual's *subjection* in the state and to the state's laws. ... Political liberty means that the *polis*, the state, is free; ... [It means] not, therefore, that I am free from the state, from religion, from conscience, or that I am *rid* of them. It does not mean *my* liberty, but the liberty of a power that rules and subjugates me; it means that one of my *despots*, like state, religion, conscience, is free. State, religion, conscience, these despots, make a slave, and *their* liberty is *my* slavery’ (Stirner (1995), 96–7).

²⁹³ Aquinas (1951), 281, n. 842. Cf. Albertus Magnus (1891), 500b: the authority of the constitution as preservation of well-being (*salus felicitatis*) aims mainly at the freedom of virtue (*ad libertatem virtutis*); and Oresme (1970), 232: ‘En ne doit pas cuider que vivre au salvement de la policie soit servitute, mes est salut et liberte’.

subjects and hence that freedom is not totally incompatible with the constitution. The restriction of liberty implied by the constitution may well be compensated for by the benefits it brings about concerning other values and goods.

The extreme democrat might be convinced that Aristotle does not claim that a constitution means liberty for its subjects. But he would not hide his misgivings at another word employed by Aristotle to convey the idea of freedom, viz. *eleutheria* and its cognates. Indeed, Aristotle seems to imply that the constitution imposes a restriction of liberty (*exousia*) but not of freedom (*eleutheria*). While *exousia* and cognates would meet ‘libertarian’ standards to the extent that they convey an idea of liberty in terms of absence of impediments, the notion of *eleutheria* and its cognates *eleutherios* (having the outlook of a free citizen) and *eleutheros* (which designates the status of a free person) seem to be closely connected with morally seasoned concepts which, in turn, seem to take a heavy toll on liberty. Whereas the narrow sense of *eleutherios* covers the virtue of generosity or liberality (*eleutheria*), its wider sense gives the idea of a ‘civilized’ and hence ‘free’ person, in opposition to the idea of an uncivilized and hence slavish person. This civilized person has gone through the appropriate type of education, is morally and intellectually virtuous, pursues the right type of activities, uses leisure rightly, etc.²⁹⁴ It would make perfect sense for Aristotle to claim that the *eleutherios*, a free man, is not free or does not have *exousia* to be vicious or to disobey the authority of the constitution. But the extreme democrat would find fault with the logic of this claim: it seems to be a paragon of a contradiction in terms. Indeed, the extreme democrat would be particularly uneasy about expressions such as ‘rule over free people (*archē ... tōn eleutherōn*)’ (VII.14 1333^a4, cf. 1333^b28; III.4 1277^b7–8, 15–16), and will definitely raise his eyebrows at the idiom ‘ruled though free (*archomenou men eleutherou de*)’ (1277^b18). The very idea of rule is incompatible with liberty.

A curious paragraph in *Met.* XII.10 1075^a19–23 may be of help to explain Aristotle's position to the extreme democrat:

it is as in a house, where the freemen (*eleutheroi*) are least at liberty (*exeinai*) to act as they will, but all things or most things are already ordained for them, while the slaves and the beasts do little for the common good {of the house}, and for the most part {are at liberty to} live at random; for this is the sort of principle (*archē*) that constitutes the nature of each.

²⁹⁴ See Irwin (1999), 331. It is almost irresistible to relate the distinction between *exousia* and *eleutheria* to Berlin's canonical demarcation between negative and positive freedom. See his ‘Two Concepts of Liberty’, in Berlin (1979), 118–72.

As it has been argued, this claim is ‘intentionally paradoxical’.²⁹⁵ It is natural to connect being free (*eleutheros*) with the maximum extent of freedom or liberty (*exousia*) to act as one fancies, and hence to agree with the extreme democratic conception of what suits a free person. But Aristotle's *eleutheros* is least at liberty in some respects. For instance, he would not indulge in vicious activities. Aristotle would turn the tables on the extreme democrat and say that the extreme democratic liberty, the liberty of acting at random or on any whim someone might have, is actually fit for a slave and not for a free person.²⁹⁶

So, there seem to be two broad conceptions of freedom at stake. According to the first one, which might be called *maximalist*, freedom is understood in purely neutral or quantitative terms for all normative purposes.²⁹⁷ To be free, to live for the sake of oneself and not for another, is to be unimpeded by external obstacles to our desires, whatever their nature. As it happens, these desires tend to be basically self-regarding in nature

²⁹⁵ Irwin (1988), 422.

²⁹⁶ As we have seen, the very idea of being ‘free’ or enslaved is ambiguous. The author of the *Politics* conveys at least two different meanings through the concept of freedom. On the one hand, it designates the legal condition of a citizen born a free man without any further moral qualifications (typical in III–VI; III.8 1280^a 5; 9 1280^a 24; IV.6 1292^b 23 ff., esp. 38; cf. III.11 1281^a 24–5 and 1281^a 42–10); on the other, it refers to the social and moral condition of a person who is free from labouring or doing manual or menial work in general and thus is able to share in happiness (I.7, VII–VIII; e.g., VIII.2 1337^b 5–21; VII.14 1333^a 5 ff.; VIII.6 1341^a 13; 7 1342^a 18–19). Although these senses are not necessarily incompatible with one another, they may well be so: most of the freemen who make up the body of citizens in *Pol.* III–VI would qualify as slaves as far as *Pol.* VII–VIII are concerned (e.g. VII.9 1328^b 33 ff.). Many of those who should be ruled despotically if judged by the standards of Book I, are actually fit to exercise political rule themselves if seen in the light of Books III and IV. See Schütrumpf (1980), 37–8, n. 131, 172, n. 40, and (1991a), 292–3. Keyt (1999), 198–9, also distinguishes two senses of ‘free’ and ‘slave’: ‘a strict, or legal, sense and a loose sense. In the strict sense of the words, a slave is one who is owned by another; a free man is one who is not. ... In the loose sense of the word, a free man is one who lives as he wishes; and a slave one who does not. This loose sense, which is associated with democracy ..., expresses what in Aristotle's view is a mistaken conception of freedom and slavery’.

²⁹⁷ Somebody may support this view for conceptual reasons and reject it for practical purposes. As we have seen, Hobbes endorses the maximalist conception as a fair portrayal of liberty and yet does not recommend us to act upon it but rather attempts to reduce it to the minimum. Filmer (1949), 224, in his *Observations upon Aristotle's Politiques Touching Forms of Government*, adopts the same position as Hobbes: ‘True liberty is for every man to do what he list, or to live as he please, and not to be tied to any laws. ... [G]overnment many say was invented to take away liberty, and not to give it to every man; such liberty cannot be; if it should, there would be no government at all: ... [T]rue liberty cannot, nor should not be in any estate’. Locke, for his part, claims that Filmer mistakes license for liberty (Locke (1988), 2T, 270). He further stipulates that ‘Freedom of Men under Government, is, to have a standing Rule to live by, common to every one of that Society, and made by the Legislative Power erected in it; A Liberty not to follow my own Will in all things, where the Rule prescribes not; and not to be subject to the inconstant, uncertain, unknown, Arbitrary Will of another Man. As Freedom of Nature is to be under no other restraint but the Law of Nature’ (Locke (1988), 2T, 284).

and hence the maximalist conception goes hand in hand with egotism. This description chimes in with the vicious or base type of agency: ‘the base person seems to go to every length for his own sake (*bo ... phaulos beautou charin panta prattein*), and all the more so the more vicious he is (*mochthēteros*); hence he is accused, for instance, of doing nothing {for any end apart} from himself (*ouden apb’ beautou prattei*)’ (EN IX.8 1168^a31–3). What interests us is not so much the fact that this agent is vicious or base as the fact that this agent believes that freedom is a quantitative issue and hence any external restriction on our desires compares unfavourably with the alternative of satisfying the desire at issue. It is as a result of this conception of freedom that the agent is vicious. (And it is also a consequence of this maximalist conception of freedom that the authority of the constitution is experienced as a form of slavery.) Those who subscribe to this view value the simple fact of having choice, of being not interfered with as such, independently of the quality of the choice. If taken literally, this would imply that the more we exercise our capacity for choice, the more free we are. And if freedom were the value we should pursue the most, then it would follow that, e.g., someone who makes twenty marriage choices is leading a more free and thus more valuable life because of the very fact of making more choices than someone who sees no reason why he should question his original marriage choice.²⁹⁸

At this juncture there is a question about the maximalist interpretation of freedom that should be clarified before we go any further. It is clear that on this view external impositions on our desires are certainly out of the question. We might want to know what would happen in the event of an internal restriction on a desire, an intervention coming from another desire, especially if the latter is a second-order desire. In other words, we would want the extreme democrat to clarify whether the emphasis is laid on the notion of restriction on desires *per se* or on the pedigree of that restriction. The former option would take especial care in keeping first-order desires out of the range of even internal but second-order desires which might jeopardize the spontaneity of first-order desires. The latter option would not necessarily mind the existence of restrictions of internal origin and hence might allow considerable room for another conception of freedom. According to what might be called a *minimalist* conception, freedom would not be totally incompatible with some restrictions adopted by or in the interest of the agent himself. Or, to put it differently, there are restrictions on our desires which do not imply slavery for us. From a quantitative viewpoint, this second conception does imply a lack of liberty since at least some alternatives would not be available to or choiceworthy for the agent. But this restriction is

²⁹⁸ Cf. Kymlicka (2002), 223.

compensated for by an increase in other values or even perhaps by an increase in a different sort of freedom, one which is purchased at the expense of less valuable alternatives (6.2).

The defender of the minimalist conception would surely argue that the maximalist position turns out to be self-defeating. If first-order desires are given *carte blanche* the agent may well end up being enslaved by his own desires. The maximalist mistakes some desires or first-order desires for the agent himself, as if the agent were nothing but a bundle of desires. We may actually wonder whether it is at all possible for the individual to be at all times unfettered by second-order desires, habits, rules, etc., so that his first-order desires will always have the upper hand in all his deliberations. And, once again, even if it were possible, its desirability would still be an issue.²⁹⁹ As Plato says, ‘it is plausible to claim that excessive freedom (*eleutheria*), at both the individual and the political level, can only change into excessive slavery (*douleian*)’.³⁰⁰

Aristotle would surely be inclined to think that the maximalist conception of freedom hardly stops short of animalizing and enslaving human agency: ‘The many, the most vulgar, would seem to conceive the good and happiness as pleasure, and hence they also like the life of gratification. In this they appear completely slavish (*andrapodōdeis*), since the life they decide on is a life for grazing animals’ (*EN* I.5.1095^b19–20). He says in a similar spirit elsewhere that ‘the many lean toward pleasure and are slaves to pleasures (*douleuein tais hēdonais*)’ (*EN* X.1 1172^a32). The following passage is also of help to convey Aristotle's contrast between animal and human agency:

neither for the pleasure of eating nor for that of sex, if all the other pleasures were removed that knowing or seeing or any other sense provides men with, would any man value existence, unless he were utterly slavish, for it is clear that to the man making this choice there would be no difference between being born a brute and a man; at any rate the ox in Egypt, which they reverence as Apis, in most of such matters has more power than many monarchs (*exousiazēi pollōn monarchōn*). (*EE* I.5 1215^b31–1216^a2)

This Egyptian ox, being an animal, i.e. a being not guided by reason, is much more at liberty than many kings.

Aristotle would say then that the maximalist purchases freedom at the expense of rational agency, which is much too high a price for human

²⁹⁹ The maximalist conception of liberty, if stretched to the limit, has some affinity with the Schlegelian idea of identity, which is in favour of a ‘constant succession of self-creation and self-destruction’ (Friedrich Schlegel, Fragment 51, in ‘Fragmente’, ed. Friedrich and August Wilhelm Schlegel (1798), cited in Geuss (1996), 193).

³⁰⁰ *Resp.* VIII 564^a 3–4. Cf. 564^a 7–8, IX 572^a 2, 3, and VIII 560^c 7: ‘they call disorder (*anarchian*) “freedom” (*eleutherian*)’.

beings.³⁰¹ For the minimalist view, the mere fact *that* someone desires something is not enough to ensure that the agent will be free but rather it is very much a question of focusing on *what* the agent desires (2.2).³⁰² Aristotle is not saying, however, that the problem is with desire as such or with the very idea of acting or living as one wishes. The question is that the idea of ‘acting as one wishes’ falls under different conceptions. Similarly, Aristotle is all for self-love as well, provided that it is understood in the appropriate way. There are those who believe that it is essentially a matter of gratifying irrational appetites. Since this is the most common conception of self-love, the general idea of self-love more often than not carries with it a disapproving flavour, and rightly so (*EN* IX.8 1168^b15–23). But there is more to self-love than this. Aristotle claims that the sort of person who is eager to do virtuous actions and gain for himself what is fine, ‘more than the other sort, seems to be a self-lover. At any rate he awards himself what is finest and best of all, and gratifies the most controlling part of himself, obeying it in everything’ (IX.8 1168^b28–31). A few lines below, Aristotle elaborates on this:

This is why he {the virtuous agent} most of all is a self-lover [*philautos*], but a different kind from the self-lover who is reproached. He differs from him as much as the life guided by reason differs from the life guided by feelings, and as much as the desire for what is fine differs from the desire for what seems advantageous. (IX.8 1169^a3–6)

The virtuous person actually is his reason most of all, and ‘his own voluntary actions seem above all to be those involving reason’ (1169^a1).³⁰³ So, Aristotle is happy to reclaim the idea of freedom or the free man for

³⁰¹ Cf. *EN* IX.9 1170^b 12–14: ‘in the case of human beings what seems to count as living together is this sharing of conversation and thought, not sharing the same pasture, as in the case of grazing animals’.

³⁰² See Kamp (1985a), 270: ‘Vor dem Hintergrund der Theorie der NE (II 3, 1105 a 26 ff.) begeht der radikale Demokrat entscheidende Fehler: Freiheit besteht nach demokratischer Ansicht allein in der axiologisch ungebundenen Äußerung des Willens. Es kommt nur noch darauf an, *daß* jemand etwas will—und diesem Wollen in der Praxis folgen kann—, nicht mehr darauf, *was* der Betreffende will’. Cf. also Sorabji (1990), 266: ‘Aristotle would not think that someone was free merely because he was doing what he wished. He would think it mattered *what it was* that he wished.’ Cf. also Hegel (1991), 48–9: ‘[Remark] The commonest idea [*Vorstellung*] we have of freedom is that of *arbitrariness*. ... When we hear it said that freedom in general consists in *being able to do as one pleases*, such an idea can only be taken to indicate a complete lack of intellectual culture; for it shows not the least awareness of what constitutes the will which is free in and for itself, or right, or ethics, etc. ... [Addition] The common man thinks that he is free when he is allowed to act arbitrarily, but this very arbitrariness implies that he is not free.’

³⁰³ As Irwin (1999), 296, explains, ‘Though Aristotle allows voluntary action on nonrational desires, he thinks it is most voluntary when it results from rational desire and decision. For this is most of all *my* own voluntary action, in which the origin is most of all in *me*.’

his own political theory, once the ideas of being free, existing for oneself, and acting as one wishes have been properly understood. Aristotle is not committed to denying the view that freedom is doing what one wishes—provided that that view is properly understood—nor is he an enemy of democracy as such. What he does deny is that freedom is identical to gratifying one's whims or inclinations, regardless of their (ir)rationality, i.e. that an attractive conception of freedom is incompatible with any constraints whatsoever. His idea of a free agent certainly includes the opportunity to act as one wants; but this agent will want to act on the basis of a *boulēsis* or rational wish (*DA* II.3 414^b2–6; 9 432^b5–7; *EN* III.2 1111^b11–13, 26; 4 1113^a15). To be such a free agent 'is to be rational, and rationality demands that one chooses the good life, the life in which we exercise our dispositions for virtue'.³⁰⁴ In Aristotle's eyes, even the extreme 'democratic' conception of freedom and well-being would be extensionally correct for the appropriate people, i.e. for virtuous citizens: if left alone to live as they please, given their kind of character, they will want the institutions and pursuits of the best constitution, viz. the requirements and institutions demanded by a right conception of the human good. In this sense, Aristotle's ideal state will express 'the conditions in which it would be reasonable to follow the democratic principles, though not for the democratic reasons'.³⁰⁵

³⁰⁴ Everson (1988), 98. Cf. also Irwin (1988), 421: 'To some extent Aristotle agrees that freedom is living as one wishes; but he denies that living as one wishes requires freedom from the constraints of law ... [W]e should identify greater freedom with the greater extension of my rational control over the conditions of my life'. Simpson (1998), 402, n. 67, explains that 'strictly speaking freedom is virtue, or living and choosing to live the best human life ... so that only citizens in the simply best regime will be simply free'. Robinson (1989), 123, notes in a similar vein that 'A creature lacking a fully developed rational power, or one in whom passion rules in an abiding way, is not free.' Newman (1887–1902), iv. 411, relates Aristotle's legal theory to the republican tradition of law: 'the passage before us [sc. 1310 27] makes it probable that Aristotle would define freedom as obedience to rightly constituted law'. Finally, William of Ockham seems to capture in a few words the connection between freedom, reason, and obligation in Aristotle in the context of his discussion of the basic concepts of the *Politics*: 'It belongs to natural liberty that no one can use free persons for the user's advantage, but it is not contrary to natural liberty that someone should use free persons reasonably (*rationabiliter*) for the sake of the common good (*ad bonum commune*), since everyone is under an obligation (*tenetur*) to prefer the common to private good (*bonum commune preferre privato*)' (Ockham (1995), 139; Miethke (1995), 152).

³⁰⁵ Irwin (1988), 436–7. Irwin (1988), 423, has a point in warning that 'Aristotelian freedom is an empty fraud without some democratic non-interference. For reasons that Aristotle himself insists on, the citizen will not escape a slavish condition if he simply gives his rational assent to a way of life that is independent of his will, or if he is not allowed to develop his own will by comparing alternative ways of life. ... The ideal city, at least as much as any other, must avoid thoughtless conformity, hypocrisy, and intolerance of reasoned dissent; it must leave a citizen some room to "live as he wishes". ... His advocacy of self-determination and leisure, as the proper expressions of rational agency, show us why he is committed to more democratic freedom than he recognizes. Reference to the foundations of Aristotle's political theory helps us to correct his own exposition of it.'

What appears to be characteristic of a truly free life in Aristotle's eyes is not so much the absence of interference as the pursuit of activities constitutive of a happy life, i.e. a life lived according to excellent rational activity. This sort of activity would make the virtuous agent concentrate on his own life and agency. To act otherwise would be to lead a slavish life. Hence the principle that the magnanimous person would not live for anyone else but himself, with the significant exception of a friend (*EN* IV.3 1124^b31–1125^a1). The virtuous agent 'acts for what is fine (*ho d' epieikēs dia to kalon*), all the more the better he is (*beltiōn*), and for his friend's sake (*philou heneka*), disregarding his own {self-regarding interest} (*to d' autou pariēsīn*)' (*IX*.8.1168^a31–5). If I had no friends I would be free from the requirements that come with friendship, but it would not make me free in other and more relevant respects. The constraints imposed by friendship do not imply the performance of necessary or ignoble activities and in this sense it does not imply a contraction of freedom.

So, by Aristotle's standards, if X does φ for the sake of Y, he does not thereby necessarily become a slave of Y—a conclusion which would follow from the extreme democratic or maximalist position. Aristotle actually claims that friendship may actually involve using a friend: 'in many actions we use friends (*philōn*) ... as instruments (*di' organōn*)' (*EN* I.8 1099^a33–^b1; cf. 1099^b27–8 where he seems to refer to friends as 'goods (*agathōn*) ... naturally cooperative and useful (*chrēsima*) as instruments (*organikōs*)'). Furthermore, activities which would otherwise be slavish or menial are not so if performed for the sake of the agent or for a friend (*Pol.* III.4 1277^b5–8; VIII.2 1337^b17–21).³⁰⁶ Aristotle's standard for assessing the moral nature of an activity, and thus for (not) considering it worthy of a free person, is usually the end of the activity. The idea seems to be that 'Some kinds of Baseness | Are nobly undergone'.³⁰⁷

certain commands differ not by the works {ordered} but by the {end} for the sake of which {they are carried out}. Hence it is morally admirable for the free among the young to serve in many of the tasks that are held characteristic of servants; for, with a view to what is and what is not morally admirable, actions do not

³⁰⁶ A modern ear cannot help noticing that Aristotle's notion of a free man has a certain Kantian ring: a free man exists for his own sake, so that he ought to be regarded as an end in himself. But this principle does not imply that human beings may not be used in any way. 'Kant's principle says, in its full statement, that you must treat humanity both in yourself and in others never as a means only but always also as an end in itself. The principle does not forbid me to use another as a means. It allows me to do so, *provided that* I at the same time honour his status as an independent centre of value, as an originator of projects that demand my respect' (Cohen (1995), 239).

³⁰⁷ *The Tempest*, III.i.2–3.

differ so much in themselves as in their end and that for the sake of which {they are performed}. (VII.14 1333^a6–11)

There are other constraints on the exercise of practical reason that do not limit but enable rational activity and thus the agent's well-being, such as obedience to parents and friends:

the appetitive and in general the desiring element in a sense (*pōs*) shares (*metechēi*) {in reason}, in so far as it listens to and obeys it (*peitharchikon*); in the same sense (*outō*) we also say that one defers (*echein logon*) to one's father or one's friends, unlike {what is rational in} mathematics. (EN I.13 1102^b30–3)

Having described sharing in reason in terms of both listening to and obeying reason, Aristotle moves on to claim that the same applies when we obey a parent or a friend: to have a rational relationship with friends (*tōn philōn ... echein logon*, 1102^b32) may well carry along with it obedience to them (from ^b31, *peitharchein* and *outō*). As we have seen (3.3–4), it is not necessarily irrational to restrict the scope of our first-order deliberations. Aristotle then extends this sort of rational relationship to the political community: 'Indeed, politically (*politikōs*) it is possible to be the friend of many and yet not be obsequious, but a truly good man' (EN IX.10 1171^a17–19). According to Aristotle there is thus no real or net loss of freedom involved in some forms of association such as friendship and thus in (all that comes with) leading a political life, since pursuing the common good is morally admirable and hence a constituent of one's well-being (6.2).³⁰⁸ All constraints imposed on virtuous agents must be justified by showing that their end is morally admirable. So, since the commitments and requirements which derive from friendship are constitutive of an excellent rational life, a life with the constraints imposed by friendship would be more choiceworthy than a life with no interference from friendly relationships. This is why 'no one would choose to live without friends even if he had all the other goods' (EN VIII.1 1155^a3). In other words, 'whereas I would prefer a life that was free of the necessity of earning a precarious living, I would not prefer a life without the constraints imposed by friendship'.³⁰⁹ And what has been said of friendship

³⁰⁸ We have seen that Hobbes is not fond of combining liberty with government. For him, to say that a citizen of a state is free is a contradiction in terms. However, having made this reservation, he is happy to say in *De Cive* IX.9 that, in some sense, 'this is where the difference lies between a *free citizen* and a *slave*, that the FREE MAN is one who serves only the commonwealth, while the SLAVE serves also his fellow citizen' (Hobbes (1998), 111–12; (1983), 168). In his *Elements ...* we also read that 'Freedom ... in commonwealths is nothing but the honour of equality of favour with other subjects, and servitude the estate of the rest' (Hobbes (1994), 133).

³⁰⁹ Irwin (1988), 421. A. C. Bradley (1991), 15, explains that the 'vital interest taken by the State in the character of its members and their education' and the 'governmental inspection and control of private affairs' were experienced in a special way by ancient Greek citizens: 'Such "interference with liberty" was then not felt to be an interference.'

may be extended to other commitments, requirements, norms, and rules, which will play a significant role in the virtuous agent's deliberation. A rational agent will have to strike a balance between self-will and excessive obligingness towards other people:

Dignity (*Semnotēs*) is a mean between self-will and too great obligingness; for the contemptuous man who lives with no consideration for another (*mēden pros heteron zōn*) is self-willed; the man who adapts his whole life to another and is submissive to everybody (*panta pros allon kai pantōn elattōn*) is too obliging; but he who acts thus in certain cases but not in others, and only to those worthy (*pros tous axious*), is dignified (*semnos*). (*EE* III.7 1233^b35–8)

Taking stock of our argument so far about Aristotle's response to the extreme democratic challenge it seems fair to say that he would emphasize that there is more than one conception of living as one wishes. The one favoured by Aristotle is not incompatible with being ruled by someone else or with acting on somebody else's deliberation. As we have seen (3.3), it is not entirely accurate to say that the agent who adopts an authoritative reason for action does not reason at all or keeps his reasoning faculty totally in abeyance, or that his dignity, autonomy, or freedom are thereby seriously compromised. The alternative to this model, which stands for total absence of interference, would be not only unattractive but perhaps even impossible or self-defeating.³¹⁰ Although Aristotle would recognize that anarchism has a point in demanding a justification of the authority of the polis and that free people have a right not to be enslaved, he would also make the reproach against anarchists that they simply mistake reasonable governmental interference for slavery (6.2).³¹¹ If this reconstruction of Aristotle's political analysis is correct, it does not

³¹⁰ I am not claiming that there are just two conceptions of freedom or that there is no gradation between the radical model of absence of interference and Aristotle's idea of virtue. The point is that Aristotle does face an anarchist challenge of sorts, and that he is able to come up with a convincing argument against this type of anarchism. The remainder of this chapter and the following one may be seen as providing an argument against anarchism in general. Perhaps contemporary anarchism would entirely agree with Aristotle on his defence of political authority. The issue would then be that contemporary states fail to meet the requirements of Aristotle's theory of political authority and thus that anarchism is still the only way out. Aristotle would reply that in any case anarchism would not be entitled to appeal just to the non-interference argument to support its conclusion.

³¹¹ A clear historical example of the idea that political authority does not imply slavery and is not in conflict with the freedom of its subjects is provided by the following passage from Thucydides' *History* on classical Athens: '{Pericles}, who owed his power (*dunatos*) to his recognized authority (*axiōmati*) and his intelligence (*tē gnōmē*), and was of known integrity, could respect the liberty of the people and at the same time hold them in check (*kateicbe to plēthos eleutherōs*)' (II.65.8). Raaflaub (1985), 332, comments on the Greek conception of freedom (in reference to *Pol.* V.9 1310^a25–36): 'That obedience to the constitution and laws as well as to those in each case ruling on the basis of this constitution represents no unworthy bondage, but it was actually only in the framework of the community that the preconditions for true freedom, well-being and the highest development of achievement of the individual were brought about: this was the doctrine presented by political practitioners as well as influential theoreticians.' Cf. De Romilly (1971), 23, and Meyer (1948), 246. Compare Pocock (1975), 126, on Guicciardini's views on political liberty: 'in the *Discorso di Logrogno*, Guicciardini defines liberty in terms which, while providing him with a flexible instrument of political analysis, at the same time carry the full universalism of the Aristotelian and civic humanist tradition. Liberty, he says, consists in the ascendancy of public laws and decisions over the appetites of particular men. That is, it is that state in which my individual will is not subject to the will of any other identifiable individual or group; no other can bind me and carry me whither I would not. But the laws and decrees of the city can do this; in the Renaissance as in the Greek polis, public regulation of individual life could be meticulous and stringent. What matters in the unfree condition is not that I may be bound, but that I may be bound by another's particular will, acting in pursuit of his private interest (*appetito*). I then approach the condition which Aristotle defined as that of the slave, the instrument by which another's ends are achieved'. Cf. Pettit (1997), 22.

seem to be entirely off base to claim that we may find in Aristotle some awareness of the political question, i.e. of the need to justify the intervention of the state in the life of its citizens, to come up with an answer to the anarchist challenge.

5.3 Some Communitarian Fallacies

Having seen that it would not be entirely accurate to claim that Aristotle is a total stranger to the question of political obligation, and before going full sail into the arguments found in Aristotle's political thought to justify the imposition of political duties on citizens, it would be convenient to dwell on the nature of the political question in Aristotle. Indeed, it is not unusual for a considerable branch of communitarian thinking to offer what boils down to a conceptual explanation of the link between citizens or subjects and their political bonds, and it is even less unusual to refer to Aristotle's political thought as the fountain-head of communitarianism.³¹² So, it seems to go without saying that if Aristotle had something to say about the political question, he would say the same as his communitarian tributaries. Adding two and two together, it would follow that the connection between the thesis of civic priority and the political bonds of citizens is a conceptual point in a relevant or non-trivial sense. In what follows I shall briefly state and call in question some of these communitarian

³¹² Frazer (1995), 142, defines communitarianism as 'The thesis that the community, rather than the individual, the state, the nation, or any other entity, is and should be at the centre of our analysis and our value system.' On the connection between Aristotle and communitarianism see, e.g., MacIntyre (1984), 254; Taylor (1985), 191, 189.

tenets and argue that they are not shared by Aristotle's political theory. In so doing, I shall take up the idea defended in 2.4–6 that Aristotle's civic priority is not conceptual but essentially evaluative in nature.

Scholars such as Hannah Pitkin think of the correlativity between authority and obligation as a question of language. That legitimate authority ought to be obeyed 'is essentially what Wittgenstein calls a "point of grammar"; ... You cannot, without further rather elaborate explanation, maintain simultaneously *both* that this government has legitimate authority over you *and* that you have no obligation to obey it'. This is something, she adds, that is 'built into English grammar, into the meanings of these terms. ... It is part of the concept, the meaning of "authority" that those subject to it are required to obey, that it has a right to command. ... [G]overnment and authority are concepts grammatically related to obligation and obedience.'³¹³ The political question is thus conceptually resolved. It would make little sense even to ask the political question of why or whether we should obey the government or why or whether a member of a political community has duties towards it. The very fact of posing the question would betray one's failure to get to the bottom of the concepts at stake. Having political obligations is simply part of the very idea of being a member of a political community; being owed obligations of support and obedience on the part of subjects is simply part and parcel of the very idea of government with authority over those subjects.

The problem with this approach to the political question is that it is either uninterestingly true or radically wrong. It is not hard to see that there is a conceptual connection between, say, being a member of X and fulfilling the duties incumbent upon membership of X (1.2). But it is more difficult to see the practical import of this conceptual connection, i.e. what it implies for the assessment of what is to be done all things considered. It may well be true that, as a member of X, I am expected to or ought to φ . But it does not follow that it would be senseless to ask what makes me a member of X and thus what grounds my seeming obligations of membership. Think of being a member of Don Corleone's family and carrying out the duties which come with such a territory. We can understand that being a member implies having some duties, that, for example, a hit-man has a job to do, a schedule to meet, even that he is doing a good job at it, and yet we can also understand the question of whether these duties should be performed, why these duties should be fulfilled, etc. The conceptual approach to the political question might carry the day if it were true that there is no external viewpoint from which to put the conceptual connection into perspective, so that we

³¹³ Pitkin (1966), 39–40, 44, 48.

would always already be immersed in an impregnable conceptual web and hence unable to see it in a different light. For 'were the conceptual argument sound, we would not be able even to understand the claims of rebels and anarchists who deny their obligations'.³¹⁴

So it is true that being a member of X carries with it some duties, or that the very idea of authority or government is connected with the existence of obligations on the part of subjects. But these 'duties' or 'obligations' as such will remain purely conceptual and hence will have no practical purchase for the analysis of what is to be done all things considered. Aristotle does not propose the uninteresting or trivial point that government actually rules or that subjects obey. He is rather interested in a different type of connection between political authority and obligation. The connection he stands for is not purely conceptual but essentially moral (1.2, 2.6). Although we might distinguish conceptually between the questions 'Why should S obey the government?' and 'What authority does the government have over S?', Aristotle seems to proceed on the assumption of (what may be called) the moral correlativity thesis of political authority and obligation. From a moral point of view talk of political authority is strongly correlative with talk of political obligation: if somebody or some body has a right to rule, this right entails a duty to obey, so that if A has a right to rule and requires S to do φ , S has thereby a duty to do φ . (The contrary does not necessarily hold, since S might occasionally have a 'collateral' moral duty to obey A in circumstances in which A has no moral authority to require any actions; we shall return to this in 7.4.)

Of course, we might conceive of a form of authority which does not entail any obligation on its subjects to comply with its dictates. In this case, legitimate authority does not imply a strong or claim-right to rule, with its concomitant duty on the part of subjects to obey it, but rather the weaker notion of a liberty-right to rule, which amounts to the simple fact that A is not under a duty not to rule, and S is not under a duty to obey A's dictates. So A and S are both at liberty, the former to rule (i.e. to issue threats and punish disobedience), the latter to disobey. If there is any obedience at all, it is only explained by the threat of punishment rather than the imposition of obligation.³¹⁵ But it seems quite difficult to show that the arguments which justify the claim that A has *moral* authority to make and enforce the law would not equally justify the claim that S has a generic moral obligation to obey A. If they did not, we would have to hold the unattractive view that A is morally justified in coercing S by trial and punishment for an action that S has no moral duty to abstain

³¹⁴ Simmons (2001), 72–3.

³¹⁵ For a defence of this Hobbesian, almost 'all-in wrestling' model of authority, see Ladenson (1990). Cf. Hobbes (1991), 151–2; Sartorius (1981).

from.³¹⁶ The same needs and facts which bear on the claim that A has a moral right to rule also bear on the claim that S has a moral duty to abide by the authority of A.

Aristotle seems to say as much at *EN* III.5 1113^b23–5, 33–4: ‘legislators punish {justly} ... those who do wicked acts (unless they have acted under compulsion or as a result of ignorance for which they are not themselves responsible). ... {We punish [from ^b30: *kolaçousin*]} those who are ignorant of anything in the laws that they ought to [*dei*] know’. Punishment is justly imposed on S for actions he ought not to have done.³¹⁷ It may be objected that Aristotle in *EN* III.5 seems to be referring to actions which are actually *mala in se* rather than *mala quia prohibita*. This might restrict considerably the scope of justified governmental interference. But the wording of other passages in the *Politics* does not seem to restrict the moral authority of governments to punish to actions of the former kind. For instance, at *Pol.* VII.17 1336^b8–9 we read that ‘saying or doing something which is forbidden ... should be punished’. To be sure, the immediate context suggests that he is making reference mainly to foul speech (1336^b4). But Aristotle’s injunction explicitly adds ‘doing something’ to the list. Moreover, what is legally just (*EN* V.7 1134^b19, 20), being certainly part of what is just, is also part of what ought to be done, of what we are required to abstain from.

Hence Aristotle does not share what is usually regarded as a strong communitarian tenet, viz. that being a member of the political community gives us a reason for obeying and supporting it. He would be much more interested in exploring the moral history of the relationship between the political community and its members. It is only when the

³¹⁶ See Finnis (1984), 116, n. 4, and (1987), 71–5; Raz (1986), 26–7, and (1996), 15: ‘One cannot both accept that the law is binding since it has been passed by a (morally) legitimate authority and that there is no reason to do that which it makes obligatory.’

³¹⁷ Cf. also *Pol.* VII.13 1332^a12–13: punishment derives from what is morally virtuous. Barnes (1984), 2113, renders this line: ‘punishments ... do indeed spring from a good principle’. There are further passages in the *Politics* which suggest that Aristotle is prepared to agree that from a moral standpoint what is sauce for the goose is also sauce for the gander: political authority is correlative with political obligation, so that if X has a right to rule over Y, then it is morally just (*kalon ... kai ... dikaion*) for Y to follow and obey X (VII.3 1325^b12). In the *Politics* morality is often brought to bear on ruling and being ruled at the same time (*kai archein kai archesthai kalos*, III.4 1277^a27); the comparative *kallion* comes up with *archein kai archesthai* (II.11 1273^b17): ruling and being ruled is an example of activities performed in a morally admirable way; the excellence of the good citizen (*agathos politēs*) is to be able to rule and be ruled (*archein kai archesthai*) by free men (III.4 1277^b14); the life according to virtue appears together with ruling and being ruled (*archesthai kai archein*, 13 1283^a42–1284^a1, 3); the most choiceworthy life with being ruled and ruling (*men archesthai ... d’ archein*, 18 1288^a36–7). Cf. also the wording of the passages where ruling and being ruled come up together at III.16 1287^a17; 17 1288^a14; VI.2 1317^b2–3; VII.14 1332^b21–3, 26–7, 36–8. Cf. also II.11 1273^a39–41.

political community fulfils its moral tasks that it has a right to demand allegiance from its members and that its members and subjects are morally required to abide by its decisions (4.5). In other words, the conceptual connection between authority and obligation comes into play in a practically relevant sense only when moral analysis has done its job.³¹⁸

A slight variation on the previous conceptual theme is proposed by the communitarian trend which adheres to the view that denying political obligations would amount to denying our identities as socially constituted beings. My identity, what provides me with my values and ends, is constituted by the undertaking of certain local social roles; but the occupation of these roles involves the undertaking of local and associative duties attached to them. The ‘fact that my identity is partly constituted by my role as a member of some political community means that my identity includes being under political obligations. I cannot meaningfully ask why (or whether) the I-who-am-in-part-constituted-by-certain-obligations has those obligations’.³¹⁹ I could not deny these obligations without, by the same token, denying myself. But, once again, we would only allow the conceptual connection to have any practical significance if the identity at stake is morally sound. We would surely not care at all if what is being denied or challenged is the identity of a partisan or a tyrant who enjoys killing political dissidents.³²⁰ Nor would Aristotle for that matter. Although his ethical theory is also concerned with social

³¹⁸ Dworkin (1986), 206, surely makes the following claim on the assumption of a particular type of community: ‘the best defense of political legitimacy ... is to be found in ... the more fertile ground of fraternity, community, and their attendant obligations. Political association, like family and friendship and other forms of association more local and intimate, is in itself pregnant of obligation.’

³¹⁹ Simmons (2001), 80, who simply states the communitarian thesis only to call it in question.

³²⁰ Cf. Hollis (1996), 35–6: ‘we cannot just give ... [the] reason that orders are orders, since an analogous argument would make it rational for a member of the Gestapo to torture obediently and with enthusiasm, provided that he is happy in his work, has a proper career structure and enjoys the esteem of his peers. Rationality has to consist in identifying with some set of principles neither merely because one wants to nor merely because they are the going norms of one's station but because, whatever it may mean to say so, they are in one's real interest. ... There has to be a reason to explain why it is rational to act on the desire or to accept the norm.’ Cf. also Korsgaard (1996c), 219: ‘[A] person may act from duty in a completely unreflective way, simply thinking of an action as required, without thinking much about why it is so or even without really thinking that there *is* a reason why it is so. We might think here of some ordinary conscientious person who has simply accepted the conventional or religious moral system according to which he was brought up. But of course there are more sinister entries into this category: the Nazi soldier who thinks of “duty” as carrying out the orders of his superiors comes immediately to mind. For Kant, to act from duty is not just to be moved by a blank conviction that an action is required, but rather to be moved by a more substantial thought that inherently involves an intelligent view of *why* the action is required.’

roles and issues of identity, the task or function referred to his theory of well-being is essentially linked to the excellent activity of reason (2.3), a standard which will help us determine which community deserves our allegiance. In effect, Aristotle claims that we are basically our reason (*EN* IX.8 1169^a2; cf. IX.4 1166^a17, 22–3). This type of identity, although abstract in a way, will certainly leave out many undesirable social identities. So, even if citizenship is a form of social identity, and it is part of its very idea to be in a relationship of subordination, it does not follow that if we happen to be in that position we ought to fulfil its incumbent duties all things considered. Our identity as citizens will be fully practical to the extent that it is in accordance with our identity as rational agents. Aristotle would agree that, to some extent, what we have reason to do depends on ‘who we think we are’. But he would insist on saying that, deep down, we are our reason: that is what we (should) think we are, and that is the identity which we could not intelligibly deny or call in question, and hence the standard by which all other identities are gauged.

We might also go for what has been dubbed the ‘normative independence thesis’. Political obligations are ascribed to identities whose normativity is built into the local practices themselves. Once again, we have not gained much in looking at things from this perspective. We would want some universality or at least generality to be properties of moral judgements, including those moral principles which entail ascriptions of political obligations. If pressed on the point of the normativity of a local practice, the defender of this practice would hardly stake his case on the mere fact of its being enforced (2.2). He would rather claim that the mere fact of a practice being enforced entails the presence of practice-related expectations whose frustrations would not be valuable due to disutility, sacrifices made by those who comply with its rules, etc. But, of course, we have now turned to external moral principles which were supposed to be dependent on the practice itself rather than the other way round. The idea that ‘this is just what the game involves’, that the practice is morally authoritative simply by reason of its being enforced, would not do for someone interested in how one gets into the game, the virtues of the game itself, etc., features which appear to be the real grounds of the moral authority of the practice.³²¹ Similarly, Aristotle does not claim that a practice is right or good simply because it is old or because it has been in force for some time. He is not a defender of local practices as such (*Pol.* II.8 1269^a3–4). The *raison d’être* of his study of constitutions is to explain why the political practices of his age are wrong (e.g. II.1 1260^b34–5).³²²

³²¹ See Simmons (2001), 84–5, 89, 90.

³²² On Aristotle’s favourable attitude in *Pol.* II.8 towards changes in political practices see Schütrumpf (1991b), 282: ‘Der Abschnitt [1269]a 12 ff., der die Argumente gegen Gesetzesänderung bringt, zieht doch nur die Folgerung, man dürfe nicht mit allzu leichter Hand neue Gesetze machen (a 22), nicht dagegen daß jede Änderung ausgeschlossen sein müßte.’ Cf. also Saunders (1995), 147: ‘it is very clear that fundamentally he is in favour of change, provided of course it is for the better, i.e. more greatly contributing to human happiness; a law’s ancestral status is secondary or irrelevant’.

Finally, considerations of gratitude or based on social debts, together with indications of our social and cultural nature, would not be *per se* of much help to explain political bonds. This is something we should have in mind when reading Aristotle's speech argument for his political naturalism (*Pol.* I.2 1253^a7–19). This argument in itself shows that we are political animals, not that we ought to obey the authority of the polis we happen to be in (2.4). First of all, we may well participate in the polis (*koinōnein poleōs*) in different forms without taking part in politics (*sumpoliteuesthai*), as VII.2 1324^a15 seems to indicate. So the mere fact that M is a member of the polis T does not make him a participant in its political game. M may well be a member of the polis T in the sense that M has learned Greek thanks to the education given by T, which happens to be a tyrannical regime. But it does not follow (a) that M ought to educate his children with a view to T nor (b) that M is morally required to obey T's authority. The fact that M has benefited from learning a language and/or that M has accepted the rules of language does not entail that M has to obey T.³²³ Aristotle does

³²³ Nozick (1974), 95, has a point in saying that 'the fact that we partially are "social products" in that we benefit from current patterns and forms created by the multitudinous actions of a long string of long-forgotten people, forms which include institutions, ways of doing things, and language (whose social nature may involve our current use depending upon Wittgensteinian matching of the speech of others), does not create in us a general floating debt which the current society can collect and use as it will'. Cf. Caliban's chiding of Miranda: 'You taught me language, and my profit on't | Is I know how to curse' (*The Tempest*, I.ii.361–2). Similarly, Charles Taylor's influential 'social thesis' is right to place Aristotle's political naturalism within the communitarian movement according to which 'living in society is a necessary condition of the development of rationality, in some sense of this property, or of becoming a moral agent in the full sense of the term, or of becoming a fully responsible, autonomous being' (Taylor (1985), 191 with 189). But it does not necessarily follow from Taylor's conclusion that the individual has an obligation to belong to and/or obey the political authority of the particular society from which he benefited in this way. A tyranny may well have been instrumental to the development of my moral capacities and yet it seems that I may sensibly defy it. As Green (1988), 200, says, 'We need to establish, not just that the free individual is a product of a certain kind of society and therefore must support the social conditions of such freedom, but also that such support is not possible, or not complete, without conceding the moral authority of the state.' At the end of the day, there are at least three issues at stake: (a) the argument of gratitude in favour of political obligation, (b) the Hegelian argument of the impossibility of valuing freedom without accepting the authority of the state (2.5 *in fine*) and (c) the argument that human beings are cultural creatures.

not claim that since we depend on the polis for all cultural or linguistic purposes then we ought to obey its authority (7.4). This fact is somewhat obscured by hermeneutic interpretations of Aristotle's political naturalism which claim that expressions such as 'human', 'political', 'legal', 'having speech', and so on, are interchangeable.³²⁴ The fact that we depend upon society for cultural reasons is not enough to ground our political obligations.³²⁵

These controversial communitarian considerations on the nature of political obligations are thus essentially (neo-)Aristotelian rather than Aristotle's.³²⁶ But, to be sure, Aristotle might have something to do with the appearance of this type of argument. Let us see, for instance, the opening statement of his *Politics*:

We see that every *polis* is a community of some sort, and that every community is established for the sake of some good (for everyone performs every action for the sake of what he takes to be good). Clearly, then, while every community aims at some good, the community that has the most authority of all and encompasses all the others aims highest, that is to say, at the good that has the most authority of all. This community is the one called a *polis*, the community that is political. (I.1 1252^a1–7)

I have left *polis* untranslated so that we can see the ambiguity of the word in a better light. Aristotle claims that the *polis* has two different and significant features. It is both (a) the institution which has the most authority of all or is simply sovereign and (b) the institution which aims at the highest or most important end of them all. And he seems to infer (a) from (b). The first feature of the *polis* or the community which is the polis is quite close to the modern notion of the state, which

³²⁴ Bien (1985), 72.

³²⁵ Even Wittgensteinian partisans warn us that we should not 'blindly apply to politics the first image that the Wittgensteinian vision of language brings to mind; he himself would urge us to investigate its implications and look around for alternatives. And when we do that, we notice important ways in which political membership is not like membership in a language group, or a culture, or even a society' (Pitkin (1993), 201). Pitkin gives three major areas of significant difference: (a) Whereas it is possible in political life from time to time for people to initiate major changes, linguistic revolutions are hardly heard of. (b) The linguistic analogy distorts the role played by conflict, power, and interest in the political sphere. (c) Mechanisms of enforcement do not seem to be an issue in language, unlike politics. The point regarding enforcement seems to be that although there may be social pressure to conform to the rules of grammar, etc., there is actually no 'language police' or centralized agency in charge of it.

³²⁶ Kraut (2002), 353–4, is right in pointing out that 'If the label "communitarian" is to be attached to Aristotle, the justification for so doing must lie in the large role played by the whole polis in the thinking of his ideal citizens. ... But it must be emphasized that Aristotle does not look to the community as the ultimate arbiter of values and standards.'

is usually understood in the Weberian terms of a monopoly of the use of legitimate coercion. When we think of idioms such as ‘political community’ what comes to mind almost immediately is precisely the idea of a special institution, the state, endowed with the monopoly of the employment of legitimate violence. The second feature attributed to the *polis* by Aristotle, its all-embracing nature, gives the idea that it is a community of communities, i.e. it includes all associations whose ends are subordinate to the common good. The second feature refers to the polis not as a special type of institution but as the whole which pursues the highest end(s) and hence encompasses the sense of polis not only as a state or political community properly speaking but as all other institutions, associations, etc.

This ambiguity between what has been called the ‘exclusive’ and the ‘inclusive’ senses of ‘polis’ or ‘political community’ casts some doubt on the conclusion drawn by Aristotle at the beginning of the *Politics* (2.4).³²⁷ We might agree that the ‘inclusive’ sense of polis in terms of (civil) society justifies his assertion that the polis should aim at the human good or the highest good. But perhaps we should be a little reluctant to adhere to the view that it is the business of the ‘exclusive’ sense of the polis as the state to be involved in the pursuit of the human good and that this is what justifies its monopoly of legitimate coercion. The mere fact that (civil) society should take care of X (e.g. religion) does not necessarily entail that the state should get involved with X as well. It would seem then that his inference that the polis has the most authority from the claim that it is the most inclusive of communities is open to the criticism that he fused together two notions which are quite different if seen by modern political standards. This ambiguity comes from different senses of polis which loom large in different books of the *Politics*. For instance, whereas

³²⁷ See Mulgan (1977), 16–17. Schürumpf also distinguishes between polis ‘im engeren Sinne’ and an ‘anderer, erweiterter polis-Begriff’: (1980), 71, 68–9; (1991a), 173; (1991b), 264, 385–6. Cf. Jelinek (1905), 213, on *Pol.* I.2 1252^a 27 ff.: ‘Aristoteles erklärt in seiner Lehre von der Entstehung des Staates nur die Gesellschaft; fehlt doch seiner Staatsdefinition das wesentliche Merkmal der Staatsgewalt.’ According to Taylor (1995), 234, ‘Aristotle’s fundamental concept is not that of obligation, but of human good; while in his view the role of the state, so far from limiting the individual’s freedom of action with the aim of securing a common good, is precisely that of enabling the individual to realize his or her potential to achieve his or her individual good, an achievement impossible unless in the context of the state’. Cf. also Bien (1981), p. lv, n. 35: ‘Die Höchststellung der politischen Sozietät ergibt sich für Aristoteles aus dem Rang des von ihr verfolgten Gutes, wobei vorausgesetzt wird, daß dessen Natur auf rationalem Wege überzeugend und damit allgemein verbindlich diskutiert und geklärt werden kann. Souveränitätstheorien entstehen erst und werden erst in dem Augenblick nötig, wo die Wahrheitsfähigkeit des höchsten Gutes nicht mehr akzeptiert wird, wo dessen Festlegung vielmehr Sache der *autoritas* wird.’

the argument of I.2 about political naturalism depends essentially on the identification of the polis with society to the extent that it is in society that self-sufficiency for the good life is reached, in *Pol.* III—as he studies the concept of citizenship—Aristotle seems to work with *polis* in terms of a political entity rather than a community or society.³²⁸ Actually, it is the case not only that Aristotle employs different senses of ‘polis’, but also that he is very much aware of this ambiguity: ‘*polis* is said in many different ways’ (III.3 1276a23). It looks as if Aristotle is nonchalantly playing on the ambiguity of the word if not illegitimately taking advantage of it.³²⁹ As an anarchist may be ready to admit, we may have duties towards civil society because of the role it plays in our well-being, but it does not follow thereby that we also are in debt with the state.

However, even granting that this ambiguity is not an asset for Aristotle's political theory, we must keep in mind that our line of argument is not that Aristotle's theory of political obligation derives from his political naturalism directly or that his theory of civic priority in particular is the foundation of his views on political obedience. I have taken a rather different line of argument so far, namely that Aristotle's political naturalism does not necessarily stand in the way of a sound conception of political obligation, in the sense that the normativity of Aristotle's political thought is not endangered by his appeal to nature in his practical

³²⁸ See Miller (1995), 358. It has been similarly objected that Hegel ‘fails to distinguish between society and state, and attributes to citizenship what is more truly due to membership of society’ (J. W. Gough, *The Social Contract*, 2nd edn. (Oxford, 1988), 185, cited in Patten (1999), 121, n. 27).

³²⁹ Irwin (1996b), 26, thinks that there is no reason why this ambiguity should spell trouble for Aristotle: ‘I am not persuaded that Aristotle ever identifies the *polis* with the state, in the narrow sense defined by Miller. ... Nor am I persuaded that Aristotle ever regards the *polis* as simply a society, in contrast to a state. If Aristotle is right to believe that a share in political (in Miller's narrow sense) activities is part of an individual's complete good, then the complete association achieving a complete good has to include the functions of a state as well as those of a society. To suppose that Aristotle conflates two “concepts” of the *polis* is to ignore his theoretical reasons for believing that the different aspects of a *polis* contribute appropriately to the good of human beings only when they are properly integrated in a *polis*. ... If we recognize and understand the aspects of the *Politics*—in particular Aristotle's holism and his neglect of rights—that conflict most sharply with the assumptions of some modern political theorists, perhaps we can also understand why his claims about the tasks and functions of the *polis* do not rest on a mere failure to distinguish two concepts that he ought to have distinguished, but reflect a conception of the human good that makes it reasonable to reject the distinction.’ The identification of civil society and state actually was to remain in force well into the nineteenth century until the appearance of Hegel's distinction between *Staat* and *bürgerliche Gesellschaft*. See Riedel (1975b) for a discussion of Hegelian civil society from the viewpoint of *Begriffsgeschichte*.

works nor is it conceptually supported. As we shall see (6.1), this ambiguity may occasionally lead Aristotle into unsuitable grounds on which to defend his views on political obedience. Thus, it may appear as though Aristotle allows the state to take the credit for the work actually done by civil society. But it would be wrong to believe that he has no other way of arguing for the support and obedience citizens owe to the state, that this is just all Aristotle has to say on the issue (6.2–3).

6

The Justification of Political Authority

6.1 For Your Own Good: Two First Arguments

Having seen that Aristotle does raise the question of political obligation and that, on the whole, it shapes up as a requirement imposed on the individual by the same moral principles which bear on those who have the right to exercise political authority, we should now go into the justification itself of political bonds. We have to explain why, according to Aristotle, it is rational for S to obey the authority of the polis, as Aristotle says, ‘to act according to the laws’ (*prattein kata tous nomous*, VI.8 1322^a4).³³⁰ In so doing we shall take up and develop Aristotle’s answer to the extreme democratic challenge (5.2).

A general way of showing the rationality of political obligation is to prove that political authority serves the real interests of its subjects; we should prove in particular that alleged subjects are better off by complying with political authority than by acting always on their balance of reasons (3.3).³³¹ There seems to be agreement among Aristotelian scholars that Aristotle embraces what has recently been called the ‘service conception of political authority’, according to which political authority is for the sake of the well-being of its subjects.³³² Indeed, remarks to this effect are not a rare occurrence in the landscape of Aristotelian literature. According to Aristotle ‘The reasonable person ... is disposed to lead a virtuous life and to abide by a just constitution which guarantees

³³⁰ Cf. *Resp.* III 415e2–3 for the same idiom.

³³¹ Cf. Raz’s ‘normal justification thesis’: ‘the normal way to establish that a person has authority over another person involves showing that the alleged subject is likely better to comply with reasons which apply to him (other than the alleged authoritative directives) if he accepts the directives of the alleged authority as authoritatively binding and tries to follow them, rather than by trying to follow the reasons which apply to him directly’ (Raz (1986), 53). Duns Scotus, tapping into the resources of both the Platonic-Aristotelian and Roman traditions of political thought, appears to have formulated a roughly similar standard for the assessment of government: ‘political authority (*auctoritas politica*), ..., is just (*justa*), because anybody can justly submit himself (*potest juste ... se submittere*) to one person or a community, ..., regarding things in which one can be guided better by him whom one obeys, than by oneself’ (Duns Scotus (1894), dist. 14.2, 265–6). Cf. *Resp.* IX 590d4–7.

³³² See Raz (1986), 5, 56, 66. To be sure, the following quotations do not have Raz’s account of political authority in mind. But they do convey the same idea.

the rights of its individuals members' and '[rational citizens] will accede voluntarily to authority and will not resist it as long as they deem it as serving their interests';³³³ 'the reason A should rule B is that B is better off or happier being ruled by A than by ruling himself';³³⁴ 'political authority is justified only insofar as it serves the interests of citizens';³³⁵ 'to govern ... means essentially to serve, that is to say to take care of the interests of others';³³⁶ 'The State has no interests other than those of its members; if it fails to subserve these interests, it is a state only in name, and forfeits its claim to authority.'³³⁷

In effect, Aristotle goes out of his way throughout the *Politics* to set forth the thesis that political authority must act with a view to the interests of its subjects. He outspokenly thinks of political office in terms of undertaking a public service (*leitourgein*, III.6 1279^a11; cf. IV.4 1291^a35); political authority, unlike sheer rulership, is essentially for the sake of the ruled (e.g. I.5 1254^b3–4; III.17 1287^b38; VII.2 1324^a36–7; 3 1325^a27–9; 14 1333^b27). Aristotle closes his famous discussion of government in *Pol.* III.6 by concluding that

It is evident, then, that those constitutions that look to the common benefit turn out, according to what is unqualifiedly just, to be correct, whereas those which look only to the benefit of the rulers are mistaken and are deviations from the correct constitutions. For they are like the rule by a master, whereas a city-state is a community of free people. (1279^a17–21; cf. III.7 1279^a28–9)

Now some scholars have noticed some difficulties with Aristotle's traditional typology of constitutions based upon the notion of the common good, interest, or advantage. First of all, there is the special difficulty attached to the idea of kingship, one of the regimes which aim at the common good. If kingship is the name of the constitution in which the common good is taken care of and just one person is at the helm, and if a citizen is someone who participates in ruling (III.1 1275^b18–19), then someone might wonder whether there is any other citizen besides the king himself. This would entail that since to rule with a view to the common good is to rule in the interests of citizens, then to rule with a view to the common good the king would only have to think of himself. This issue can be resolved by taking into account that there may well be many political offices in a kingship (cf. III.16 1287^b29–32) and hence that there may well be many more citizens than the king.³³⁸

A related issue is raised by the stipulation of which interests and individuals are politically relevant for the common advantage. The fact that

³³³ Miller (1995), 376, 270.

³³⁴ Reeve (1998), lxii, n. 42.

³³⁵ Salkever (1990), 262.

³³⁶ Berti (1997a), 63.

³³⁷ Saunders (1995), 56.

³³⁸ See Kraut (1989), 99, (2002), 411.

there is more than one citizen in a kingship does not seem to be enough to stop us wondering about the common nature of the advantage sought after in that regime (7.2). It would appear that this arrangement still leaves out a great deal of people. On the other hand, this kind of standard would also make us wonder why oligarchy is a deviant constitution, since the few who hold power are citizens indeed and hence by ruling with a view to those in power they are aiming at the common good, i.e. at the good of all citizens. Under this description of citizenship, the distinction between right and wrong forms of constitutions collapses.³³⁹ What is at stake, then, is who is to be considered as recipient of the services of political authority and hence which constitutions are (un)just.

A promising alternative is suggested by a wider notion of citizenship, viz. a version which is more embracing than the idea of active or full citizenship: ‘The solution to this problem is to be found in Aristotle’s tacit recognition of second-class citizenship.’³⁴⁰ First, although Aristotle’s favourite conception of citizenship is the fully active one, there are passages in the *Politics* where Aristotle, following Greek practice, refers to people other than the king himself as citizens (III.16 1287^a27–8, V.10 1311^a7–8).³⁴¹ To the extent that these men do not share in deliberative or judicial office they may be said to enjoy ‘second-class’ citizenship. A similar idea seems to be conveyed by the notion of the ‘ruled citizen’ (*politēs d’ esti kai ho archomenos*, III.4 1277^a21–2, ^b18, ^b29; 5 1278^a16–17).³⁴² Secondly, when discussing revolution Aristotle twice contrasts those who are ‘outside the constitution’ with those in power (V.4 1304^a16–17; 8 1308^a5).³⁴³ As these men ‘outside the constitution’ do not appear to be metics or slaves they too seem to fall under the description of ‘second-class’ citizens. Finally, in his essay on the best constitution Aristotle makes reference to the ‘citizens who share in the constitution’ (VII.13 1332^a32–4), an expression which would be redundant if we could not conceive the existence of citizens who do not share in the constitution.

When it comes to fleshing out the idea of second-class citizenship, there is reason to believe that those who are politically relevant to assess the quality of a constitution are free native men who, although not full citizens, are entitled to be ruled in their own interest rather than for the sake of the ruler. ‘A second-class citizen, . . . , is a citizen “under an assumption” (*ex hypothesesōs*) (III.5 1278^a5) The assumption in the case of

³³⁹ This is a point made by Schütrumpf (1991b), 464–5, 457–8; Miller (1995), 212; Keyt (1996), 133–4; Reeve (1998), pp. lxxviii–lxxix. Cf. Kraut (2002), 385–6, n. 1.

³⁴⁰ Keyt (1996), 133.

³⁴¹ See Schütrumpf (1996a), 564, (1991b), 443–4.

³⁴² See Schütrumpf (1991b), 425, 440.

³⁴³ Keyt (1996), 133, refers to III.5 1277^b 33–9, and Schütrumpf (1996a), 522, to V.3 1302^b 26; 4 1304^a 16; VI.7 1321^a 31; IV.4 1290^b 10 ff.; VII.14 1332^b 29.

a second-class citizen is that he or she would become a first-class citizen should such citizenship be maximally extended, as in a democracy.³⁴⁴ So the solution that avoids the collapse of the distinction between right and wrong constitutions is to think of the common good in terms of what advances the interests of both full and second-class citizens, ruling and ruled citizens alike.

We should now examine the way in which obedience to the authority of the polis bears on the well-being of its members, i.e. the explanation of why according to Aristotle political obligation is one of the constraints that a rational agent would choose for his own well-being (5.2). As for the reasons that apply to subjects independently of authoritative reasons and that would be served better if authoritative reasons were to have, or come to have, the place they claim in the subjects' practical reasoning, what pops to mind is that considerations of well-being are precisely these reasons (e.g. *EN* I.1 1094^a1–2; 4 1095^a19; VI.5 1140^a25–8).

Aristotle's political theory seems to offer different avenues to justify political authority and obligation. In some passages of the *Politics* he assumes that order within the polis depends on the exercise of and obedience to political authority. This has recently been called 'the principle of rulership'.³⁴⁵ This argument gives us quite a general way of specifying the relationship between obedience and well-being: (a) It is impossible to lead a good life without a constitution (e.g. *EN* VI.8 1142^a10).

(b) It is impossible for a polis to exist without government (e.g. *Pol.* IV.4 1291^a35–6; VI.8 1321^b6–7), and the existence of government requires the existence of a duty on subjects to obey political authority (e.g. III.11 1282^b2; cf. III.4 1276^b28–9; VI.5 1320^a15–16).

Therefore, (c) the members of the political community ought to obey political authority.³⁴⁶

³⁴⁴ Keyt (1996), 134. E. Lévy speaks of 'citoyens virtuels' ('Cité et citoyen dans la *Politique* d'Aristote', *Ktēma*, 5 (1980), 238, quoted by Schürtrumpf (1991b), 458).

³⁴⁵ Miller (1995), 20, cf. 232.

³⁴⁶ By the end of the first half of the twentieth century Alfred Verdross claimed that the following argument lies at the bottom of Aristotle's philosophy of law: since (i) the political community provides for the perfection of human nature and (ii) such a task depends upon the obedience of its members, therefore, on the grounds of a prescription of practical reason, (iii) 'human beings are under an obligation to obey the order of the community' (Verdross (1948), 145–6). Miller (1995), 232, similarly claims that one of the presuppositions of the *Politics* is the principle of community, 'according to which the perfection of individuals requires their subordination to the political community'. Cf. also Miller (1995), 19. Salkever (1990), 77, claims that Aristotle is of the opinion that 'Human beings are uniquely capable of, and uniquely in need of, a reasonable perception of their interest, and such a perception (and therefore a good life) is somehow dependent upon the presence of *nomoi*'. The eighteenth-century German jurist Jon. Bernhard Basedow also made the following Aristotelian argument: 'Human happiness requires states. These cannot last without commanders and subjects (*ohne Befehlshaber und Gehorchende*). Therefore the obedience of subjects is a duty (*Pflicht*)' (*Praktische Philosophie für alle Stände*, Tl. 2 (Leipzig, 1758), 839, cited in Iltting (1978), 297, n. 299).

Obedience to government and legal authority in the shape of a moral duty is thus constitutive of a polis. Aristotle brings out this point, for instance, in *Pol.* VI.8, where he claims in the context of his discussion of the judicial office in charge of the execution of sentences that ‘there is no benefit in having lawsuits about matters of justice if they do not achieve their end. Consequently, if people cannot live in a community with each other when lawsuits do not take place, they cannot do so either where no actions are taken’ (1322^a6–8). This passage, where reference is made to the impossibility of common life in connection with the failure in carrying out judicial sentences, seems to be one of the very few places in the *Politics* where Aristotle seems to echo a Platonic note from the *Crito*, where we read at 50a8–b5 that the Laws of Athens complain at Socrates' alleged attempt to destroy them to the best of his ability, on the grounds that a polis could not get through disobedience to legal judgments without being overturned. One cannot overlook the principle that the law ought to be authoritative (*kurios einai*) without destroying the polis (*Crito*, 50^b6–8).³⁴⁷ Although Aristotle in our passage is mainly addressing officials rather than subjects, the fact remains that carrying out judicial sentences is a central issue in the *Crito*.

Aristotle actually launches an assault on some remarks in the *Republic* concerning political authority, precisely on Plato's claim that the first or original polis lacks government and courts (*Pol.* IV.4 1291^a22–33).³⁴⁸ What Aristotle has in mind here is the first stage of the set-up of Plato's *politeia* (*Resp.* II 369b ff.), which is described by Plato as a *polis* (371b5); actually Socrates calls it a ‘true’ and ‘healthy’ polis (372e8–9). Plato claims thus that arrangements of political, legal, and military authority are only an accident in the development of the first political community (373e8 ff.). What Aristotle thinks of as an essential part of a political community is presented in the *Republic* as an outcome of the degeneration (cf. *Resp.* 372e3, 8) of a ‘true and healthy’ political community, whose status as a polis is essentially contested by Aristotle.

It might be claimed that Aristotle sometimes does not seem to distinguish clearly between two quite different claims, namely (i) authority is necessary for the very existence of society, and (ii) authority is necessary

³⁴⁷ Cf. *Resp.* VIII 558^a3–8. For the principle that laws properly laid down ought to be authoritative see, e.g., *Pol.* III.10 1281^a12; 11 1281^b24; 11 1282^b2–3; 15 1286^a21–4; 17 1288^a1–2; cf. VI.3 1318^a32, 38.

³⁴⁸ See Schütrumpf (1981), 42–3.

for the existence of a coordinated or well-ordered society. And it is true that at *Pol.* I.5 1254^a28–31 we read that in all forms of community, whether of rational or non-rational beings, there is always some form of rulership (cf. *Met.* XII.10 1076^a3). Nevertheless, as we have seen (5.2) and shall explore in the remainder of this chapter, there is reason to believe that the claim that authority is necessary for the very existence of the polis is not Aristotle's considered view on the justification of government. Aristotle does not justify political authority only on metaphysical or conceptual grounds but rather on the practical grounds that it is a means towards the well-being of its subjects.

Indeed, a further argument in favour of displaying political obligation as morally justified is the idea that obedience to the law of the polis is part and parcel of the process of 'making citizens good and just' (e.g. *Pol.* III.9 1280^b12). As it has been said, 'Man is ... a polis-animal also in the sense that, if he is to realize his moral potential, he needs the order and control which are provided by the government of the polis; the moral perfection of the members of the polis can be achieved only by means of publicly administered law'.³⁴⁹ In fact, Aristotle's concern for moral education as a part of human well-being pervades his Books on the best polis (II and VII–VIII) and part of Books I–III. Since the aim of the best constitution is the happiness of each and every citizen (VII.2 1324^a23–5, 9 1329^a23–5), and happiness is an activity essentially involving ethical virtue and practical wisdom (e.g. VII.1 1323^b21–3; 8 1328^a37–8; 9 1328^b35–6, 1329^a22–3; 13 1332^a21–5), therefore the 'true lawgiver' or lawgiver of the best constitution (VII.2 1325^a7–8; 4 1326^a4; 13 1332^b9) must make sure that every citizen is virtuous or good (VII.13 1332^a28–38; *EN* I.13 1102^a7–10; II.1 1103^b3–6) (1.1). The true legislator has to ask himself 'how man becomes morally good' (VII.13 1332^a34–5; cf. VII.14 1333^a14–15). The lawgiver must thus be concerned with education (*paideia*), a process in which the younger are ruled for their own sake, so that they may become virtuous and eventually rulers themselves (VII.14 1332^b41–1333^a11).

Aristotle seems to believe that habituation is decisive in the formation of a virtuous character (e.g. *Pol.* II.5 1263^a23 with *EN* 1103^a14 ff.). An important part in the process of learning to be virtuous is the constant repetition of virtuous actions (1103^a31–^b2): 'legislators make the citizens good by forming habits in them (*ethizontes*)' (*EN* II.1 1103^b3–4; cf. X.9 1179^b31–5; 1180^a14–17; *Pol.* II.7 1266^b30; VII.13 1332^b10).³⁵⁰ Thus in obeying the law we are already on our way to moral perfection. Moral

³⁴⁹ Mulgan (1977), 25, on *Pol.* I.2 1253^a 29–33.

³⁵⁰ Aristotle elsewhere claims that much of the authority of the law itself hinges on habituation (*Pol.* II.8 1269^a 20).

principles and virtues are enforced by the law, so that

the law instructs us to do the actions of a brave man—for instance not to leave the battle-line, or to flee, or to throw away our weapons; of a temperate person—not to commit adultery or wanton aggression; of a mild person—not to strike or revile another; and similarly requires actions in accord with the other virtues, and prohibits actions in accord with vices. (*EN* V.1 1129^b20–4)

The enforcement of morality through legal means is not restricted to the education of the youth but is also brought to bear on the adult members of the polis. Since a virtuous citizen would act as the law prescribes even if there were no laws ordering him to act according to virtue, Aristotle seems to assume that in the case of the adult population the law is mainly addressing less than virtuous adult citizens. Political coercion or force may be thus used to ensure the conditions (e.g. lack of vicious examples, restraint of the passions, etc.) in which virtue can grow in people so that through these conditions they come to appreciate the goodness and beauty of virtue sufficiently to want to get it for themselves.³⁵¹

So Aristotle may be taken to proceed on the assumption that an absolute right to non-interference would actually harm individuals in that the lack of intervention of the state might make it impossible for them to become virtuous. In the absence of systematic public training through legal habituation people might tend to adopt and exaggerate the prevalent wrong habits and characters of their poleis (cf. V.9 1310^a19–28; VI.4 1318^b39–1319^a1; 1319^b27–32). As has been claimed, Aristotle would say: ‘It is useless to say that the choice is left to individuals; for if they have been badly brought up, the choice that is most in their interest [sc. being virtuous] may not attract them. Minimizing interference seems hard to justify if it prevents or hinders the choice that really benefits the individuals’ (7.2).³⁵² The laws, in forbidding certain powerfully seductive and corruptive vices, may help people to establish and preserve a virtuous character by (a) preventing the bad example which immature young people may follow otherwise, (b) helping to preserve the moral environment, and (c) generally educating people about morally right and wrong actions.

Now there is a considerable difficulty with the argument for political obligations in terms of the legal enforcement of moral norms, a difficulty which might have something to do with the ambiguity of ‘polis’ (5.2 *in fine*). Aristotle seems to have missed an elementary point about moral motivation, a point made elsewhere by himself (e.g. *EN* III.8 1116^b2–3, IV.1 1120^a23–4), viz. that coercing people to do the right thing, even

³⁵¹ See Simpson (1995), 53.

³⁵² Irwin (1988), 423.

when it is successful, does not make them morally better; it does nothing more than produce external conformity to moral norms. Unlike, for example, knowledge or beauty, morality is a reflexive good, a good that can only be realized in choosing reasonably; it 'is above all an internal matter, a matter of rectitude in choosing: one becomes morally good precisely, and only, by doing the right thing *for the right reason*'. A coerced choice cannot do as an instance of moral motivation. So, 'If the legal enforcement of moral obligations does nothing more for the masses than present them with subrational motives for outward conformity with what morality requires, it does nothing toward making men moral.'³⁵³

From the more general viewpoint of a good life, it is also the case that nobody fares better by being led from the outside according to values the agent does not endorse. This is a game which can only be played from the inside, according to the agent's own beliefs on value. The perfectionist policy which violates this 'endorsement constraint' by trying to *make* people good in the face of their own ideas on value is then essentially self-defeating. Although we might say that this sort of policy may, in some sense, succeed in getting people to pursue certain activities, this success is purchased at the cost of any value these activities might have had for the individuals concerned.³⁵⁴ To put it differently, according to the very premisses of Aristotle's perfectionism 'there is an *asymmetry* in agents' ability to bring about the good, one that makes them less able to promote others' perfection than their own. In favourable conditions they can produce their own excellence directly, but they have less power over others'.³⁵⁵ We can of course avoid interfering with someone

³⁵³ George (1993), 25.

³⁵⁴ See Kymlicka (2002), 216, 217; Dworkin (1989), 486–7. As Elster (1986), 43, points out, 'the "self" enters twice into the notion of self-realization, first as the designer and then as the raw material of the process'.

³⁵⁵ Hurka (1993), 64. Cf. Broadie (1991), 258: 'no one can be morally virtuous, strictly speaking, unless he is also practically wise (1144^b 1–32). This is because only the agent's own astuteness can issue in *his* brave or temperate or just actions. Without intelligence, good moral dispositions are only amenities to external direction. ... Their happiness must be *their* activity, but a virtue which is nothing but obedience has to be activated from outside, by rulers, parents or laws.' Allan (1965) argues that Aristotelian laws do not actually enjoin full-blooded virtue but rather some simple external conformity with basic rules which prohibit cowardice in battle, adultery, and wanton aggression (*EN* V.1 1129^b 19–23), rules which are, in turn, all too typical of many contemporary liberal legal systems. According to Allan, this fact should absolve Aristotle of the charge of totalitarianism (more on this in 7.2–4). Our main concern here is that this does not seem to explain adequately the whole of Aristotle's doctrine of law and ethics. There are some passages in *Pol.* VII–VIII which seem to go for more than simple external conformity with basic legal standards. See Schürumpf (1991b), 280–1, (1996a), 665; Kraut (1997), 163. On the other hand, leaving *Pol.* VII–VIII momentarily aside, there is reason to believe that 'the virtue which the lawgiver inculcates is not the full-blooded virtue of the *Ethica Nicomachea*. It is called civic (*politike*) virtue (*Pol.* I 9, 1280^b 5; cf. *EN* I 8, 1116^a 17–b3), and does not require practical wisdom (*phronesis*) and the ability to work out for oneself what to do' (Sorabji (1990), 271). So it does not seem to be totally inadequate to claim that 'Aristotle is pulled in different directions on the amount of character moulding to be attempted' (Sorabji (1990), 272). Cf. also Sorabji (1980), 213–14. Assuming that this is a fair diagnosis of the question it still leaves us with an instance of a good news/bad news situation. The good news is that the state demands or expects less from its citizens: merely political virtue or the deeds or *erga* of the virtuous men (*EN* V.1 1129^b 20), not their attendant and rather exacting psychic harmony and attitude. Thus it may also imply that private affairs will be less open to governmental intervention. The bad news is that the state will demand less of its citizens and thus they will fail to achieve *eudaimonia* since they will fail to possess full virtue and practical wisdom. And if we go back to Aristotle's best polis in *Pol.* VII–VIII, its soldiers will have a hard time trying to develop full virtue—as they are expected to since they will hold office eventually—if their education only provides them with the opportunity of exercising pure habit-virtue.

else's activities and offer encouragement and help to other people, but *ex hypothesi* we cannot produce their perfection for them.

There is a more promising although rather indirect way of linking political obligation with the well-being of subjects. The rationale behind this connection is that the exercise of political authority contributes to the well-being of the holder of political office because of the opportunities political decision-making offers for the employment of practical reason. Thus it is at least in the interest of those in office that we must abide by their decisions for them to employ and develop their practical skills. Indeed, there is reason to believe that part of the explanation why Aristotle holds politics in high regard is that holding political office requires more practical wisdom than does the employment of virtues in the private sphere. According to Aristotle, since politics is the master science, i.e. it has authority over all other disciplines and pursuits (*EN* I.2. 1094^a26–^b3), it is the type of activity which most fully exercises our skills as practical reasoners. And the type of excellent activity which may be performed in a political life explains why there is something godlike to it (*EN* I.2 1094^b9–10). Just as gods are at the top of the cosmic order, in a similar sense politicians or statesmen occupy the topmost position in the hierarchy of factors which affect the well-being of citizens.³⁵⁶ This kind of arrangement would also benefit those who are at the receiving end of the political spectrum, since the excellence of those in power is essentially other-regarding (4.2): they are just, generous, brave, wise, etc., and hence would only benefit their subjects through their own decisions.

6.2 Enabling Constraint and Coordination

Aristotle's texts do not limit the justification of political obligation to the arguments concerning the existence of society, the legal enforcement of

³⁵⁶ See Kraut (1989), 345–6.

morality, and the role played by political office in the ruler's well-being. They may also be mined for at least another line of justification which seems to be more attractive. They seem to put forward the view that the coordination of the activities of free individuals can be reconciled with—and even enhanced by—political authority. We have already broached the subject-matter of this section, when we distinguished between justified and unjustified forms of interference (5.2): there are interferences which not only may be compatible with but also may, arguably, further our liberty.

To start with, it is not unreasonable to think that the existence of constitutional and legal rules would be a desirable time-saving mechanism. For instance, when moderately well-off farmers predominate in a democratic regime they let the law preside over political decision-making and ‘hold only such assemblies as necessary’ since ‘they have enough to live on as long as they keep working, but they cannot afford any leisure time’ (*Pol.* IV.6 1292^b27–9; cf. 1293^a15–20). And even if they had any leisure time there is reason to believe that time would still be a scarce resource and so sometimes decisions will have to be taken before unanimity has been reached. And since they may turn out to be poor judges about what concerns their own business (III.9 1280^a13–16, 20; 16 1287^b2–3; cf. VII.10 1330^a22–3), they might need a third party with authority over them.

Moreover, it has been suggested that it would be helpful to approach Aristotle's general idea of the authority of law in the light of what has been called ‘enabling constraint’.³⁵⁷ This is a limit on our availability of options that enables us to engage in a whole new range of options

³⁵⁷ Yack (1993), 206–8. Legal authority for Aristotle ‘is a limit on the exercise of practical reason that is derived from practical reason itself’, a ‘limit on our freedom that enables us to engage in a whole new range of actions that would otherwise be unavailable to us’ (Yack (1993), 184, 206). Indeed, individual well-being may be better served by obeying political authority than by fully exercising it if, for instance, political obedience is conceived of as a time-saving mechanism in order to focus practical reasoning on other activities. Hence Miller (1995), 236, holds that ‘Absolute kingship is the best constitution precisely because the king relieves the citizens of the onerous task of ruling themselves so that they can devote themselves to a life of leisure and philosophy.’ Cf. also Irwin (1990), 97–8: ‘It is not true that we extend the scope of our rational agency more widely the more things we insist on deciding ourselves. Effective planning and deliberation require some assumptions about the predictable effects of particular actions and the predictable availability of particular resources; and I may be able to make more of these assumptions if I do not insist on having a hand in so many decisions. If we decide to delegate some task, and do not regulate it directly by collective decisions, it may be done better, and we may be able to deliberate more effectively about other things. ... We have more control over our lives if we can rely on the services of doctors; but if we are wise to allow doctors some degree of control over us, and do not insist on deciding everything about our treatment by our own deliberation. ... Similar arguments suggest why some political functions within a state might better be delegated to experts. Attempts to maximize the deliberative control of citizens over political activities might actually be self-defeating; for if some things are done badly, the results may reduce our control, and hence the scope of rational deliberation, in other areas.’

that would otherwise be unavailable to us. Enabling constraints, thus, empower us to engage in a more valuable set of actions by preventing us from performing a different and less valuable set of actions. We may think of different instances to illustrate this idea, from the case of a traveller who will get more quickly out of the forest if he simply restricts his options and follows some—perhaps purely picked and chosen—straight line than if he constantly halts in order to adjust his direction,³⁵⁸ to the case of the rules of grammar. Early training and habituation dispose us to restrict severely the sounds we make to each other; however, by doing so we expand dramatically the range and precision of our communication and understanding. (There is reason to believe that all forms of education are, in a sense, long-term enabling constraints which allow us to engage in civilized pursuits at the expense of many of our ‘natural’ or innate inclinations—Aristotle's theory of virtue being a case in point.) As Aristotle says, ‘to be under constraint (*to gar epanakremasthai*) and not to be free (*mē ... exeinai*) to do whatever seems good, is beneficial (*sumpheron*)’ (*Pol.* VI.4 1318^b38–9; cf. I.5 1254^a21–2).³⁵⁹ We could thus achieve our goals more effectively by taking for granted certain procedures and rules than by constantly thinking anew what is to be done. The constitution is then an order or organization (*taxis*) of the inhabitants of the polis (III.1 1274^b38; cf. III.6 1278^b9; IV.1 1289^a15; 3 1290^a7–8) which enables them to participate in political decision-making. Constitutions, in the general sense of the Greek *politeia*, may be thus usefully compared to the rules of a game. While *regulative* rules such as ‘no smoking’ govern pre-existent activities, *constitutive* rules such as ‘field players may touch the ball with their feet’ or ‘bowl down the wicket’ make a practice possible for the first time. Thus, rules of the latter sort should not be thought of as hindrances or chains on our actions.

The notion of enabling constraint as a constitutive rule may also shed some light on Aristotle's apparently unclear reference to a game at

³⁵⁸ Cf. Elster (1984), 57.

³⁵⁹ Shklar (1987), 86, notes that Montesquieu ‘In his notebook ... described liberty as a good net in which the fish do not feel constrained (*Pensées*, 943). There are always rules and coercion in every state, but their impact upon the members of society is quite different when their aim is liberty rather than oppression.’ Tocqueville (1992), 77, draws an explicit analogy between the rules of grammar and political authority: ‘de même que tous les peuples sont obligés, pour exprimer leurs pensées, d’avoir recours à certaines formes grammaticales constitutives des langues humaines, de même toutes les sociétés, pour subsister, sont contraintes de se soumettre à une certaine somme d’autorité sans laquelle elles tombent en anarchie. Cette autorité peut être distribuée de différentes manières; mais il faut toujours qu’elle se retrouve quelque part’ (*De la démocratie en Amérique* I) (5.3).

Pol. I.2 1253^a7.³⁶⁰ What marks off the human life from other forms of animal life is the capacity a person has to lead a meaningful and rational life among other persons. If we were cut off from the constitutive rules of political life, we would lose the opportunity (and arguably part of the capacity) to transcend our basic layout and thus we would be forced to lead a less-than-human life (2.6, 5.3). A person who is ‘unyoked’ (*azux*), i.e. unaffected by the enabling constraint of political life, would be as ‘free’ as anybody who is not able to speak according to the rules of grammar. On the other hand, we may say that somebody who speaks according to the rules of grammar is a ‘slave’ to or under the yoke of such rules. But this form of ‘slavery’ appears to be quite bearable—and even desirable (5.2).

Aristotle actually claims that enabling constraints may be advantageous even to monarchies: ‘the fewer areas over which kings have authority, the longer must their office remain intact. ... By diminishing the power of the kingship he [sc. the Spartan king Theopompus] increased its duration, so that in a way he made it greater, not lesser’ (*Pol.* V.11 1313^a20–1, 28–30). Aristotle also seems to put the idea of enabling constraint to strict constitutional use by upholding the supremacy of the constitution over laws, and, in turn, the supremacy of laws over decrees. To be sure, he only makes reference once to the technical term of the constitutional procedure of *graphē paranomōn* at I.5 1255^a8–9 and in a domestic context at that. However, some of his discussions in the *Politics* suggest his commitment to this constitutional principle: ‘The laws must be established to suit the constitution’ (III.11 1282^b10).

Thus we read that

laws should be enacted ... to suit the constitutions (*pros ... tas politeias*), and not the constitutions to suit the laws (*pros tous nomous*). For a constitution is the arrangement (*taxis*) of offices in city-states, the way they are distributed, what element is in authority in the constitution, and what the end is of each of the communities. (IV.1 1289^a11–18)

and that

there is no constitution (*ouk esti politeia*) where the laws do not rule (*mē archousin*). For the law should rule universally over everything, ... So, since democracy is one of the constitutions, it is evident that this sort of arrangement, in which everything is managed by decree (*psēphismasi*), is not even a democracy in the fullest sense (*keuriōs*), since no decree can possibly be universal.³⁶¹ (IV.4 1292^a32–7)

Aristotle is outspokenly against *paranomia* (V.8 1307^b33): ‘one should watch out to ensure there are no transgressions of the laws (*mēthen*

³⁶⁰ On this ‘Wittgensteinian’ reading of Aristotle cf. Nussbaum (1995), 107.

³⁶¹ Cf. II.6 1266^a3; 10 1272^a2; V.9 1309^a34.

paranomōsi)' (V.8 1307^b31). Similarly, he explains that an oligarchy in which there are no changes attempted 'in matters where the law forbid it', but instead the laws are followed, is in fact 'an oligarchy of a political nature because of its moderation' (*oligarchia men politikē de estin ...*, IV.14 1298^a37–9). Aristotle was also wary of the absolute discretion attributed to Spartan overseers (*ephoroi*): 'it would be better if they decided cases not according to their own opinion, but in accordance with what is written, that is to say, laws' (II.9 1270^b29–31; cf. 10 1272^b5–7). At III.16 1287^a28–32 we find Aristotle's well-known declaration in favour of the rule of law:

Anyone who instructs law to rule would seem to be asking god and the understanding (*noun*) alone to rule, whereas someone who asks a human being asks a wild beast (*thērion*) as well. For appetite (*epithumia*) is like a wild beast, and passion perverts rulers even when they are the best men (*kai tous aristous andras*). That is precisely why law is understanding without desire.

The attention paid by Aristotle to the role played by the rule of law in some political systems actually allows him to avoid a sweeping condemnation of many forms of democracies and oligarchies as deviant regimes: he actually gets off to a new start in Book IV of the *Politics* by enriching his first classification of constitutions in terms of being simply right and wrong (*Pol.* III.7) and thus by moving on to a new standard based on the observance of the rule of law (IV.4–6 and VI.2–7).

Aristotle also seems to envisage the constraint entailed by the authority of the polis as providing the way out of a situation familiar to many discussions of contemporary political theory. Broadly speaking, a particular arrangement of the political system may embody the cooperative solution to a Prisoners' Dilemma involving all relevant individuals in society. Let us have a look at the following passage:

Base people, however, cannot be in concord (*ouch ... homonoiein*), except to a slight degree, just as they can be friends only to a slight degree; for they seek to overreach in benefits {to themselves} (*pleonexias ephimenous en tois ophelimois*), and shirk labours and public services. And since each wishes this for himself (*beautō d' hekastos boulomenos tauta*), he criticizes and obstructs his neighbour; for when people do not look out for the common good, it is ruined. The result is that they are in conflict, trying to compel one another to do what is just, but not wishing to do it themselves. (*EN* IX.6 1167^b9–16)

This is a typical oligarchic predicament (e.g. *Pol.* V.1 1301^a35, 3 1302^b9, 7 1307^a31). Whereas base agents wish to lead a life which benefits from labours and public services and is devoted to consumption of contested goods, each of them wants somebody else to take care of the costs of those activities and goods. Each of them taken separately would be better off

Table 6.1. Agents A/B

	B	
A	Common good	<i>Pleonexia</i>
Common good	(2,2)	(4,1)
<i>Pleonexia</i>	(1,4)	(3,3)

if he could enjoy the benefits of having the common good taken care of without having to take the time to do and affording the costs of what is necessary for the preservation of the common good. It is noteworthy that, according to Aristotle, although each oligarch would free-ride on others' efforts to indulge in *pleonexia*, they would not seem to mind going to the trouble of engaging in faction to compel one another to do what is just. At any rate, the fact is that individuals realize that they need to protect the common good but each one wants somebody else to do it for them. The problem faced by base agents according to Aristotle resembles what is now described as a public good problem: 'everyone would benefit if a common resource ... existed, but individuals acting separately do not have an incentive to contribute to the good's production'.³⁶²

In Table 6.1 above the first number in each cell represents the individual's ordinal ranking of outcomes as more or less desirable from first to fourth. The second number indicates the ordering for the other citizens. Each of them has the following ranking of preferences or outcomes. (1) The best scenario for each of them is to pursue a life of *pleonexia* or injustice while everybody else takes care of the common good (to 'free-ride' on everyone else). (2) Each and all of them take care of the common good. (3) None of them go to the trouble of preserving the common good. (4) The worst scenario for each of them is to lead a virtuous life (i.e. to take care of the common good) while everybody else indulges in *pleonexia* (i.e. to be 'free-ridden' on by everyone else). Although reciprocated care of the common good is more desirable for all of them taken collectively than reciprocated *pleonexia*, since each individual wishes a life of *pleonexia* for himself while wanting everybody else to be just or

³⁶² Miller (1995), 300, who explains *Pol.* V.9 1310^a 12–38 in terms of a PD situation. Cf. II.3 1261^b 33–8 and II.9 1271^b 10–17. This oligarchic predicament is fairly representative of the first steps of social life according to Rousseau in what is now called *Première Version du contrat social* or 'Geneva MS': 'Il est faux que dans l'état d'indépendance, la raison nous porte à concourir au bien commun par la vue de nôtre propre intérêt; loin que l'intérêt particulier s'allie au bien général, ils s'excluent l'un l'autre dans l'ordre naturel des choses, et les loix sociales sont un joug que chacun veut bien imposer aux autres, mais non pas s'en charger lui même' (Rousseau (1964), 284). Needless to say, the idea that Hobbes's state of nature could be represented as a kind of Prisoners' Dilemma has attracted considerable attention from Hobbesian scholarship. See, e.g., Gauthier (1969), Hampton (1986), and Kavka (1986).

virtuous so that the common good will be taken care of, the latter is what they collectively end up with. By avoiding being caught off-guard in a situation where only one of them does what is just or virtuous whereas everybody else overreaches in benefits to themselves (4,1) they end up with a situation inferior (3,3) from a collective standpoint to the reciprocal attendance to the common good (2,2).³⁶³ There is reason to believe, then, that oligarchs could use some external agency such as constitutional authority which would enable and force them to choose the cooperative strategy to get out of the PD situation.³⁶⁴

This is not the case with democracy:

democracy is more stable and freer from faction (*asphalestera kai astasiastos*) than oligarchy. For in oligarchies, two sorts of faction (*stasis*) arise, one among the oligarchs themselves (*pros allēlous*) and another against the people (*pros ton dēmon*). In democracies, on the other hand, the only faction is against the oligarchs, since there is none worth mentioning among the people themselves. (*Pol.* V.1 1302^a8–13)

Democracies thus do not have the coordination and cooperation difficulties of oligarchical regimes. Democrats would only fight against oligarchs and not against themselves: ‘the acquisitive behaviour (*hai pleonexiai*) of the rich does more to destroy the constitution than that of the poor’ (IV.12 1297^a11–13).³⁶⁵ But in the cases of poleis where there

³⁶³ This is graphically explained by Hume (2001), 343, III.ii.7.3: ‘You are, ..., naturally carry’d to commit acts of injustice as well as I. Your example both pushes me forward in this way by imitation, and also affords me a new reason for any breach of equity, by showing me, that I shou’d be the cully of my integrity, if I alone shou’d impose on myself a severe restraint amidst the licentiousness of others.’ Cf. what First Man says to the Gardener in *Richard II*, III.iv.41–7: ‘Why should we, in the compass of a pale, | Keep law and form and due proportion, | Showing as a model our firm estate, | When our sea-walled garden, the whole land, | Is full of weeds, her fairest flowers choked up, | Her fruit trees all unpruned, her hedges ruined, | Her knots disordered, and her wholesome herbs | Swarming with caterpillars?’

³⁶⁴ Elster (1985), 412, refers to an editorial in *The Economist* from 1862—possibly by Walter Bagehot—entitled ‘the advantage to a commercial country of a non-commercial government’. This piece ‘argued that “not only for the interest of the country at large, but especially for the interest of its commerce, it is in the highest degree desirable that the Government should stand high above the influence of commercial interest”. This suggests that the aristocratic government of England was a solution to the bourgeoisie’s weakness of will. Like Ulysses binding himself to the mast, the bourgeoisie accepted the aristocratic government because they could not trust themselves not to succumb to the temptation of short-term greed.’

³⁶⁵ Cf. Ste. Croix (1972), 91: ‘The Greeks realised the simple fact (stated as such by Plato’s Socrates) that changes in a State begin from dissension among the ruling class, and that the constitution cannot be upset as long as that class is united, small though it may be (Plato, *Rep.* VIII 545d). As long as the rulers are not at variance among themselves, the rest will not be at odds with them or with each other (V 465b). Aristotle speaks in much the same vein: an oligarchy which preserves harmony inside itself will not easily be overthrown from within (*Pol.* V 6, 1306^a 9–10).’

is a mighty middle class and both democrats and oligarchs are strong enough to prevent the other from holding political power but unable to get it for themselves, Aristotle seems to suggest a strategy of ‘abdication’ from power:

the legislator should always include the middle in his constitution: if he is establishing oligarchic laws, he should aim at those in the middle, and if democratic ones, he must bring them in by these laws. And where the multitude of those in the middle outweighs either both of the extremes together, or even only one of them, it is possible to have a stable constitution. For there is no fear that the rich and the poor will conspire together against these, since neither will ever want to serve as slaves to the other; and if they look for a constitution that is more common than this, they will find none. For they {sc. democrats and oligarchs} would not put up with ruling in turn, because they distrust one another; and an arbitrator is most trusted everywhere, and the middle person is an arbitrator. (IV.12 1296^b34–1297^a6)

According to ‘the abdication theory of the state’ some groups or classes in society may abdicate from (part of) political power or from taking (part of) it because this best serves their interests.³⁶⁶ The abdication in this case is made in favour of the middle class, a class which does not have any significant political axe to grind and hence is a warranty of moderation and fairness between the parties.

6.3 Et in Arcadia Auctoritas?

It is not uncommon in discussions of political authority and obligation to proceed on the assumption of a particular and rather pessimistic conception of human nature. This view of political authority has recently and usefully been called the ‘simple’ account of need for government. The bare essentials of this account is that government is necessary to constrain people's behaviour towards one another, simply because they are not sufficiently virtuous to exercise the requisite degree of control on their own. If people were virtuous enough, they would honour morality's requirements without the help of enforcement agencies and would either reach some kind of agreement on all relevant practical matters or cope in some way with disagreements without resorting to governmental devices.³⁶⁷ Against this background, it surely comes as no surprise

³⁶⁶ See Elster (1985), 411–22.

³⁶⁷ For the notion of ‘simple account of government’ see Kavka (1995), 1. This post-lapsarian portrayal of government has proved to be remarkably popular throughout the history of political thought. Markus (1988), 110, explains that, according to Augustine, ‘All the institutions of political and judicial authority and their administrative and coercive agencies serve this object: that the wicked be held in check and the good given a space to live in innocence.’ Machiavelli in his *Discourses* (I.3) confidently claims that ‘All writers on politics have pointed out, and throughout history there are plenty of examples which indicate, that in constituting and legislating for a commonwealth it must needs be taken for granted that all men are wicked and that they will always give vent to the malignity that is in their minds when opportunity offers’ (Machiavelli (1983), 111–12). Hume (1998), 99, claims in a similar spirit that ‘Had every man sufficient *sagacity* to perceive, at all times, the strong interest, which binds him to the observance of justice and equity, and *strength of mind* sufficient to persevere in a steady adherence to a general and a distant interest, in opposition to the allurements of present pleasure and advantage; there had never, in that case, been any such thing as government or political society, but each man, following his natural liberty, had lived in entire peace and harmony with all others. What need of positive law, where natural justice is, of itself, a sufficient restraint? Why create magistrates, where there never arises any disorder or iniquity? Why abridge our native freedom, when, in every instance, the utmost exertion of it is found innocent and beneficial?’ *The Federalist*, LI, drives home the leitmotiv of the simple account in a brief and rhetorical question: ‘But what is government itself but the greatest of all reflections on human nature? If men were angels, no government would be necessary’ (Madison *et al.* (1987), 319–20). (Let us also keep in mind that *The Federalist*, XXVI, also makes the point that ‘The supposition of universal venality in human nature is little less an error in political reasoning than the supposition of universal rectitude’ (Madison *et al.* (1987), 431).) Finally, Schmitt (1996) is a contemporary adherent to the simple account of government. He claims that it is a ‘remarkable and, for many, certainly disquieting diagnosis that all genuine political theories presuppose man to be evil, i.e., by no means an unproblematic but a dangerous and dynamic being. In a good world among good people, only peace, security and harmony prevail. Priests and theologians are here just as superfluous as politicians and statesmen’ (Schmitt (1996), 61, 64).

that coercion plays an important role in the single account. Given this sad picture of human nature, government would be unable to perform its tasks without the help of a considerable degree of coercion over its subjects.³⁶⁸

We may now consider whether the need for authority in a group is exclusively or essentially due to moral and/or intellectual weaknesses and shortcomings of its members. Can we confidently explain the existence

³⁶⁸ Joseph De Maistre (1892), iv. 33, in *Les Soirées de Saint-Petersbourg* makes the crude claim that ‘toute grandeur, toute puissance, toute subordination repose sur l’exécuteur; il est l’horreur et le lien de l’association humaine. Otez du monde cet agent incompréhensible; dans l’instant même l’ordre fait place au chaos, les trônes s’abîment et la société disparaît.’ This is surely connected to his belief in *Du Pape* that ‘Celui qui a suffisamment étudié cette triste nature, sait que *l’homme en général, s’il est réduit à lui-même, est trop méchant pour être libre*’ (De Maistre (1892), ii. 338). Caius Martius, later called Coriolanus, seems to embody this conception of government as he chides the Roman plebeians: ‘What’s the matter, | That in several places of the city | You cry against the Senate, who, | Under the gods, keep you in awe, which else | Would feed on one another?’ (*Coriolanus* I.i.181–5). So, a supporter of the simple account would say that the point of political authority in the case of virtuous agents would be the same as the point of the nightwatchman in Wagner’s *Meistersinger*, basically an operatic walk-on, walk-off role: to wake up the people of Nuremberg in the middle of the night only to tell them it is all right to go back to bed (see Berger (1998), 161). Or, as Locke says, it ‘would be like *Cato’s* coming into the Theatre, only to go out again’ (Locke (1988), 2*T*, 333).

of authority only in terms of the shortage of morality and/or rationality among its subjects? Can we put it down exclusively to factors such as weakness of will, lack of altruism, or sheer simple-mindedness? Of course, these factors are able to give us powerful reasons for having authority, and Aristotle's political theory is certainly no stranger to the view that authority may well be a remedy to crack down on human weaknesses or to keep our shortcomings at bay (e. g. *Pol.* II.5 1263^b23; III.16 1287^a30; VI.8 1322^a23–5; *EN* X.9 1180^a9–10). But it is much more interesting to explore the possibility that even a group with strict moral and rational membership requirements may need political authority or government.

A defender of the simple account seems ready to concede that *if only* human nature were different or not defective then government would be superfluous. As Hume says,

Here then is the origin of civil government and allegiance. Men are not able radically to cure, either in themselves or others, that narrowness of soul, which makes them prefer the present to the remote. They cannot change their natures. All they can do is to change their situation, and render the observance of justice the immediate interest of some particular persons, and its violation their more remote. These persons, then, are not only induc'd to observe those rules in their own conduct, but also to constrain others to a like regularity, and enforce the dictates of equity thro' the whole society.³⁶⁹

A defender of the complex account of the need for government would be more than willing to claim that *even if* human nature were (in a relevant sense) different or 'perfect' there would still be a place for government in political theory. In other words, what is at stake is whether Aristotle's virtuous agents, the citizens of his ideal regime, would also be in need of political authority or some form of governmental direction. If they were, we could not explain their need simply in terms of irrationality or immorality.

Indeed, the citizens of the best polis are people who 'are held to be doing best and who enjoy all the things regarded as blessings', who 'live at leisure amidst an abundance of such goods' and 'in the isles of the blessed, as the poets call them' (*Pol.* VII.15 1334^a29–30, 33–4, 31). Although Aristotle does not seem to identify his ideal polis entirely with what in modern times might be described as a 'utopia'—he is adamant that his favoured political project is workable (VII.4 1325^b38–9)—nevertheless his best polis does smack of a Golden Age or Arcadia of sorts. And yet Aristotle envisages political and judicial offices even for this type of ideal social arrangement (*Pol.* VII.8 1328^b13–14, 22–3, 1329^a3; cf. IV.4

³⁶⁹ Hume (2001), 344.

1291^a22–4). Thus, Aristotle's seeming indifference to the precise details of the deliberative, judicial, and administrative structure of his ideal city should not make us oblivious of the fact that even 'in the isles of the blessed', whose citizenry will be composed of fully rational and moral agents, there would still be work to be done, opinions to be reconciled, decisions to be made. 'If not, what would the constitution be for?'³⁷⁰

This brief consideration suggests that Aristotle would adhere to the 'complex' account, which attributes our need for government to a number of factors, and not just our moral or rational shortcomings—if at all.³⁷¹ The basic idea behind this view is that even morally perfect agents would still have significant practical disagreements with each other.³⁷² This is a much more stimulating and challenging view than the simple account. If true, it not only would prove to be a more exciting view of governmental direction but also would present it with a much

³⁷⁰ Saunders (1995), 105. On Aristotle's relative lack of interest in the institutional design of the best polis see Kraut (1997), 123; Schütrumpf (1980), 150, 245 ('Eine Erörterung der politischen Institutionen fehlte völlig in H'). Bertelli (1997), 618, and Kraut (2002), 225, explain that Aristotle took for granted that his ideal city will basically adopt the same offices as the normal cities. Cf. Annas (1981), 105–6, on the different approach to institutional design adopted by Plato's *Republic*: 'There is nothing corresponding to a constitution, or a code of laws or an established legislature. Plato assumes that none of these are necessary once the Guardians are in charge.... Plato thinks of written laws as settling not matters of principle, only trivial matters of administration and organization which clearly derive from principles already established (425e). This means that Plato (quite in defiance of the political realities familiar to him) has in effect taken the education of the Guardians to *replace* the part played in public life by a constitution, or a code of statutes. He thinks that once we have the right people to do the job, laws will turn out to be fairly trivial (as at 425e)'.

³⁷¹ See Kavka (1995), 3, who lists four kinds of reason why perfect agents would disagree with each other: cognitive limitations, moral pluralism, the structure of certain of their interactions, and motivated beliefs.

³⁷² Finnis (1998), 248, explains that, according to Aquinas, even in a paradise unflawed by any human vice 'there would still be need for "government and direction of free people", since social life requires some unity of social action and where there are many people—intelligent and good people—there are many competing ideas about what actions should be done for the sake of the common good'. Waldron (1999a), 38, 46, 90, remarks that 'even assuming that each does their best to ascertain what is really right and really just, there will still be problems, simply in virtue of different people arriving (however conscientiously) at different conclusions Even if we are angels, we are opinionated angels, and we hold conflicting views about right which we are prepared to fight for [It is a] pernicious suggestion that *ideally* politics will not be tainted by partisan or ideological conflict, and that it is only in the second-best case—in a less than well-ordered society—that we have to think about how to deal with sordid matters like disagreement about justice and rights'. A neo-Hobbesian theorist like Gauthier (1986), 164, also claims that 'We do not suppose that voluntary compliance would eliminate the need for social institutions and practices, and their costs. But it would eliminate the need for some of those institutions whose concern is with enforcement. Authoritative decision-making cannot be eliminated, but our ideal would be a society in which the coercive enforcement of such decisions would be unnecessary.'

more powerful justification. If a situation containing (not necessarily disabling) constraints imposed by some form of governmental direction were preferable to a non-governmental situation in which people generally satisfy moral constraints and act as they ought, if ‘one could show that the state would be superior even to this most favored situation of anarchy’,³⁷³ this would make the moral position of government much more solid. Even morally perfect agents would acquiesce in governmental authority by a process which involves no morally objectionable steps.

There is reason to believe that coercion would stay mainly in the background of the complex picture of the need for government. It would only be brought into play in exceptional cases. Thus, ‘[i]f, setting the accessories aside, one focuses on Aristotle’s best polis proper and the relation of its citizens to one another, what comes into view is a community that approaches the anarchist ideal and where the anticoercion principle is alive and active. ... In such a virtue state, coercion and compulsion will be virtually unknown.’³⁷⁴ We would like to know, then, why a fairly optimistic view of human nature and hence the absence of coercion would not do away with governmental direction altogether, what is left of government once coercion is unnecessary because of the rationality and morality of its subjects. A reliable pointer seems to be that the basic issue behind the doctrines that subscribe to the complex account of government is not so much the enforcement of rules or norms, as the very rules and norms themselves, the decision as to what is to be done.

Before concluding that disagreement is the basis for government in a virtuous society, we should recall that holding political power may well be constitutive of well-being (6.2 *in fine*) and hence a reason for abiding by government even—if not especially—for virtuous agents. Aristotle’s high estimation of political life seems to rest on the assumption that exercising political power takes more practical wisdom than exercising practical virtues in the private sphere. There is something godlike in

³⁷³ Nozick (1974), 5.

³⁷⁴ Keyt (1996), 138–9. Cf. also Simon (1951), 69: ‘Aristotle defined the state in terms of completeness and self-sufficiency, not in terms of coercion. ... [T]he state would retain its essence if circumstances were so favorable as to rule out all coercive procedures and threats’. Schnädelbach (1986), 48, goes even further and observes, on the basis of *Pol. I.2* 1253^a 28–9, that according to Aristotle ‘Handeln kann niemand allein, nur herstellen, und darum wäre reine *poiesis*-Politik nur als Tyrannis eines monologisierenden, übermenschlichen Souveräns denkbar, während die *praxis*-Politik auf die Utopie eines sich selbst genügenden und regulierenden, vielstimmigen und multidimensionalen Konzerts von Interessen und Initiativen verweist. Nicht nur der politische, sondern auch der ökonomisch-soziale *Liberalismus* ist aristotelisch, und ... sollte man sich vergegenwärtigen, daß zunächst einmal der *Anarchismus* als die radikalste Form liberalen Denkens aus aristotelischem Geiste geboren wurde’.

ruling the state: the political leader operates at the highest level of rationality available to the average agent in the sublunary world. The more complex the political decision, the higher the level of activity involved and hence the level of well-being achieved. Whereas god provides some kind of intellectual order in the universe, the political leader provides practical order or coordination in the city.³⁷⁵ Now this emphasis on self-realization or activity on the part of the statesman may come into conflict with the value of community, something Aristotle's virtuous agents will do their best to avoid. If political activity or political decision-making is to be for the sake of the community, at the very least some of the members, some of the time, must stand at the passive end of the political decision-making process. The very idea of 'political' consumption is implied by the idea of high-functioning political decision-making or 'production'. Some members of the community must consume the 'products' that are the outcome of political activity. Of course, as it turns out, this type of consumption is also advantageous for subjects since political rule is exercised by just officers, i. e. it is exercised with a view to the interest of subjects.³⁷⁶

Now even staunch supporters of the anarchist party—not necessarily an oxymoron—are happy to say that some forms of governmental management and supervision are not class-specific. In Marx's own words, 'all labour in which many individuals cooperate necessarily requires

³⁷⁵ Newman (1887–1902), i. 285–6, who is happy to propose a Rousseauian-cum-Hegelian reading of the connection between moral excellence and the state in Aristotle: 'So far from the State ceasing to be necessary, as the view of these inquirers [sc. Socrates, Xenophon, Plato] might be construed to imply; when full virtue is already possessed by the citizens, it is not at its best except when all of them are men of full virtue. If it is itself the source of their virtue, partly through the material conditions with which it surrounds them, partly through the training and guidance which it imparts, it must nevertheless go further and develop their virtue in action; it must set on foot an exchange of mutual service rendered with a view to the common good; it must offer its citizens a whole in which they can merge themselves as parts, rising thus to a nobler level and type of action than they could singly realize; it must be to them a sort of God, less remote, more helpful, more akin to them than the God of Aristotle—a Being in whom they lose themselves only to find themselves again.'

³⁷⁶ Aristotle's emphasis on the quality of the political product is what prevents him from endorsing a narcissistic theory of politics according to which political discussion and decision-making are carried out for their own sake, no matter their result. On the contrary, Aristotelian rulers may only reach the high level of activity which will make them happy if they make good political decisions, and these stand or fall by their impact on the interests of subjects. In this sense, Aristotle defends an instrumental conception of politics. The point is not that politics has no value at all or that it cannot be enjoyable or satisfactory, but rather that its value is a function of its success in dealing with serious issues and pressing decision-making. Otherwise it becomes a playground for purely self-indulgent 'being there'. For this distinction between instrumental and non-instrumental conceptions of politics see, e.g., Elster (1983), 98–9, and Viroli (1992), 286. Cf. Bubner (1992), 199.

a commanding will to coordinate and unify the process, and functions which apply not to partial operations but to the total activity of the workshop, much as that of an orchestra conductor. This is a productive job, which must be performed in every combined mode of production.³⁷⁷ In the particular case of Marx's political theory, there are some 'common activities arising from the nature of all communities' which will be performed by any form of 'state'. The need for 'conductors', coordination, and public goods will persist in communism. The very idea of the state as a coordinating agency does not necessarily involve the existence of violence to back its decisions.

Taking up Marx's analogy, large ensembles and the intricacy of some social scores require a coordination which can only be supplied from without. At some level of social interaction it is not enough to follow a seated leader when he looks up from whatever part he is playing. At that point, it is necessary to set up a new role or part to create order amid mounting confusion. There is reason to believe that Aristotle would not have been entirely unsympathetic to this musical analogy for governmental direction in a context of virtuous players.³⁷⁸ To start with, he criticizes the Socratic proposal in favour of the total unification of the polis by claiming that 'it is as if one were to reduce concord (*sumphōnian*) to unison (*homophōnian*), or a rhythm to a single beat' (*Pol.* II.5 1263^b34–5). Furthermore, even in harmonies there is also a ruling element (I.5 1254^a33), the *mesē* or *hēgemōn* which serves as

³⁷⁷ *Capital* III (New York, 1967), 383–4, cited in Elster (1985), 401. It is also noteworthy that Engels, in the face of Bakunin's criticism of the First International as dictatorial, hierarchical, and—picking up a term newly coined in the France of Napoleon III—'authoritarian', based his reply on the argument that the economy at that time increasingly required 'the combined activity of individuals ... But whoever says combined activity, says organization; Is then organization possible without authority?' ('Von der Autorität', 1872/73, *Marx-Engels Werke*, xviii (Berlin, 1962), 305–6, cited in Rabe (1972), 404–5).

³⁷⁸ Walzer (1983), 299, claims that Marx's analogy between an orchestra conductor and government is 'a disturbing comparison, for conductors have often been despots'. Nozick (1974), 246, is more sympathetic to the idea: 'Often it is claimed that being subordinate in a work scheme adversely affects self-esteem in accordance with a social-psychological law or fundamental generalization such as the following: A long period of being frequently ordered about and under the authority of others, unselected by you, lowers your self-esteem and makes you feel inferior; whereas this is avoided if you play some role in democratically selecting these authorities and in a constant process of advising them, voting on their decisions, and so on. But members of a symphony orchestra constantly are ordered about by their conductor (often capriciously and arbitrarily and with temper flareups) and are not consulted about the overall interpretation of their works. Yet they retain high self-esteem and do not feel that they are inferior beings. Draftees in armies are constantly ordered about, told how to dress, what to keep in their lockers, and so on, yet they do not come to feel they are inferior beings.' As we have seen (3.3 *in fine*) and shall see (7.4), the players of the political orchestra are, in a sense, in control of the conductors themselves.

our contemporary idea of a dominant note in a chord (*Pr.* XIX.33 920^a21; *Met.* V.11 1018^b28–9).³⁷⁹ The authority of the constitution is also explained in terms of musical harmonies, keys, or chords (*Pol.* III.3 1276^b8–9; IV.3 1290^a20–2). Aristotle actually says that ‘the same thing is true in constitutions as of harmonies (*epi tōn harmoniōn*)’ (*EE* VII.10 1241^b29). He also claims that we say that a political community is different if its form (i.e. the constitution) is different, even though the parts of the community have not changed. Similarly, the same notes combined or arranged in different ways produce different sounds, chords, or more generally scores; the same people may well portray either a comic or a tragic chorus according to the form or disposition taken by the chorus (*Pol.* III.3 1276^b1–11). Finally, at III.4 1277^a11–12 Aristotle proposes an explicit analogy between the roles played by political rulers and leaders of a chorus on the one hand, and subjects and ordinary members of a chorus on the other.³⁸⁰

It is in this sense that Aristotelian virtuous agents would also adopt a system of authoritative reasons for action on the grounds that they would have no other way of agreeing amongst themselves over significant spans of time about precisely how to pursue their moral project well

³⁷⁹ See Schürtrumpf (1991a), 252–3; (1991b), 406.

³⁸⁰ Cf. also III.13 1284^b 11 on the authority of the chorus master over members of the chorus. Kraut (1989), 116–17, gives the following musical analogy to illustrate Aristotle's conception of genuine or true self-love as stated in *EN* IX.8 1169^a 8–13 in the context of a community of morally virtuous agents: ‘Imagine a number of solo musicians who come together one evening to compete against one another. Each takes a turn, and tries to play in a way that will be judged best when the evening is over. The better each plays, the more likely he is to win, but at the same time, everyone else benefits by the fact that each is striving to do his best. For one thing, the harder each tries to win, the better the music sounds, and all get more enjoyment from listening to better performances. For another thing, the spirit of competition encourages each to strive harder than he would in a more relaxed and noncompetitive atmosphere. When one sees how hard the others are trying, one puts more effort into one's own performance, and the closer one comes to performing at one's peak, the more one enjoys one's activity. So the passive and active benefits of music making (listening and playing) are increased by the fact that a competition is being held. Each musician wishes the others well; each wants the others to do the best they can. But at the same time, each would like to be the one who is judged best [Aristotle] defends such competition by claiming that everyone is better off when each tries to outdo the others: when each tries to outperform the others, then each “will have the greatest of goods, since that is just what virtue is” (1169^a 10–11). Here Aristotle points to the active benefits that accrue to each individual who competes with others: in this way, one becomes a more virtuous person, and gains the greatest of goods. And he also has the passive benefits of competition in mind, when he says that the self-lover will not only “profit from doing fine things” but also “benefit the others” (a12–13). So he is saying that when I try to outdo others in the moral arena, then I benefit from my heightened activity, and others benefit because of what they receive from me.’ See Cohen (1995), 122, who refers to a similar situation to explain Marx's idea of communism, only with a self-regarding and less interactive twist.

and would thus agree that ‘political authority in all its manifestations, including legal institutions, is a technique for doing without unanimity in making social choices—where unanimity would almost always be unattainable or temporary—in order to secure practical (near-)unanimity about how to coordinate the actions (including forbearances) of members of the society’.³⁸¹ Indeed, Aristotle believes that political authority would still be necessary in the case of a polis isolated from other poleis and whose citizen population remains within the framework of its constitutional regime. So, if external danger is discarded on account of the isolated position of the polis (cf. *Pol.* VII.8 1328^b9–10)³⁸² and internal unrest is taken care of because of the character and occupation of those chosen to make up the non-citizen population (cf. VII.10 1330^a26–8, 29–30), political authority may thus be required by the very activities of virtuous citizens as they interact with one another: ‘city-states situated by themselves, which have rationally chosen to live that way, do not necessarily have to be inactive, since activity can take place even among their parts. For the parts of a city-state have many sorts of communal relationships with one another’ (VII.3 1325^b23–7).³⁸³

Thus Aristotle does not stipulate that in the case of a city leading an isolated or ‘non-political’ life we should write off his provisions for political and legal authority. The coordination of the activities of the individuals and the plurality of associations within the polis would call for authoritative reasons for action.³⁸⁴ Indeed, as we have seen, Aristotle

³⁸¹ Finnis (1992), 141–2.

³⁸² Cf. Keyt (1996), 140: ‘[Aristotle] never envisages a polis without arms. But for the warriors of a polis to use them against the body politic is as contrary to nature, in Aristotle’s eyes, as it is for an animal to use its teeth or its claws against its own body.’ Aristotle’s reference to military forces for internal government in the event of disobedience at VII.8 1328^b 8–9 may be explained by Plato’s remarks at *Leg.* IX 853d9–10: ‘in view of the correct education our citizens will have received, we should hardly want any of them to catch this disease [sc. law-breaking], nor is there much reason to expect that they will. Their slaves, however, as well as foreigners and the slaves of foreigners, may well make frequent attempts at such crimes.’ Cf. also *Leg.* IX 880d8–e5: ‘Some laws, it seems, are made for the benefit of honest men, to teach them the rules of association that have to be observed if they are to live in friendship; others are made for those who refuse to be instructed and whose naturally tough natures have not been softened enough to stop them turning to absolute vice.’

³⁸³ For the opposite of a polis leading a solitary life cf. 6 1327^b 4: ‘if {the polis} is to lead a political way of life and hegemonic {among other poleis} ...’.

³⁸⁴ Cf. EN VIII.9 1160^a 21: ‘all these communities (*pasai ... autai*) would seem to be subordinate to the political community (*hupo tēn politikēn*), since it (*hē politikē*) aims not at some advantage close at hand (*ton parantos sumpherontos*), but at advantage for the whole of life (*eis apanta ton bion*)’; cf. IX.2 1165^a 30–1. The communities whose activities are referred to in these passages are mentioned throughout the *Politics*, especially in the Books dealing with the best polis. *Phratéria* and cognates come up at II.3 1262^a 12, 5 1264^a 8, III.9 1280^b 37–8; cf. *EE* VII.9 1241^a 25–7. (Political) clubs or *hetairiai* are spoken of at II.5 1263^b 6, 11 1272^a 33–4; cf. *EE* VII.1 1235^a 2; 10 1242^a 1–2. For *Gymnasia* see II.5 1264^a 22, VII.12 1331^a 36. Common meals or *susitia* at II.9 1271^a 26–7, VII.10 1329^b 5, 1330^a 3, 13; 12 1331^a 19–20. Scholarly gatherings or *sullogoi scholastikoi* are mentioned at V.11 1313^a 3–4 (the fact that they are banned by tyrannical regimes may well be an indication that they are morally admirable); cf. VIII.3 1338^a 10, 21–2; 4 1339^a 22–3. Cf. also EN VIII.8 1160^a 8–9; *Pol.* VI.4 1319^a 19–27.

often thinks of the law in terms of a system for ordering and thus coordinating the activities of those acting under its jurisdiction (law as *taxis*: *Pol.* III.16 1287^a18; cf. II.5 1263^a23; 10 1271^b29, 32; constitution as *taxis*: III.1 1274^b38; IV.9 1294^b21). And this is the case not only in poleis which fall short of the standard of the best constitution but in the best constitution itself (*taxis* and *eutaxia*, VII.4 1326^a30, cf. VI.6 1321^a4, 1321^b7; *EN* X.9 1180^a18–21; VII.2 1324^a24). Aristotle does not share the shallow conception of politics that all political disagreement must be explained exclusively by the clash of egoistic preferences. Aristotle stresses the fact that ‘even among four persons, or among as many partners as {there are} (*kai tois hoposoisoun koinōnois*), there must necessarily be someone who assigns and judges what is just (*apodōsonta kai krinounta to dikaion*)’ (IV.4 1291^a22–4), and this claim seems to reverberate at VII.8 1328^b13–14, 22–3; 1329^a3.

So, the very structure of certain interactions between perfect agents would explain why they may need a coordinating agency. For instance, in all social formations emphasizing altruism and generally action for the sake of others there lurks the difficulty that other-regarding behaviour is impossible unless there are some individuals who at least some of the time act in a self-interested manner. This type of interaction may certainly need the intervention of a third party organizing it by way of authoritative reasons for action.³⁸⁵

Now even if the compliance problem does not exhaust the need of political authority we should not trivialize the issue by claiming that coordination is what government is all about. Even assuming that people would want to act on other-regarding or altruist reasons—or more generally for the sake of the common good—they may not have a common and settled conception of what that good is. Some issues command strong loyalties and generate some serious conflict even in the absence

³⁸⁵ See Elster (1985), 87: “Do not act for your own sake, but for that of the community” is a self-defeating instruction when issued to everybody, as shown perhaps in some of the excesses of the Chinese Cultural Revolution.’ Cf. also Hollis (1996), 76–7: ‘Any inflexible maxim like “Do what others would most prefer” is liable to recreate the original problems with, so to speak, the colours reversed. There are Prisoners’ Dilemmas for altruists as well as for egoists. Also a maxim commanding unselfishness can paralyse everyone, if everyone follows it. (Try cooking dinner for a group of relentless altruists with different tastes.) And I would add: imagine each and every one of them trying to cook dinner for everybody else.

of self-interested positions. Sometimes they may be worked out so that unanimous agreement will be reached on them; but it would not be well-advised to project the institutional design of a political system entirely on the assumption that unanimity will always be achieved. For one thing, time will surely remain a scarce resource even in Aristotle's best polis and more often than not decisions will be made when unanimity is not round the corner, and so some procedure for aggregating conflicting preferences will make itself felt.³⁸⁶

At this point someone might feel the need to make a conceptual point on the type of perfect agency displayed by Aristotle's virtuous citizens in the best polis. Someone might wonder how rationally and morally perfect Aristotle's virtuous agents are if disagreement would still be part of the picture in the best political scenario we could pray for. In other words, it might be claimed that whatever skills are necessary to yield unanimity or total agreement should be included in the very idea of rational and moral perfection and hence if two seemingly perfect or virtuous agents do not agree on some issue then they are not actually perfect or virtuous after all. However, we might in turn doubt the practical relevance of the type of agency this objection assumes or seems to call forth. Total unanimity or agreement without intervention of a third party would only be at the disposition of 'archangels'—if not 'gods'. This new type of agency would contain, among other things, the capacity even to read or know other people's minds, a capacity similar to a kind of omniscience. On this view, each citizen would know on his own and without communicating with others which decisions should be made or which policies should be pursued, so much so that there would actually be no point in convening a deliberative assembly and hence in establishing, e.g., a majority rule.³⁸⁷ And it would be a curious type of agency at that: it would be on the verge

³⁸⁶ See Elster (1985), 458. Cf. Kraut (2002), 232–4. People would also disagree over the rights of future generations, the proper amount of the social product to be spent on particular areas, etc.

³⁸⁷ Rousseau famously closes his chapter on democracy in his essay on the social contract, III.4, by claiming that 'If there were a people of gods, it would govern itself democratically. So perfect a government is not suited to men' (Rousseau (1987), 126). The immediate point he is trying to make is that there are many difficult conditions to be met by a government whose decisions are unanimously accepted. But this claim may be connected to his belief (*CS* II.3, Rousseau (1987), 101) that a sufficiently informed people will hardly stop short of achieving unanimous decisions after a process of deliberation properly undertaken, a condition which in Rousseau's eyes involves the absence of 'communication' among deliberators—arguably the absence of private arguments or encounters without the public chamber. This type of arrangement would take godlike creatures who will mutually present their case in the best light and by the most eloquent means so that they could not help being persuaded by one another. However, somebody might wonder whether their godlike nature would not make their meetings redundant in the first place. Could they rather meet for expressive reasons of some sort?

Table 6.2.

	Politician	
Philosopher	Contemplation	Ethical virtue
Contemplation	(1,2)	(3,3)
Ethical virtue	(4,4)	(2,1)

of not being a type of agency at all since it would be hard to understand in what sense would these archangels or perfect beings act in a practical sense or even be interested in one another's minds at all instead of being totally immersed in activities of a different order, especially of a contemplative nature. Their capabilities and perfection would take them far from the practical realm into the sphere of pure rational activity.

So the sheer appearance of disagreements does not necessarily call in question the rationality and moral character of those who participate in the discussion nor does it call for coercion to put an end to it. For instance, although Aristotle's theory of the human good does not seem to allow much room for substantive disagreement on the most choiceworthy life, his best state might admit of some level of disagreement on the appropriate specification of the good life if the disagreement among distinguished commentators of his ethical theory were any indication of what a reasonable 'happy few', 'scholars, soldiers and friends', would come to think on the basis of Aristotle's practical treatises: should they go for a contemplative life or is it rather a life of ethical excellence to have the upper hand? Are they to maximize contemplation or should they rather pursue ethical excellences on an equal footing? A battle-of-the-sexes situation might occur in the best polis between defenders of ethical inclusivism and those who hold to the intellectualist conception of well-being. Each side would prefer its own conception of well-being to the other's, but would settle for less because both sides would rather live in common and practise social coordination than hold on to their own favourite conception at the cost of not interacting with the other citizens.

Let us consider Table 6.2 above and assume for the sake of argument that the life of contemplation is such that it may only be pursued if (almost) everyone leads it, and the same happens with the life of ethical virtue, i.e. it may only be pursued if (almost) everyone leads the same life. Let us also assume that both lives are equally available to all citizens in the best city.³⁸⁸ Those who favour contemplation will want everybody else to lead a contemplative life. If that is not possible, the defender of

³⁸⁸ Kraut (1997), 139, makes an interesting case in defence of the thesis that in *Pol.* VII–VIII Aristotle assumes that a contemplative life is out of the question even for the citizens of the best state.

the contemplative life would prefer to lead the same life as everyone else, in this case the life of ethical virtue. If that is out of the question, he would try to go for a contemplative life while others lead the life of ethical virtue. The last resort for a defender of the contemplative position would be to lead a life of ethical excellence whereas the others are engaged in contemplation. *Mutatis mutandis*, the same applies to the partisan of ethical life. Thus, both parties would benefit from the action of an external agency to settle a point of coordination equilibrium between them where both lead the same type of life.³⁸⁹

Moreover, the reference at *Pol.* VII.4 1326^b12–20 to the selection of officials and judges assumes that citizens may agree to hold elections but may well vote for different candidates. It is hard to see the point of holding elections unless there is or could be disagreement on whom to elect. In the assembly there may also be a variety of opinions on what is to be done regarding a matter of policy. But Aristotle does not go so far as to make the Rousseauian claim that only a clouded perception of self-interest prevents unanimity from being the result of all deliberations in the assembly.³⁹⁰ As we have seen, a political system entirely made up of fully virtuous agents is no exception to the rule that citizens will not always reach unanimity and would thus adopt the principle of majority rule to make political decisions.

As for the existence of legal authority in the best polis, the general case may be made that even among morally perfect citizens there may be factual disagreement and disputes about the interpretation of legal transactions and their legal effects. Furthermore, although we might assume that criminal law and courts will not be necessary since crime will be ‘a custom more honoured in the breach than the observance’,³⁹¹ accidental damage is bound to occur even in this kind of community and thus a law of torts would still be applied.³⁹²

³⁸⁹ The governmental agency may also help citizens determine a point of equilibrium by settling how many people may lead a contemplative life and how many a practical one.

³⁹⁰ ‘The more harmony reigns in the assemblies, that is, the closer opinions come to being unanimous, the more dominant, therefore, is the general will, but long debates, dissensions, and tumult proclaim the ascendancy of private interests and the decline of the state’ (Rousseau (1987), 150, *CS* IV.2).

³⁹¹ In this section I have proceeded on the assumption of an unfailing and enduring type of virtuous agency, taking Aristotle at his word: ‘the happy person has the {stability} we are looking for and keeps the character he has throughout his life’ (*EN* I.10 1100^a 18–19); ‘prudence cannot {be forgotten}’ (VI.5 1140^b 30); ‘virtue is enduring’ (VIII.3 1156^b 12). But there are some passages in the *Politics* which suggest some moral backsliding even in Aristotle’s best regime. For instance, VII.10 1330^a 22–3 is a case in point: ‘Significantly, Aristotle does not claim that since by hypothesis the citizens of his ideal city are virtuous, their deliberations will not be distorted by private concerns. He instead assumes that even virtuous people need to be placed in an institutional framework that provides safeguards against distorting factors in decision-making’ (Kraut (1997), 115). Aristotle says at *Pol.* III.16 1287^a 32 that ‘passion perverts rulers even when they are the best men’. *EN* IX.3 1165^b 13^a also admits a fall-off in virtue by considering the possibility of a good person who eventually becomes vicious. There is also some talk of punishment in parts of VII (16 1336^a 1; 17 1336^a 10). So Aristotle seems to oscillate between two different positions regarding perfect agency: (a) ‘once a virtuous always a virtuous’ (I.3) and (b) ‘things change’. At any rate, I have attempted to make a case for the need for government in Aristotle’s political theory even on the assumption of (a), which is a much more interesting hypothesis than the scenario implied by (b). Cf. Plato, *Leg* IX 853^a 3–d4: ‘The very composition of all these laws we are on the point of framing is, in a way, a disgrace: after all, we are assuming we have a state which will be run along excellent lines and achieve every condition favourable to the practice of virtue. ... But we are human beings, legislating in the world today for the children of humankind, and we shall give no offence by our fear that one of our citizens will turn out to be, so to speak, a “tough egg”, whose character will be so “hard-boiled” as to resist softening; powerful as our laws are, they may not be able to tame such people, just as heat has no effect on tough beans.’

³⁹² Cf. Raz (1990a), 160, on law for a society of ‘angels’. (For the record, the analogy of ‘angels’ may not be entirely appropriate since they do not seem to act or be active in the practical sphere at least. Perhaps ‘saints’ would be more convenient a notion.) Cf. *Pol.* VII.13 1332^a 13, 16. Dworkin (1978), 133, explains that ‘even reasonable men of good will differ when they try to elaborate, for example, the moral rights that the due process clause or the equal protection clause brings into the law. They also differ when they try to apply these rights, however defined, to complex matters of political administration’.

Moreover, as we have seen (3.4), although all citizens agree that, e.g., some ransom should be paid or that some sacrifice should be made, they may well disagree on the amount of the ransom to be paid or animals to be sacrificed (*EN* V.7 1134^b18–24). This is a fair illustration of coordination problems in which *that* something be authoritatively settled is more important than *what* is settled. Aristotle would agree that similar considerations apply to the system of property, common meals, rule of the road, etc.

Setting aside pure coordination problems and the law of torts, we might doubt the point of legal authority in a community where criminal law would be conspicuous by its absence. Indeed, we might even agree that there is a resemblance between criminal law and the law of torts, the primary goal of which is to compensate individuals for harm suffered as the result of the conduct of others. The rules of torts which determine what types of conduct allow for actionable wrongs are spoken of as imposing on persons requirements to abstain from such conduct, irrespective of their wishes or psychological response to these impositions. This type of conduct would also be termed a ‘breach of duty’ and the compensation for it would be called a ‘sanction’. What lies then behind both types of law is, to some extent, the concern with a kind of compliance problem and hence with the provision of a reliable back-up of threats to ensure the enforcement of legal requirements.

But this is not all there is to law, even if we were to set coordination aside. There is reason to believe that ‘there are important classes of law where this analogy with orders backed by threat altogether fails, since they perform a quite different social function. Legal rules defining the way in which valid contracts or wills or marriages are made do not require persons to act in certain ways whether they wish to or not. Such laws do not impose duties or obligations.’ Instead, they provide individuals with ‘*facilities* for realizing their wishes, by conferring legal powers upon them to create, by certain specific procedures and subject to certain conditions, structures of rights and duties within the coercive framework of the law’. There are also rules which confer legal powers of a public or official rather than a private nature, such as the rules which authorize and set in motion the operation of the judicial, legislative, and administrative branches of the state. In the case of power-conferring rules, the ‘relationship between the conforming action and the rule is ill-conveyed by the words “obey” and “disobey”, which are more apposite in the case of the criminal law where the rules are analogous to orders’. They are best understood if seen as ‘a “move” in a game such as chess’, where failure to conform to the conditions of the enabling rule ‘makes what is done ineffective and so a nullity for this purpose’, instead of setting a penalty for the breach of duty.³⁹³

We might still assimilate the notion of nullity to the idea of punishment or sanction. But this obscures the fact that whereas the former simply withholds legal recognition in certain cases where a rule has not been followed or some form has not been met, the latter comes as a result of a conduct which has done something forbidden and hence should be discouraged by the law rather than being simply not legally recognized. Otherwise, it would be ‘like thinking of the scoring rules of a game as designed to eliminate all moves except the kicking of goals or the making of runs. This, if successful, would be the end of all games’.³⁹⁴ But power-conferring rules do not seem to be designed to make people behave in certain ways and to declare nullity as a reason for obedience. It does not seem to be entirely appropriate to regard as a sanction the fact that a legislative proposal, having failed to obtain the required majority, has not attained the status of a law. The assimilation, then, of nullity and sanction, or, if you will, of power-conferring and duty-imposing rules, would be controversial if the idea of law without sanctions were perfectly conceivable—and/or if the idea of law would not necessarily entail the existence of a compliance problem. And this is precisely a situation which may be expected in Aristotle's best polis.

³⁹³ Hart (1994), 27–8, 30–1.

³⁹⁴ Hart (1994), 34.

Furthermore, there is more to a legal system than primary rules of obligation or (what might be described as) first-order power-conferring rules. To flesh out this point, let us assume that Aristotle's virtuous agents have just set their feet on the soil of an uninhabited island in order to set up a new polis there according to the guidelines given by *Pol.* VII–VIII and let us assume that they are putting to the test Aristotle's recommendation to establish a political system altogether—viz. a constitution with legislative, administrative, and judicial offices. They want to get to the same conclusion by their own reasoning, without relying on Aristotle's authority: they want to see for themselves whether a correct theory of the human good would call for the political institutions recommended in *Pol.* VII–VIII. So they will first want to set up a society on the basis of primary rules only, rules which will require citizens to act virtuously and rules that will also allow them to make some 'moves', as we have seen, rather than restrict their options. These primary rules will be the only type of rules this society will have from square one. They will surely be obeyed or followed given the rationality and morality of the citizens.

But even the best citizens will have a hard time trying to live successfully under such a regime of primary and hence essentially unofficial rules. Chances are that such a simple form of social rules will need to be supplemented in different ways. In the first place, these rules will not form a system but simply be a set of separate standards without any centralizing or common mark, except that they are the rules accepted by a given group. But doubts are bound to arise as to 'what the rules are or as to the precise scope of some given rule', and so 'there will be no procedure for settling this doubt, either by reference to an authoritative text or to an official whose declarations on this point are authoritative'.³⁹⁵ So *uncertainty* on the rules will be an issue even for virtuous agents, at the very least for agents who are virtuous but not omniscient or generally speaking 'archangels', as we have seen. Secondly, there is also the matter of the *static* character of primary rules. There would be no way of deliberately adapting primary rules to new circumstances for, once again, the possibility of doing this assumes the existence of rules of a different kind from the primary rules by which this society lives. A third question will be the *inefficiency* of the devices for solving disputes on primary rules. There would be no agency or party empowered to decide the issue finally and authoritatively. The society would be run on the rather heroic basis that single individuals would determine the matter on their own, a determination which might be called in question again by another individual, and so forth. This is not due to some urge for

³⁹⁵ Hart (1994), 92. On primary and secondary legal rules I follow Hart (1994), 91–9.

power or to any moral or rational failure on the part of the plaintiff but to the lack of a third party empowered to settle the issue finally and authoritatively.

A way out of the problems brought about by running a society simply on the basis of a set of primary rules consists precisely in supplementing it with rules of a different kind, i.e. *secondary* rules: rules about rules. These rules about rules do not impose duties or restrict some options but rather make some options available by conferring powers on determined people to pursue some activities or reach certain goals. In this sense, what appears to be the simplest form of remedy for the *uncertainty* of the primary rules is the introduction of what has been called by Hart a 'rule of recognition'. The rule of recognition determines some feature or features the possession of which by a certain rule is taken as an indication of its normativity for the members of the community at stake. The existence of a rule of recognition is a crucial step towards the acknowledgement of an authoritative standard which will dispose of any doubts about the existence or scope of any questionable rule. It will provide a final and authoritative standard for the identification of the rules of the legal system. It is not uncommon for constitutions to serve as the rule of recognition, and, for instance, democratic constitutions in turn point to the decisions made by the assembly of citizens as the rule of recognition in a democratic polis.

There is also a remedy for the *static* nature of a regime entirely made up of primary rules, which consists in the introduction of what Hart calls 'rules of change'. Once it is clear that the rule of recognition is the standard of identification of rules, the rules of change empower an office or a body of persons to introduce new rules to regulate the life of the community and to eliminate old ones. Where there is a legislative procedure to enact law there may well be a close connection between rules of change and rules of recognition. In this case, the former might be thought of as a kind of specification of the latter. For instance, in a democratic constitution, whereas the rule of recognition will state that a rule belongs to the legal system to the extent that it has been passed by the assembly of all citizens, the rules of change will define the procedure to be followed for a proposal or bill to become law. As for the *inefficiency* of a diffused set of instances determining if or how a rule has been rightly followed or obeyed, what Hart calls 'rules of adjudication' will empower officials or bodies of people to make authoritative and final determinations of questions dealing with primary rules. Rules of adjudication define the concepts of courts, judges, and jurisdictions.

This family of issues and rules, then, is not essentially linked to a compliance or enforcement problem, or to the motivational state of agents, or to moral or relevant rational or intellectual shortcomings on the part

of the members of the community. The issues raised by the transition from a set of primary rules to the establishment of a legal system (i.e. a set of primary *and* secondary rules) would be of interest even for agents eagerly looking forward to complying with what is expected of them.³⁹⁶ On the other hand, even the single account of government takes for granted that there will be a sufficient number of agents who will be out of the range of the shortcomings of human nature so that they will be able to comply with the relevant rules and make sure that their rationally and morally handicapped fellow-citizens will abide by them.³⁹⁷ So there will also be a significant number of agents who will not be compelled or forced to obey at least the secondary rules of the system but rather will adopt them as the standard according to which they will act in their capacity as lawgivers and court officials.

At this point it might be claimed that some remarks in *EN IX.6* do not seem to square entirely with the need of secondary rules and/or the need of dealing with the failure to reach unanimity in Aristotle's best constitution as described in *Pol. VII–VIII*:

Concord ... appears to be a feature of friendship [^a22].... [A] city is said to be in concord when {its citizens} agree on what is advantageous, make the same decision, and act on their common resolution. Hence concord concerns questions

³⁹⁶ Cf. Hart (1994), 40: 'It is sometimes urged in favour of theories ... [which] recast the law in a form of a direction to apply sanctions, [that] an advance in clarity is made, since this form makes plain all that the "bad man" wants to know about the law. This may be true but it seems an inadequate defence for the theory. Why should not law be equally if not more concerned with the "puzzled man" or "ignorant man" who is willing to do what is required, if only he can be told what it is? Or with the "man who wishes to arrange his affairs" if only he can be told how to do it?'

³⁹⁷ Brutus reminds Coriolanus that: 'You speak o'th' people as if you were a god | To punish, not a man of their infirmity' (*Coriolanus* III.i.84–5). At *Pol. VI.8* 1322^a 24–5 Aristotle notes that there are some people who may not be given some political offices since 'they are more in need of guarding (*autoi gar deontai pbulakēs mallon*) than capable of guarding others (*pbulattein allous dumantai*)'. Schütrumpf (1996a), 661, ad loc., refers to *Juv. Sat. 6*, 347: 'Sed quis custodiet ipsos custodes?' Pocock (1975), 324, comments on the adoption by Contarini of the Aristotelian dictum that laws must rule and not men, that 'the argument is in danger of becoming circular: laws ensure that reason rules and not particular passions, but they are invented and maintained by men and can prevail only when men are guided by reason to the public good and not by passion to private ends. The laws must maintain themselves, then, by regulating the behavior of the men who maintain them'. This is the difficulty detected by Kant (1991a), 46, who having said that 'man is *an animal who needs a master*', wonders: 'But where is he to find such a master? Nowhere else but in the human species. But this master will also be an animal who needs a master. Thus while man may try as he will, it is hard to see how he can obtain for public justice a supreme authority which would itself be just, whether he seeks this authority in a single person or in a group of many persons selected for this purpose. For each one of them will always misuse his freedom if he does not have anyone above him to apply force to him as the laws should require it. Yet the highest authority has to be just *in itself* and yet also a *man*. This is therefore the most difficult of all tasks, and a perfect solution is impossible.'

for action, and, more exactly, large questions where both or all can get what they want. A city, for instance, is in concord whenever all the citizens resolve to make offices elective, or to make an alliance with the Spartans, or to make Pittacus ruler, when he himself is also willing [^a26–32].... Concord, then, is apparently political friendship [^b2].... This sort of concord is found in decent people. For they are in concord with themselves and with each other, since they are, so to say, of the same mind [^b4–6]; ... They wish for what is just and advantageous, and also seek it in common. (1167^a22–b9)

If taken at face value, these considerations seem to imply that virtuous or decent agents would unanimously agree on what is in their interest to do and can carry this through without any appeal to government. Aristotle's virtuous agents would end up being endowed with superhuman powers after all or, for some reason, Aristotle assumes that unanimity would be no problem for morally and rationally perfect agents. A first way out of this difficulty for the case of government among virtuous agents would be to assume that the *Politics* was written after the *Ethics* and then to attribute this difficulty to the different conceptions of concord or *homonoia* envisaged by the *Ethics* and the *Politics*: Aristotle might have changed his mind between the composition of these works. While in *EN* IX.6 he was still confident that *homonoia* as unanimity would play down—if not put paid to—arguments for authority or governmental direction in the best polis, by the time of composing *Pol.* VII–VIII he might have come up with a more complex understanding of the need for political authority.³⁹⁸

This does not appear to be a conclusive view on the issue. It is very difficult to show that a change of mind has taken place between the composition of both works. It seems much more promising to distinguish between a thick and a thin conception of concord. According to the former, concord entails total lack of disagreement among citizens. This is what seems to be implied by Aristotle's remarks that 'a city is said to be in concord when {its citizens} agree on what is advantageous, make the same decision, and act on their common resolution' (*EN* IX.6 1167^a26–8). The idea is that unanimity about ends and means arises and is maintained by simple coincidence in desire and judgement all the way through the initiation, execution, and completion of common projects.³⁹⁹ According to the thin conception, some type or level of disagreement and/or lack of unanimity is compatible with perfect moral agency. What this conception

³⁹⁸ This differential reading of *homonoia* is supported by the fact that in the *Politics* Aristotle seems to avoid the word as a matter of policy; it seems that it only appears in the adjectival form *homonoïtikos* at II.3 1261^b 32 and VII.10 1330^a 18 and in the verbal form *homonoiein* (V.6 1306^a 9). Cf. Schürumpf (1980), 231, n. 32.

³⁹⁹ Cf. Finnis (1998), 197.

excludes is political faction or strife and sedition, so that there is a spectrum of possibilities between unanimity and civil war. On this view, to adhere to a true conception of the good does not entail that agents will have their good completely figured out so that, for example, they are not expected to deliberate further on the common good in terms of its specification. For instance, a virtuous agent may well have to deliberate whether X or Y leads to, or is a constituent of, *eudaimonia*. Hence unanimity on the ends to be pursued does not imply unanimity as to the means thereto.⁴⁰⁰ For instance, although virtuous agents would be more than happy to seek victory in battle and act courageously if not die for the sake of their polis, military action does often require coordination and hence some form of authoritative direction (3.4). This is a conclusion apparently excluded by the thick conception of concord.

Thus the thin conception of concord does not exclude all forms of disagreement or conflict. When Aristotle opposes *stasis* to *homonoia* he seems to be making a point about what types of goods are likely to bring about conflict and fighting rather than implying that authority is superfluous in cases of concord. Furthermore, just as a virtuous agent is in concord with himself (*EN* IX.6 1167^b5–6), i.e. his desires agree with the dictates of reason, without preventing the direction of the former by the latter, similarly—and to the extent that friendship

⁴⁰⁰ In his Inaugural Lecture at Oxford, Berlin (1979), 118, claimed that discord or disagreement is the very stuff politics is made of and hence the very *raison d'être* of political theory. Without disagreement there would be no politics. He himself raised the objection that 'even in a society of saintly anarchists, where no conflict about ultimate purpose can take place, political problems, for example constitutional or legislative issues, might still arise', only to claim that 'this objection rests on a mistake. Where ends are agreed on, the only questions left are those of means, and these are not political but technical, that is to say, capable of being settled by experts or machines like arguments between engineers or doctors.' On this view the settlement of constitutional or legislative issues does not seem to attain political stature, but our main goal in this section of the book is precisely to argue that even among perfect agents there would arise constitutional and legislative issues. Although Berlin has a point in claiming that these are not in a sense political matters, we may still rephrase the general agreement on ends in terms of the pursuit of happiness or well-being, or the defence of democracy, the rule of law, etc., and see that the agreement at stake is not as politically aseptic or neutral as it might seem at first glance. Furthermore, deliberation on 'means' does not demote political theory to the rank of discussing coordination or technical problems only. This is a caveat recognized elsewhere by Berlin himself: 'In practice, the kind of goal that can command the allegiance of a society—happiness, power, obedience to the divine will, national glory, individual self-realisation, or some other ultimate pattern of life, is so general that it leaves open the question of what kind of lives or conduct incarnate it. No society can be so "monolithic" that there is no gap between its culminating purpose and the means towards it—a gap filled with secondary ends, penultimate values, which are not means to the final end, but elements in it or expressions of it; and these in their turn incarnate themselves in still more specific purposes at still lower levels, and so on downwards to the particular problem of everyday conduct' (Berlin (1998), 67).

between virtuous agents is based on the friendship of a virtuous agent with himself (*EN* IX.4 1166^a30–2, ^b1–2)—the fact that there is concord among virtuous agents should not be a problem for the claim that there is some form of government or authority over them. Although Aristotle seems to identify *homonoia* with political friendship among good men, who are in turn spoken of as being in concord with themselves and with one another (*EN* IX.6 1167^b9; cf. VIII.1 1154^a24–6), friendship as such does not exclude the exercise of authority: *EN* I.13 defends the view that it is quite rational for a friend to obey another friend (1102^b31–2). *Homonoia* among friends, thus, cannot be taken to imply absence of authority as a matter of principle.⁴⁰¹

Aristotle's criticism of Plato's *Republic* in *Politics* II.2–3 seems to point in the same direction. It contains the claim that making people be actually the same person (*Pol.* II.2 1261^a18–22), have the same (3 1261^b25), 'say the same thing', all these proposals are 'not productive of concord (*homonoētikon*)' (1261^b32). In this sense, the notion of concord at work in these passages 'presumably ... presupposes a sharp sense of the difference between my interests and yours, which have to be rationally reconciled, according to some calculation of balance of advantage.... [C]oncord is for Aristotle a friendship which is the result of highly specific practical deliberation'.⁴⁰² Thus, the claim that the city is in concord should not be mistaken for the claim that all citizens should *ex hypothesi* have and/or be of the same mind. In a similar spirit, the claim that the city is tyrannical does not imply that all citizens are tyrants or have a tyrannical personality.

Moreover, the examples Aristotle gives in *EN* IX.6 to illustrate his claims that a polis is in concord when people agree about what is in their interest to do, make the same decision, and do what they have resolved in common, refer either to agreement at the constitutional level (e.g., offices should be elective) or to issues which may have been discussed at the assembly (e.g., an alliance with Sparta, or Mytilene's appointment of Pittacus as dictator or *aisumnētēs*):⁴⁰³ none of these are incompatible with political authority. Indeed, they seem to *assume* some form of political authority. So, unless we assume from the very beginning that (total) unanimity is the only accurate translation of *homonoia*, there is no need to conceive of *homonoia* as conveying the idea of unanimous agreement as opposed to authority. It is extremely unlikely that all the citizens of a given polis would be of one mind so that, e.g., none of them would oppose

⁴⁰¹ Cf. Irwin (1988), 392: 'Concord does not imply that two virtuous friends will *immediately* give the same answer when asked, or that each will *automatically* defer to the other; for this is not the good person's attitude to himself either' (emphasis added).

⁴⁰² Saunders (1995), 112.

⁴⁰³ On Pittacus see also *Pol.* II.12 1274^b 17 and III.14 1285^a 35–6.

on any account the appointment of officials by election; if only one of them were not to agree, then the idea of *homonoia* as unanimity would fall to the ground. The same applies to deliberations in the assembly on forming a treaty of alliance with Sparta and the designation of Pittacus as dictator.⁴⁰⁴ These examples do not preclude the existence of some authoritatively decision-making mechanism such as majoritarian rule, which might be representative of some form of *homonoia* as agreement, but hardly an equivalent for unanimity.

Thus, when Aristotle says that *homonoia* implies that *all* (*pasi*, 1167^a31) citizens are of one mind, he must mean that whereas all citizens may agree on the conception of what is both in their interest and in the interest of justice (and thus of well-being), this basic agreement does not exclude the possibility of some disagreement on the specification of what is in their best interest. So ‘all citizens agree’ is a shorthand for ‘there may be broad agreement among citizens’, or ‘there may be agreement among most of the citizens’, or ‘the majority of citizens agree’, or, most likely, simply ‘absence of faction’ (cf. *EN* VIII.1 1155^a24–6 and *Pol.* IV.11 1296^a7; II.4 1262^b7–9), and so forth, rather than ‘there is no disagreement whatsoever among citizens’.

Now even if a case could be made in favour of the idea that perfect agents may need governmental direction, there seem to remain some difficulties regarding the bearing of this idea upon Aristotle's favourite among traditional forms of government. In Book III of the *Politics* Aristotle comes to the conclusion that a type of kingship, *pambasileia* or ‘absolute’ kingship, is the best form of government (e.g. III.16 1287^a8–9). This king would be so superior in virtue to the other citizens that it would be only just to grant total power to him, and what is more important for us, he would not be subject to laws since he would be a law unto himself (III.13 1284^a13–14; cf. *EN* IV.8 1128^a32). Aristotle is aware that this type of kingship is not exactly a garden variety of government, that even if it did exist in the past it would be almost impossible for it to reappear, and this may explain why his essay on the best polis does not seem to base its institutional design on it. But it might still be claimed that, *per impossibile*, this type of government would ironically entail that Aristotle's best polis would make nothing of the rule of law. Indeed, rule-following might prove to be something of a nuisance for a perfect ruler, somebody who is a law unto himself. Why should we saddle him with rules? At V.12 1315^b15 ff. Aristotle does say that some kings would

⁴⁰⁴ We cannot take Aristotle at his word at *Pol.* III.14 1285^a35–7 if he implies that *all* Mytilenians unanimously elected Pittacus to defend them against the exiles headed by Antimenides and Alcaeus, since there is every indication that Pittacus was voted in as dictator by neither the exiles nor their leaders, who were Mytilenians at the time and whose ostracized status did not imply forfeiture of citizenship.

benefit from adopting policies of self-restraint. But the kings referred to are imperfect agents; it is their shortcomings which explain the need of rules for them. In a nutshell, Aristotle sometimes gives the impression that it is neither possible nor desirable to bind perfect kings with rules. Now if we could come up with an argument for the relevance of rule-following even in the extraordinary case of agency represented by Aristotle's perfect or absolute kings, then the case for rule-following and hence governmental direction would surely be enhanced *vis-à-vis* the other types of agency.

It is customary to approach this issue from what might be called the 'impossibility' angle. Even if it were desirable to do it, it would be impossible for absolute or total kings to be subject to laws. Aristotle himself seems to be saying as much at *Pol.* III.13 1284^a10–17:

anyone of that sort {so unequal in virtue and political power} would reasonably be regarded as a god among human beings. Hence it is clear that legislation too must be concerned with those who are equals both in birth and in power, and that for the other sort there is no law, since they themselves are law. For, indeed, anyone who attempted to legislate for them would be ridiculous, since they would presumably respond in the way Antisthenes tells us the lions did when the hares acted like popular leaders and demanded equality for everyone.⁴⁰⁵

Aristotle might be said to have got off on the wrong foot here. The comparison with lions and hares sounds like Stalin's sneer regarding the power of the Pope in reply to the suggestion made by Laval that the Soviet Union should encourage Catholicism in order to propitiate the Pope: 'The Pope? How many divisions has he got?' In a monarchy, if the king as lawgiver breaks his own laws, who would make him toe the line? Thus these do not seem to be appropriate analogies for rulers who are supposed to be perfectly virtuous: they would not base their rule on sheer force.

As we have seen (6.2), Aristotle elsewhere in the *Politics* also claims that 'anyone who instructs law to rule would seem to be asking god and the understanding alone to rule, whereas someone who asks a human being asks a wild beast as well. For appetite is like a wild beast, and passion perverts rulers even when they are the best men. That is precisely why law is understanding without desire' (III.16 1287^a28–32). These passages taken together seem to indicate that Aristotle's general idea is that reason or understanding should be in charge of the administration of the polis as a whole. This is also conveyed by Aristotle's aspiration

⁴⁰⁵ The lions' reply was: 'Where are your claws and teeth?' (*Aesopica*, ed. Perry (Urbana, Ill., 1952), 450, quoted in Schütrumpf (1991b), 530).

that god as perfect embodiment of reason should be in command of the polis.⁴⁰⁶ In some particular circumstances this requirement is met by the appointment of some extraordinary men who resemble god themselves. It is only when these particular circumstances do not occur that the rule of the best men must be replaced by the rule of the best laws.

Scholars interested in the thesis of political theology, i.e. the thesis according to which political concepts are basically the result of the secularization of theological notions, might be tempted to believe that it goes without saying that this thesis entails that rulers are not bound by any rules or laws. But by doing so they seem to overlook the fact that the idea of omnipotence may cut both ways. Of course, there is a theological conception according to which the very idea of god's omnipotence entails the absence of any restraints whatsoever on god.⁴⁰⁷ But there is another theological conception according to which god's omnipotence would be called in question precisely if it did not include the

⁴⁰⁶ At *Pol.* VII.3 1325^b 28 Aristotle explicitly compares the activity of a polis leading a self-chosen isolated^b life to the activity of god in terms of something that is active but not in relation to others. Furthermore, one of the distinctive features of the polis, self-sufficiency (*Pol.* I.2 1252^a 31–1253^a 1), was also a godlike attribute (*Met.* XIV.4 1091^b 15–20). The claim that Aristotle subscribes to a form of political theology does not entail that his conception of god is the same as the biblical and modern one. Aristotle's god is not particularly concerned about the sublunary world, and could never be secularized in this sense. On the other side, it is a god which 'moves'^a the world, as it were, by way of intelligent attraction or imitation, in the way that an object of attraction produces activity in the things that are attracted to it (*DA* II.4 415^a 26–7). However, as we have seen, Aristotle himself brings up the notion of being a ruler as a law unto oneself in a godlike fashion (*Pol.* III.17 1288^a 2–3; III.13 1284^a 3 ff.; cf. VII.14 1332^b 16–23; I.2 1253^a 29). Cf. Newman (1887–1902), I. 286, n. 1, who holds that 'Aristotle, it is true, nowhere says this [sc. that the State must be a God to its citizens]: still there is much in the *Politics* to suggest the idea to which Hobbes gave definite expression, when he spoke of the State as "that 'mortal god', to whom we owe under the 'immortal God' our peace and defence" (*Leviathan*, part 2 c. 17).'

⁴⁰⁷ Hobbes (1998), 173, belongs to this voluntarist line of thought: 'In those whose power [potentiae] cannot resisted, and thus in God *omnipotent* [*omnipotentis*], the right to dominion flows from the *power* itself. And when God punishes, or even kills, a sinner, even if he is punishing him because he sinned, one must not say that he could [potuisse] not justly have afflicted or killed him even if he had not sinned.' Cf. Hobbes (1998), 31. Hobbes (1991), 184, applies this idea to the state: 'The Sovereign of a Commonwealth, be it an Assembly, or one Man, is not Subject to the Civill Lawes. For having power to make, and repeale Lawes, he may when he pleaseth, free himselfe from that subjection, by repealing those Lawes that trouble him, and making of new; and consequently he was free before. For he is free, that can be free when he will: Nor is it possible for any person to be bound to himselfe; because he that can bind, can release; and therefore he that is bound to himselfe only, is not bound.' Cf. Hartung (1999), 35. Kant (1991b), 214–15, argues that a human being may have duties to himself by distinguishing two ways in which he may relate to himself: 'man (taken in these two different senses [as *homo phaenomenon* and as *homo noumenon*]) can acknowledge a duty to himself without falling into contradiction (because the concept of man is not thought in one and the same sense).'

possibility of self-binding.⁴⁰⁸ According to this conception, god's capacity to bind himself would only be an expression of his unlimited freedom and power.⁴⁰⁹

Aristotle's absolute king would act according to his own wish (*Pol.* III.16 1287^a1–2), but his acting on his wish does not necessarily imply

⁴⁰⁸ See Holmes (1988), 213–14. The French scholar Emile Boutmy said some time ago that 'Rousseau applique au souverain l'idée que les philosophes se font de Dieu: il peut tout ce qu'il veut; mail ne peut vouloir le male' (*Annales des sciences politiques*, 1902, p. 418, cited in Schmitt (1934), 60). Cf. Zeus' remarks: 'Here let me bow my head, then be content | to see me bound by that most solemn act | before the gods. My word is not revocable | nor ineffectual, once I nod upon it' (*Iliad*, I.519–22, trans. Robert Fitzgerald (Oxford, 1984), 15). Wagner's Wotan follows in the footsteps of Zeus: 'These are the bands that bind me: I, who rule by contracts, am a slave to the contracts' (*Die Walküre*, II.2). Cf. Hart (1994), 149–50: 'The requirement that at every moment of its existence Parliament should be free from legal limitations including even those imposed by itself is, after all, only one interpretation of the ambiguous idea of legal omnipotence. It in effect makes a choice between a *continuing* omnipotence in all matters not affecting the legislative competence of successive parliaments, and an unrestricted *self-embracing* omnipotence the exercise of which can only be enjoyed once. These two conceptions of omnipotence have their parallel in two conceptions of an omnipotent God: on the one hand, a God who at every moment of his existence enjoys the same powers and so is incapable of cutting down those powers, and, on the other, a God whose powers include the power to destroy for the future his omnipotence.' Cf. also Cohen (1996), 167: 'You might think that, if you make a law, then that law binds you, *because* you made it. For, if you will the law, then how can you deny that it binds you, without contradicting your own will? But you might also think the opposite. You might think that, if you are the author of the law, then it *cannot* bind you. For how can it have authority over you when you have authority over it? How can it *bind* you when you, the *lawmaker*, can change it at will, whenever you like? Now in that pair of arguments mutually contradictory conclusions are drawn from the selfsame premiss: the premiss that you make the law.'

⁴⁰⁹ There seems to lie an ambiguity between 'power' and 'potence' at the root of the debate on omnipotence. Sometimes we might switch from one sense to the other without noticing it. For instance, Shakespeare's Richard II is adamant that 'Not all the water in the rough rude sea | *Can* wash the balm off from an anointed king; | The breath of worldly men *cannot* depose | The deputy elected by the Lord' (*Richard 2* III.ii.54–7, emphasis added; cf. *Hamlet* IV.v.120–3). In the following act Richard seems to have changed his mind: 'well we know no hand of blood and bone | *Can* gripe the sacred handle of our sceptre, | Unless he do profane, steal or usurp' (*Richard 2* III.iii.79–81, emphasis added). Now Richard has not actually changed his mind or contradicted himself. Rather, he has used different meanings of 'can' which are traceable in expressions of ordinary language. There is a sense in which I *can*'2 depose the king precisely because I *can*'1 do it. That is the point of forbidding it. So, from the mere fact that I can1 do X it does not follow that I can2 (may or ought to) X. We should not reduce the normativity of an act to its sheer possibility (2.2). The possibility of doing X may be a necessary but not a sufficient condition for its normativity. As Rousseau (1987), 88, says, 'Obey the powers that be (*puissances*). If that means to yield to force, the precept is good but superfluous; I answer that it will never be violated' (*CS* I.3). So, we might want to distinguish between a conative and a normative idea of omnipotence. Whereas the former understands power in terms of mere possibility, the latter works at a different level, i.e. it is defined in terms of what *ought* to be done. It seems that the latter is more germane to the understanding of politics and law as branches of practical philosophy than the former. Cf. *Pol.* III.10 1281^a22–4.

that he will not be affected by rule-following. His wish will surely be rational and hence there will be no need of restraints or checks on his rule. Although this formula does have some irrational overtones, it is not necessarily so (5.2).⁴¹⁰ Now rational wish may well exclude the idea of legal restraint, accountability, or punishment but it does not do away with the very idea of rule-following or regulation as such. As we have seen, there is more to law than primary punitive rules. So, no punitive legal standards will be needed to keep the absolute king in line.

Now he will have supreme authority and will hold office permanently; he will not be ruled by others. But it does not follow that he is not ruled at all and/or that it is only the precepts of natural justice that he will always follow. He may well be ruled by his own previous decisions and arguably by precedent in the shape of the previous kings' decisions. For instance, if perfect king K passes a resolution by which war is declared on another polis, K being also the supreme military authority, he is bound to be seriously affected by his own decision. The very fact that he has made the decision would only enhance its obligatoriness for him. He would also have to follow secondary and power-conferring rules regarding the enactment of laws, conclusion of treaties, etc. In fact, K's own appointment as king is explained by the existence of a rule which gives a person with such-and-such capacities the right to rule as an absolute monarch. In the Hartian terminology, there is a *rule* of recognition at the very root of K's absolute power. (Otherwise, the legal system and K would be commorients.) K will also have to appeal to other second-order rules, arguably made by himself, specifying a certain style he is to use when operating in his capacity as *pambasileus* in order to distinguish his public decisions from expressions of his private wishes. There is also reason to believe that this absolute king would be a *phronimos*, somebody who is canon and measure of what is to be done and hence an example to be followed by his fellow citizens. An example of disobedience would be quite dangerous for the common good. So, the fact that K engages in second-order practical reasoning or rule-following would not necessarily limit but may well enhance his omnipotence.⁴¹¹

⁴¹⁰ This is also a democratic idiom and may describe the tyrannical way of doing politics: see Schürtrumpf (1991b), 561.

⁴¹¹ These considerations also apply to assemblies as a whole. They also have to indulge in a considerable amount of rule-following, sovereign as they might be. They follow the rules they have made and could not actually work without second-order or power-conferring rules. Cf. Locke (1988), *2T*, 364: 'in well order'd Commonwealths, where the good of the whole is so considered, as it ought, the *Legislative* Power is put into the hands of divers Persons who duly Assembled, have by themselves, or jointly with others, a Power to make Laws, which when they have done, being separated again, they are themselves subject to the Laws, they have made; which is a new and near tie upon them, to take care, that they make them for the publick good'.

7

The Limits of Political Obligation

7.1 Breadth and Depth of the Political Question

On the basis of the exposition of this book so far, a benevolent reader may have reason to believe that the political question is not entirely beyond the pale of Aristotle's social thought. Taking stock of the argument so far we may now be in a position to see that Aristotle's naturalism does not stand in the way of a fairly standard account of practical normativity (Chapter 2); that the concepts of authority and obligation are accommodated in Aristotle's ethical and political works (Chapters 3 and 4); that the notion of political obligation is more germane to Aristotle's political theory than it is customary for specialists to acknowledge (5.1–2); that Aristotle is ready to admit that not only imperfect agents but even fully rational and moral people may need political bonds (6.2–3). However, even if all of the above turns out to be true, an important issue which remains to be considered is whether Aristotle is in favour of limiting in some way the obedience owed to the state.

Indeed, somebody might concede that Aristotle does pose the political question only to raise a different issue. The problem is no longer whether Aristotle poses the political question. The difficulty now is that Aristotle goes in for too deep a commitment to the state. On this view, there is no denying that according to Aristotle there are political bonds. The question is that they may not be untied. We have already seen (2.5–6, 5.3) that, e.g., the thesis of political priority is not conceptual in nature but essentially normative and hence that it allows enough room for the political question to arise. But, having seen that Aristotle does separate the individual from the polis, we might be uneasy about the fact that once the part is 'reunited' with the whole, once the individual and the polis are put together again, the resultant integration or absorption of the part into the whole is total and unconditional. As a result, the citizen seems to stand to the state in the same relation as a slave to his master, a contention which Aristotle's own political theory sets out to

refute (5.2). The political question turns out to be all-encompassing and indissoluble.

Some further features of Aristotle's political thought might also make us doubt the limited character of his doctrine of political obligation. It appears to be the case that assertiveness on Aristotle's part about the occasional need for disobedience is conspicuous by its absence. Indeed, Aristotle seems to be keen on claiming that disobedience and legal change are nothing but the vestibule of chaos. He is usually wary of making legal changes, he is not very fond of aggressive legislative policies (*Pol.* II.8 1269^a13–14), argues that it is often better to put up with some bad laws than to make new ones (II.8 1269^a16–17), tries to gather as many citizens as possible in support of the constitution (downwardly ordered, II.9 1270^b21–2; VI.5 1320^a14–17; IV.9 1294^b34–40), in the fifth Book of his *Politics* appears to make sense of revolutions in terms of a severe pathology, and so forth. Against this background, it is not surprising that Aristotle has come to be charged with espousing a totalitarian theory of the state: 'He scarcely touches on the question of what the limits of rule should be. ... I am an independent individual. That, in the end, is the crucial fact about me (and about you), and it is a fact which, in the *Politica*, Aristotle ignores or suppresses.'⁴¹²

Aristotle's—or anybody's for that matter—political thought apparent penchant for authoritarianism or totalitarianism may be approached from two different angles. First of all, there is the issue of the *breadth* of the political question. The unlimited nature of government in Aristotle's political thought seems to come from the fact that all questions are political. There is no restriction in respect of the issues pertaining to the political field; the scope of the political seems to cover all

⁴¹² Barnes (1990), 251, 263. Barnes seems to take up the Millian point that 'The ancient commonwealths thought themselves entitled to practise, and the ancient philosophers countenanced, the regulation of every part of private conduct by public authority, on the ground that the State had a deep interest in the whole bodily and mental discipline of every one of its citizens'. But Mill grants that this is 'a mode of thinking which may have been admissible in small republics surrounded by powerful enemies, in constant peril of being subverted by foreign attack or internal commotion, and to which even a short interval of relaxed energy and self-command might so easily be fatal, that they could not afford to wait for the salutary permanent effects of freedom' (Mill (1991), 17–18). Cf. Kagan (1965), 202: 'Both Plato and Aristotle ordained the individual to the state and recognized no limit to the state's demands upon its citizens.' It is noteworthy that according to Hobbes (1983), 187, Aristotle should not be counted among the champions of statism but rather among the 'fautors of anarchy' (*Anarchiae fautoribus*), in the company of Cicero, Seneca, and Plutarch. In the Preface to the readers of *De Cive* Aristotle is held responsible for being one of the defenders of the rebellious 'doctrine that it is up to private men to determine whether the commands of Kings are just or unjust, and that his commands may rightly be discussed before they are carried out, and in fact ought to be disobeyed' (Hobbes (1998), 8–9).

spheres of human interest and endeavour. But there is also the issue of the *depth* of political bonds. Even if the political question is all-encompassing, it does not necessarily follow that citizens may not assess the degree to which they ought to obey the government. Citizens may well reserve for themselves the choice of deciding whether they should comply with a particular decision. We may well conceive of the possibility of a limited form of government, with a very restricted scope of action, obedience to which is absolutely unconditional within that limited area. In a nutshell, there are two issues at stake: (a) *What* is the area covered by the political question? Is it all-encompassing? (b) *How* is the political question answered? Is political allegiance unconditional?

I shall argue that Aristotle resists the claim that political allegiance is absolute. Aristotle's endorsement of the thesis of political priority does not prevent him from adhering to the view that citizens are separate individuals and that they have a right of resistance against the state. The view shall be defended that there is no solid ground for thinking that in Aristotle's eyes the political duties of citizens are unconditional. In so doing I shall mainly focus on the issue of the depth of political bonds. But some hint will also be given to the effect that there are some areas the government may not enter, so that in Aristotle's eyes the political question is not only limited in depth but also in extension.

This chapter may thus be seen as a complement to the two previous ones. Whereas in the two last chapters an account was given of the way in which Aristotle handles and justifies the issue of political obligation, in the present one we shall discuss whether the notion of a right of resistance is the counterpart of the justification of the authority of the state. Arguably, the same arguments which bear on the justification of political bonds should also release us from these bonds in appropriate circumstances.⁴¹³ In what follows, the justice of the claim that Aristotle is a totalitarian thinker, in the sense of proposing an account of complete subordination to the polis, shall be assessed mainly in the light of his comparison between the whole/part analogy and the body politic and his theory of education in the spirit of the polis (7.2). We shall then move on to Aristotle's criticism of what might be called 'politico-constitutional vice' (7.3), i.e. legal systems which fail to qualify as even 'bearable' regimes (*Pol.* V.9 1309^b31–2). Finally, we shall see whether Aristotle's philosophy of law may accommodate the notion of a (moral) right of resistance (7.4).

⁴¹³ Cf. Kavka (1986), 419: 'Any comprehensive political philosophy must define the limits, as well as the grounds, of individuals' obligations to the State.'

7.2 You Belong to Me

Politics VIII.1 1337^a21–32 is a *locus classicus* for the indictment of totalitarianism against Aristotle:

Since the whole city-state has one single end, ..., it is evident that education too must be one and the same for all, and that its supervision must be communal, not private as it is at present, when each individual supervises his own children privately and gives them whatever private instruction he thinks best. Training for communal matters should also be communal. At the same time, one should not think that any of the citizens is of himself (*autou tina einai tōn politōn*), but rather that all are of the city-state (*pantas tēs poleōs*), since each is a part of the city-state. And it is natural for the supervision of each part to look to the supervision of the whole. For this reason one might praise the Spartans, since they pay the most attention to their children, and do so as a community.

Distinguished scholars have claimed that Aristotle's line of thought here—together with his claims that the citizen stands to the state as a part stands to a whole (*Pol.* I.2 1253^a19–25) and that a part is not only a part of something else but of something else *simpliciter* (I.4 1254^a10)—‘is ... an aberration on Aristotle's part; it commits him to denying two central theses of his ethico-political system, that the aim of the *polis* is the promotion of the good life for its citizens, and that the central activity of the good life is the exercise of autonomous practical rationality’,⁴¹⁴ and even that it implies ‘that citizens are slaves, that all rule must, despite his [Aristotle's] denial, be despotic—and despotic in a literal sense’.⁴¹⁵

Now *Pol.* VIII.1 is open to readings other and arguably richer than the totalitarian one. The priority of the polis might give the impression that Aristotle thinks of the polis as an organism with a life of its own which transcends and fully determines the life of its parts.⁴¹⁶ However, the part/whole relationship between the individual and the polis does not necessarily imply that the former has no value outside the whole or that he stands to the polis in the same relationship as a slave to his master or a possession to its owner. First of all, Aristotle goes out of his way to avoid the vocabulary of slavery and its cognates in a political context (5.2, 7.4). Secondly, in the case of an organism or natural whole the part is a mere tool or instrument *vis-à-vis* the whole, without any intrinsic value (2.5);

⁴¹⁴ Taylor (1995), 241.

⁴¹⁵ Barnes (1990), 262–3.

⁴¹⁶ This is not entirely unlike Marx's description of primitive communism, ‘founded either on the immature development of man individually, who has not yet severed the umbilical cord that unites him with his fellow men in a primitive tribal community, or upon direct relations of subjection’ (*Capital I* (Moscow, 1961), 79, cited in Cohen (1978), 211–12). As Cohen explains, ‘In this portrayal primitive men lack sharp consciousness of themselves as individuals with distinct interests, and are therefore not disposed to pursue individual desires in a way that threatens social order.’

but in the case of a political community or natural whole, the part is actually an intrinsically valuable member directly sharing in or partly constitutive of the end of the whole, so that the whole cannot flourish if each of its members does not flourish as well. If Aristotle embraces some form of communitarianism he does not justify it on the holistic grounds that the parts may be sacrificed in order to promote the general good or for the sake of a metaphysically higher being, but rather on the individualistic grounds that the political community is needed for its parts to achieve moral perfection (2.6, 5.3). The very structure and point of the political community entails that the realization of the end of the whole must include, rather than transcend or supersede, the fulfilment of the ends of the parts. The Aristotelian citizen would recognize himself as a member of and belonging to a distinctive community without becoming dissolved into it, without losing his own place in it. The citizen is of the polis or belongs to the polis not so much as a possession but as an active member and contributor to the common goal.⁴¹⁷

To be sure, Aristotle sometimes does appeal to organic analogies to make political points, but this should not lead us to believe that the polis *is* an organism. Indeed, it would be quite awkward even for the most individualist of thinkers to engage in political theory without employing any kind of organic metaphors or comparisons at all.⁴¹⁸ We may agree that social institutions resemble the behaviour of living organisms in some

⁴¹⁷ See Miller (1995), 231, 248 ('Aristotle is not a totalitarian'); Gauthier and Jolif (1959), ii. 904, on EN X.9 1180^a 24–5; Sorabji (1990), 267 ('[Aristotle's] general tendency, ..., is to move *away* from totalitarianism still further [than Plato's *Nomoi*']). Simpson (1998), 254, explains that 'One should note here [1337^a 27], ..., if only by the way, that the citizen is not part of the whole as subordinate to the whole but as constitutive of the whole. The city *is* the multitude of the citizens, and the citizens *are* the city (3.1.1274b41, 1275 17–21). City and citizen are, as it were, on the same level.' Compare also Siegfried (1942), 23–4: 'Aristotle has nothing to do with a state as a metaphysical entity in itself, which possesses so much sovereignty (*Hobesit*) that in all, even in the worst of its concrete manifestations (*Gestaltungen*), the individual citizen owes it obedience, but rather the concrete state loses its "natural" pre-eminence in so far as it fails to attain its equally "naturally given" goal.' Yack (1993), 96–7, points out quite rightly that few commentators notice that Aristotle's thesis that the polis exists for the sake of living well (*Pol. I.2 1252 29*) 'implies that the polis, unlike natural organisms, is a means to an end beyond itself rather than an end in itself. ... In relation to the family, the polis is an end; but in relation to the good life, the polis itself is a means. ... The polis exists for the sake of *human* flourishing (*eudaimonia*) according to Aristotle; human beings do not exist for the sake of the polis's own flourishing. Although the polis is prior to the individual, according to Aristotle, it still exists for the sake of the good life led by individuals. The polis is thus the natural instrument rather than the natural end of human development.'

⁴¹⁸ See Miller (1995), 55, n. 72: 'Similarly, although Hobbes regards the commonwealth as an artefact, he repeatedly avails himself of analogies between "the Body Politique" and an animal: e.g. between social systems and "the similar parts, or Muscles of a Body natural", between public ministers and "the parts Organical", its economic affairs and "Nutrition and Procreation", and so forth (*Leviathan*, II. 22–4).'

ways and yet be fully aware of the fact that both forms of behaviour follow different patterns and/or correspond to different orders of reality. Indeed, there is reason to believe that the central case of ‘polis’ and its cognates are at home mainly in human affairs, and hence that Aristotle's use of ‘political’ in his biological theory is basically analogical, an extension of its central case in political theory, rather than the other way round (2.4). It is not uncommon for Aristotle to reverse the organic analogy and to use a political analogy to make some biological or zoological points (cf. *HA* I.1 488^a7–10; *MA* 10 703^a28–^b2).⁴¹⁹

We have also seen that Aristotle's doctrine of political priority is not based upon a ‘metaphysical untruism’,⁴²⁰ i.e. upon the mere fact that citizens are parts of poleis (2.6, 5.3). His point is rather the normative one that membership in a polis contributes to the well-being of citizens or members. So the civic priority thesis ‘is not a doctrine Aristotle arrives at merely by way of inference from his metaphysical thoughts about dead or stone hands. ... [It] should not be confused with the thesis that the commands of anyone who has power over a city, or any large collective body, must be obeyed’.⁴²¹ Citizens who live under a political regime which takes care of their well-being would have a good reason for performing military duties, paying taxes, participating in office, and other requirements which embody the idea that citizens belong to the city,⁴²² a description which is not all that different from what is occasionally expected of citizens even in contemporary states.

Nor does Aristotle look at the polis as a substance and the citizens as its accidents as, for instance, Hegel seems to do by identifying ethical life with ‘the objective sphere of ethics’, the ‘ethical substance’, of which particular individuals are ‘accidents’.⁴²³ However, the very talk of substance and accident, whole and part, should not make us believe that individuals should submerge in higher social collectives or that individuals may be, as it were, swallowed up in a different entity. To continue with the Hegelian imagery, as far as the viewpoint of the whole or totality is

⁴¹⁹ See Yack (1993), 93.

⁴²⁰ *Contra* Barnes (1990), 263.

⁴²¹ Kraut (2002), 275–6. And Kraut (2002), 275, is also of the view that ‘Even when we set aside those metaphysical thoughts—in fact, when we entirely set aside Aristotle's analogy between body and city—we are left with a thesis that cannot be dismissed as an absurdity.’

⁴²² See Kraut (1997), 173.

⁴²³ See Hegel (1991), 189–90. Ilting (1971), 101, n. 27, notes that ‘In representing the political community as “substance” Hegel incurs the risk of conceiving the citizens merely as accidents or as qualities of substance (see ... [*Philosophy of Right*] § § 146, 156 Addition). In this he was less cautious than Aristotle, who was anxious not to call the political community a “substance” (see *Politics*, 1253^a 19–23).’ Moreover, even though Aristotle sporadically indulges in some political theology or draws some analogies between the polis and god (6.3 *in fine*), he does not go to the Hegelian length of claiming that ‘The state consists in the march of God in the world’ (Hegel (1991), 279).

concerned, the roles and relationships may well be necessary and abiding whereas individuals who occupy them simply come and go. For instance, there is a relevant sense in which we can understand the claim that Oxford has remained in existence for many centuries in spite of the fact that many of its members have been coming and going for some time now, just as rivers and springs remain the same even though constantly ‘some water is flowing out and some flowing in’, and similarly with the polis and its citizens (cf. *Pol.* III.3 1276^a35–9).⁴²⁴ Individuals are ‘accidents’ of sorts *vis-à-vis* the whole they are members of to the extent that the group does not depend on any one of them for its existence. This is one side of the coin. On the other side, a social order becomes active only through the actions of individuals.⁴²⁵ So social orders or institutions simply go out of existence if its accidents refuse to play their role in the substance. The ethical whole or substance can do without some of the accidents but not without all of them at the same time. Of course, it does not follow that individuals may dispose of social orders or institutions totally at will. There are many considerations to be made about the cost, purpose, coordination, etc., involved in changing social reality. But it seems to be reasonable to believe that, at some point and in a relevant sense, in the case of the state the substance is in the hand of its accidents (3.3, 7.4). Furthermore, it may well be in the interests of individuals to play the role of ‘accidents’ or ‘parts’ in some social ‘substance’ or ‘whole’. Thus, even if we were to assume that Aristotle endorses the Hegelian imagery of substance and accident in reference to the *polis*, this should not necessarily be considered as politically dangerous or upsetting.

So, there is reason to believe that Aristotle's endorsement of the thesis of political priority illustrates the role played by communities in the full development of the natural capacities of human beings rather than an oppressive subordination of the individual to collective identities. ‘Nowhere will you find in Aristotle's writings the lyric celebration of such subordination that Rousseau, among others, has taught us to associate with community.’⁴²⁶

⁴²⁴ At *Pol.* V.10 1311^a 31–2 Aristotle seems to distinguish between the ‘tyrant's two bodies’, i.e. between the office and the person of the ruler: ‘In some cases, attack is directed against the person of the rulers (*epi to soma ... ton archontōn*); in others, against their office (*epi ten archēn*)’. Schütrumpf (1996a), 556, refers to Plut. *Brut.* 8.6: *legetai de Broutos men ten archēn barunesthai, Kassios de ton archonta misein*.

⁴²⁵ See Wood (1990), 196–7.

⁴²⁶ Yack (1993), 30. Cf. 32–3: ‘The failure to distinguish clearly between community and communion (or collective identity) helps explain the romanticization of community life that appears in the works of so many modern social and political theorists since Rousseau, a romanticization that these theorists often read into Aristotle's works as well. Those who participate in communion lose their sense of distinction from one another and are, if only for a brief time, disposed toward high levels of mutual trust and relatively rare forms of cooperation. Those who participate in community, in contrast, do not lose this sense of distinction from one another, even if they share important elements of their identities.’

The analysis of Aristotle's conception of the common good yields the same result as the study of his idea of a social whole. His endorsement of the service conception of political authority (6.1), according to which political authority is for the sake of the well-being of its subjects (e.g. *Pol.* III.6 1279^a17–18), might admit of different interpretations. Since it is broadly formulated it might be taken to imply that politics should aim at the common good in terms of the good of *all* citizens, or it might be read as defending the view that the good of the polis is superior in value to the good of its citizens and hence the former may transcend and even be detrimental to the good of its citizens. So we may distinguish two main conceptions of the common advantage. According to the individualist doctrine of the common advantage, to promote the common good 'is to promote the ends' of the individual members of the polis. The polis is happy or flourishing to the extent that its individual citizens are happy or flourishing. 'Hence, the best constitution must take seriously the fact that its members are distinct individuals and must respect the interests of each of them.' When it comes to the holistic conception of the common advantage, 'the polis resembles an organism in that it has an end which is distinct from, and superior to, the ends of its individual members'.⁴²⁷

Although Aristotle sometimes draws some organic analogies, his criticism of Socrates' proposal in the *Republic* (1261^a16–22) is a further sign of his belief that the polis cannot and should not possess the unity of a living or organic substance. The common advantage may not tolerate the obliteration of the separateness of individuals.

In fact, Aristotle's best constitution 'must be that organization in which anyone might do best and live a blessedly happy life' (VII.2 1324^a23–5). He makes the explicit point that

a city-state is excellent ... because the citizens who participate in the constitution are excellent; and in our city-state all the citizens participate in the constitution. ... [E]ven if it is possible for all the citizens to be collectively excellent without being so individually, the latter is still more choiceworthy, since if each is excellent, all are. (VII.13 1332^a32–8)

He is aware of the fact that the expression 'all citizens are happy' is ambiguous, since it admits of both an average or overall reading and a mutual or 'distributive' interpretation: (a) all citizens should be excellent, considered collectively; (b) each citizen should be excellent, considered individually. Whereas (a) follows necessarily from (b), the contrary does not hold. (b) entails that not only extreme holism but also more

⁴²⁷ Miller (1995), 193.

attenuated forms of holism which would compromise the happiness of some citizens in order to promote the well-being of others fail to meet ‘the stringent requirement that each and every citizen should be excellent’.⁴²⁸ On the whole, the *Politics* indicates that Aristotle defends a moderate-individualist position, i.e. a form of individualism which embraces other-regarding virtuous activity as a constituent of individual well-being.

The way Aristotle deals with non-political associations may also be seen in this moderate-individualistic light. Unlike Plato, Aristotle sees no danger for the political community in the existence of ‘intermediate’ gatherings or communities. Whereas Plato in the *Republic* does not allow intermediate associations in the polis, Aristotle instead is very much in favour of a plurality of associations between the individual and the state (cf. *Pol.* VII.3 1325^b23–7), in so far as these associations remain under the sway of the constitution.⁴²⁹ He is happy to acknowledge the role played by these communities in individual well-being. It is the same rationale, viz. individual well-being, that lies behind the existence of the political community and bears upon the family, *philiai*, *hetairiai*, *phratriai*, *susitai*, etc. To be sure, it would be far-fetched to claim that the point of these intermediate associations is to allow individuals to avoid the political. These associations are worth preserving ‘not because they create a private realm into which we can escape from the claims of the polis, but because they supplement the city's contribution to well-being’.⁴³⁰ However, although it is reasons of well-being which explain the existence of these communities, it is also a fact that political liberty is safer where there are numerous levels of non-political private and collective activity. So it is not true that according to Aristotle the political question entails the disappearance of all personal life, the absorption of all forms of human activity by the state, or that the state should be all that matters to us.⁴³¹

⁴²⁸ Miller (1995), 222–3.

⁴²⁹ Cf. *OCD*, 351: ‘Greek clubs, sacred and secular, are attested as early as the time of Solon, one of whose laws, quoted by Gaius (*Dig.* 47.22.4), gave legal validity to their regulations, unless they were contrary to the laws of the state.’

⁴³⁰ Kraut (2002), 209. Cf. Saunders (1995), 113: ‘It is for these reasons that he approves of such patterns, not directly because they are focuses of non-state loyalties or “subsidiarity” or independence or freedom as against totalitarianism or tyranny; he does not mention this issue here [II.3 1262^a14–24], though in broad terms he is aware of it (1313a34 ff., cf. 1262 40 ff.)’ See also Schürtrumpf (1991b), 175–6.

⁴³¹ From another viewpoint, Plato's *Republic* may well be much more humane than Aristotle's best polis. Although both of them establish a hierarchy of activities according to the abilities of those involved in them, they draw radically different political consequences from it. Plato is of the view that the qualifications of a human being determine what kind of activity he may be entitled to perform. Hence, those who are not virtuous may not hold political office. But this does not prevent them from being entitled to private property nor does it imply that they should be excluded from the common advantage looked after by the political community. In Aristotle, by contrast, the exclusion is total: the lack of virtue not only determines what type of activity will be performed but also implies the exclusion from all social benefits. Whereas Plato admits of a gradual social allotment, for Aristotle it is a question of all or nothing at all: citizens get all the (economic and political) privileges and benefits, the rest get all the burdens and costs of social life. See Schürtrumpf (1980), 45–7, 61–3; Charles (1990), 193–4.

There is a further difficulty with the totalitarian reading. It seems to overlook the context in which Aristotle claims that ‘the individual is not of himself but of the polis’.⁴³² Aristotle here is not trying to portray the citizen as an archaic Attic *kouros* stripped of initiative or autonomy, always ready to do the city's bidding, or as a puppet controlled by an oppressive polis; Aristotle is rather trying to make a point about education. He is arguing for a public system of education in the face of what appeared to be at the time a predominant trend towards private or familial schooling—if not plain indifference to education. He does not thereby retreat from his own thesis that the free and virtuous citizen is of himself or for his own sake (cf. *Met.* I.2 982^b25–6; 5.2); he is instead relying on the assumption that the end of the city—the well-being of each of its members—can be achieved more efficiently if pursued through a public system of education.⁴³³

We should examine this assumption against the background of the social and cultural development of the Greek world. From the eighth to the end of the fifth century BC there was a political and cultural process at work destined to transform the traditional individual defined by his position in a *genos* and a familial clan (*oikos*) into a citizen, i.e. an individual defined by his political membership. At the legal level this transformation is reflected by the substitution of public laws and courts for the ancient system of domestic revenge between *oikoi*, a process which bears some resemblance to the transition we have seen from the pre-legal to the legal world (6.3). At the political level the Athenian counterpart of this transition is accomplished through the reforms carried through by Cleisthenes: whereas citizenship had

⁴³² Cf. Mayhew (1997), 121, n. 63.

⁴³³ Irwin (1988), 623, n. 35, offers what appears to be a Rousseauian-cum-Millian explanation for Aristotelian education: ‘The choice that a citizen makes in maturity is a choice of a common moral education that he has to have begun long before he is able to make a choice about it. Being a virtuous person, he is pleased that the previous generation chose a political and social system that imposed this moral education on him. It is not a restriction of his freedom; for it is the system that he rationally prefers to have imposed on him. Nor does it constrain him more than any other early life would have constrained him. Conscientious refusal to impose moral education seems to Aristotle to rest on a false conception of the alternatives. Someone who grows up untrained is simply exposed to the social pressures resulting from the city's institutions and practices, and has his desires ill-equipped for becoming virtuous.’ Cf. Riley (1988), 247–8, and Mill (1998), 79–80.

previously been based on membership of one of four *phylai*, agglomerations of clans and sub-clans in which familial and private ties played a dominant role, Cleisthenes' reform had the result that Athenians were allocated to ten new tribes and several demes both based on domicile, a move which undercut the hold which the 'private sector' had earlier exercised over the incipient political machinery of the state and consolidated the process which eroded personal leadership by centralizing power in a growing number of offices and magistracies with limited length of tenure.⁴³⁴ This new arrangement made it possible for citizens to have access to public decision-making on an equal footing thanks to a mechanism of representation and alternation in power. It is very much in keeping with this Cleisthenic spirit that Plato in the *Crito* (51c) presents the citizens as the 'offspring' of and as brought up by the laws of the polis.

Now the transition from the family to the polis as the primary *locus* of membership carries with it urgent and increasing educational needs. The reform of Cleisthenes set up an institutional design which required the active participation of citizens in the political and military spheres. Given the characteristics of public decision-making in the assembly and the requirements of hoplite warfare, the primary requisite for public salvation is the postponement of some individual and private aims for the sake of the common good. This subordination of private aims to the common good for all constitutional and military purposes seems to take the shape of an ideal of equivalence and interchangeability between the members of the body politic. The requirement that the citizen body be homogeneous is imposed, on the one hand, by the structure of the assembly and the courts (many citizens were supposed to be active as speakers and proposers of *nomoi* and *psēphismata* or as prosecutors and *sunēgoroi* or advocates before the people's court) and the assignment of many political and judicial offices by lot,⁴³⁵ and,

⁴³⁴ See Stockton (1990), 24. Cf. Aristotle's own description of the process: 'Also useful to a democracy of this kind are the sorts of institutions that Cleisthenes used in Athens when he wanted to increase the power of the democracy, ... For different and more numerous tribes and clans (*phulai* ... *kai phatriai*) should be created, private cults should be absorbed into a few public ones, and every device should be used to mix everyone together as much as possible and break up their previous associations' (*Pol.* VI.4 1319^b 19–27). Although these measures are described as 'useful' to extreme democracy, Schütrumpf (1996a), 639, is right in noting that they are also mentioned in *Pol.* III.9 as essential conditions for the existence of any polis (1280^b 29–1281^a 1).

⁴³⁵ Cf. Stockton (1990), 28–9: 'From Cleisthenes' political victory in 508/7 onwards, the sovereign *ecclesia*, open to every adult male Athenian, decided on business and draft proposals which were brought forward for its approval not by a body of elected "politicians" but by a random and representative cross-section of its own members, and a cross-section so constituted that it could not but reflect the whole spectrum of national interests far better than the *ecclesia* itself, while precluding the emergence within its own membership of the sort of lastingly powerful corporate influence and expertise which are so commonly found in such bodies at other times and in other places.'

on the other hand, by the necessity—on pain of common defeat—for the hoplite phalanx not to be disrupted in battle, whether by cowardice or by reckless displays of courage.⁴³⁶ Educational policy thus had to be tailored to the constitutional and military needs of the city. The constitutional and military mechanisms of the city could not be set in motion otherwise.

This historico-cultural detour should shed some light on Aristotle's remarks on education in *Pol.* VIII.1. Aristotle's remarks invite comparison with Plato's claim that 'since {children} are more of their polis than of their parents, they must be compelled to be educated' (*Leg.* VII 804d). Although Plato and Aristotle make no bones about their critical assessment of some features of their contemporary 'mass' democracies and are not free from an apparent aristocratic nostalgia, they both try to pursue the line of the political development of Greece. They are in favour of improving and consolidating the trend towards the *political* supervision of (moral) education. The resources of the polis may be fruitfully put to moral work for the sake of the whole community—instead of a few 'aristocrats' or heroic warlords—if trusted to the appropriate hands.⁴³⁷ The polis should be kept from being a mere tool of private interests; to that end private affairs in certain areas must be publicly regulated.⁴³⁸

In this sense, the emergence of the classical polis as a form of social organization may not have meant a setback for the cause of individualism but rather a step forward, in that it made it possible—arguably for the first time in history—for a significant number of citizens to participate in public decision-making on a reasonably equal footing (cf. *Pol.* III.15 1286^b13) and thus to neutralize the distorting influence of domestic and private factors on public affairs. The previous social

⁴³⁶ The virtuous hoplite must be willing to accept death as a likely result of the fight rather than be eagerly looking forward to dying in battle. This is why Aristodemos was not awarded any prize in recognition of his sacrifice for Sparta at Plataea, 'having manifestly courted death, behaved like a madman and left his place in the line' (Hdt. IX.71.3). Cf. Hanson (1990), 168: 'Any reckless departure from the line by individuals in quest of personal success was of little value: the resulting penetration in the enemy line was hardly worth the gap left behind. ... The ephebic oath, required of young Athenians, described the ideal battle conduct: each swore, "I will not leave my comrade wherever I'm stationed on the battlefield"' (Tod 2.204).'

⁴³⁷ See Vegetti (1996), 446–8.

⁴³⁸ Cf. Plato's *Nomoi*, VII 790^a 2–5: 'the state's general code of laws will never rest on a firm foundation as long as private life is badly regulated, and it's silly to expect otherwise'. Behind this statement seems to lie the assumption that 'the proper object of true political skill is not the interest of private individuals but the common good. This is what knits a state together, whereas private interests make it disintegrate. If the public interest is well served, rather than the private, then the individual and the community alike are benefited' (IX 875^a 7–10).

arrangement may have implied greater freedom but only for a handful of ‘notables’ or aristocrats who in turn exercised a great deal of influence over their less advantaged fellow-citizens—or clients. By substituting the new loyalty to the state for the old tribal and local loyalties each citizen could say that he was of himself and nobody else save the polis, with the result that he could still think of himself as free, on the grounds that citizens identified their own interests with the common or political interest. It was a system rationally chosen by the citizens to avoid any unjustified or excessive inequality, hierarchy, or ascendancy among them (5.2; 6.2–3). The political arrangement of the city guarantees that, as Plato says, ‘the citizens are free from mutual {domination} (*eleutheroi te ap’ allélōn eisi*)’ (*Leg.* VIII 832d3–4): they are free and equal in so far as they obey no private authority but the authority of the polis.⁴³⁹

As for Aristotle’s remarks on Sparta at the end of the passage (1337^a31–2), strange as it might sound at first glance, they are hardly evidence for a totalitarian reading. If Aristotle praises the Spartan arrangement regarding education he does so on the grounds that it takes education seriously and lays down a common system to that effect, not because of its absorption of the individual into the community. We should keep in mind the fact that Aristotle here is making reference only to the Spartan attitude towards education, in the sense that elsewhere he is still able to take exception to the specific goals or ends served by the Spartan arrangement without contradicting his approval in *Pol.* VIII.1 (7.3). In Books VII and VIII Aristotle is not shy of making critical remarks about the (morally) mistaken goals of Spartan educational policy (e.g. VII.14 1333^b5 ff.; cf. II.9 1271^a41–^b10). As a matter of fact, Books VII–VIII adopt as a rule a more general and strongly normative standpoint and judge the morality of constitutions according to their goals, i.e. their contribution to happiness (e.g. 8 1328^a36–41; 9 1328^b33–8); and Sparta is severely criticized when put to the test of *eudaimonia*.⁴⁴⁰ Thus, although Sparta deserves some commendation for having made a public issue of education, Aristotle’s praise should not be taken to imply that what justifies a public system of education is the mere fact of its being public or common, whatever its goals and methods

⁴³⁹ Cf. Schütrumpf (1991a), 244, who seems to make a Rousseauian move by connecting *Pol.* VIII.1 1337^a27–8 with II.2 1261^a30: ‘In fact the free citizen does not belong to himself but is a part of the state (almost the same expression as here: 1254 a 14f.), although in a reciprocal dependence under equals.’

⁴⁴⁰ Cf. Cartledge (1987), 117: ‘[Aristotle’s] assessment of its [sc. the Spartan *politeia*’s] success as a constitution by the time the *Politics* was being delivered as lectures to his pupils at the Lyceum in the 330s was determinedly negative (*Pol.* 1333 5–34a40)’.

(cf. II.7 1266^b34–5; VIII.4 1338^b29–30).⁴⁴¹ A public system of education should serve the well-being of the citizens, and its methods should be rational and essentially persuasive (VII.13 1332^b4–8).⁴⁴²

We may thus make sense of Aristotle's remarks on Sparta at 1337^a31–2 by focusing on Aristotle's endorsement of the 'political' or even 'democratic' thrust of Greek culture from the middle of the eighth century BC on. In fact, at *Pol.* IV.9 1294^b19 he refers approvingly to Sparta's mixed constitution. He reports that many people describe the Spartan constitution as a democracy because its system has as one of its features the rearing and education of the children of poor and rich citizens alike on an equal basis (*bomoiōs*, 1294^b21–2). The same equality applies to adult citizens throughout their lives (1294^b24–5). And according to V.8 1308^a12–16 (with II.9 1270^b9, 18–19) Sparta should also be considered a democracy because of the political opportunities open to the whole citizenry: 'what democrats seek to extend to the multitude, namely, equality, is not only just for those who are similar (*tōn bomoiōn*) but also beneficial. That is why, if the governing class (*en tō politeumatī*)

⁴⁴¹ Cf. Kraut (1984), 222, n. 60: 'Notice that elsewhere (*E.E.* 1248^b 37–1249a16, *Pol.* 1271^b 7–10) Aristotle criticizes the Spartans because they pursue virtue only for the sake of other goods. So he praises their laws because they *attempt* to mold a virtuous character; but since a virtuous person, according to Aristotle, must choose virtue for itself and not as a means to other goods (*N.E.* 1105^a 31–2), he cannot believe that the Spartan lawgiver has *succeeded* in molding a virtuous character. Similarly, Socrates is praising Sparta and Crete for paying serious attention to the most important political problem: how to make men good. But obviously he cannot believe that these cities solved the problem.' Cf. also Kraut (1984), 220, on Socrates' assessment of Sparta: 'I think we can now see why Socrates so often says that Sparta and Crete are well governed. He is not, in my opinion, claiming that their political institutions (e.g. kings, ephors, elders, etc. in Sparta) are admirable, but he is saying that they do a good job of inculcating a system of moral beliefs, and that many (not all) of those beliefs are correct. ... The main job of the city is to arrange for the teaching of virtue, and the first stage of that job is to inculcate a large stock of true moral beliefs. That low-level process of education is precisely where Sparta and Crete excel.'

⁴⁴² Compare Rawson (1991), 227, on the pretty wide approval received by the Spartan system of education in eighteenth-century France: 'The education prescribed by Lycurgus might be faulty in itself and unsuited to a modern state, but at least it was thorough and it was public. ... [T]he importance of education, and of environment in general, seemed overwhelming and to divorce politics from these impossible. Whether one was anxious to reconcile and re-identify king and people, government and governed; more concerned to spread enlightenment by taking teaching out of the hands of the obscurantist clergy and the ignorant parent; or simply disillusioned by the traditional education of the college, as a purely intellectual exercise directed to the memory rather than the judgement, and concerned with useless and irrelevant subjects—to put training into the hands of the state appeared to be the answer.' After the Restoration in France Spartan sympathies—basically admiration for Thermopylae—were not uncommon among the liberal opposition, and Aristotle himself could be reclaimed for the liberal cause: 'Vive Aristote, Rome et Sparte ... | Je suis classique et libéral' (Émile Deschamps, *Oeuvres complètes*, ii (1872), 108, quoted in Rawson (1991), 291).

is large, many democratic legislative measures prove beneficial, ... For those who are similar (*hoi homoioi*) are already a people of a sort.⁴⁴³

7.3 *Eunomia* and ‘Constitutional’ Vice

Although a case has been made to the effect that Aristotle's version of communitarianism does not commit him to totalitarianism, we have not yet quite discussed where Aristotle stands on the limits of political obligation, i.e. on political disobedience. It may be clear that the individual is not dissolved into an organic social whole. But is he supposed to obey any order of political authority coming his way?

A good start for this discussion seems to be provided by *Pol.* IV.8 1294^a3–7, where Aristotle makes some remarks on a topic in classical jurisprudence which bears on our examination of the limits of political obligation:

Eunomia does not exist if the laws, though well established, are not obeyed. Hence we must take *eunomia* to exist in one way when the established laws are obeyed, and in another when the laws that are in fact obeyed are well established (for even badly established laws can be obeyed). The second situation can come about in two ways: people may obey either the best laws possible for them, or the unqualifiedly best ones.

Here Aristotle takes up a notion, *eunomia*, that is usually associated with the Spartan constitution and its specific combination of political, social, and economic arrangements, and rendered as ‘good legal system’ or ‘good government’. Aristotle reports here that there are two different conceptions of ‘good legal system’. While the first or descriptive one

⁴⁴³ Forrest (1968), 152–3, having brought to light the shortcomings of the Spartan constitutional arrangement and spoken of his ‘distaste for Sparta’ (95), explains that ‘Sparta was the first state we know of to accept the idea that all citizens, *qua* citizens, were equal and to devise a constitution which allowed these citizens a defined and substantial say in running their city. Their rights were much more limited, their numbers much narrower than those of the Athenians but to criticise Sparta for that is irrelevant, as it is irrelevant to complain that they failed to make citizens of helots or *perioikoi*, as irrelevant as it would be to blame Rutherford for not inventing the hydrogen bomb when he split the atom. The idea was there, it was applied remarkably effectively and was accepted by the defeated aristocracy with far less trouble than was usual for Greece or has been usual elsewhere since.’ MacDowell (1986), 155–6, having asked why Spartans put up with the tyrannical power of the ephorate, says that the Spartans ‘accepted the ephors’ judgements, not only because they were trained in youth to obey authority, but also because those were the judgements which any of them would have given. Thus Spartan law is not to be regarded as undemocratic, as far as the Spartiates themselves were concerned. To outsiders, including *perioikoi* and helots, it showed little consideration, but within the limits of citizenship it was a classic example of law embodying popular will.’

simply brings out the fact that the legal system is obeyed,⁴⁴⁴ the second or prescriptive one puts the emphasis on the goodness of the laws that happen to be obeyed. Within the second conception we see that the laws at issue may be good in absolute or qualified terms. As far as our study is concerned, what really catches the eye in this text is that whereas the descriptive conception of *eunomia* seems to allow little—if any—room for disobedience since it is defined simply in terms of obedience, the reference to ‘good’ laws in the prescriptive conception—in both subgenera—may be taken to imply not only that obedience in itself is not sufficient for a regime to be ‘eunomic’, but it also allows the possibility that sometimes obedience is not due at all. The issue here seems to be which conception of *eunomia* is endorsed by Aristotle.

In spite of his choice of what seems to be a Spartan term *par excellence*, Aristotle does stamp his personal hallmark on *eunomia* elsewhere in his work by making it comprise at least two distinctive features of his political theory, in the sense that in a eunomic polis (a) every citizen fulfils his duty (*MA* 10 703^a29 ff.) and (b) due attention is paid to the virtue of citizens (e.g. *Pol.* III.9 1280^b5 ff.). We may wonder whether he also endorses as a third feature of *eunomia* the Spartan virtue of blind obedience.

A related text in *Pol.* V.9 seems to cast light upon Aristotle's position on this issue. He takes up once more the importance of education for the support of the constitution and explains that:

the most beneficial laws, even when ratified by all who are engaged in politics, are of no use if people are not habituated and educated in accord with the constitution—democratically if the laws are democratic and oligarchically if they are oligarchic. For if weakness of will indeed exists in a single individual, it also exists in a city-state. Being educated in a way that suits the constitution does not mean doing whatever pleases the oligarchs or those who want a democracy. Rather, it means doing the things that will enable the former to govern oligarchically and the latter to have a democratic constitution. (1310^a14–22)

This passage may serve as a useful background to finding out which conception of *eunomia* is endorsed by Aristotle. It looks as though the descriptive account does not fit in with Aristotle's distinction between what may be enjoyable for democrats and oligarchs—and thus regularly adopted by them—and what is truly in the spirit of a democracy or oligarchy.⁴⁴⁵ Indeed, although he is advocating education with a view

⁴⁴⁴ This descriptive reading of *eunomia* seems to be espoused by the Athenian politician Cleon in Thuc. III.37.3: ‘a polis which uses inferior laws that remain unchanged is stronger than one whose laws are good but without authority (*akuroi*)’.

⁴⁴⁵ Waldron (1999b), 255–6, says in a similar vein—in the context of his recent case against a Bill of Rights for Britain—that ‘The fact that there is popular support, even overwhelming popular support, for an alteration in the constitution does not show that such an alteration would make things more democratic. ... [I]f the people want a regime of constitutional rights, that is what they should have: that is what the principle of participation requires, so far as constitutional change is concerned. But we must not confuse the reason for carrying out a proposal with the character of the proposal itself. If the people voted to experiment with dictatorship, democratic principles might give us a reason to allow them to do so. But it would not follow that dictatorship is democratic.’

to the regime, Aristotle warns us that this should not be mistaken for pure democratic or oligarchic self-indulgent enjoyment: those in power (democrats or oligarchs) sometimes do not know on which side their bread is buttered. Since the descriptive reading of *eunomia* would lead precisely to dangerous political self-indulgence, i.e. it would pave the way for the policy of forming people in the habit of abiding by the legal system without assessing the goals and policies of the constitution, this reading does not square with education in the spirit of the constitution understood as a way of supporting the constitution.⁴⁴⁶ So, if the purpose of education was to preserve the constitution, it ought to include the nurturing of a critical attitude towards the law of the polis, and this critical attitude—if not a proper sense of loyalty to the constitution—may well lead under some circumstances to disobedience and resistance.⁴⁴⁷ Aristotle makes it clear at V.9 1310^a1–2, as he engages in the build-up for his argument on education in the spirit of the constitution, that constitutions may well be destroyed by laws (*tois ... nomois phtheirousi tas politeias*) laid down by unfit lawgivers and politicians.⁴⁴⁸ It may be inferred

⁴⁴⁶ Cf. Pellegrin (1990), 140: ‘if deviate constitutions are allowed to develop under the strict laws of their own nature, they go to their ruin. ... There is thus, in Aristotle, something like a cunning of political reason: it is not by virtue that deviate constitutions moderate and even thwart their vicious tendencies, but by the desire to last. That is to say, for the enjoyment of vice (*par goût du vice*) ... But this makes them improve, this is an involuntary homage of vice to virtue. Finally, then, the Machiavellism of Aristotle is an “ethical Machiavellism”, where the cynicism serves finally the goals of excellence.’

⁴⁴⁷ Ryffel (1949), 166, apparently caught up in the political vocabulary of the post-war era, graphically claims that we should not mistake Aristotle’s practical advice at V.9 1310^a 12–22 of educating the young in the spirit of the constitution for a call for ‘blind obedience of a “Party Youth” (*Kadavergeborsam einer “Partei Jugend”*)’ to the constitution.

⁴⁴⁸ This is why it is difficult to agree with the claim that ‘Aristotle, who loathes situations of conflict, requires ... that education should *always* conform to the type of political regime [on 1310^a 12–14]’ (Bodéüs (1993), 26, n. 166 (emphasis added)). Vander Waerdt (1985), 87, also criticizes this conclusion: ‘there is no suggestion in EN x 9 that a father who lives in an inferior regime should educate his children in accordance with its inferior ends’. Cf. Rowe (1984), 210: ‘could we really suppose him [sc. Aristotle] to be recommending to those who find themselves under a tyranny to educate their children to uphold it—however strong his belief in the importance of the law?’ As we have seen (1.2), and shall see (7.4), Aristotle’s injunction to educate citizens in the spirit of the constitution (*pros tēn politeian*, e.g. Pol. V.9 1310 19–20; VIII.1 1337 14) is fully understood or practical once ‘constitution’ falls under the appropriate description. It does not refer to all constitutions but only to those regimes which meet (at least) basic moral standards.

from this claim that, since it is the task of a good citizen to protect the constitution (III.4 1276^b28–9), citizens may justly disregard laws which destroy the constitution.

Our passage seems then to support the prescriptive reading of *eunomia*. It hardly needs to be pointed out that Aristotle claims that it is very important to foster the habit of obedience to the law (II.8 1269^a20–1), and thus that obedience is a considerable ingredient in his recipe of *eunomia*, but only on the assumption of (reasonably) good laws. Wrong forms of constitutions tend to enact wrong laws (*Pol.* III.11 1282^b11–13) and thus they can least of all afford a policy of obeying any law on account of its sheer pedigree. Mistaken constitutions should rather be constantly on guard against their own laws, since they obey or apply them at their own peril (cf. VI.6 1320^b33–1321^a1).

It is perhaps the idea of akratic constitutions, a concept suggested by Aristotle in the middle of this passage (1310^a19), that reveals more clearly Aristotle's position on *eunomia*. Sometimes the political system has fairly correct laws but they are not observed owing to a sort of political weakness of will so that the regime departs from its own correct laws and policies and carries out wrong ones. In this case, the reader may easily infer that a truly loyal subject should not obey such laws but rather abide by standards that are in harmony with the spirit of the constitution.⁴⁴⁹ In fact, the analogy between individual and political *akrasia* points in the direction of *EN* VII.10 1152^a20–4: 'the incontinent person (*ho akratēs*) is like a city that votes for all the right {decrees} and has good laws, but does not apply them, ... The base person, by contrast, is like a city that applies its laws, but applies bad ones.' The contrast between the incontinent and the vicious agent brings to light the fact that the need for the incontinent polis to abide by its laws is a function of the

⁴⁴⁹ The idea of the truly loyal subject or citizen may also be in Aristotle's mind when he refers at VI.5 1320^a33 to 'the true democrat'. Perhaps it would be useful at this point to go back to Alcibiades' political career (4.2). He is not shy of bringing up the issue of his flight from legal prosecution at Athens as he is addressing the Spartan assembly, a body well-known for its apparent worship of obedience, in a polis in which one could hardly be expected to disobey the law, let alone change sides in the middle of a war, and live to tell the tale. And he expects the Spartan assembly to believe that he simply wants to exercise his political rights safely (*asphalōs politen(ein)*), that he is actually a true Athenian patriot (*philopolis*), his disobedience notwithstanding (Thuc. VI.92). There is reason to believe that Alcibiades is trying to cash in on what may have been a shared belief at the time: sometimes a patriot (*philopolis*) may well have to disobey the law of his own country and occasionally even change sides during a war against his own country. There are values or goods which stand above the country itself. As we have seen, a country might be wrong about where its true interest lies. Of course, we should feel free to take Alcibiades severely to task for his political morality. But he still has a point: sometimes loyalty to one's country demands disobedience, as in the case of Germany during the Nazi regime or South Africa during apartheid.

goodness of such laws. The problem with vicious legislation in the context of *EN VII.10* is precisely that it *is* applied, unlike the case of the akratic polis. Nobody would seriously approve of or praise the vicious person's (or polis') observance of his (or its) 'laws' or 'decrees', nor would anyone find fault with the vicious person's (or polis') disregard of his (or its) vicious 'laws' or 'decrees'. Just as ethics calls for non-compliance with, indeed rejection of, immoral beliefs and desires, so political theory, if brought to bear upon the question of what the virtuous man should do in certain circumstances, seems to support the conclusion that disobedience of bad laws and decrees may well be called for.

The texts we have examined so far seem to build up enough evidence for the case that as far as Aristotle's philosophy of law is concerned, for all his emphasis on the importance of law-abidingness, obedience to political authority cannot be an intrinsic good: it is simply a means to an end.

We may now go back to Sparta and see that the same notion of limited political obligation seems to lie at the bottom of Aristotle's assessment in *Pol.* VII.14 of Sparta's constitution and educational tenets. He finds fault with Spartan education for being directed predominantly—if not exclusively—to the waging of war.⁴⁵⁰ He reports that some writers have stated that owing to their being trained to face dangers Spartans came to rule over many others. However, he goes on, nowadays 'ruling is no longer possible for the Spartans' and 'they are not happy and their lawgiver was not a good one'. And he adds: 'it is absurd if (*ei*) it was by keeping to his [sc. the original lawgiver's] laws and putting them in practice without impediment that they lost their fine way of life'

⁴⁵⁰ Ste. Croix (1972), 90–1, remarks on the rationale of the peculiar Spartan political system that '[o]nly the Spartans lived on top of a potentially active human volcano. In Sparta, therefore, more than in any other Greek state, we can see a real and bitter class war ... [B]ecause of the refusal of the Messenians to submit quietly, the Spartans were driven to organise themselves as a community of professional soldiers, dedicated not (like many militaristic peoples) to foreign conquest—which might prove highly dangerous if it extended Spartan commitments too far—but above all to maintaining strict internal discipline and harmony, so that a united body of Spartiates could ruthlessly dominate their numerous Helots and Perioikoi. ... The famous *eunomia* of Sparta was carefully constructed to maintain unity among Spartiates. But Spartan life, which until well into the seventh century resembled that of any other progressive Greek state, and in some artistic fields was outstandingly creative, was now miserably impoverished. ... Like Fafner, who after appropriating the Rhinemaidens' treasures was obliged to turn himself into a dragon and live a nasty life in a cave, the Spartans could never again relax and enjoy the cultural and intellectual life which was the birthright of so many other Greeks of the propertied classes. Aristotle, of all surviving ancient writers, expresses this most clearly: the Spartans, he says, by imposing on their young men exercises designed solely to impart courage, have made them "beast-like" (*thērōdeis*, *Pol.* VIII 4, 1338^b 9–38, esp. 11–19; cf. II 9, 1271^b 2–6; VII 14, 1333 11–21; 15, 1334 40–b3); and "now that the Spartans no longer rule over others, it is clear that they are not a happy people and that their legislator was not a good one" (VII 14, 1333 21–5).'

(VII.14 1333^b23–6).⁴⁵¹ Aristotle attributes the Spartan citizens' failure to achieve happiness to the faulty conception of well-being on which they based their constitution. The lawgiver, presumably Lycurgus, laid down the constitution on a wrong conception of the good, which was in turn zealously pursued; and such a pursuit—carried out by exacting obedience—eventually led Sparta to her present state of unhappiness. It follows from Aristotle's explanation that regard for obedience as an intrinsic value was one of the essential factors which contributed to Sparta's unhappiness. In fact, Aristotle himself suggests at 1333^b24 that the Spartans might have fared better, had something or somebody prevented them from obeying their laws.⁴⁵²

Aristotle's remark on Spartiates that, notwithstanding—or perhaps because of—their stringent obedience to the law, they could not achieve

⁴⁵¹ Tigerstedt's translation-cum-paraphrasis of VII.14 1333^b19–26 is clearly grist to our mill as it makes paramount the causal tie between obedience and unhappiness: 'Aristotle writes scornfully, "but now that the Spartans have lost their supremacy, it is evident that they are not happy and that their lawgiver was not a good man. It is comic ... that they failed to live aright ... precisely *because* they adhered to his laws and were prevented by no one from living according to them" ' (Tigerstedt (1965), 295 (emphasis added)). Cf. Stalley's translation: 'It is indeed a strange result of his labours: here is a people which has stuck to his laws and never been hindered to carrying them out, and *yet* it has lost the ability to live in a way that has real value' (Stalley (1995), 286 (emphasis added)).

⁴⁵² Aubonnet (1960–90), iii.1. 264, seems to misunderstand this passage by claiming, perhaps on the basis of Xen^b*Lac.* XIV, that Aristotle's point is that the unhappiness of Spartiates was due to their *disobedience* to the law. Aubonnet quotes Peter of Auvergne's remarks on this text (1333^b 23–6) on behalf of his own case: 'Irrationabile enim est, si leges eorum et respublica rectae sunt quod^b viventes secundum eas non vivant recte' (Aquinas (1951), 392, n. 1211; Peter's commentary on VII.14 1333^b 23–6 seems to draw in turn on VII.1 1323^a 17–18; cf. *Leg.* VII 790^b 6–8). Now Aubonnet is right in saying that Aristotle finds fault with the Spartan lawgiver, but the rest of his case does not hold water: since it is irrational for subjects to obey a right constitution *and* to be unhappy (Peter's claim), and Spartans were not happy, Aubonnet comes to the conclusion that they did not obey the constitution ('[les Spartiates] n'ont pas observé ses lois'). He thus proceeds on the assumption of the rightness of the Spartan constitution and simply ignores Aristotle's statement that Spartiates *did* obey the laws (1333^b 23). Peter of Auvergne does not make Aubonnet's mistake: he reads Aristotle carefully (*si Lacedaemonii praedicti perseverantes in eisdem legibus* (emphasis added)), adds that 'it is well-known' that although they stuck by their laws they did not lead a perfect life (*non ducant optimam vitam*), and then on the basis of his claim about the connection between obedience to right constitutions and well-being he comes to the conclusion (*igitur*) that neither the laws nor the arrangement or institutional design (*ordinatio*) of the constitution were right. A way out for Aubonnet might be to claim that Spartiates did obey new (and wrong) laws, but disobeyed the original (and good) laws. This might work if Aristotle thought that there was nothing wrong with the original constitution of Sparta, but this is not the case either. It is the lawgiver himself who is to blame for the mistakes^a of the Spartan constitution: the Spartan constitution was wrong from its very inception, although the consequences became apparent much later (VII.14 1333^b 6–7; cf. II.9 1269^a 30–4 with II.1 1260^b 29; see Schürtrumpf (1991b), 295, 284–5, and (1994), 334, 338–9).

or maintain happiness, is all the more significant since elsewhere Aristotle himself picks out some praiseworthy features of the Spartan constitution (e.g. in *Pol.* II.9: its political stability, the share of political rights bestowed on the people, the goal aimed at by the system of common meals, etc.)—if he does not directly rely on Sparta for much of his own best polis. In other words, Aristotle seems to be in a good position to pass judgement on Sparta: he could not, to say the least, be mistrusted on the basis of animosity towards her.⁴⁵³

It is also noteworthy that the implicit rejection of Spartan obedience applies not only if judged by the best standards (*Pol.* VII–VIII) but also if judged by Spartan standards—as Aristotle usually says, by reference to Sparta's own ‘assumptions’ (II.9 1269^a29–34). For example, the regime of common meals or *phiditia* seems to be a case in point. They were attended by all Spartiates (II.9 1271^a26–37), for citizen-rights depended on membership and this in turn may be explained by the belief that membership was an important part of the attempt to play down private interests for the sake of group solidarity and civic loyalty.⁴⁵⁴ The institution worked so long as all Spartiates could afford the contribution, but as soon as increasing disparities of wealth arose, the poor could not do so and became disenfranchised. Thus an unintended form of oligarchy developed, as a result of the decrease in the number of citizens. The combination of the shrinkage of citizens with Spartan expansionism and blind obedience proved to be fatal. The Spartan case as a whole seems thus to support the Aristotelian argument that a descriptive conception of *eunomia* may often give a polis enough rope to hang itself.

7.4 Tyranny and the Right of Resistance

We have seen so far that Aristotle's political theory does not make sense if it is read as subscribing to a theory of unconditional political obligation. In what follows I shall argue that his political theory also accommodates the notion of a right of resistance.

Aristotle's explorations of the deficiencies of regimes which fall short of the best constitution seem to converge on his discussion of tyranny. His theory of tyranny is clearly not so much inspired by empirical research or observation as based upon evaluative description. By identifying

⁴⁵³ Cf. Ollier (1933), 325 (with a pinch of salt): ‘Rien n’exprime mieux à la fois ce qui les rapproche [Lacédémone et l’État d’Aristote] et ce qui les sépare tous les deux que l’expression dont s’est servi Th. Gomperz [*Les Penseurs de la Grèce*, iii, 432] pour désigner la cité béate par Aristote: “une Sparte pacifique”.’ Cf. also Schütrumpf (1994), 337: ‘In Sparta Aristotle finds both light and dark sides.’

⁴⁵⁴ See Saunders (1995), 156.

some distinctive features of the tyrant and tyrannical rule on the basis of his moral theory Aristotle constructs a sort of ‘ideal’ tyrant and tyrannical rule.⁴⁵⁵

In effect, Aristotle's wording in his study of tyranny seems to be guided by a moral theory of ‘political’ (or ‘constitutional’: note the Greek *politeia*) predication. His selection of words appears to be rich in normative meaning. Whereas Aristotle's attribution of political (and constitutional) categories to certain institutional arrangements seems to convey an underlying and favourable moral evaluation of them, the lack of political vocabulary in the description of a regime reflects poorly on its moral record. As we have seen, it is not unusual for Aristotle to show the normative orientation of the wording of some of his political claims by stating, e.g., that ‘X is (not) worthy of the name’ or that, conversely, ‘X is (not) truly called Y’ (1.2). Aristotle thus says, for instance, that it is impossible for ‘a polis to be worthy of being called (*axion einai kalein*) such if it is slavish by nature’ (*Pol.* IV.4 1291^a9), and that ‘virtue must be a concern for a polis that is truly so called (*bōs alēthōs onomazomenē*) and not for the sake of argument (*mē logou charin*)’ (III.9 1280^b7–8).⁴⁵⁶

Indeed, when dealing with tyranny Aristotle seems to proceed precisely on the assumption that *polis* and its cognates (*politikē*, *politeia*,

⁴⁵⁵ Keyt (1999), 151, on V.10 1311^a 4–5, hits the nail on the head: ‘The claim that tyrants aim at pleasure, and kings at what is noble, does not seem to be an empirical generalization based upon an examination of the motivation of kings and tyrants but an inference from Aristotle's appraisal of the moral character of kings and tyrants, in conjunction with his view about the aims of good men and bad. Aristotle thinks that tyrants aim at pleasure because he thinks that is what bad men aim at.’ Kamp (1985b), 21, notes that Aristotle's theory of tyranny is ‘anything but a mere empirical inventory of traditional historical practices’. This may explain why much of his theory of tyranny invites comparison with twentieth-century rather than classical phenomena. A. Heuß remarks in his interpretation of *Pol.* V that Aristotle ‘Dinge erkennt [hat], die es de facto erst im zwanzigsten Jahrhundert gibt’ (*Antike und Abendland*, 17 (1971), 43, cited in Schütrumpf (1996a), 162). Cf. also Keyt (1999), xiii: ‘[Aristotle's] description of tyranny fits the modern, as well as the ancient variety: it was even quoted in one of the leaflets distributed by some of the students at the University of Munich in their heroic (and doomed) resistance to Hitler’.

⁴⁵⁶ See also IV.2 1289^a 41–b1: ‘kingship either must be in name only and not in fact or must be based on the great superiority of the person ruling as king’; cf. I.2 1253^a 21–2, 25. For the expression ‘to be worth mentioning’ see II.11 1272^a 32; V.1 1302^a 12–13. Viroli (1992), 53, explains that in the language of medieval Aristotelianism ‘The adjective “politicus” was used to denote the rule of a moderate and just prince and republican regime; never to denote tyranny or despotism, nor to describe a prince that does not obey rules and laws and regards the commonwealth as his own private possession.’ Since Locke was a neo-Aristotelian himself, it should not come as a surprise that Simmons (1993), 5–6, arrives at the conclusion that “Political” or “civil” are ... not for Locke (and Lockeans) purely descriptive, value-neutral terms. They are very much evaluative, morally loaded terms. ... To call a society “civil” or “political” is to say that it is morally legitimate; true politics, for Locke, is not just a matter of coherent structures of physical power.’

politēs, etc.) denote the central case of the morally justified authority of the constitution, and on that account he seems to pick terms out in order to characterize the tyrannical regime so that the moral shortcomings of such a regime are brought out without further ado (*Pol.* V.10 1313^a10). The tyrant himself essentially bears the traits of the *apolis* (I.2 1253^a3). He spares himself no wickedness (V.11 1314^a13–14 with I.2 1253^a4, 31–9).⁴⁵⁷ The tyrant is a man without law (I.2 1253^a5) and rules by force over unwilling subjects (V.10 1313^a6–9). His rule is not exercised in his subjects' interest but for his own sake (e.g., III.6 1279^a19–21; 7 1279^b 6–7, 16–17;⁴⁵⁸ IV.10 1295^a17–22; V.10 1311^a2–4). Tyrannies are preserved by 'taxation (*hē eisphora tōn telōn*), as in Syracuse, when, during the reign of Dionysius, taxation ate up a person's entire estate in five years' (V.11 1313^b26–8),⁴⁵⁹ and by 'warmongering in order that the subjects will lack leisure and be perpetually in need of a leader' (1313^b28–9).⁴⁶⁰ The tyrant does everything to ensure the suppression of mutual trust among citizens (V.11 1313^a40^b–10); an individual living under his sway is not

⁴⁵⁷ In a similar vein Malcolm says of Macbeth that 'I grant him bloody, | Luxurious, avaricious, false, deceitful, | Sudden, malicious, smacking of every sin | That has a name' (*Macbeth* IV.iii.57–60).

⁴⁵⁸ Schütrumpf (1991b), 472, observes that the expression [*monarchia*] *despotikē tēs politikēs koinōnias* at III.8 1279^b 16–17 is meant to bring out the contrast between the despotic regime and the existing conditions for a free association of citizens. Cf. also IV.4 1292^a 17–19: having suggested that unlimited rule is not a good (*ouk agathon*, ^a13) Aristotle goes on to claim that the extreme form of democracy is the counterpart of tyranny among monarchies: they are both *despotika tōn beltionōn*, literally 'masters of better persons'. Cf. III.6 1279^a 21: *despotik[os]/koinōnia tōn eleutherōn*.

⁴⁵⁹ Direct taxation was the symbol of subjection to a tyrant: 'In Greek political theory, to impose direct regular taxation was characteristic of a tyrant; and although there was a significant range of citizen taxes, these were all either indirect (like harbour duties) or irregular (like the *eisphora*, a capital tax imposed on the rich at times of financial shortage) ... Athenian public finance relied less on taxation than on so-called "liturgies", such as the *khoregia* (funding a public choral production, for instance at a drama festival) or the trierarchy (equipping and theoretically captaining a warship for war)' (Todd (1993), 183–4). Cf. Veyne (1990), 76–7: 'In the Greek cities where, as modern writers sometimes claim, the citizens were wholly devoted to the city, a permanent direct tax would have been considered an intolerable act of tyranny. ... Taxation could be no more than a makeshift solution, a momentary expedient in case of a grave crisis—that is, if it were not a tribute signaling the subjection of one people to another, a mark of slavery. ... [The] absence [of direct taxation] should suffice to warn us against the notion, still too commonly believed, that the citizen owed everything to the city. Let us say, instead, that the limits of his devotion and of intrusion by the community upon the individual sphere were not fixed in advance and for ever, any more than they are among us today.' Cf. Miller (1995), 329.

⁴⁶⁰ Cf. *Resp.* VIII 566e8, 567^a 7. In a similar vein, Henry IV advises his son Hal: 'Be it thy course to busy giddy minds | With foreign quarrels, that action hence borne out | May waste the memory of the former days' (*2 Henry IV*, IV.iii.343–5). Cf. *EN* X.7 1177 10–11: 'someone would have to be a complete murderer if he made his friends his enemies so that there could be battles and killings'.

a citizen (*politēs*) or a free man but simply a ‘native’ or ‘inhabitant’ (*epidēmōntēs*), or ‘subject’ (*archomenos*, V.10 1311^b6, 12).⁴⁶¹ Last but not least, tyranny is not actually a constitution (IV.4 1292^a17–18, with 30–1), or at any rate it is the least ‘constitutional’ (and thus least ‘political’) of all constitutions (IV.8 1293^b29) (1.2).

These features taken together convey what might be described as the very idea of ‘perfect tyranny’: they enhance the impression that Aristotle’s treatment of tyranny is often conducted from a moral viewpoint or with a normative point in mind. Perfect tyranny should be understood as a regime in which the ruler is somebody totally self-absorbed and embarked upon the unrestrained satisfaction of whatever desire he might happen to have—a steadfast supporter of the maximalist conception of freedom (5.2), unanimously opposed by the citizenry and never obeyed but for fear of punishment. So, perfect tyranny is a regime in which rational citizens obey a frail and universally disliked ruler out of fear of one another: ‘each citizen is obedient out of fear that some of his fellow citizens would answer the ruler’s call to punish him if he were not. ... [C]itizen ignorance of a sort is a prerequisite for perfect tyranny’.⁴⁶² This explains why the tyrant attempts to make people ‘as ignorant of one another as possible, since knowledge tends to give rise to mutual trust’ (*Pol.* V.11 1313^b4–6). Tyrants must work with informers and secret forces to identify and isolate potential rebels before they can communicate with others, get organized, and form conspiracies among themselves.

But rule exclusively based on fear and performed by a totally vicious agent is not likely to last. Leaving aside the issue of the moral character of the tyrant,⁴⁶³ we should keep in mind that a brief leak of political information through social interaction may well bring about

⁴⁶¹ See Kamp (1985a), 277. To be sure, Aristotle does admit elsewhere the possibility that tyrants may rule over ‘citizens’ and not simply ‘subjects’ (V.11 1314^b13). However, since this usage comes out only *after* dealing with the first or ‘tyrannical’ way of providing for the preservation of tyranny, there is reason to believe that Aristotle approves of it only in the case of tyrants who proceed along, as it were, non-tyrannical lines, i.e. in the case of tyrants who follow Aristotle’s second or ‘kingly’ line of advice: be as little tyrannical as possible (see V.11 1314^a29–1315^b10).

⁴⁶² Kavka (1986), 257–8.

⁴⁶³ Compare what Annas (1981), 304, says about a close relative of Aristotle’s tyrant: ‘Plato’s tyrant would not last a week. It has sometimes been thought that Plato is recounting personally observed details of a tyrant he had encountered, Dionysius I of Syracuse. But this is absurd. Plato’s description is suited to a Caligula, someone effortlessly presented with absolute power who finds that with the removal of all normal inhibitions reality and fantasy merge until sanity is lost. ... But what Plato says has no application to a tough-minded dictator like Dionysius I, clever and effective in gaining and keeping power. Plato’s vivid portrayal of the riot of the id is irrelevant to the fact of power over others, the most important thing in a dictator’s life. Most real successful dictators have in fact been (like Lenin and Stalin) tireless bureaucrats with conventional opinions and unimaginative private lives.’

the overthrow of the regime—the people would soon realize that the tyrant is politically naked. Since it rests purely on a system of unwarranted mutual expectations of fear, perfect tyranny is bound to be affected by tipping: any public event that casts doubts on the depth and scope of the ruler's support could set off an escalating spiral of expectations of non-obedience to the ruler, and thus the net of fear would be quickly seen and exposed. Of course, a tyranny would not be that 'perfect' if it actually counted on the support of a net of informers and spies. The behaviour of these collaborators cannot be purely explained in terms of fear, since the problem of perfect tyranny would then apply to the relationship between the tyrant and his (more or less broadly defined) entourage.⁴⁶⁴ On the other hand, as Aristotle's kingly line of advice suggests (V.11 1314^a29–1315^b10), even a tyrant will have reason to gain the support of a significant segment of the population. So, it seems clear that if all citizens are 'rational and are sufficiently mutually aware of one another's universal disapproval of the ruler and knowledge of the size of the population, then perfect tyranny over them is impossible'.⁴⁶⁵ Aristotle's perfect tyranny, or tyranny in the highest degree, is thus a morally relevant straw man rather than a description of political reality.

Aristotle's morally oriented political analysis is fully brought to bear in his account of tyranny in *Pol.* III.17: unlike the domestic, the kingly, or the political, there is nothing natural, just, or even advantageous to be said of the tyrannical (1287^b38–41). This passage gives us an idea of the practical import of labelling a regime in terms of tyranny. Since what is unnatural and harmful is evidently to be rejected, an unnatural and harmful arrangement—i.e. the arrangement according to which a person or group of persons have more than their fair share in the community—must be rejected.

Aristotle also often—if indirectly—thematizes tyrannical arrangements in terms of slavery. In the *Politics* Aristotle seems to proceed on the assumption of his theory of natural justice according to which naturally free agents have a natural right to defend themselves against enslavement. Since justice applies wherever there is community (*EN* V.6 1134^a24–6), an association such as master and slave can be considered in terms of naturalness or justice regardless whether it occurs in a polis. Even 'in a "state of nature" human beings have certain natural rights,

⁴⁶⁴ Cf. Hart (1994), 117: 'In an extreme case the internal point of view with its characteristic use of legal language ("This is a valid rule") might be confined to the official world. In this ... system, only officials might accept and use the system's criteria of legal validity. The society in which this was so might be deplorably sheeplike; the sheep might end in the slaughter-house. But there is little reason for thinking that it could not exist or for denying it the title of a legal system.'

⁴⁶⁵ Kavka (1986), 261.

such as the right not be enslaved'.⁴⁶⁶ This right not to be enslaved is all the more present in the political realm, i.e. in the case of the political community made up of people naturally equal and suited for law (1134^b8–15). In fact, a slave, unlike a free man, 'may not return evil for evil' (*EN* V.5 1133^a1).⁴⁶⁷ In this sense it has been correctly claimed that 'the view that the state could do no wrong to its members, and that the individual thus has to swallow without protest everything that is decreed from the top, is absurd in Aristotle's view, and this is a sign [of the fact that] it all depends on mad arrogance or sad toadyism'.⁴⁶⁸

This natural right of freemen not to be enslaved may be part of the explanation of why the military is an essential part of the polis. We read at *Pol.* IV.4 1291^a7–9 that the element which is in charge of defence in time of war (*to propolemēson*) must prevent the population from being enslaved by aggressors (*tois epiousin*); at VII.14 1333^b38–41 Aristotle claims that the aim of military training should not be to enslave those who are not slaves by nature, but to avoid being enslaved by others; finally, Aristotle reminds free men at VII.15 1334^a21–2 that those who are incapable of facing danger bravely may well end up being the slaves of others. And if the military is to be used with a view to enslaving other people, Aristotle makes it clear that they must make sure that it is used against men who are by nature intended to be slaves yet refuse to be enslaved (I.8 1256^b24–6).

Since the examples chosen by Aristotle to illustrate the natural right not to be enslaved are, on the whole, germane to the 'international' or 'interpolitical' scene, the question may be raised whether this natural right is also meant to be put to 'national', 'internal', or simply 'political' use. Let us go back to I.8 1256^b24–6. Its text explicitly says that *hē polemikē*, the art of war, *ought to (dei)* be used as a matter of justice 'against those human beings who are naturally suited to be ruled {as slaves} but unwilling'. The other passages dealing with the waging of war for the sake of natural enslavement seem to be much more resistant to an 'internal' or 'political' reading; for instance, it looks as though the 'others' at VII.14 1333^b40–1 who might enslave free people and the aggressors at IV.4 1291^a9 (*epiousin*) and VII.15 1334^a21–2 (*tōn epiontōn*) are actually foreigners attacking the political community of Aristotelian free and virtuous agents.

But this reading, though not entirely beyond the pale, seems to miss the point. There is plenty of evidence for believing that Aristotle does not

⁴⁶⁶ Miller (1996), 861. Cf. Kraut (1996), 758: 'If you are naturally free, then others owe it to you to recognize your status and not to treat you like a slave.'

⁴⁶⁷ Cf. the proverb in *Scholias Aeschylus Choephoroe* 78: 'slave, obey both just and unjust {orders} (*kai dikaiā kadikā*) of {your} master', cited in Schürumpf (1991a), 243.

⁴⁶⁸ Siegfried (1947), 43.

agree with the claim that the art of war (*hē polemikē*), and its terminology, is at home in the international sphere only. He seems to be happy with the idea that war and its cognates also bear on internal issues. It is at least Aristotelian that when people are excluded from political power they become slaves and foes (*polemios*, II.12 1274^a18) and thereby they are at war with their government just as a polis would be at war against a foreign power in the case of invasion; at III.11 1281^b29–30 we read that ‘when there exist many who are deprived of political rights (*atimoi*) and poor, that city is necessarily full of enemies (*polemiōn*)’. Aristotle also explains that it doubles the resentment if the same officials impose the penalties and exact them: ‘to have the same {exacting penalties} in all cases {makes them} enemies (*polemiōn*) of everyone’ (VI.8 1322^a18–19).

The political use of warlike categories is most clearly brought to light at VI.5 1320^a16, where it is explicitly required that citizens do not consider their rulers as enemies (*polemiōn*), and at V.11 1314^a19, where tyrants are literally reported ‘to make war (*polemousin*) on the virtuous citizens (*tois epieikesi*) as being harmful to their rule’. On the basis of these last two passages, if Aristotle is happy to say that a polis is entitled to defend itself against a foreign invader, by parity of reasoning he should also be prepared to say that the same right would avail a virtuous citizen at war against a tyrannical government.

Aristotle is also concerned with resistance to despotism at *Pol.* III.15 1286^b37, where it is said that the force of the king ‘should be superior to individuals both by themselves and taking many of them together, but inferior to the multitude’. The people as a whole would thus be sufficiently well-armed to gather a military force strong enough to resist a government grown tyrannical.⁴⁶⁹ The arrangement may thus prevent a few individuals from taking a fancy to power whereas it allows the majority of the people to stand up to tyranny by employing a variation of the policy of *divide et impera* upon kingship itself.

He also seems to imply that citizens have a right to rebel against unjust government in *Pol.* IV.10, where he draws his portrayal of tyranny *par excellence*:

there is also a third kind of tyranny, which is held to be tyranny in the highest degree, being a counterpart to absolute kingship. Any monarchy is necessarily a tyranny of this kind if the monarch rules in an unaccountable fashion over people who are similar to him or better than him, with an eye to his own benefit,

⁴⁶⁹ See Schütrumpf (1991b), 558; Long (1996), 799. Moreover, if Aristotle often extrapolates from external into internal affairs in the case of war, he also goes the other way round in joining Greek common usage in the case of concepts such as authority (*archē*), freedom, and slavery. It seems clear that, e.g., the verb *douleusein* used to describe the rule of one polis over another (e.g. VII.14 1333 38 ff.; 15 1334 20–2; V.10 1310 36–7) comes from the domestic realm.

not that of the ruled. It is therefore rule over unwilling people, since no free person willingly endures such rule. (1295^a17–23)

At first glance it might look as though Aristotle is simply making a descriptive point: he is explaining what tyranny *is*, its nature and its relationship with its subjects. But we should not overlook, first of all, that tyranny in the strictest sense is clearly a creation of Aristotle's political theory, probably contrived as a foil *vis-à-vis* his notion of *pambasileia* (III.14 1285^b29, 32; 16 1287^a8–9). A penchant towards symmetrical constitutional classification may well preside over his discussion of what he calls tyranny in the highest degree. This is a first clue to a full understanding of this text: for all its apparent neutrality or descriptive nature, Aristotle's analysis of tyranny is the product of deliberate moral thinking. So perhaps we would enrich our understanding of this passage were we to read it in the light of the normative subtext of some Aristotelian statements. We should approach the lines on the reaction of the tyrant's subjects accordingly. Aristotle is not so much describing what free people do as prescribing what they ought to do (and/or predicting what they might/will do on the basis of what they ought to do).

Thus the non-existence of perfect tyranny or tyranny *par excellence* poses no difficulty for his claim that free men do (or will) not put up with it. He may well indulge in armchair exercises as to the behaviour of free men on account of the fact that he operates on the basis of a particular kind of agent (1.3). Aristotle proceeds on the assumption that people act on their conception of the good (e.g. *EN* I.1; *Pol.* II.8 1269^a3–4; I.1 1252^a2–3). When it comes to virtuous agents, they act on what is morally admirable (e.g. *EN* III.7 1115^b12–13; cf. III.9 1117^b14; IX.8 1169^a30–1), and thus they have a moral reason for not enduring a tyrannical regime.⁴⁷⁰ It is the character of the agent which does the trick again and allows the social scientist to predict the (in)stability of a regime.

There may be some reluctance in some quarters to approve of this evaluative reading of IV.10 1295^a22–3. Even if we were to concede

⁴⁷⁰ Kraut (1997), 112, comes to the same conclusion: 'He [Ar.] advocates resistance to tyranny, ... because tyrants are enemies of the common good and of political institutions whose value is widely recognized; he is very far from counselling acceptance of whomsoever is in power (see e.g. IV.10 1295^a17–23)'. Cf. Plato's *Leg.* VI 770e1–6 on the morally virtuous agent and rebellion: 'No man, whoever he is, should ever be found valuing anything else, if it impedes his progress—not even, in the last resort, the state. Rather than have the state tolerate the yoke of slavery and be ruled by unworthy hands, it may be absolutely necessary to allow it to be destroyed, or abandon it by going into exile. All that sort of hardship we simply have to endure, rather than permit a change to the sort of political system which will naturally make men worse.' In the face of this passage (and see also, e.g., *Leg.* XI 926 2–4 and *Plt.* 296c9–e5, let alone the *Apology*) it is difficult to share the view that 'There is no hint in any of the dialogues that Plato recognizes the right of civil disobedience' (Morrow (1993), 569).

that Aristotle sometimes appeals to a particular kind of agent to convey a normative subtext through what appears to be a purely descriptive statement, it might be objected that we should not claim that this expository habit of his is at work at this passage since it speaks simply of ‘freemen’, a controversial concept in Aristotle, and by no means a predominantly moral one. Thus, continues the objection, the claim that ‘freemen’ is a morally distinctive concept in Aristotle's social philosophy is unwarranted: we are reading too much into Aristotle's texts.

We know that the author of the *Politics* may be read as conveying at least two different meanings through the concept of freedom (5.2). On the one hand, it designates the legal condition of a citizen born a free man without any further moral qualifications (typical in III–VI); on the other, it refers to the social and moral condition of a person who is free from manual or menial work in general and thus is able to share in a civilized life and hence in happiness (I.7, VII–VIII). Although they are not necessarily incompatible with one another, they may well be so: most of the freemen who make up the body of citizens in III–VI would rather qualify as slaves as far as VII–VIII are concerned (e.g. VII.9 1328^b33 ff.). Some of those who if judged by the standards of Book I should be despotically ruled, are fit to exercise political rule themselves if seen in the light of Books III and IV. The gist of this objection thus is that the concept of freedom in our text is not moral but legal. It will not do, then, as a subject of propositions which can be read in descriptive and normative terms. As a matter of fact, the freemen who actually live like slaves may not only refrain from opposing tyranny but actually set the stage for it—and even support it unconditionally.

This objection does have a point in claiming that Aristotle does not usually work on the basis of a single, clear-cut conception of freedom. He does convey different meanings with the same word, and the legal conception of freedom is not an uncommon appearance in the ‘empirical’ books of the *Politics*. However, to start with, it does not follow from this that Aristotle speaks of ‘freemen’ in IV.10 in legal terms only. He may well be thinking of the case of a tyrant attempting to rule over fairly virtuous people. Actually Aristotle makes reference to *epieikeis* as *eleutheroi* explicitly at V.11 1314^a3–4—in his discussion of ‘perfect’ tyranny—as those who would not flatter nor would be friends of a tyrant; a few lines below (^a20) Aristotle says that *hoi epieikeis* ‘do not deserve to be ruled despotically (*to mē axioun archesthai despotikōs*)’.

Secondly, as the objection itself points out, Aristotle's claim would fall to the ground if no moral support came to its rescue. But there is reason to believe that the average freeman in *Pol.* IV–VI, who may be different from the virtuous or freeman of the *Ethics* and *Pol.* VII–VIII, is not as immoral or slavish as Aristotle claims, say, in Book VII of the *Politics*.

Normally a person with a slavish and menial character is little concerned with his social or political status; if he can gratify his appetites he will not complain. This kind of person would hardly face up to a tyrant. But Aristotle's own statements on the attitudes of democrats contradict what he says about the relation between freedom and labour. Freemen insist on greater equality for all citizens, and punish anyone who compromises the dignity of the people. They are far from being manipulated in return for bread and circuses.⁴⁷¹ In a nutshell, it appears that Aristotle is well-advised, albeit *pace* himself, to have a *moral* agent in mind as he speaks of 'freemen' at IV.10 1295^a23, whether a fully virtuous agent or the average democratic citizen.

Finally, Aristotle himself admits of the existence of morally good persons (*epieikeis*, 14) 'even in constitutions which do not publicly promote virtue' (IV.7 1293^b12–14).⁴⁷² It seems thus that the best constitution is not a necessary condition for the existence of moral agents, and that the way is open for 'free men' to be the subject of normative subtexts.

The notion of a right of resistance is also suggested in the essay on the best constitution, where Aristotle seems to take up some of the issues and the normative subtext of his discussion on tyranny and justice. Indeed, having made reference in *Pol.* VII.13, and in direct allusion to his ethical treatises, to the excellent moral agent as the sort of man for whom, on account of his own virtue (1332^a19, 22–3), things unqualifiedly good are good, Aristotle goes on in VII.14 to discuss the relationship between rulers and ruled in the best state. He starts off by claiming that every political community consists of rulers and ruled (1332^b12–13) and he tries to find the best arrangement for the exercise of political authority in the polis of our prayers. Since Aristotle is studying the behaviour of virtuous agents it is easy for him to predict that any just arrangement

⁴⁷¹ See II.12 1274^a 15–17; III.11 1281^b 28–30; VI.2 1317^b 10–17; V.11 1313^b 18–29. Cf. Irwin (1988), 456: 'Aristotle's belief in the destructive effects of menial labour leads him to predict that the demos will be slavish and abased; but his account of the democratic belief in freedom and independence should lead him to predict that the demos will be self-assertive. He speaks as though the first prediction is fulfilled, but the evidence he cites supports the second prediction.' Cf. also Irwin (1988), 635–6, n. 26. ^b

⁴⁷² Cf. Plato's claims that 'their occurrence was spontaneous, rather than planned by the political system of any of the communities in question' (*Resp.* VII 520^b 3–4), and that a number of decent people 'crop up just as often in badly ruled states as in the well-ruled' (*Legg.* XII 951^b 7–8; cf. I 642c–d). According to Schürtrumpf (1997), 13–14, our passage at IV.7 1293^b 11 shows that Aristotle is not an 'enemy of the open society. ... If indeed society prescribes ethical norms, then the individual has no choice when it comes to education and the choice of values. Aristotle believes otherwise. ... He makes it clear that these good men do not receive their ethical quality from the political system, they must have it as the result of individual education. There is room for following one's own sense of morality irrespective of the values prevailing in any given society.'

will be supported by the best state's subjects in so far as its justice will be evident to them (^b21). Chances are that the regime will be such that all citizens will share alike in the business of ruling and being ruled by turns, and this is explained by the similarity of those who will partake in the regime: 'for equality (*to ... ison*) is the same thing {as justice} for persons who are similar (*tois homoiois*)' (^b27). And it is immediately added that 'it is difficult for a constitution established contrary to justice to last';⁴⁷³ the ground being that the ruled citizens will react against the injustice of the arrangement by revolting (*neōterizēin*) against the constitution (1332^b29–30), to the extent of combining with the rest of the population in the countryside.⁴⁷⁴ This connection between justice and political stability is quite a bold claim, even by Aristotelian standards. Books IV–VI of the *Politics* are abundant in examples of people revolting unjustifiably against their government, such as the case of Erythrai where in early times the many attacked the constitution in spite of the excellent way in which the government discharged its responsibilities (V.6 1305^b19–22).⁴⁷⁵

Now since Aristotle is presupposing normatively trustworthy agents, i.e. morally perfect agents (VII.13 1332^a19, 22–3), he may confidently make two predictions about the stability of the constitution.⁴⁷⁶ (i) If it is based on justice, they will stand by it, just like the citizens of Plato's *Republic*, for whom it is impossible to disobey the government, on the

⁴⁷³ Cf. Rawls (1999), 398, who claims that 'Since a well-ordered society endures over time, its conception of justice is presumably stable: that is, when institutions are just (as defined by this conception), those taking part in these arrangements acquire the corresponding sense of justice and desire to do their part in maintaining them.'

⁴⁷⁴ Kinadon, in 'what is perhaps the most remarkable episode in all Lakonian history' (Cartledge (1979), 273–4), when asked why he plotted against the government, replied that he did it 'to be inferior to no one in Sparta' (Xen. *Hell.* III.3.11). This is very much in keeping with the connection made at 1332 29–30 between equality, rebellion, and the constitution, let alone the fact that his revolutionary plan counted on, among others, helots and *perioikoi*. Aristotle himself makes reference at V.7 1306 34–5 to Kinadon as someone who 'instigated the attack on the Spartiates in the time of Agesilaus' because he was 'of a manly sort (*andrōdēs*)' and 'would not share in political office (*mē metech[ein] tōn timōn*)'.

⁴⁷⁵ See Schütrumpf (1996a), 495, and (1996b), 520. In *Pol.* II.5, on the occasion of his criticism of Plato's *Republic*, Aristotle notes that to make the same people rule permanently is a source of *stasis* even among those who have no moral claim (*axiōma*) to political authority, especially those warlike and spirited (1264^b 6–10). This is a criticism that may backfire on Aristotle's own proposal of the best polis.

⁴⁷⁶ Aristotelian agents seem to be like General Lee who, as Southern historiography has it, 'was one of the small company of great men in whom there is no inconsistency to be explained, no enigma to be solved. What he seemed, he was—a wholly human gentleman' (Douglas Southall Freeman, *R. E. Lee*, iv. 494, cited in Nolan (1991), 7). Like a true *spoudaios*, 'His character offers historians no moral flaws to probe. Whichever choice of allegiance Lee made would have been right' (*The Oxford Companion to American History*, 468, cited in Nolan (1991), 7).

grounds that they are just men (*dikaiois*) who are given just orders (*dikaia*, VII 520^{d7}, e1). But (ii) if the constitution is not based on justice, they would not support the political system, on the grounds that it would not be morally admirable to do so (cf. VII.3 1325^{b9–10}). What lies at the bottom of both empirical statements is the claim that morally perfect agents usually act as they ought to (1.3, 4.2 *in fine*).⁴⁷⁷

Is the case for attributing to Aristotle the notion of a right of resistance proved yet? Were we to leave aside Aristotle's moral theory of political predication, the political bearing of his views on slavery and the passage we just saw in *Pol.* IV.10, it might look as though the right of resistance comes to the surface, if at all, just a couple of times in *Pol.* V.1 and V.2, not to be heard of again. Indeed, the following passages, which are sometimes said to support the case for the existence of a right of resistance in Aristotle,⁴⁷⁸ might actually be read as denying it:

All these constitutions [sc. democracy and oligarchy] possess justice of a sort, then, although unqualifiedly speaking they are mistaken. And this is why, when one or another of them [sc. democrats and oligarchs] does not participate in the constitution in accordance with their assumption {about justice}, they start faction. However, those who would be most justified (*dikaiotata*)⁴⁷⁹ in starting faction, namely, those who are outstandingly virtuous, are the least likely to do so. For they alone are the ones it is most reasonable to regard as unqualifiedly unequal. (V.1 1301^{a35–40})

⁴⁷⁷ Cf. once again what Cleon says according to Thuc. III.40.4, in reference to the Mytilenians and Athenians respectively: 'if they had revolted rightly (*orthōs*), you would not have ruled {them} morally (*ou chreōn*)'. Tully (1991), 617, offers a similar reading of Locke's discussion of revolution. On his view, Locke distinguishes between the 'historical and causal question of which arrangements of political power do and which do not dissolve into civil wars' and 'the moral-jurisprudential question of who has and who has not the "right" to political power'. In effect, Tully (1991), 642, explains that 'The justice of resistance to oppression: this is the theme of the *Two Treatises*. As strange as it sounds, this is also the solution to civil wars. If Locke is correct about the causal constraints on popular revolts, then they occur only when the people are in fact oppressed. Hence the cause of civil wars must be the abuse of power by governors, who, being partial, cultivate oppression when it is possible and in their interest to do so. If, however, they know that the people have a right to revolt and will in fact revolt when oppressed, then either their interest in avoiding civil war will outweigh their interest in oppression or it will not. If it does, then oppression has been "fenced", government normatively and causally "limited", and civil war avoided. If, on the other hand, the right and threat do not deter abuse of power then there is nothing that can be done short of revolt, which is both just and necessary.'

⁴⁷⁸ See, e.g., Miller (1995), 305.

⁴⁷⁹ While some translators render *dikaiotata* in terms of justice or justification (e.g. 'les plus justes motifs', Aubonnet (1960–90), ii.2. 43; 'the greatest justification', Saunders (1981), 297; 'the most justified', Stalley (1995), 179; 'the most justice of anyone', Keyt (1999), 1), others give the expression quite a modern nuance (e.g. 'das größte Recht', Gigon (1971), 214, 466; 'the best right', Barnes (1984), ii. 2066; 'am ehesten das Recht', Schürtrumpf (1996a), 49–50).

and

The principal general cause of people being in some way disposed to change their constitution is the one we have in fact already mentioned. For those who desire equality start faction when they believe that they are getting less, even though they are equals of those who are getting more; whereas those who desire inequality (that is to say, superiority) do so when they believe that, though they are unequal, they are not getting more but the same or less. (Sometimes these desires are just, sometimes unjust.) (V.2 1302^a22–9)

So, one might argue: (1) In *Pol.* V.1 Aristotle implies that there is actually no right of resistance. For he clearly says that virtuous agents would be most justified to engage in faction against an unjust regime, and yet they do not do it. Therefore, on the basis of Aristotle's expository habit, they *ought not* to do it. Again, (2) Aristotle's apparent indifference towards the right of resistance seems to be conveyed also by his rather 'scientific' approach to political analysis in *Politics* IV–VI, where he seems to be no longer a critic but an observer of constitutions. To put it differently, even if it were true that political unrest is studied in V.1 from a normative standpoint, the truth of the matter is that that perspective is already done with by the beginning of V.2 and plays no role in the rest of Book V, and this is because political reality dodges moral analysis far too quickly for normative political theory to keep pace with it.⁴⁸⁰

In order to deal properly with these objections perhaps we should first go back to the passage in *Pol.* V.1 and see whether Aristotle is actually trying to make the point that virtuous agents, for all their just claims, ought not to engage in rebellion against the government *tout court*. The claim that agents of type X do not φ in spite of the fact that they are entitled to φ might be taken to mean that Xs have a sort of *prima facie* or general claim to φ which actually does not add up to a full-blown right to φ — if it is a right at all.

However, there is reason to believe that in *Pol.* V.1–2 Aristotle has something different in mind. One of the reasons why virtuous people usually refrain from acting on their just claim to rebel is that they are particularly concerned about the effects of legal disobedience on the common good. Much of the success of the law in attaining its goals depends on its effectiveness in securing a habit of obedience on the part of its subjects. Any habit of disobeying slightly imperfect laws, or the rulers who administer them (II.8 1269^a18–19), may tend to encourage a general disregard even for good laws or for the law in general, and this will eventually damage the common good—and thus one's own well-being—to

⁴⁸⁰ These objections encapsulate the position defended by Schütrumpf (1980), 230, (1996a), 168, 425.

a greater degree than it will be benefited by changes in slightly imperfect laws for the better.⁴⁸¹ In general, the virtuous agent takes seriously the political impact of his role as norm and yardstick (*EN* III.4 1113^a33) on the rest of his fellow-citizens. People are heavily influenced by the behaviour of virtuous agents and thus even a minor or single act of disobedience may well have quite an impact on the rest of society.⁴⁸²

Another consideration to be taken seriously is that political rebellion may turn out to be a case of the solution being worse than the problem; it may end up bringing about an even worse regime than the one against which it was stirred up in the first place. For instance, a virtuous agent facing a tyrannical regime alone or without sufficient back-up may give it an excuse for violent and oppressive measures against many individuals and groups throughout society as a whole. This may well explain Aristotle's remarks at *Pol.* V.4 1304^b2–5 that 'if either of the parts becomes greatly superior, the other will be unwilling to risk going up against its manifestly superior strength. That is why those who are outstandingly virtuous do not cause any faction, practically speaking, for they are few against many.' The fact that 'those who are outstandingly virtuous' are not numerous enough to carry through would certainly and dramatically affect the common good. *EN* I.8 1099^a32–3 also explains that 'it is impossible, or not easy, to do what is morally admirable (*ta kala prattein*) without the proper equipment (*achorēgēton onta*)'. Virtuous agents should occasionally settle for what is immediately advantageous for the common good rather than going for the more desirable constitution (cf. *Pol.* IV.11 1296^b11). When it comes to legal or political (dis)obedience, what should really count is the moral/rational concern for the common good. Sometimes resistance and rebellion serve the common interest better than obedience.⁴⁸³

⁴⁸¹ See Saunders (1995), 148.

⁴⁸² For the existence of a 'collateral' duty to obey some unjust laws see Finnis (1980), 365, 361–2.

⁴⁸³ Irwin (1988), 632, n. 16, comes to the same conclusion: 'If the laws are bad and the violation of them will promote the common interest, then apparently it would be better to violate them.' Cf. Yack (1993), 161–2; Finnis (1980), 316; Plato, *Leg.* XI 926^b2–4. Peter of Auvergne, in his commentary on V.1 1301^a39–1 (Aquinas (1951), 247, n. 714), holds that virtuous people act with the most justification (*justissime*) in calling for political rebellion, but they do not always act on this call. And he singles out two causes for this. The first one concerns the fact that all too often political quarrelling damages the common good. Since the morally wise agent values (*diligiti*) the common good more than his self-interest, he does not engage in rebellion. The second cause emphasizes that it is required (*oportet*) of those who ought (*debeat*) to stir up rebellion to act on a just cause and with an adequate capacity (*iusta causa et potentia*). But as virtuous people often do not have the wherewithal to revolt, they do not regard themselves as having, all things considered, a justified reason to revolt, and therefore they refrain from rebelling. Nevertheless, adds Peter of Auvergne, if the proper equipment and justified reason obtain and there is no (overall) loss involved for the common good (*detrimentum boni communis*), virtuous people will rationally (*rationaliter*) engage in rebellion, and be morally wrong if they fail to do so (*et peccarent si non moverent*).

It might still be claimed that Aristotle does not lay the foundation of a right of resistance such that virtuous agents may overturn existing imperfect constitutions, on the grounds that, had Aristotle actually thought so, he would have argued for the overthrow of deviant constitutions and the establishment of the best constitution in their place. And this is something he did not do, apparently doubting the viability of such a constitution and believing that a wrong constitution is always to be preferred to civil war, whose end can never be foreseen.⁴⁸⁴ But this objection, too, should be set aside. From the fact that Aristotle does not call for the establishment of aristocracy to replace the existing political regimes it does not follow that he did not call for resistance to any existing regime. The ‘best men’, for instance, may well resist a regime without having aristocracy or the best state in mind; they may simply want to improve a more or less deviant regime or to depose a tyrant.⁴⁸⁵

⁴⁸⁴ See Schütrumpf (1980), 234–5, n. 42, 128; Rowe (1989), 334, n. 60. Aristotle would thus be striking the sceptical and conservative note that the quest for justice would be nothing but the cause of endless civil war: ‘It ought to be remembered time and again that the historical sense of the modern state consists exactly in putting an end to the whole controversy over the *justa causa*, i.e. over material law and material justice’ (Carl Schmitt, *Der Nomos der Erde*, cited in Günther (1982), 577, n. 46). For other denials of the existence of a right of resistance in Aristotle see Oncken (1870–3), i. 218, and (1870–3), i. 252, and Oresme (1970), 205: ‘Or appert donques par raison et par Aristote ... que sedition ne est pas lisible’.

⁴⁸⁵ The view that Aristotle adopts an entirely resigned attitude towards any and every imperfect regime is also hard to reconcile with the (at least) Aristotelian eulogy of Theramenes and his behaviour towards the regime of the Thirty Tyrants ([*Ath. Pol.*] 28.5). Theramenes was determined to oppose the leadership of Kritias, and having known him for years he surely knew that Kritias was not the kind of person who could simply be won over. Actually, no sooner had Theramenes attempted to cross the Rubicon of resistance than he was executed by order of the Thirty Tyrants. See Xen. *Hell.* II.3.50–6; II.4.1. To be sure, as Schütrumpf (1980), 129, points out by quoting [*Ath. Pol.*] 28.5, Theramenes was not in the habit of ‘overthrowing every kind of constitution’ but rather ‘he was able, as every good citizen should be, to live under any form of constitution’. But neither of these two propositions is incompatible with Theramenes or any other good citizen judging that in a certain conjunction of circumstances it is right and indeed obligatory to resist and seek to overthrow a bad regime. Moreover, we should bear in mind that the last sentence of this very passage in [*Ath. Pol.*] reads: ‘while he refused to countenance illegality and was its constant enemy’. Sometimes the refusal to uphold illegality may well lead to resistance and rebellion. On the other hand, as we have seen (1.2), there is a sense in which Theramenes may well participate in the overthrow of a tyrannical regime without running afoul of the principle ‘do not overthrow every kind of *constitution*’.

Finally, a passage in *Pol.* III.13 seems to suggest a middle course between blind obedience and rebellion:

we are investigating how the matter [sc. who should rule in the city-state] is to be determined when all these [sc. the good, the rich, the well-born, the free] are present simultaneously. Suppose, for example, that [^b10] those who possess virtue are extremely few in number, how should the matter be settled? Should their fewness be considered in relation to the task? To whether they are able to manage the city-state? [^b12–13] Or to whether there are enough of them to constitute a city-state by themselves? (1283^b8–13)

Here Aristotle indicates two different situations which correspond to the political gist of Books III and VII respectively: (i) [^b10] a few virtuous agents are citizens in a polis along with other people whose claims to citizenship are based on grounds other than virtue, and thus the question arises whether the virtuous have enough political support to run the city-state; (ii) [^b12–13] virtuous people are numerous enough to make up a polis by themselves. Then, a few lines below (1283^b27–30), Aristotle comes to the conclusion that—under the overall assumptions of Book III, i.e. not *haplōs* but *ex hypotheseōs*—none of the criteria put forward by those who claim to be entitled to rule are right by themselves. If the virtuous agents are few they should compete for political rule on an equal footing with the rest of the (legally) free people. If they are numerous enough to protect their rule against the rest of the population, they alone should be at the helm. But the wording of 1283^b13 seems to hint at the idea that virtuous agents, if numerous enough to constitute a polis by themselves, should move out entirely and set up a colony elsewhere. This reading may also explain why, according to Aristotle, sometimes virtuous agents do not engage in faction and instead leave the polis for good and set up a new one according to the programme of *Politics* VII–VIII (4.5).

So, taking stock of the argument of this chapter so far, although there is no question of claiming that Aristotle was a revolutionary or that Aristotle entirely disregarded the dangers of civil war,⁴⁸⁶ his political theory does not make sense if read as affirming unconditional obedience. Aristotle thinks that ‘there are some things we cannot be compelled to do. Rather than do them we should suffer the most terrible consequences and accept death’ (*EN* III.1 1110^a26–7). It has been said that ‘Two great antitheses dominate the political thought of all times: oppression–freedom, and anarchy–unity.’⁴⁸⁷ If it were a question of taking sides, there is reason

⁴⁸⁶ Cf. Irwin (1988), 637, n. 37: ‘Aristotle has no revolutionary strategy or tactics to suggest’; Miller (1995), 304: ‘Aristotle’s orientation differs from that of Marx and Locke, who were writing for aspiring revolutionaries’; Vergnières (1995), 246: ‘Aristote, ..., n’est pas un révolutionnaire’.

⁴⁸⁷ Bobbio (1993), 29.

to believe that Aristotle would be more comfortable in the company of those political thinkers who focus on the former axis. Aristotle defends a particular conception of good order, not order *per se*. This is why oppression is very much an issue in his political theory.⁴⁸⁸

It might still be asked why Aristotle is reluctant to pin down his uneasiness about tyranny, to speak his mind on the right of resistance. A first answer to this question is that Aristotle may have attempted to cool off the political extremism of his time. He may have believed that there had been enough revolutions and/or *coups d'état* already, and that they had often brought about even more irrationality and immorality (for instance,

⁴⁸⁸ As we have seen (3.3), this antithesis might be more apparent than real to the extent that it contains alternatives which belong to different levels of analysis: there seems to be no actual trade-off between unity and freedom. Whereas unity may be achieved by substituting governmental orders for our first-order reasons for acting, freedom is still preserved by the fact that this substitution is not total. There are some reasons for action which may not be excluded by political authority. It is interesting to note that Kant, a thinker whose liberal reception would make us think otherwise, takes quite a different stand on the limits of political obligation. As we have seen (3.3), although Kant (1991a), 56, grants that the citizen may 'as a learned individual, ... publicly voice his thoughts on the impropriety or even injustice' of a governmental dictate, he also claims, unlike Aristotle, that 'a people has a duty to put up with even what is held to be an unbearable abuse of supreme authority': 'There is, ..., no right to *sedition (seditio)*, still less to *rebellion (rebellio)*, and least of all there is a right against the head of a state as an individual person (the monarch), to *attack his person* or even his life (*monarchomachismus sub specie tyrannicidii*) on the pretext that he has abused his authority (*tyrannis*). Any attempt whatsoever at this is *high treason (proditio eminentis)*, and whoever commits such treason must be punished by nothing less than death for attempting to *destroy his fatherland (parricida)*' (Kant (1991b), 131). A first and natural reaction would be to read Kant as making a plain conceptual point. He actually says that 'resistance to the highest legislation can never be regarded as other than contrary to law, and indeed as abolishing the entire legal constitution'. Thus Kant would be making the Hobbesian point (Hobbes (1998), 88; cf. Hobbes (1991), 145, 224) that it would be awkward for a sovereign legal system to contain a provision that resistance is allowed, since this very provision would entail that this legal system is not sovereign after all. This conceptual point would simply be another way of saying that, from the legally intra-systemic viewpoint, it does not make much sense to deny the sovereign or absolute nature of the law. Furthermore, Kant's claim that 'even if the organization of a state should be faulty by itself, no *subordinate* authority in it may actively resist its legislative supreme authority' (Kant (1991b), 176, emphasis added), might also be taken as bearing out the intra-systemic reading: it is built into the very role of being a subordinate authority to abide by the decisions of superior authorities. And Kant's choice of words ('what is *held* to be an unbearable abuse of supreme authority'; 'the *pretext* that he has abused his authority', my emphasis) might give the impression that he is simply recommending political caution: more often than not, disobedience comes from whimsical, not objective grounds. However, Kant appears to be making the stronger and practical point that it is not simply a question that there cannot be a legal right of resistance but rather that there is no *moral* right either. All things considered, we have no moral reason to resist political authority, whatever its abuses: 'A law that is so holy (inviolable) that it is already a crime even to call it in doubt *in a practical way*, and so suspend its effect for a moment' (130); 'The *Idea* of a civil constitution as such, which is also an absolute command that practical reason, judging according to concepts of Right, gives to every people, is *sacred* and irresistible' (136). The allusion to crime and to the sacred nature of the law suggests that resistance is not merely legally forbidden but morally wrong. And the mention of 'subordinate authority' may imply that individual resistance is so inconceivable a notion that it is simply not worthy of mention. Kersting (1992), 361, prevents Kant from being misunderstood, by claiming (in what appear to be quite Aristotelian terms: 1.2) that 'Kant's prohibition of resistance does not imply any duty of obedience to a regime that practices state-terror and murders entire groups of the population. A condition that is dominated by mass murderers does not deserve the title of a condition of right.'

Aristotle was surely no stranger to the catastrophic consequences of the oligarchic revolutions of 411/10 and 404/3 in Athens). Reform rather than revolution may have been a rule of thumb under the circumstances.

Fourth-century BC Athenian democracy may have had something to do with this Aristotelian attitude towards *stasis*. There is reason to believe that he conceived of Athens' political system not simply as a *pis aller*. This might be the case in Books VII–VIII. When it comes to the bulk of the *Politics*, Books III–VI, the influence of fourth-century Athens in his political theory is far greater than he himself would have admitted: ‘He has drawn much nearer the Athenian democracy than he himself thinks. ... On the whole, his “polity” is nothing but the Attic people's rule free from its dark sides.’⁴⁸⁹ This claim helps explain why Aristotle did not press the point of revolution. The fourth-century Athenian constitution was very different from Aristotle's ‘perfect’ type of extreme democracies and may well have made a ‘good enough’ form of government (cf. *Pol.* V.9 1309^b31–2). Moreover, these considerations may explain many of Aristotle's approving references to democratic features in several passages of the *Politics* (5.2). For instance, he says that democracy in the proper sense (*keurios*) is a regime in which the laws—and not decrees—rule on account of their generality (IV.4 1292^a36). Similarly, he is of the opinion that treating one another in a democratic way (*dēmotikōs*), i.e. ‘the equality (*to ison*) that those of the popular sort seek for the multitude is not only just but advantageous (*ou monon dikaion alla kai sumpheron*) for persons who are similar (*tōn homoion*)’ (V.8 1308^a11–13). He comes up with the same idea through a remarkably similar wording (and even with regard to considerations of nature) in his essay on the best state:

Among similar persons (*tois ... homiois*) what is morally admirable and justice (*to kalon kai to dikaion*) are found in {ruling and being ruled} in turn, for this is

⁴⁸⁹ Oncken (1870–3), ii, 240; cf. 172, 260. Ulrich von Wilamowitz Moellendorff also claims that Aristotle ‘remains unconsciously under the spell of Attic ideas in a much stronger way than he is consciously an enemy of Attic democracy’ (*Aristoteles und Athen* (Berlin, 1893), i, 348, cited in Schütrumpf (1980), 65). See also Aubenque (1993a), 260. Socrates himself was quite happy with Athens.

something equal and similar (*touto gar ison kai homoion*): {to assign} what is not equal (*to ... mē ison*) to equal persons (*tois isois*) and what is not similar (*to mē homoion*) to similar persons (*tois homoiois*) is contrary to nature (*para phusin*), and nothing contrary to nature is morally admirable (*kalon*). (VII.3 1325^b7–9)

And ‘for many reasons it is necessary for all in similar fashion (*homoios*) to participate in ruling and being ruled in turn. For equality (*to ... ison*) is the same thing {as justice} for persons who are similar (*tois homoiois*)’ (VII.14 1332^b26–7) (the appeal to the standard of what is advantageous and just reappears at VII.9 1329^a16). In his own ideal polis majority rule will also prevail in the assembly: ‘both in oligarchies and everywhere else, the larger part is in authority (*kurion*)’ (IV.4 1290^a32). And in the light of V.8 1308^a16, where we read that in Sparta ‘*hoi homoioi* are, as it were, a *dēmos*’, it would not be off the mark to describe his own best constitution in democratic terms.⁴⁹⁰

Furthermore, democracy was the most moderate (*metriōtatē*) of the deviations (*Pol.* IV.2 1289^b4); democracies are safer (*asphalesterai*) and longer-lasting (*poluchroniōterai*) than oligarchies (IV.11 1296^a13–14; cf. V.1 1302^a15); democracy is also less liable to faction (*astasiastos mallon*) than oligarchy (V.1 1302^a8–9). According to VI.8 1322^b37–1323^a3 Athens even looks after *eukosmia* in an important sense, i.e. Athenian officers supervised activities involving leisure and paid attention to orderly behaviour regarding public spectacles, especially athletic and dramatic contests.⁴⁹¹ Last, but not least, ‘Now that city-states have become even larger, it is perhaps no longer easy for any other constitution to arise besides democracy’ (III.15 1286^b20–2).

The very fact that Aristotle recognizes that the authority of law is upheld in all but the extreme type of democracy should be enough to give the lie to the claim that Aristotle should be counted without further ado among the critics of democracy. In fact, one of Aristotle's arguments for assigning political decision-making to the demos, namely that the user is a better judge than the expert (*Pol.* III.11 1282^a17 ff.), is essential for democratic theory and breaks with Platonic anti-democratic positions about the justification of a claim to political rule.⁴⁹²

On the whole, then, Athenian democracy seems to be quite different from Aristotle's extreme democracy and thus not a totally unattractive political option in Aristotle's eyes. Leaving aside the fact that extreme or ‘complete’ democracy is ‘essentially an ideal abstraction’,⁴⁹³ the evidence

⁴⁹⁰ Cf. Schütrumpf (1996a), 523: ‘Nach dieser Logik galt Sparta als Demokratie: Isokr. 7, 61.’

⁴⁹¹ See Schütrumpf (1996a), 665.

⁴⁹² See Schütrumpf (1996a), 289.

⁴⁹³ Mulgan (1977), 75.

for this claim is quite convincing. To be sure, pay for political participation, one of the central features of Aristotle's description of extreme democracy, was also a warhorse of Athenian democracy (*Pol.* IV.6 1293^a1–6); and it is something probably unheard of outside Athens. However, for instance, Aristotle's claim at VI.4 1319^b9 ff. that it is a characteristic policy of extreme democracies to enfranchise even those who are of citizen stock on only one side, could not be applied to Athens after Pericles' citizenship law of 451. In this regard there is reason to believe that Athens belongs to the third type of democracy as stated at IV.4 (1292^a2). Aristotle thus is not describing the reality of Athenian democracy but a measure which might have been adopted in Athens (*Xen. Hell.* II.3.48; [*Ath. Pol.*] 40.2), had not some moderate forces prevailed.⁴⁹⁴ A further mark of extreme democracy concerns attacks on the rich (V.9 1310^a5), something avoided by Athenian democracy after 404: a policy of reconciliation was carried out which spared the rich especially ([*Ath. Pol.*] 40.2, 3). As far as the lack of observance of the rule of law on the part of extreme democracy is concerned, once more fourth-century Athenian reality does not fall under the description. The Athenian constitution after 404 reintroduced a sort of judicial review through the constitutional recognition of the supremacy of laws over decrees, and thus avoided the mistakes reported by Aristotle at V.9 1310^a2–4 (cf. IV.4 1292^a35).⁴⁹⁵

Thus Aristotle might have endorsed Hume's claim that there is no point in insisting on a fixed boundary beyond which a government may not call upon its subjects to obey:

Resistance, ..., being admitted in extraordinary emergencies, the question can only be among good reasoners, with regard to the necessity which can justify resistance, and render it lawful and commendable. And here I must confess, that I shall always incline to their side, who draw the bond of allegiance very close, and consider an infringement of it, as the last refuge in desperate cases, when the public is in the highest danger, from violence and tyranny. ... [A]s obedience is our duty in the common course of things, it ought chiefly to be inculcated; ... [Nothing] can be more preposterous than an anxious care and sollicitude in stating all cases, in which resistance may be allowed.⁴⁹⁶

⁴⁹⁴ See Schütrumpf (1996a), 301.

⁴⁹⁵ Cf. Boegehold (1996), 203: '[W]hat we are pleased to call radical democracy was sustained even in its full term by a deep vein of conservatism [regarding the stability of the law]':

⁴⁹⁶ Hume (1994), 293, 'Of passive obedience'.

Conclusion

I have argued in this book that the general assumption that Aristotle is not interested in the question of political obligation is fundamentally flawed. Several arguments against the *opinio communis* on the issue of political obligation in Aristotle have been called in question. We have seen that neither the 'readership' of Aristotle's practical works, nor his value-laden social science, spell trouble for the attempt to attribute a theory of political obligation to him. The normative credentials of his ethical and political naturalism are also sound: there is no leap from fact to value in his practical philosophy. The usual conceptual-historical concerns about authority, moral obligation, and political obligation in a classical Greek context do not apply either. To be sure, we may well disagree with some aspects of Aristotle's conception of well-being, and there is no question that many of Aristotle's political ideas are seriously and embarrassingly wrong, such as his views on slavery and women. But this does not prevent his practical philosophy from accommodating a recognizable notion of authority and morality.

Furthermore, this study has attempted to show that Aristotle's picture of the political question is not coloured in a traditional communitarian style and thus does not share in some standard communitarian argumentative defects either. We have also seen that in Aristotle's view the value of the individual is not simply a function of his contribution to the community, but rather the reverse. The very *raison d'être* of the polis is to attend to the well-being of each of its citizens, its naturalness is a function of its effectiveness in fulfilling its task, and the political bonds of citizens stand or fall by such effectiveness. Admittedly, Aristotle seems to offer different arguments to embody the thesis that political authority should be exercised in the interest of the governed, and they are not all equally persuasive. However, he does raise the political question and offers at least one answer which is quite in tune with central modern and contemporary ways of dealing with this issue, in addition to the challenging idea that even fully moral and rational agents would still be in need of governmental direction.

Finally, according to Aristotle's political philosophy, the justification of government and the limits of political allegiance are two sides of the same coin. The same moral considerations which apply to the exercise of political authority also bear upon the obedience due to the state. If they are not met, there are occasions on which the government is stripped of

any moral authority it might have previously had and citizens may act on a right of resistance against oppression.

There is reason to believe that many of the objections raised to the idea that Aristotle has a theory of political authority and obligation have something to do with the assumption that political obligation has played a central role in modern political thought, that it is mainly a modern (at best, a late medieval) notion, and that, therefore, it has no place in Aristotle's political philosophy. But a main concern of this book has been to argue that some uncontested and sweeping assumptions shared by many historians of moral, political, and legal philosophy have led to not a few misunderstandings in the field, the non-existence of political obligation in Aristotle being one of them.

This type of misunderstanding is bound to happen when the history of political thought is approached without appropriate caution in terms of the opposition classical/modern. The model approach casts the net too widely as it interprets premodern visions of politics as negative images of what appear to be distinctively modern views. So, for instance, the standard opposition between Hobbes and Aristotle on the character and justification of the state is a stereotype which tells us more about the time in which the interpretation is put forward than about the philosophical texts themselves.

Thus this antithesis between modern and classical political philosophy, between Hobbes and Aristotle, is often the result of the self-understanding of modern political philosophy itself, deeply affected in turn by Hobbes's own self-understanding as the champion of an entirely new way of doing political theory, rather than the upshot of a careful consideration of the texts.⁴⁹⁷ Just as in the case of the ethical differences between Aristotle and Kant, the point is not that there are no political differences between Aristotle and Hobbes but that the line should be drawn elsewhere.

There is no denying that political obligation is typically a modern issue, and that it is mainly at home in modern political and legal theory. But it does not follow from this that it plays no role in Aristotle at all. In this sense, this book has not argued that political obligation is the linchpin of Aristotle's political philosophy, but rather that the notion of limited political authority and obligation has a fairly recognizable place within his thought. It may well not be the *spécialité de la maison*, but it is definitely on the menu.

⁴⁹⁷ Abraham Cowley, in his ode 'To Mr Hobbes' (1656) wrote that before Hobbes 'Long did the mighty Stagirite retain | The universal intellectual reign', and that the 'barbarous' schoolmen were slain by Hobbes, the 'great Columbus of the Golden lands of new Philosophies' (cited in Goldie (1991), 615).

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Index Locorum

AESCHINES,

I.4–6, 177–8:, 102 n. 32

III.6–7:, 102 n. 32

ARISTOPHANES,

Ranae 1071–2:, 102 n. 32

ARISTOTLE,

de Interpretatione,

I 16^a3–8:, 9 n. 14

Analytica Posteriora,

I.7 75^a39–b2:, 59

Topics,

VI.13 150^a33–6:, 83

Physics,

II.1 192^b16–20:, 75

II.1 192^b21–3:, 74

VIII.4 225^a30–b5:, 84 n. 72

De Anima,

II.3 414^b2–6:, 163

II.4 415^a16–21:, 61

II.4 415^a26–b7:, 216 n. 77

II.5 417^a21–418a6:, 84 n. 72

II.5 417^a21–b2:, 71 n. 49

III.4 429^b5–9:, 84 n. 72

III.9 432^b5–7:, 163

III.10 433^b5–10:, 48

History of Animals,

I.1 488^a7–10:, 68, 224

Parts of Animals,

II.1 646^a24–9:, 75

Movement of Animals,

7 701^a6–19:, 131

10 703^a28–b2:, 224, 234

Problems,

XIX.33 920^a21:, 200

Metaphysics,

I.2 982^b25–6:, 157, 228

V.4:, 74

V.11 1018^b28–9:, 200

IX.2 1046^a36 ff.:', 73

IX.2 1046^b24–8:, 65 n. 38

IX.5 1047^b31 ff.:', 73

XII.7 1072^b8–10:, 52

XII.9 1074^b15–1075a5:, 52

XII.10 1075^a19–23:, 158

XII.10 1076^a3:, 183

XIV.4 1091^b15–20:, 216 n. 77

Nicomachean Ethics,

I.1:, 28

I.1 1094^a1–2:, 12, 181

I.2 1094^a24:, 117

I.2 1094^a26–b3:, 186

I.2 1094^a27:, 14

I.2 1094^b5–6:, 113 n. 52, 133

I.2 1094^b5:, 17

I.2 1094^b7:, 14

I.2 1094^b9–10:, 186

I.3 1095^a5–6:, 59

I.4 1095^a19:, 181

I.4 1095^a22–8:, 63

I.5 1095^b19–22:, 63

I.5 1095^b19–20:, 161

I.7 1097^a33–4:, 52

I.7 1097^a34–b5:, 123–4

I.7 1097^b1–5:, 57

I.7 1097^b6–7:, 52

I.7 1097^b8–13:, 84

I.7 1097^b24–1098a18:, 53–4

I.7 1097^b26–7:, 63, 66

I.7 1097^b27:, 53 n.

I.7 1098^a8–10:, 32 n.

I.7 1098^a14–15:, 65

I.7 1098^a17–18:, 14

I.7 1098^a18–19:, 151

I.7 1098^a20–2:, 58

I.8 1098^b12–14:, 57

I.8 1098^b14–15:, 57

I.8 1098^b18–19:, 61

I.8 1098^b26:, 134

I.8 1099^a31–b2:, 57

I.8 1099^a32–3:, 134, 252

I.8 1099^a33–b1:, 164

I.8 1099^b2–7:, 57

I.9 1099^b21–2:, 77

I.9 1099^b25–30:, 66 n. 41

I.9 1099^b27–8:, 164

I.9 1099^b31–2:, 134

I.10 1100^b18–19:, 205 n. 62

- I.10 1101^a14–16; 58
 I.10 1101^a15–16; 134
 I.13 1102^a5–7; 51, 65
 I.13 1102^a7–10; 183
 I.13 1102^a8; 32
 I.13 1102^a11; 14
 I.13 1102^b30–3; 107, 165
 I.13 1102^b31–2; 107, 213
 I.13 1102^b31; 107, 165
 I.13 1102^b32; 107, 165
 II.1 1103^a14 ff.; 183
 II.1 1103^a17–27; 77
 II.1 1103^a24–6; 81
 II.1 1103^a31–b2; 183
 II.1 1103^b3–6; 183
 II.2 1103^b6–10; 32, 65
 II.2 1103^b31–2; 135
 II.3 1104^b28; 34 n., 94
 II.4 1105^a22–6; 27 n. 26
 II.4 1105^a26 ff.; 162 n. 33
 II.4 1105^a29; 135
 II.4 1105^a31–2; 232 n. 30
 II.4 1105^a32; 14, 124, 134
 II.5 1106^a3–4; 126
 II.6 1106^a22–4; 65
 II.6 1106^a22–3; 58
 II.6 1106^b36–1107a1; 132
 II.6 1106^b16–28; 127
 II.6 1106^b36–1107a2; 127
 II.6 1106^b36; 27, 126
 II.6 1107^a8–17; 61 n.
 II.7 1107^b1–2; 63
 II.7 1107^b30–1108a1; 63
 III.1 1110^a25–7; 61 n.
 III.1 1110^a26–7; 254
 III.2–3; 50
 III.2 1111^b11–13; 48, 163
 III.2 1111^b26; 25 n. 23, 163
 III.2 1111^b27; 131
 III.3 1112^a19–21; 12
 III.3 1112^a30–1; 130
 III.3 1112^a31; 12
 III.3 1112^b11–12; 130, 131
 III.3 1112^b13–14; 110
 III.3 1112^b13; 26, 35 n. 39
 III.3 1112^b15–17; 101, 131
 III.3 1112^b16–17; 104 n.
 III.3 1113^a10–12; 128
 III.3 1113^a10–11; 48
 III.4 1113^a15–26, 31^b4; 24
 III.4 1113^a15; 163
 III.4 1113^a25, 29–33; 14
 III.4 1113^a29–33; 131
 III.4 1113^a33; 137, 252
 III.5; 12
 III.5 1113^b23–5, 33–4; 170
 III.5 1114^a14; 25 n. 23
 III.5 1114^b29–30; 135
 III.7 1115^b10–13, 17–19; 127
 III.7 1115^b12–13; 133, 134, 135, 246
 III.7 1115^b17–19; 133
 III.7 1115^b21–4; 124
 III.7 1115^b26–8; 127
 III.8 1116^a17–b3; 185 n. 26
 III.8 1116^a17; 32, 39 n. 44
 III.8 1116^a19; 102
 III.8 1116^a30; 102
 III.8 1116^a32–b2; 35
 III.8 1116^a32–b3; 96 n. 18
 III.8 1116^b2–3; 35 n. 38, 134, 184
 III.8 1116^b17; 103 n.
 III.8 1116^b21–2; 120 n. 13
 III.8 1117^a8; 135
 III.9 1117^b14; 246
 III.11 1119^a20; 135
 IV.1 1119^b17–18; 133, 135
 IV.1 1120^a23–4; 51, 134, 184
 IV.1 1121^a1–4; 133
 IV.1 1121^a1; 134
 IV.2 1122^a23; 134
 IV.2 1122^b6–7; 134
 IV.2 1123^a20; 134
 IV.3 1123^b20–1; 57
 IV.3 1123^b21–3; 34
 IV.3 1124^a27; 135
 IV.3 1124^b31–1125a1; 164
 IV.3 1124^b31; 157
 IV.4 1125^b17–18; 63
 IV.5 1125^b35; 135
 IV.5 1126^a35, b2–3; 16 n.
 IV.6 1127^a7–17; 63
 IV.6 1127^a14; 63
 IV.8 1128^a32; 214
 V.1 1129^b11; 135
 V.1 1129^b19–21; 101
 V.1 1129^b19–23; 185 n. 26
 V.1 1129^b20–4; 184
 V.1 1129^b20; 186 n. 26
 V.1 1129^b30–1130a8; 119
 V.1 1130^a8–13; 135
 V.1 1130^b6–7; 135
 V.4 1132^a19, 22–3; 102 n. 34
 V.5 1132^b31–1133a1; 142
 V.5 1133^a1; 244
 V.6 1134^a24–6; 243
 V.6 1134^b8–15; 244
 V.7 1134^b18–24; 108, 206
 V.7 1134^b18; 32

- V.7 1134^b19, 20.; 170
 V.7 1135^a5.; 77
 V.11 1138^a10.; 135
 VI.1 1138^b20, 29.; 135
 VI.2 1139^a21–2, 27, 29, 36.; 59
 VI.2 1139^a21–2.; 49
 VI.2 1139^a22–6.; 128
 VI.2 1139^a22–3.; 27, 126
 VI.2 1139^a23.; 48
 VI.2 1139^a24 ff.; 48
 VI.2 1139^a31–b5.; 50
 VI.2 1139^a31–2.; 128
 VI.2 1139^a34–5.; 126
 VI.2 1139^b3–5.; 128
 VI.4 1140^a5–6.; 27, 60
 VI.4 1140^a16–17.; 27
 VI.5 1140^a25–8.; 121, 130, 181
 VI.5 1140^a27–8.; 27
 VI.5 1140^a28.; 131
 VI.5 1140^b4–6, 20–1.; 27, 121
 VI.5 1140^b6–7.; 51
 VI.5 1140^b30.; 205 n. 62
 VI.7 1141^a20.; 15
 VI.7 1141^b9–10.; 130
 VI.8 1141^b23–4.; 15
 VI.8 1142^a1–9.; 63
 VI.8 1142^a2.; 32
 VI.8 1142^a10.; 181
 VI.9 1142^b32–3.; 130
 VI.10 1143^a8–9.; 131, 133, 135
 VI.12 1143^b28–33.; 127
 VI.12 1144^a6.; 59
 VI.12 1144^a19.; 124, 134
 VI.12 1144^a24–6.; 121
 VI.12 1144^a26–8.; 121
 VI.12 1144^b1–30.; 127, 185 n. 26
 VI.13.; 94
 VI.13 1144^b24–8.; 14
 VI.13 1145^a4.; 37
 VI.13 1145^a5–6.; 131
 VII.4 1147^b31.; 135
 VII.8 1151^a12.; 135
 VII.10 1152^a20–4.; 236
 VII.10 1152^a31–3.; 49
 VII.11 1152^b1–2.; 14
 VIII.1 1154^a24–6.; 213, 214
 VIII.1 1155^a3.; 165
 VIII.2 1155^b29.; 25 n. 23
 VIII.3 1156^b12.; 205 n. 62
 VIII.3 1156^b31.; 25 n. 23
 VIII.8 1160^a8–9.; 202 n. 55
 VIII.9 1160^a21.; 201 n. 55
 VIII.10 1161^a6–9.; 157
 VIII.12 1162^a17–19.; 69 n. 47
 VIII.12 1162^a17–18.; 82
 VIII.13 1162^b21–2.; 135
 IX.1 1163^b34.; 32
 IX.2 1165^a30–1.; 201 n. 55
 IX.3 1165^b13.; 206 n. 62
 IX.4 1166^a12.; 14
 IX.4 1166^a17, 22–3.; 172
 IX.4 1166^a30–2, b1–2.; 213
 IX.6 1167^a22–b9.; 210–11
 IX.6 1167^a31.; 214
 IX.6 1167^b5–6.; 212
 IX.6 1167^b9–16.; 190
 IX.6 1167^b9.; 213
 IX.8 1168^a31–5.; 164
 IX.8 1168^a31–3.; 160
 IX.8 1168^b15–23.; 162
 IX.8 1168^b22.; 135
 IX.8 1168^b25–7.; 132
 IX.8 1168^b28–31.; 162
 IX.8 1168^b29–1169a3.; 132
 IX.8 1168^b30–1.; 132
 IX.8 1169^a1.; 162
 IX.8 1169^a2.; 132, 172
 IX.8 1169^a3–6.; 162
 IX.8 1169^a3, 18.; 132
 IX.8 1169^a8–13.; 200 n. 51
 IX.8 1169^a15–16.; 34, 132
 IX.8 1169^a30–1.; 246
 IX.9 1170^a13–16.; 77
 IX.9 1170^b1–2, 15.; 77
 IX.9 1170^b12–14.; 162 n. 32
 IX.10 1171^a17–19.; 107, 165
 X.1 1172^a32.; 161
 X.5 1176^a16–18.; 131
 X.5 1176^a16–17.; 14
 X.6 1176^b6–9.; 51
 X.6 1176^b8–9.; 134
 X.6 1176^b21–4, 26–7.; 25 n. 23
 X.7 1177^a27–b1.; 52
 X.7 1177^b5–12.; 51
 X.7 1177^b10–11.; 241 n. 49
 X.7 1177^b22.; 51
 X.7 1177^b30–1.; 58
 X.7 1177^b31–1178a2.; 58
 X.7 1177^b31–3.; 63
 X.7 1178^a5–6.; 77
 X.8 1178^b7–8.; 94
 X.8 1178^b25–7.; 52
 X.8 1178^b34.; 52
 X.9 1179^a4–8.; 135
 X.9 1179^a6–8.; 94
 X.9 1179^b31–5.; 183
 X.9 1180^a9–10.; 195
 X.9 1180^a14–17.; 183

- X.9 1180^a18–21; 202
X.9 1180^a24–5; 223 n. 6
Eudemian Ethics,
I.5 1215^b31–1216a2; 161
I.5 1216^a23–8; 32
II.2 1214^b7 ff.; 66 n. 41
II.8 1224^a23–30; 122
III.1 1229^a1–8; 127 n. 29
III.7 1233^b35–8; 166
VII.1 1235^a2; 202 n. 55
VII.2 1236^b10–15, 20–7; 31
VII.9 1241^b25–7; 201 n. 55
VII.10 1241^b29; 200
VII.10 1242^a1–2; 202 n. 55
VII.10 1242^a22–7; 153
VII.10 1248^b37–1249a16; 232 n. 30
VII.15 1248^b38,
Politics,
I.1; 69
I.1 1252^a1–6; 12, 28 n. 28, 174
I.1 1252^a2–3; 246
I.1 1252^a7–9; 15, 90, 155
I.1 1252^a7–8; 112
I.2; 69
I.2 1252^a24–6; 74
I.2 1252^b27 ff.; 175 n.
I.2 1252^b29; 223 n. 6
I.2 1252^b31–1253a1; 216 n. 77
I.2 1252^b32–3; 77
I.2 1253^a3–4; 84
I.2 1253^a3; 241
I.2 1253^a4; 241
I.2 1253^a5; 241
I.2 1253^a7–18; 70, 71, 173
I.2 1253^a7–9; 68
I.2 1253^a7; 189
I.2 1253^a14–15; 73
I.2 1253^a18–33; 84
I.2 1253^a18–29; 82
I.2 1253^a19–25; 222
I.2 1253^a19–23; 224 n. 12
I.2 1253^a19–20; 81
I.2 1253^a19; 84 n. 73
I.2 1253^a21–2, 25; 240 n. 45
I.2 1253^a26–8; 84
I.2 1253^a27–9; 83
I.2 1253^a28; 83
I.2 1253^a28–9; 197 n. 45
I.2 1253^a29; 216 n. 77
I.2 1253^a29–31; 74
I.2 1253^a29–33; 183 n. 20
I.2 1253^a29–30; 70, 71
I.2 1253^a30–1; 17, 75, 150
I.2 1253^a31–9; 241
I.2 1253^a34; 74 n. 53
I.3 1253^b18; 15
I.4 1254^a10; 222
I.4 1254^a14–15; 231 n. 28
I.5 1254^a21–2; 188
I.5 1254^a24–6; 15
I.5 1254^a24–5; 90
I.5 1254^a28–31; 183
I.5 1254^a33; 199
I.5 1254^b3–13; 15
I.5 1254^b3–4; 179
I.5 1254^b4; 89, 90, 112
I.5 1254^b12–13, 19–20; 15
I.5 1254^b19; 113 n. 54
I.5 1255^a3; 150
I.5 1255^a8–9; 189
I.6 1255^b7–8; 113 n. 54
I.7 1255^b16–20; 15
I.7 1255^b17; 90
I.7 1255^b20; 112
I.8 1256^b24–6; 244
I.8 1256^b25; 113 n. 54
I.10 1258^a21–3; 75 n. 56
I.12 1259^b4; 113 n. 50
I.13 1259^b32–1260a2; 105
I.13 1259^b34–6; 150
I.13 1259^b35–6; 105, 113 n. 52, 113 n. 54
I.13 1259^b37; 105
I.13 1260^a31–3; 157
I.13 1260^b17; 69
II.1 1260^b29; 238 n. 41
II.1 1260^b34–6; 86
II.1 1260^b34–5; 137, 172
II.1 1261^a16–22; 226
II.2 1261^a18–22; 213
II.2 1261^a22 ff.; 148 n.
II.2 1261^a23; 69
II.2 1261^a30–1; 142
II.2 1261^a30; 231 n. 28
II.3 1261^b25; 213
II.3 1261^b32; 211 n. 69, 213
II.3 1261^b33–8; 191 n.
II.3 1262^a12; 201 n. 55
II.3 1262^a14–24; 227 n. 19
II.4 1262^a40 ff.; 227 n. 19
II.4 1262^b7–9; 214
II.5; 148 n.
II.5 1263^a21 ff.; 148 n.
II.5 1263^a22–3; 149 n. 5
II.5 1263^a23; 103 n., 183, 202
II.5 1263^b6; 202 n. 55
II.5 1263^b20–3; 22
II.5 1263^b23; 195
II.5 1263^b34–5; 199

- II.5 1263^b36 ff.;, 149 n. 5
 II.5 1264^a8; 201 n. 55
 II.5 1264^a18–20; 147, 150
 II.5 1264^a18; 149
 II.5 1264^a22; 202 n. 55
 II.5 1264^a33; 114 n. 55
 II.5 1264^b6–10; 249 n. 64
 II.5 1264^b15 ff.;, 148 n.
 II.6 1264^b31; 103 n.
 II.6 1264^b34; 114
 II.6 1264^b35; 113 n. 49
 II.6 1265^a13 ff.;, 148 n.
 II.6 1265^a17; 148 n.
 II.6 1265^a21–2; 148 n.
 II.6 1265^b19; 149
 II.6 1266^a3; 24, 189 n. 32
 II.6 1266^a11; 136
 II.7 1266^b30 ff.;, 149 n. 5
 II.7 1266^b30; 183
 II.7 1266^b34–5; 232
 II.8 1267^b39; 114
 II.8 1268^a5; 138
 II.8 1268^a23; 115
 II.8 1268^a24–5; 139 n.
 II.8 1268^a28; 114
 II.8 1268^b6; 102 n. 34
 II.8 1268^b34–8; 75 n. 56
 II.8 1269^a3–4; 172, 246
 II.8 1269^a10; 103 n.
 II.8 1169^a10–11; 200 n. 51
 II.8 1269^a12 ff.;, 172 n. 53, 200
 II.8 1269^a13–14; 220
 II.8 1269^a16–17; 220
 II.8 1269^a18–19; 251
 II.8 1269^a19–20; 75 n. 56, 183 n. 21
 II.8 1269^a20–1; 236
 II.8 1269^a22; 173 n. 53
 II.9 1269^a29–34; 239
 II.9 1269^a30–4; 238 n. 41
 II.9 1269^a30; 22
 II.9 1269^a31–2; 103 n.
 II.9 1269^a34; 137
 II.9 1269^a36 ff.;, 148–9, n. 5
 II.9 1269^b10; 114 n. 56
 II.9 1269^b13; 148 n.
 II.9 1270^a4 ff.;, 149 n. 5
 II.9 1270^a29 ff.;, 148 n.
 II.9 1270^b4; 136, 148 n.
 II.9 1270^b7, 14, 19, 24, 36; 113 n. 49
 II.9 1270^b8; 114 n. 55, 115
 II.9 1270^b9, 18–19; 232
 II.9 1270^b21–2; 18, 220
 II.9 1270^b28–9, 39; 114
 II.9 1270^b29–31; 190
 II.9 1270^b39; 114 n. 55
 II.9 1271^a11–12; 139
 II.9 1271^a12; 113 n. 51
 II.9 1271^a26–37; 239
 II.9 1271^a26–7; 202 n. 55
 II.9 1271^a28 ff.;, 148 n.
 II.9 1271^a41–b10; 231
 II.9 1271^b2–6; 237 n.
 II.9 1271^b2; 103 n.
 II.9 1271^b4; 149 n. 5
 II.9 1271^b6; 114
 II.9 1271^b7–10; 232 n. 30
 II.9 1271^b10–17; 191 n.
 II.10 1271^b29, 32; 103 n., 202
 II.10 1271^b33; 112 n. 47
 II.10 1271^b40; 103 n.
 II.10 1272^a4; 103 n.
 II.10 1272^a11; 114
 II.10 1272^a12; 148 n.
 II.10 1272^a32; 113 n. 49
 II.10 1272^a33; 103 n.
 II.10 1272^a38; 133 n. 51
 II.10 1272^b1–14; 79
 II.10 1272^b2; 24, 189 n. 32
 II.10 1272^b5–7; 190
 II.10 1272^b9–10; 103 n.
 II.10 1272^b9–11; 24
 II.10 1272^b11–16; 151
 II.10 1272^b12; 151 n. 10
 II.10 1272^b14–15; 152 n. 11
 II.10 1272^b14; 151 n. 10
 II.10 1272^b19–20; 112 n. 47
 II.11 1272^b29; 137
 II.11 1272^b30–1; 103 n., 137
 II.11 1272^b30; 103 n.
 II.11 1272^b32; 240 n. 45
 II.11 1272^b33–4; 202 n. 55
 II.11 1272^b41; 114
 II.11 1273^a8; 114
 II.11 1273^a11; 114
 II.11 1273^a13; 114 n. 55
 II.11 1273^a21–2; 103 n.
 II.11 1273^a21, 31; 16 n.
 II.11 1273^a25, b5; 113 n. 51
 II.11 1273^a25; 138
 II.11 1273^a39–41; 170 n. 48
 II.11 1273^a39–40; 114 n. 56
 II.11 1273^b10–11; 12 n.
 II.11 1273^b12–15; 104
 II.11 1273^b17; 104, 170 n. 48
 II.11 1273^b26; 138
 II.12 1273^b32; 17, 75
 II.12 1273^b30–2; 13 n. 4
 II.12 1273^b32–3; 74

- II.12 1273^b38–9; 9
 II.12 1274^a4, 17; 114 n. 55, 114 n. 57
 II.12 1274^a15–17; 248 n. 60
 II.12 1274^a18; 245
 II.12 1274^b17; 213 n. 74
 II.12 1274^b18; 74
 III.1 1274^b38–1275a2; 82
 III.1 1274^b38; 103 n., 188, 202
 III.1 1274^b41; 69, 223 n. 6
 III.1 1275^a7–8; 148
 III.1 1275^a15; 136 n. 50
 III.1 1275^a18–29; 9
 III.1 1275^a18; 90 n.
 III.1 1275^a23; 113 n. 49, 115
 III.1 1275^a29–30; 90 n.
 III.1 1275^b17–21; 223 n. 6
 III.1 1275^b18–19; 179
 III.1 1275^b18; 113 n. 49
 III.1 1275^b19; 115
 III.2 1275^b30; 23
 III.2 1275^b38; 23
 III.2 1276^a1–2; 23
 III.2 1276^a3; 23, 113 n. 51, 138
 III.3 1276^a23–4; 69, 176
 III.3 1276^a33; 12 n.
 III.3 1276^a35–9; 225
 III.3 1276^b1–11; 17, 200
 III.3 1276^b8–9; 200
 III.4–5; 12 n.
 III.4 1276^b20–7; 26
 III.4 1276^b21 ff.; 75 n. 56
 III.4 1276^b26, 29; 143
 III.4 1276^b28–37; 141
 III.4 1276^b28–34; 38
 III.4 1276^b28–9; 18, 139, 181, 236
 III.4 1276^b30–4; 26
 III.4 1277^a5 ff.; 69
 III.4 1277^a10–11; 136 n. 50
 III.4 1277^a11–12; 200
 III.4 1277^a14–16, 23, b25–9; 93
 III.4 1277^a21–2; 180
 III.4 1277^a23–4; 26
 III.4 1277^a27; 138, 154, 170 n. 48
 III.4 1277^a33; 89, 112 n. 48
 III.4 1277^b4; 33 n.
 III.4 1277^b5–8; 164
 III.4 1277^b7–16; 103
 III.4 1277^b7–8; 158
 III.4 1277^b7; 90, 112 n. 47
 III.4 1277^b9; 112
 III.4 1277^b13–16; 106, 158
 III.4 1277^b13; 139
 III.4 1277^b14; 170 n. 48
 III.4 1277^b16; 112 n. 47
 III.4 1277^b18, 29; 158, 180
 III.5 1277^b33–9; 180 n. 14
 III.5 1277^b35; 113 n. 49
 III.5 1278^a5; 180
 III.5 1278^a8–11, 20–1; 39
 III.5 1278^a16–17; 180
 III.5 1278^a26; 113 n. 49
 III.5 1278^a35–6; 40
 III.5 1278^b3–4; 94
 III.5 1278^b3; 15, 114 n. 56
 III.6 1278^b8–10; 152
 III.6 1278^b8–9; 103 n.
 III.6 1278^b9–10; 115, 188
 III.6 1278^b10; 69, 114
 III.6 1278^b15–30; 70
 III.6 1278^b16, 30; 112 n. 47
 III.6 1278^b17–30; 72
 III.6 1278^b19; 72, 73
 III.6 1278^b20–5; 73
 III.6 1278^b22–3; 138
 III.6 1278^b39–1279a10; 106
 III.6 1278^b40 ff.; 75 n. 56
 III.6 1279^a2–7; 143
 III.6 1279^a8; 113 n. 50
 III.6 1279^a10; 113 n. 51
 III.6 1279^a11; 179
 III.6 1279^a14; 113 n. 49
 III.6 1279^a17–7 1279^b10; 69
 III.6 1279^a17–21; 141, 179
 III.6 1279^a17–18; 226
 III.6 1279^a19–21; 241
 III.6 1279^a21; 82, 148, 241 n. 47
 III.6 1279^a31, b4; 16 n.
 III.7 1279^a24–5; 16
 III.7 1279^a26–7; 114
 III.7 1279^a28–9; 179
 III.7 1279^a29; 110 n. 43
 III.7 1279^a35; 113 n. 51
 III.7 1279^a37; 110 n. 43
 III.7 1279^b3; 115
 III.7 1279^b4; 30
 III.7 1279^b6–7, 16–17; 241
 III.8 1279^b16–17; 241, 47
 III.8 1280^a5; 159 n. 27
 III.9 1280^a13–16, 20; 187
 III.9 1280^a24; 159 n. 27
 III.9 1280^a32–3; 68, 69
 III.9 1280^a33–4; 48
 III.9 1280^a35; 142
 III.9 1280^b5; 39 n. 44, 185 n. 26
 III.9 1280^b6 ff.; 24, 234
 III.9 1280^b7–8; 240
 III.9 1280^b10–11; 80 n.
 III.9 1280^b12; 183

- III.9 1280^b17 ff.; 69
 III.9 1280^b29–1281a1.; 229 n. 23
 III.9 1280^b37–8.; 201 n. 55
 III.10 1281^a11.; 114
 III.10 1281^a12.; 182 n. 18
 III.10 1281^a16, 29, 35.; 114 n. 56
 III.10 1281^a16.; 139
 III.10 1281^a22–4.; 217 n. 80
 III.10 1281^a30–1.; 113 n. 50
 III.10 1281^a42–b10.; 159 n. 27
 III.10 1281^b24–5.; 159 n. 27
 III.10 1281^b24.; 114 n. 57, 182 n. 18
 III.11 1281^b28–30.; 248 n. 60
 III.11 1281^b29–30.; 245
 III.11 1281^b31.; 115
 III.11 1282^a13.; 114
 III.11 1282^a17 ff.; 257
 III.11 1282^a25, 28, 38.; 114 n. 55, 114 n. 57
 III.11 1282^a38.; 138
 III.11 1282^b2–3.; 17, 114, 182 n. 18
 III.11 1282^b2.; 139, 181
 III.11 1282^b10.; 139, 189
 III.11 1282^b11–13.; 135, 139, 236
 III.11 1282^b13.; 16 n.
 III.12 1282^b15–16.; 115
 III.12 1282^b30.; 75 n. 56
 III.12 1283^a22.; 137 n. 53
 III.13 1283^a25.; 138 n. 55
 III.13 1283^b8–13.; 254
 III.13 1283^b27–30.; 254
 III.13 1283^b29–30.; 113 n. 53
 III.13 1283^b29, 39.; 114 n. 55
 III.13 1283^b36–7.; 12 n.
 III.13 1283^b42–1284a1, 3.; 170 n. 48
 III.13 1284^a2–3.; 107–8
 III.13 1284^a3 ff.; 216 n. 77
 III.13 1284^a10–17.; 215
 III.13 1284^a13–14.; 214
 III.13 1284^a17–b34.; 82
 III.13 1284^b7 ff.; 75 n. 56
 III.13 1284^b11.; 200
 III.13 1284^b14.; 112 n. 47
 III.13 1284^b17.; 12 n.
 III.13 1284^b32–3.; 36, 143
 III.14 1285^a4–5.; 114
 III.14 1285^a8.; 114
 III.14 1285^a22.; 112 n. 48
 III.14 1285^a35–6.; 213 n. 74
 III.14 1285^a35–7.; 214 n.
 III.14 1285^b24.; 112 n. 48
 III.14 1285^b29, 32.; 246
 III.15 1286^a1–2.; 114 n. 56
 III.15 1286^a9.; 113 n. 53
 III.15 1286^a11 ff.; 75 n. 56
 III.15 1286^a21–4.; 182 n. 18
 III.15 1286^a23.; 16 n., 114
 III.15 1286^a26.; 115
 III.15 1286^b13.; 150, 230
 III.15 1286^b20–2.; 257
 III.15 1286^b31.; 114 n. 56
 III.15 1286^b37.; 245
 III.16 1287^a1–2.; 217
 III.16 1287^a6.; 114
 III.16 1287^a8–9.; 214, 246
 III.16 1287^a11.; 114
 III.16 1287^a17.; 170 n. 48
 III.16 1287^a18.; 103 n., 202
 III.16 1287^a26.; 115
 III.16 1287^a27–8.; 180
 III.16 1287^a28–32.; 190, 215
 III.16 1287^a30.; 195
 III.16 1287^a32.; 205 n. 62
 III.16 1287^a32 ff.; 75 n. 56
 III.16 1287^a37.; 113 n. 50
 III.16 1287^b2–3.; 187
 III.16 1287^b5.; 115
 III.16 1287^b16.; 114, 115
 III.16 1287^b18.; 115
 III.16 1287^b29–30.; 40
 III.16 1287^b29–32.; 179
 III.17 1287^b37–41.; 142
 III.17 1287^b37.; 15
 III.17 1287^b38–41.; 243
 III.17 1287^b38.; 112, 179
 III.17 1287^b39–41.; 69
 III.17 1287^b40.; 16 n.
 III.17 1288^a1–2.; 182 n. 18
 III.17 1288^a2–3.; 216 n. 77
 III.17 1288^a2, 29.; 114 n. 56
 III.17 1288^a10–12.; 112, 113 n. 53
 III.17 1288^a14.; 170 n. 48
 III.17 1288^a18.; 114, 136 n. 47
 III.17 1288^a28–9.; 143
 III.18 1288^a36–7.; 108 n., 170 n. 48
 IV.1 1288^b10 ff.; 75 n. 56
 IV.1 1288^b26–7.; 12 n.
 IV.1 1288^b27 ff.; 61
 IV.1 1288^b27.; 33 n.
 IV.1 1288^b36–1289a1.; 16, 60
 IV.1 1289^a1–2.; 17
 IV.1 1289^a3.; 40
 IV.1 1289^a6–7.; 12 n.
 IV.1 1289^a11–23.; 17
 IV.1 1289^a11–18.; 189
 IV.1 1289^a12–13.; 16
 IV.1 1289^a13.; 139
 IV.1 1289^a15–16.; 103 n., 188
 IV.1 1289^a17.; 114

- IV.1 1289^a19; 113 n. 51
 IV.2 1289^a37–8; 30
 IV.2 1289^a38–9; 16 n.
 IV.2 1289^a41–b1; 240 n. 45
 IV.2 1289^b4; 257
 IV.3 1290^a7–8; 103 n., 188
 IV.3 1290^a20–2; 200
 IV.3 1290^a26; 16 n.
 IV.4 1290^a32; 257
 IV.4 1290^a35; 113 n. 49
 IV.4 1290^b10 ff.; 180 n. 14
 IV.4 1290^b18–19; 114
 IV.4 1291^a7–9; 244
 IV.4 1291^a9; 240, 244
 IV.4 1291^a22–33; 182
 IV.4 1291^a22–4; 202
 IV.4 1291^a23–4; 115, 196
 IV.4 1291^a25; 69
 IV.4 1291^a35–6; 152, 179, 181
 IV.4 1291^a37, b6; 113 n. 51
 IV.4 1291^a39–40; 115
 IV.4 1291^b1; 152
 IV.4 1292^a2; 258
 IV.4 1292^a4–13; 37
 IV.4 1292^a5; 114
 IV.4 1292^a13; 241 n. 47
 IV.4 1292^a17–19; 241 n. 47
 IV.4 1292^a17–18; 242
 IV.4 1292^a29; 115
 IV.4 1292^a30–1; 242
 IV.4 1292^a32–7; 189
 IV.4 1292^a32–3; 139
 IV.4 1292^a32; 24, 139
 IV.4 1292^a34; 115
 IV.4 1292^a35; 258
 IV.4 1292^a36; 256
 IV.6 1292^b23 ff.; 159 n. 27
 IV.6 1292^b26; 114
 IV.6 1292^b27–9; 187
 IV.6 1292^b38; 159 n. 27
 IV.6 1293^a1–6; 258
 IV.6 1293^a10; 114
 IV.6 1293^a15–20; 187
 IV.6 1293^a17; 114
 IV.7 1293^b3–4; 23, 39 n. 44
 IV.7 1293^b11; 248 n. 61
 IV.7 1293^b12–14; 248
 IV.8 1293^b25, 27; 16 n., 142
 IV.8 1293^b29; 242
 IV.8 1294^a3–7; 233
 IV.8 1294^a6; 138
 IV.8 1294^a8–9; 38
 IV.9 1294^b19; 232
 IV.9 1294^b21–2; 232
 IV.9 1294^b21; 103 n., 202
 IV.9 1294^b24–5; 232
 IV.9 1294^b33–4; 114
 IV.9 1294^b34–40; 18, 220
 IV.10 1295^a1–4; 30
 IV.10 1295^a3–4; 26
 IV.10 1295^a16–17; 113 n. 52
 IV.10 1295^a17–23; 245–6
 IV.10 1295^a17–22; 241
 IV.10 1295^a22–3; 246
 IV.10 1295^a23; 112 n. 47, 150, 248
 IV.11 1295^a34–b34; 108
 IV.11 1295^a40–b1; 18
 IV.11 1295^b15, 17; 113 n. 53
 IV.11 1295^b19–20; 112 n. 48, 113 n. 54
 IV.11 1295^b20; 112 n. 47
 IV.11 1295^b21; 112 n. 48, 113 n. 5
 IV.11 1296^a7; 214
 IV.11 1296^a13–14; 257
 IV.11 1296^b2; 150 n. 8
 IV.11 1296^b11; 252
 IV.12 1296^b16; 103 n.
 IV.12 1296^b34 ff.; 12 n.
 IV.12 1296^b34–1297a6; 193
 IV.12 1297^a4–6; 102 n. 34
 IV.12 1297^a4; 113 n. 51
 IV.12 1297^a11–13; 192
 IV.13 1297^b8; 113 n. 53
 IV.13 1297^b19–20; 103 n.
 IV.13 1297^b28; 150 n. 8
 IV.14 1297^b37–8; 12 n.
 IV.14 1298^a2; 114
 IV.14 1298^a3–7; 114
 IV.14 1298^a28; 113 n. 51
 IV.14 1298^a37–9; 190
 IV.14 1298^b34–5; 137 n. 52
 IV.14 1298^b36, 37, 39, 40; 115
 IV.14 1299^a1–2; 114
 IV.15 1299^a18; 113 n. 50
 IV.15 1299^a25–8; 113 n. 52
 IV.15 1299^a26–7; 103, 113
 IV.15 1299^a31–3; 152 n. 13
 IV.15 1299^b16, 23; 114
 IV.15 1300^a5; 114 n. 57
 IV.15 1300^b9–10; 114
 V; 18
 V.1 1301^a35–40; 250
 V.1 1301^a35; 190
 V.1 1301^a39–b1; 252 n. 72
 V.1 1301^b18; 113 n. 49
 V.1 1301^b23; 136
 V.1 1302^a8–13; 192
 V.1 1302^a8–9; 257
 V.1 1302^a12–13; 240 n. 45

- V.1 1302^a15; 257
 V.2 1302^a22–9; 251
 V.2 1302^a28–9; 139
 V.3 1302^b9; 190
 V.3 1302^b14; 139
 V.3 1302^b25–33; 22
 V.3 1302^b26; 180 n. 14
 V.3 1303^a17; 115
 V.3 1303^a26; 69
 V.4 1304^a16–17; 180
 V.4 1304^b2–5; 252
 V.6 1305^a7–10; 22
 V.6 1305^b19–22; 249
 V.6 1306^a9–10; 192 n. 36
 V.6 1306^a9; 211 n. 69
 V.7 1306^a11; 114 n. 56
 V.7 1306^b34–5; 249 n. 63
 V.7 1307^a7; 16 n.
 V.7 1307^a31; 190
 V.7 1307^b18; 103 n.
 V.8–9; 17
 V.8 1307^b31; 190
 V.8 1307^b33; 189
 V.8 1308^a5; 180
 V.8 1308^a11–13; 256
 V.8 1308^a12–16; 232
 V.8 1308^a16; 257
 V.8 1308^b20; 113 n. 49
 V.8 1309^a2; 113 n. 51
 V.8 1309^a9; 113 n. 53
 V.8 1309^a30; 114
 V.9 1309^a33, 36; 40, 114
 V.9 1309^a35; 113 n. 49
 V.9 1309^a36 ff.; 23
 V.9 1309^b16–18; 18
 V.9 1309^b18–22; 22
 V.9 1309^b19; 16 n.
 V.9 1309^b31–3; 40, 221
 V.9 1309^b31–2; 256
 V.9 1309^b34; 24, 189 n. 32
 V.9 1309^b35 ff.; 12 n.
 V.9 1310^a1–2; 235
 V.9 1310^a2–4; 258
 V.9 1310^a5; 258
 V.9 1310^a12–36; 18, 39, 191 n.
 V.9 1310^a12–14; 235 n. 37
 V.9 1310^a14–22; 234, 235 n. 36
 V.9 1310^a19–28; 184
 V.9 1310^a19–20; 235 n. 37
 V.9 1310^a19; 236
 V.9 1310^a25–36; 154, 167 n. 42
 V.9 1310^a27; 163 n. 35
 V.9 1310^a28–36; 156
 V.9 1310^a29; 114 n. 56
 V.10 1310^a39; 24
 V.10 1310^b20; 112 n. 47
 V.10 1310^b36–7; 245 n.
 V.10 1311^a2–4; 241
 V.10 1311^a4–5, 3–4; 36, 240 n. 44
 V.10 1311^a7–8; 180
 V.10 1311^a31–2; 225
 V.10 1311^b6, 12; 242
 V.10 1312^a5; 26
 V.10 1312^a6; 31
 V.10 1312^a39–b9; 37
 V.10 1312^b9; 26
 V.10 1312^b22; 26
 V.10 1313^a2; 114 n. 57
 V.10 1313^a5–10; 36
 V.10 1313^a6–9; 241
 V.10 1313^a8; 113 n. 49
 V.10 1313^a9; 150 n. 8
 V.10 1313^a10; 241
 V.11 1313^a20–1, 28–30; 189
 V.11 1313^a21, 25; 112 n. 47
 V.11 1313^a26–7; 9
 V.11 1313^a34 ff.; 227 n. 19
 V.11 1313^a39–40; 26
 V.11 1313^a40 ff.; 26, 241
 V.11 1313^b3–4; 202 n. 55
 V.11 1313^b4–6; 242
 V.11 1313^b18–29; 248 n. 60
 V.11 1313^b20–3; 60 n. 31
 V.11 1313^b26–8; 241
 V.11 1313^b28–9; 241
 V.11 1313^b29; 37
 V.11 1313^b31; 31
 V.11 1314^a3–4; 247
 V.11 1314^a13–14; 241
 V.11 1314^a13, 19; 112 n. 47
 V.11 1314^a19; 245
 V.11 1314^a20; 113 n. 54, 247
 V.11 1314^a29–1315b10; 242 n. 50, 243
 V.11 1314^b13; 242 n. 50
 V.11 1314^b25; 26
 V.11 1315^a23; 26
 V.11 1315^b1; 27
 V.12 1315^b15 ff.; 214
 V.12 1315^b16–17; 155 n.
 VI.1 1316^b31–2; 114
 VI.2 1317^a40–b11; 156 n. 21
 VI.2 1317^b2–3; 170 n. 48
 VI.2 1317^b10–17; 248 n. 60
 VI.2 1317^b14 ff.; 102 n. 32
 VI.2 1317^b15; 113 n. 53
 VI.2 1317^b18; 112 n. 47
 VI.2 1317^b23; 113 n. 51
 VI.2 1317^b32; 113 n. 49

- VI.3 1318^a29, 32:, 114
 VI.3 1318^a32, 38:, 182 n. 18
 VI.4 1318^b15:, 110 n. 43, 113 n. 51
 VI.4 1318^b18:, 150 n. 8
 VI.4 1318^b21:, 114
 VI.4 1318^b32–3:, 137
 VI.4 1318^b37:, 138
 VI.4 1318^b38–1319a1:, 157
 VI.4 1318^b38:, 114
 VI.4 1318^b38–9:, 188
 VI.4 1318^b39–1319a1:, 184
 VI.4 1319^b9 ff.:, 258
 VI.4 1319^b16–17:, 150
 VI.4 1319^b19–27:, 202, 229 n. 23
 VI.4 1319^b27–32:, 184
 VI.5 1319^b33:, 12 n.
 VI.5 1320^a6:, 137 n. 52
 VI.5 1320^a14–17:, 18, 220
 VI.5 1320^a15–16:, 139, 141, 181
 VI.5 1320^a16:, 245
 VI.5 1320^a21–2:, 22
 VI.5 1320^a33:, 236 n.
 VI.6 1320^b33–1321a1:, 236
 VI.6 1320^b34 ff.:, 75 n. 56
 VI.6 1321^a4:, 103 n., 202
 VI.7 1321^a31:, 180 n. 14
 VI.8 1321^b6–7:, 181
 VI.8 1321^b7:, 103 n., 202
 VI.8 1321^b8:, 137 n. 53
 VI.8 1321^b14:, 113 n. 49
 VI.8 1322^a3–4:, 150, 178
 VI.8 1322^a6–8:, 182
 VI.8 1322^a18–19:, 245
 VI.8 1322^a23–5:, 195
 VI.8 1322^a23:, 113 n. 49
 VI.8 1322^a24–5:, 210 n. 68
 VI.8 1322^b17–18:, 113 n. 50
 VI.8 1322^b37–1323a3:, 257
 VII.1 1323^a17–18:, 238 n. 41
 VII.1 1323^b18–20:, 35
 VII.1 1323^b19–20:, 77
 VII.1 1323^b21–9:, 52
 VII.1 1323^b21–3:, 183
 VII.2 1324^a15:, 173
 VII.2 1324^a23–5:, 183, 226
 VII.2 1324^a24:, 103 n., 202
 VII.2 1324^a33–4:, 35
 VII.2 1324^a36–7:, 112, 113 n. 52, 179
 VII.2 1324^a41–b1:, 94
 VII.2 1324^b22–32:, 109
 VII.2 1324^b28:, 138 n. 56
 VII.2 1324^b29 ff.:, 75 n. 56
 VII.2 1324^b29:, 107
 VII.2 1324^b30–1:, 109, 111
 VII.2 1324^b32 ff.:, 90
 VII.2 1324^b32:, 112
 VII.2 1324^b35:, 113 n. 53, 138 n. 55
 VII.2 1325^a1–2:, 137
 VII.2 1325^a3:, 103 n.
 VII.2 1325^a7–10:, 14
 VII.2 1325^a7–8:, 183
 VII.2 1325^a8:, 12 n.
 VII.3 1325^a16–34:, 63
 VII.3 1325^a19–20:, 153
 VII.3 1325^a19:, 113 n. 50
 VII.3 1325^a26:, 113 n. 52
 VII.3 1325^a27 ff.:, 90
 VII.3 1325^a27–8:, 154
 VII.3 1325^a27:, 112 n. 47
 VII.3 1325^a29:, 112
 VII.3 1325^b7, 10, 12:, 138
 VII.3 1325^b7–9:, 257
 VII.3 1325^b9–10:, 250
 VII.3 1325^b10–12:, 36
 VII.3 1325^b12:, 143, 170 n. 48
 VII.3 1325^b16:, 148 n.
 VII.3 1325^b23–7:, 201, 227
 VII.3 1325^b24:, 148 n.
 VII.3 1325^b28:, 216 n. 77
 VII.3 1325^b30–1:, 18
 VII.4–7:, 16, 60
 VII.4 1325^b38–9:, 195
 VII.4 1325^b39:, 16
 VII.4 1325^b41:, 74
 VII.4 1326^a4:, 12 n., 183
 VII.4 1326^a19:, 69
 VII.4 1326^a26–7, 31–2:, 141
 VII.4 1326^a27–8:, 137, 141
 VII.4 1326^a30:, 103 n., 202
 VII.4 1326^a32:, 103 n.
 VII.4 1326^a35–8:, 17, 75
 VII.4 1326^b1–5, 23–5:, 141
 VII.4 1326^b2 ff.:, 148
 VII.4 1326^b6–7:, 141
 VII.4 1326^b12–20:, 205
 VII.4 1326^b14–17:, 141
 VII.4 1326^b14:, 103, 113, 115
 VII.4 1326^b27:, 69
 VII.5 1326^b30–1:, 148 n.
 VII.5 1326^b38:, 148 n.
 VII.6 1327^b4:, 148 n., 201 n. 54
 VII.6 1327^b10:, 114 n. 56
 VII.7 1327^b23–4:, 79, 151
 VII.7 1327^b37 ff.:, 149 n.
 VII.7 1327^b37–8:, 12 n.
 VII.7 1328^a6–7:, 149
 VII.7 1328^a9–10:, 35
 VII.8 1328^a23, b2 ff.:, 66 n. 41

- VII.8 1328^a36–41; 231
 VII.8 1328^a36–7; 149
 VII.8 1328^a37–8; 183
 VII.8 1328^b8–9; 112 n. 47, 201 n. 53
 VII.8 1328^b9–10; 201
 VII.8 1328^b13–14, 22–3; 195, 202
 VII.8 1328^b14; 115
 VII.8 1328^b16; 69
 VII.9 1328^b33–29a2, a36; 60 n. 31, 159 n. 27
 VII.9 1328^b33 ff.; 247
 VII.9 1328^b33–8; 231
 VII.9 1328^b35–6; 183
 VII.9 1328^b37–8; 137
 VII.9 1328^b38–9; 23
 VII.9 1328^b39; 35
 VII.9 1329^a3; 195, 202
 VII.9 1329^a4; 115
 VII.9 1329^a9–12; 149
 VII.9 1329^a11; 150
 VII.9 1329^a16; 257
 VII.9 1329^a22–3; 183
 VII.9 1329^a23 ff.; 148 n.
 VII.9 1329^a23–5; 183
 VII.9 1329^a32; 148 n.
 VII.10 1329^b5; 202 n. 55
 VII.10 1329^b41 ff.; 148 n.
 VII.10 1330^a3–13; 148 n.
 VII.10 1330^a3, 13; 202 n. 55
 VII.10 1330^a18; 211 n. 69
 VII.10 1330^a22–3; 187, 205 n. 62
 VII.10 1330^a25–6; 149 n. 5
 VII.10 1330^a26–8, 29–30; 201
 VII.12 1331^a19–20; 202 n. 55
 VII.12 1331^a36; 202 n. 55
 VII.13 1331^b26; 137
 VII.13 1331^b34 ff.; 75 n. 56
 VII.13 1332^a1; 138
 VII.13 1332^a12–13; 170 n. 48
 VII.13 1332^a13, 16; 206 n. 63
 VII.13 1332^a19, 22–3; 248, 249
 VII.13 1332^a21–5; 183
 VII.13 1332^a22–3, 35–6; 35
 VII.13 1332^a28–38; 183
 VII.13 1332^a28–9; 12 n.
 VII.13 1332^a32–8; 226
 VII.13 1332^a32–4; 180
 VII.13 1332^a34–5; 183
 VII.13 1332^a39–b11; 77
 VII.13 1332^b4–8; 232
 VII.13 1332^b8–9; 12 n., 149 n. 5
 VII.13 1332^b9; 183
 VII.13 1332^b10; 183
 VII.14 1332^b12–13; 248
 VII.14 1332^b16–23; 216 n. 77
 VII.14 1332^b21–3, 26–7, 36–8; 170 n. 48
 VII.14 1332^b21; 249
 VII.14 1332^b24–5, 32–3; 149
 VII.14 1332^b25–32; 149
 VII.14 1332^b26–7; 257
 VII.14 1332^b27; 249
 VII.14 1332^b28–9; 35, 103 n., 180 n. 14
 VII.14 1332^b29–30; 249
 VII.14 1332^b38; 113 n. 53
 VII.14 1332^b40; 142
 VII.14 1332^b41–1333a11; 183
 VII.14 1333^a2; 113 n. 53, 138
 VII.14 1333^a3 ff.; 90
 VII.14 1333^a3; 112 n. 47
 VII.14 1333^a4; 158
 VII.14 1333^a5 ff.; 159 n. 27
 VII.14 1333^a6–11; 164–5
 VII.14 1333^a14–16; 14, 183
 VII.14 1333^a14; 12 n.
 VII.14 1333^a37; 12 n.
 VII.14 1333^b2; 134
 VII.14 1333^b5–1334a40; 231 n. 29
 VII.14 1333^b5 ff.; 231
 VII.14 1333^b6–7; 238 n. 41
 VII.14 1333^b7–8; 103 n.
 VII.14 1333^b11–21; 237
 VII.14 1333^b19–26; 238 n. 40
 VII.14 1333^b21–5; 237 n.
 VII.14 1333^b23–4; 103 n.
 VII.14 1333^b23–6; 238
 VII.14 1333^b23; 238 n. 41
 VII.14 1333^b24; 238
 VII.14 1333^b25; 138
 VII.14 1333^b26; 112 n. 47
 VII.14 1333^b27 ff.; 90
 VII.14 1333^b27; 113, 179
 VII.14 1333^b28; 158
 VII.14 1333^b37; 12 n.
 VII.14 1333^b38 ff.; 245 n.
 VII.14 1333^b38–41; 244
 VII.14 1333^b40–1; 244
 VII.14 1334^a2–3; 12 n.
 VII.14 1334^a3–7; 22
 VII.14 1334^a6; 149 n. 5
 VII.14 1334^a20–2; 245 n.
 VII.14 1334^a21–2; 244
 VII.14 1334^a29–30, 33–4; 195
 VII.15 1334^a40–b3; 237 n.
 VII.15 1334^b15; 77
 VII.15 1334^b16; 77
 VII.15 1334^b28; 12 n.
 VII.16 1335^a6; 12 n.
 VII.16 1335^b14; 12 n.
 VII.16 1335^b19–25; 109 n. 41

- VII.16 1336^a1; 206 n. 62
 VII.17 1336^b4; 170
 VII.17 1336^b8–9; 170
 VII.17 1336^b10; 206 n. 62
 VII.17 1336^b40–1337a3; 76
 VIII.1; 18
 VIII.1 1337^a11; 12 n.
 VIII.1 1337^a14; 235 n. 37
 VIII.1 1337^a21–32; 222
 VIII.1 1337^a27–8; 231 n. 28
 VIII.1 1337^a27; 223 n. 6
 VIII.1 1337^a31–2; 231, 232
 VIII.2 1337^b5–21; 159 n. 27
 VIII.2 1337^b17–21; 164
 VIII.3 1338^a10, 21–2; 202 n. 55
 VIII.3 1338^b3; 35
 VIII.4 1338^b9–38; 237 n.
 VIII.4 1338^b29–30; 232
 VIII.4 1339^b22–3; 202 n. 55
 VIII.5 1340^b16; 150 n. 8
 VIII.6 1341^b13; 159 n. 27
 VIII.7 1342^a18–19; 159 n. 27
Rhetoric,
 I.4 1360^a19–20; 142
 I.5 1360^b11–12; 131
 I.9 1367^a33; 157
 I.13 1374^b19 ff.; 102 n. 34
Poetics,
 25 1460^b32 ff.,
 [Athēnaiōn Politeia],
 28.5; 253 n. 74
 40.2, 3; 258
 CASSIUS DIO,
Roman History,
 LV.3.5; 88
 CICERO,
Pro Cluentia,
 146; 155 n.
Republic,
 III.33.45; 24 n.
 DEMOSTHENES,
 15, 32; 103 n.
 24.2; 142 n. 66
 24.5, 36; 102 n. 32
 24.216; 142 n. 66
 26.5; 106 n.
 75–6, 210; 102 n. 32
 EURIPIDES,
Medea,
 225; 84 n. 73
Supplīces,
 312–14, 429–41; 102 n. 32
 HERODOTUS,
The Histories,
 I.126–7; 10
 III.80.6; 102 n. 32
 III.82; 10
 III.83.3; 154 n. 18
 VII.104.4; 155 n.
 IX.71.3; 230 n. 25
 HOMER,
Iliad,
 I.151; 147 n. 4
 I.187 ff.; 97 n. 20
 I.207; 97 n. 21
 I.519–22; 217 n. 79
 II.2.722–3; 84 n. 73
 HYPERIDES,
 4–5; 102 n. 32
 ISOCRATES,
 7.61; 257 n. 79
 JUVENAL,
Saturae,
 6, 347; 210 n. 68
 LYCURGUS,
Against Leocrates,
 2–4; 102 n. 32
 LYSIAS,
 II.18–19; 102 n. 32
 OROSIUS,
 VII.43.6; 24 n.
 PLATO,
Crito,
 50b6–8; 182
 51b7–c1; 103 n.
 51c; 229
Gorgias,
 485d; 33 n.
 521d6 ff.; 33 n.
Laws,
 I 628d6; 15
 I 642c–d; 248 n. 61

- III 688^a1; 15
 III 692a–b; 9
 III 696^a6; 15
 III 698c; 155
 III 701^b5; 102 n. 32, 155
 IV 712e10 ff.; 155
 IV 715^b3–6; 24 n., 148
 VI 770e1–6; 246 n.
 VII 790^b2–5; 230 n. 27
 VII 790^b6–8; 238 n. 41
 VII 804d; 230
 VIII 832^c2; 24 n.
 VIII 832d3–4; 231
 IX 853^b3–d4; 206 n. 62
 IX 853d9–10; 201 n. 53
 IX 875^a7–10; 230 n. 27
 IX 880d8–e5; 201 n. 53
 X 890^a9; 155
 XI 926^b2–4; 246 n., 252 n. 72
 XII 951^b7–8; 248 n. 61
Phaedo,
 63a5 ff.; 155
Statesman,
 296c9–e5; 246 n.
 296e4–5; 143
 309d; 15
Republic,
 I 340c–e; 32 n.
 I 342^b6; 148
 II 369b ff.; 182
 II 371^b5; 182
 II 372e8–9; 182
 II 373e8 ff.; 182
 III 395d3; 49 n.
 III 412e10 ff.; 93
 III 414e5; 148
 III 415e2–3; 178 n. 1
 III 416d1; 148
 IV; 94
 IV 425e; 196 n. 41
 IV 430^b2 ff.; 93
 IV 431e10; 93
 V 463^a6 ff.; 155 n.
 V 463^a6; 148
 V 465b; 192 n. 36
 V 473^c11 ff.; 93
 VII 520^b3–4; 248 n. 61
 VII 520d7, e1; 250
 VIII 545d; 192 n. 36
 VIII 557e3; 102 n. 32
 VIII 558^a3–8; 182 n. 18
 VIII 560e7; 161 n. 31
 VIII 562d6, e4; 102 n. 32
 VIII 563d6; 155
 VIII 564^a3–4; 161 n. 31
 VIII 564^a7–8; 161 n. 31
 VIII 566e8; 241 n. 49
 VIII 567^a7; 241 n. 49
 IX 572^a2, 3; 161 n. 31
 IX 590d4–7; 178 n. 2
 PLUTARCH,
Brutus,
 8.6; 225 n. 13
 SOPHOCLES,
Antigone,
 665–6; 109 n. 42
Philoktetes,
 1018; 84 n. 73
 THUCYDIDES,
History of the Peloponnesian War,
 II.37.3; 102 n. 32
 II.65.8; 166 n. 42
 III.37.3; 102 n. 32, 234 n. 33
 III.40.4; 250 n. 66
 III.82.2; 34 n.
 V.66 ff.; 20
 V.66.3; 104
 VI.15.4; 120
 VI.38–9; 102
 VI.91; 118
 VI.92; 236 n.
 VII.14.2; 102 n. 32
 VII.48.4; 34 n.
 VIII.45–8; 118
 VIII.64.5; 102 n. 32
 XENOPHON,
Hellenica,
 II.3.48; 258
 II.3.50–6; 253 n. 74
 II.4.1; 253 n. 74
 III.3.11; 249 n. 63
 VI.3; 84 n. 73
Respublica Lacedaemoniorum,
 VIII, 2; 102 n. 32
 XIV; 238 n. 41
Memorabilia,
 II.1.12; 154 n. 18
 III.5.16–18, 19, 21; 102 n. 32

Index Nominum

- Ackerman, B., 12 n.
Albertus Magnus, 113 n. 52, 157 n. 24
Allan, D. J., 117 n. 8, 185 n. 26
Annas, J., 76 n. 58, 124 n. 22, 134 n., 196 n. 41, 242 n. 52
Anscombe, E., 117
Aquinas, Thomas, 95 n. 15, 157 n. 24, 196 n. 43
Arendt, H., 69 n. 48, 89, 90, 91 n.
Aubenne, P., 45 n. 6, 55 n. 22, 67 n. 42, 256 n. 78
Aubonne, J., 147 n. 4, 238 n. 41, 250 n. 68
Augustine, St, 193 n. 38
Bagehot, W., 192 n. 35
Bakunin, M., 199 n. 48
Barnes, J., 136 n. 49, 146 n. 1, 147 nn. 3,4, 170 n. 48, 220 n., 222 n. 4, 224 n. 9, 250 n. 68
Basedow, J. B., 182 n. 17
Beethoven, L. van, 60 n. 32
Benn, S., 1 n. 6
Berger, W., 194 n. 39
Berlin, I., 145 n., 158 n., 212 n.
Bertelli, L., 196 n. 41
Berti, E., 2 n. 7, 59 n. 30, 179 n. 7
Bien, G., 80 n., 85 n. 75, 174 n. 55, 175 n.
Blackburn, S., 98–9 n. 24
Bobbio, N., 254 n. 76
Bodéüs, R., 92–3 n. 12, 150 n. 7, 235 n. 37
Boegehold, A., 258 n. 84
Borges, J. L., 8 n. 11
Bostock, D., 56 n. 25, 129 n. 32
Boutmy, E., 217 n. 79
Bradley, A. C., 136, 165–6 n. 40
Bramhall, J., 100 n. 30
Braun, E., 136
Broadie, S., 14 n. 6, 15 n., 27 n. 26, 35 n. 39, 61 n., 102 n. 33, 185 n. 26
Broadie, S. and Rowe, C., 27 n. 27
Brophy, B., 60 n. 32
Bubner, R., 198 n. 47
Burckhardt, L. A., 102 n. 32
Burnyeat, M., 49 n.
Cartledge, P., 231 n. 29, 249 n. 63
Cassius Dio, 88
Castoriadis, C., 55 n. 24
Chan, J., 2 n. 7, 77 n.
Charles, D., 7 n. 9, 9 n. 15, 34 n., 56 n. 26, 132 n. 38, 228 n. 20
Cicero, 24 n., 55 n. 22, 155 n., 220 n.
Clauss, M., 37 n. 42
Cohen, G. A., 85 n. 74, 164 n. 37, 200 n. 51, 217 n. 79, 222 n. 5
Columbus, C., 260 n.
Contarini, G., 210 n. 68
Cowley, A., 260 n.
Cullity, G. and Gaut, B., 118 n. 11, 122 n.
Cumberland, R., 100 n. 30
Darwall, S., 50 n. 15, 121 n. 16, 132 n. 39
Deschamps, E., 232 n. 31
Diderot, D., 150 n. 7
Dirlmeier, F., 107 n.
Dreizehnter, A., 147 n. 4
Duns Scotus, J., 178 n.
Dworkin, G., 117 n. 6
Dworkin, R., 30 n. 34, 171 n. 49, 185 n. 25, 206 n. 63
Eagleton, T., 8 n. 12
Elster, J., 185 n. 25, 188 n. 29, 192 n. 35, 193 n. 37, 198 n. 47, 199 n. 48, 202 n. 56, 203 n. 57
Engels, F., 199 n. 48
Engstrom, S., 50 n. 17
Everson, S., 9 n. 14, 57 n., 58 n., 59 n. 29, 116 n., 118 n. 11, 120 nn. 14, 15, 124 n. 21, 130 n. 34, 163 n. 35
Filmer, R., 159 n. 28
Finley, M., 2 n. 6
Finnis, J., 21 nn. 18, 19, 25 n. 24, 30 n. 34, 42 n., 48 n. 13, 67 n. 43, 138 n. 54, 153 n. 14, 170 n. 47, 196 n. 43, 201 n. 52, 211 n. 70, 252 nn. 71, 72
Forrest, W. G., 233 n.
Fortenbaugh, W., 16 n.
Frazer, E., 167 n. 43
Freeman, D. S., 249 n. 65
Gaius, 227 n. 18

- Gauthier, D., 35 n. 39, 191 n., 196 n. 43
 Gauthier, R. A., 133 n. 41
 Gauthier, R. A. and Jolif, J. Y., 117 n. 5, 223 n. 6
 Gehrke, H.-J., 38 n.
 George, R., 185 n. 24
 Gigon, O., 250 n. 68
 Godwin, W., 92 n. 9
 Goldie, M., 100 n. 30, 260 n.
 Gómez-Lobo, A., 64 n., 65 n. 38
 Gomperz, T., 239 n. 42
 Gough, J. W., 176 n. 59
 Grant, A., 117
 Green, L., 95 n. 16, 97 nn. 19, 20, 173 n. 54
 Green, T. H., 136
 Grocius, H., 153 n. 14
 Guicciardini, F., 167 n. 42
 Günther, H., 253 n. 73
 Hacker, P. M. S., 30 n. 33
 Hamel, D., 102 n. 32
 Hampton, J., 84 n. 73, 98 n. 22, 191 n.
 Hansen, M. H., 2 n. 6, 110 n. 44, 141 n. 61
 Hanson, V., 120 n. 12, 230 n. 25
 Hardie, W. F., 117, 118, 133 n. 40
 Hart, H. L. A., 96 n. 18, 99 n. 25, 102 n. 34, 142 n. 64, 207 nn. 64, 65, 208 n., 210 n. 67, 217 n. 79, 243 n. 53
 Hartung, G., 45 n. 8, 216 n. 78
 Hegel, G. W. F., 80 n., 83 n. 70, 126 n. 25, 128 n. 31, 162 n. 33, 173 n. 54, 176 nn. 59, 60, 224
 Heinze, R., 88 n. 1
 Hellegouarc'h, J., 88 n. 2
 Heuß, A., 240 n. 44
 Hill, T. and Zweig, A., 128 n. 31
 Hitler, A., 240 n. 44
 Hobbes, T., 35 n. 39, 55 n. 22, 68, 73–4, 78–9, 97 n. 20, 99–100, 102, 111 n., 121 n. 16, 155–6, 159. 28, 165 n. 39, 169 n. 46, 216 nn. 77, 78, 220 n., 223 n. 7, 255 n., 260
 Höffe, O., 1 n. 6, 85 n. 74
 Hollis, M., 28 n. 29, 35 n. 38, 171 n. 51, 202 n. 56
 Holmes, S., 217 n. 79
 Humboldt, W. von, 146 n. 1
 Hume, D., 55, 59, 118 n. 11, 120–1, 122 n., 192 n. 34, 194 n. 38, 195, 258
 Hurka, T., 185 n. 26
 Hursthouse, R., 123 n. 19
 Ilting, K.-H., 182 n. 17, 224 n. 12
 Irwin, T., 15 n., 22 n., 25 n. 23, 53 n., 71 n. 49, 117 n. 3, 121 n. 17, 123 n. 20, 128 n. 30, 133 n. 41, 134 n., 158 n., 159 n. 26, 162 n. 34, 163 nn. 35, 36, 165 n. 40, 176 n. 60, 187 n., 213 n. 72, 228 n. 22, 248 n. 60, 252 n. 72, 254 n. 75
 Jellinek, G., 2 n. 7, 175 n.
 Kagan, D., 104 n., 220 n.
 Kahn, C., 17 n. 10, 117 n. 9
 Kamp, A., 76 n. 58, 162 n. 33, 240 n. 44, 242 n. 50
 Kant, I., 17, 43, 45, 50, 52, 52 n. 20, 53, 66, 67, 100–1 n. 31, 106 n., 118 n. 11, 122–3, 125–6, 127, 128, 129, 130, 132 n. 39, 141 n. 62, 210 n. 68, 216 n. 78, 255–6 n. 77, 260
 Kavka, G., 30 n. 34, 55 n. 23, 191 n., 193 n. 38, 196 n. 42, 221 n., 242 n. 51, 243 n. 54
 Kersting, W., 256 n. 77
 Keyt, D., 74 n. 54, 75 n. 57, 81 n. 68, 84 nn. 72, 73, 153 n. 16, 154 n. 19, 159 n. 27, 180 nn. 10, 11, 14, 181 n. 15, 197 n. 45, 201 n. 53, 240 n. 44, 250 n. 68
 Klosko, G., 142 n. 64
 Knox, B., 89 n. 3
 Korsgaard, C., 45 nn. 7, 8, 46 nn. 9, 10, 66 n. 40, 129 n. 33, 130 n. 36, 171 n. 51
 Kraut, R., 1 n. 5, 9 n. 13, 12 n., 18 n. 14, 21 n. 19, 36 n., 39 n. 45, 63 n. 35, 65 n. 39, 81 n. 67, 85 n. 74, 108 n., 109 n. 41, 110 n. 45, 140 nn. 59, 60, 174 n. 57, 179 n. 9, 180 n. 10, 185 n. 26, 186 n. 27, 196 n. 41, 200 n. 51, 203 n. 57, 204 n. 59, 205 n. 62, 224 nn. 10, 11, 227 n. 19, 232 n. 30, 244 n. 55, 246 n.
 Kretzmann, N., 29 n. 30, 29 n. 33
 Kymlicka, W., 47 n. 12, 56 n. 25, 160 n., 185 n. 25
 Lachance, L., 128 n. 30
 Ladenson, R., 169 n. 46
 Laval, P., 215
 Lee, R. E., 249 n. 65
 Lenin, V., 242 n. 52
 Leszl, W., 1 n. 6, 13 n. 2
 Lévy, E., 181 n. 15
 Lloyd, G., 55 n. 22
 Locke, J., 97 n. 20, 98–100, 144 n., 146 n. 1, 159 n. 28, 194 n. 39, 218 n. 82, 240 n. 45, 250 n. 66

- Long, R., 245 n.
 Lord, C., 147 n. 4
 Louden, R., 117 nn. 2, 6, 7, 133 n. 40, 133 n. 41
 Lukes, S., 56 n. 25
 Lütcke, K.-H., 89 n. 4
 MacDowell, D., 233 n.
 McDowell, J., 49 n., 59 n. 29, 125 n. 23, 130 n. 35
 Machiavelli, N., 194 n. 38
 MacIntyre, A., 2 n. 7, 167 n. 43
 McPherson, J., 101 n.
 Madison, J., 194 n. 38
 Maistre, J. De, 109 n. 42
 Markus, R. A., 193 n. 38
 Marx, K., 56 n. 25, 198–9, 200 n. 51, 222
 Matteis, M. C. de, 83 n. 70
 Mayhew, R., 228 n. 21
 Meier, C., 8 n. 13
 Melville, H., 109 n. 42
 Meyer, E., 167 n. 42
 Midgley, M., 56 n. 25
 Miethke, J., 163 n. 35
 Mill, J. S., 156, 220 n., 228 n. 22
 Miller, F. D., 7 nn. 9, 10, 17 n. 13, 68 n. 44, 71 nn. 49, 50, 73 n. 51,
 74 n. 55, 76 nn. 58, 59, 81 n. 68, 83 n. 71, 89 n. 3, 114 n. 55,
 131 n., 136, 176 nn. 59, 60, 179 n. 4, 180 n. 10, 181 nn. 16, 17,
 187 n., 191 n. 33, 223 nn. 6,7, 226 n., 227 n. 17, 241 n. 48, 244
 n. 55, 250 n. 67, 254 n. 75
 Montesquieu, 152 n. 12, 188 n. 30
 Morrow, G., 246 n.
 Mozart, W. A., 60 n. 32
 Mulgan, R., 1 n. 1, 13, 17 n. 10, 55 n. 22, 175 n., 183 n. 20, 257 n.
 82
 Newey, G., 8 n. 13
 Newman, W. L., 1 n. 2, 84 n. 73, 163 n. 35, 198 n. 46, 216 n. 77
 Nolan, A. T., 249 n. 65
 Nozick, R., 145 n., 173 n. 54, 197 n. 44
 Nussbaum, M., 63 n. 36, 189 n. 31
 Ober, J., 8 n. 13, 10 n. 19
 Ockham, William of, 90 n., 163 n. 35
 Ollier, F., 239 n. 42
 Oncken, W., 253 n. 73, 256 n. 78
 Oresme, N., 158 n. 24, 253 n. 73
 Orosius, 24 n.
 Patten, A., 80 n., 176 n. 59
 Pellegrin, P., 235 n. 35
 Peter of Auvergne, 157, 238, 252–3 n. 72
 Pettit, P., 167 n. 42
 Philp, M., 92 n. 9
 Pitkin, H., 41 n., 168, 174 n. 46
 Plamenatz, J., 147 n. 3
 Plutarch, 220 n.
 Pocock, J. G. A., 8 n. 13, 69 n. 48, 167 n. 42, 210 n. 68
 Polin, R., 2 n. 7
 Pope, A., 97 n. 21, 147 n. 4
 Pufendorf, S., 55 n. 22
 Raaflaub, K., 166–7 n. 42
 Rabe, H., 199 n. 48
 Rawls, J., 28 n. 29, 141, 249 n. 62
 Rawson, E., 232 n. 31
 Raz, J., 95 n. 16, 96 n. 17, 97 nn. 19, 20, 99 n. 25, 102, 170 n. 47,
 178 nn. 2, 3
 Reeve, C. D. C., 92 n. 11, 147 n. 4, 179 n. 5, 180 n. 10
 Remigio of Girolami, 83 n. 70
 Rhodes, P. J., 10 n. 19
 Riedel, M., 2 n. 7, 8 n. 13, 44 n. 4, 45 n. 6, 47 n. 11, 176 n. 60
 Riley, P., 2 n. 6, 144 n., 228 n. 22
 Ritter, J., 80 n.
 Robinson, D., 163 n. 35
 Robinson, R., 1 n. 3, 23 n., 92 n. 12
 Romilly, J. de, 167 n. 42
 Rosenberg, A., 26 n.
 Ross, D., 81 n. 68
 Rousseau, J.-J., 91 n., 106 n., 144 n., 191 n., 203 n. 58, 205 n. 61,
 217 nn. 79, 80, 225
 Rowe, C., 235 nn. 37, 73
 Rubinstein, L., 106 n.
 Ryffel, H., 18 n. 16, 235 n. 36
 Ste. Croix, G., 34 n., 154 n. 17, 192 n. 36, 237 n.
 Salkever, S., 21 n. 17, 179 n. 6, 181–2n. 17
 Sartorius, R., 169 n. 46
 Saunders, T., 13 n. 4, 94 n. 13, 136 n. 49, 173 n. 53, 179 n. 8, 196 n.
 41, 213. 73, 227 n. 19, 239 n. 42, 250 n. 68, 252 n. 70
 Schindling, A., 141 n. 63
 Schlegel, F., 161 n. 30
 Schmitt, C., 109 n. 42, 194 n. 38, 217 n. 79, 253 n. 73
 Schnädelbach, H., 50 n. 16, 197 n. 45
 Schneewind, J. B., 52 n. 20

- Schütrumpf, E., 1 n. 6, 9 n. 17, 10 nn. 20, 21, 12 n., 17 nn. 10, 11, 18 n. 16, 24 n., 33 n., 37 n. 42, 38 n., 39 n. 44, 69 n. 46, 74 n. 53, 75 n. 56, 84 n. 73, 94 n. 14, 102 n. 32, 110 n. 43, 136 n. 50, 139 n., 140 n. 60, 142 n. 65, 142 n. 66, 143 n. 67, 147 n. 4, 148 n., 154 n. 18, 155 n., 159 n. 27, 172 n. 53, 175 n., 180 nn. 10, 12, 13, 14, 181 n. 15, 182 n. 19, 185 n. 26, 196 n. 41, 200 n. 50, 210 n. 68, 211 n. 69, 215 n. 76, 218 n. 81, 225 n. 13, 227 n. 19, 227–8 n. 20, 229 n. 23, 231 n. 28, 238 n. 41, 239 n. 42, 240 n. 44, 241 n. 47, 244 n. 56, 245 n., 248 n. 61, 249 n. 64, 250 n. 68, 251 n., 253 n. 73, 254 n. 74, 256 n. 78, 257 nn. 79, 80, 81, 258 n. 83
- Seel, G., 2 n. 7
- Seneca, 220 n.
- Shakespeare, 217 n. 80
- Shapiro, S., 92 n. 10
- Sherman, N., 63 n. 36, 126 nn. 25, 26, 27, 129 n. 32
- Shklar, J., 188 n. 30
- Siegfried, W., 114 n. 55, 136, 223 n. 6, 244 n. 57
- Simmons, A. J., 28 n. 29, 140 n. 58, 144 n., 169 n. 45, 171 n. 50, 172 n. 52, 240 n. 45
- Simon, Y., 197 n. 45
- Simpson, P., 94 n. 14, 163 n. 35, 223 n. 6
- Sinclair, R. K., 102 n. 32
- Skinner, Q., 8 n. 13, 156 n. 21
- Smith, M., 41 n.
- Sorabji, R., 162 n. 33, 185–6 n. 26, 223 n. 6
- Stalin, J., 215, 242 n. 52
- Stalley, R., 147 n. 4, 238 n. 40, 250 n. 68
- Stephen, L., 1 n. 6
- Stirner, M., 157 n. 23
- Stockton, D., 229 n. 23, 229–30 n. 24
- Strauss, L., 136
- Suárez, F., 153 n. 14
- Susemihl, F., 147 n. 4
- Taylor, C., 83 n. 70, 167 n. 43, 173 n. 54
- Taylor, C. C. W., 1 n. 4, 175 n., 222 n. 3
- Thompson, J. J., 117 n. 6
- Tigerstedt, E. N., 238 n. 40
- Tocqueville, A., 18 n. 15, 188 n. 30
- Todd, S. C., 241 n. 48
- Tönnies, F., 153 n. 15
- Tricot, J., 136 n. 49
- Tuck, R., 55 n. 22
- Tully, J., 8 n. 13, 250 n. 66
- Urmson, J. O., 25 n. 23
- Vander Waerdt, P. A., 235 n. 37
- Vegetti, M., 45 n. 6, 230 n. 26
- Verdross, A., 49 n., 55 n. 22, 181 n. 17
- Vergnières, S., 128 n. 30, 254 n. 75
- Veyne, P., 2 n. 6, 241 n. 48
- Viroli, M., 33 n., 83 n. 70, 198 n. 47, 240 n. 45
- Wagner, R., 194 n. 39, 217 n. 79
- Waldron, J., 196 n. 43, 234–5 n. 34
- Walsh, J. J. and Shapiro H. L., 133 n. 41
- Walzer, M., 199 n. 49
- Warrender, H., 79 n. 65
- Welzel, H., 49 n.
- White, N., 46 n. 10, 128 n. 30
- Whiting, J., 52 n. 19
- Wilamowitz Moellendorff, U. von, 256 n. 78
- Williams, B., 55 n. 24, 97 n. 20, 117 n. 9
- Wittgenstein, L., 30 n. 33, 41 n.
- Wolfers, B., 85 n. 74
- Wolff, J., 146 n. 2
- Wood, A. W., 126 n. 25, 225 n. 14
- Woods, M., 41 n.
- Wright, G. H. von, 37 n. 41
- Yack, B., 7 n. 10, 187 n., 223 n. 6, 224 n. 8, 225 n. 15, 252 n. 72

General Index

- 'abdication theory of the state', 193
Achilles, 97 n. 20, 147 n. 4
acquisitive behaviour (*pleonexia*), 192
action (*praxis*), *see* activity
activity (*energeia*), 51–2, 60
Agamemnon, 97 n. 20, 147 n. 4
agency, agents,; moral and social science, 33–41; perfect, 34–8, 121, 131–2, 203, 205–6 n. 62; *see also* description, normative subtext of; virtue, full
Agesilaus, 249 n. 63
Agis, King, 20
Alcibiades, 118, 119, 236 n.
Alcaeus, 214 n.
anarchism, 151–67; Aristotle's endorsement of, 197, 220 n.; conceptual, 155–6, 159 n. 28; theoretical, 154; *see also* extreme democratic challenge, the
angels, *see* agency, perfect
Antimenides, 214 n.
Apartheid, 236 n.
arbitration, arbitrator, 102 n. 34; *see also* authority
arché, *see* authority; priority
areté, *see* virtue
Aristippus, 154 n. 18
aristocracy, 152
Aristodemos, 230 n. 25
art, *see* craft
Assembly (*ekklesia*), 203, 205, 209, 213; and rule-following, 218 n. 82
Athena, 97 n. 20
Athens, 26, 34 n., 120, 236 n., 256, 257, 258
auctoritas, 88
authority,; complex account of, 195–210; concept of, 90–100; conceptual correlativity between, and obligation, 168–9; dilemma of, 91–2; evidence of in Aristotle, 101–12; as exclusionary reason for action, 95–100; exercise of and well-being, 186, 197–8; and the existence of society, 181–3; historical–conceptual difficulties for, in the classical world, 88–90; Hobbesian model of, 169, 216 n. 78; judicial (*krisis*), 115; justification of, 178–218; *kurios* as authoritative, 113–14; military, 102–4; moral correlativity thesis of, and obligation, 169–71, 221; musical analogy for, 199–200; normal justification thesis of, 178; as office, 113, 225; political, 112; Roman notion of, *see auctoritas*; as rule (*arché*), 89–90, 105, 106, 112, 154, 158; service conception of, 178–9, 226; simple account of, 190–2, 193–5; sovereign, in Aristotle, 115; stratified solution to the paradox of, 98–100; ways of speaking about' in the *Politics*, 112–15; *see also* political obligation, question of; reason, second-order
autonomy, 47, 92, 93, 102 n. 33, 154
battle of the sexes, 204
Begriffsgeschichte, 8
best constitution, *see* constitution
blind obedience, 234, 235 n. 36
bravery, 124, 127; *see also* virtue
Caligula, 242 n. 52
'Cambridge School', The, 8–9
capacity (*dunamis*), 55, 59, 62, 70, 76–7, 84
Carthage, 137
central case, 31
character (*ethos*), 77
choice (*prohairesis*), 27, 122, 126
citizen (*politês*), 23, 179; ruled, 69, 158, 180

- ; second-class, 180–1; *see also* virtue, civic
city, *see* polis
civic priority, 80–6
civic virtue, *see* virtue, civic
civil war, 212, 253
Cleisthenes, 10 n. 19, 228, 229
Cleon, 234 n. 33, 250 n. 66
cleverness, 121
coercion, 185, 193
colony, 140–1, 254
command (*epitaxis*), 103, 135
common advantage (*to koinēs sumpherōn*), *see* common good
common good, 179–81, 226–7
common meals (*susitia, phiditia*), 202 n. 55, 227, 239
communism, 199, 200 n. 51; primitive, 222 n. 5
communitarianism, 3 n. 8, 167–77; Aristotle's, 174 n. 57, 223, 225;
defined, 167 n. 43
community or association (*koinōnia*); intermediate, 227; political,
152; in the best polis, 201–2 n. 55
completeness, *see* priority, normative
concord (*homonoia*), 210–14; thick conception of, 211; thin con-
ception of, 211, 212; *see also* unanimity
conflict, 212 n.; *see also* unanimity
Constantinople, 156
constitution (*politeia*), 30, 40–1; best, 140–1, 148; as enabling
constraint, 187, 188; and freedom, 154; good enough, 40;
mixed, 9–10; moral reading of, *see* political, as moral predicate;
relationship between right and wrong, 16–17; typology of, 179,
190
contemplation, 58
contractarianism, political, 74, 78, 80 n., 84 n. 73, 217 n. 79; *see*
also state of nature
coordination, 199, 201, 202, 206
courage, *see* bravery
courts, 205
craft (*technē*), 27, 61, 64, 75–6
craftsman (*demiourgos*), 17
Crete, 79, 151–2
criminal courts, 205
decency, decent (*epieikēs*), 247, 248; *see also* agency, agents, perfect
Declaration of the Rights of Man and Citizen (1789), 24 n.
dei, to deon, 133–4
deliberation (*boulensis*), 101, 130
Demaratus, 155 n.
democracy, 153, 192–3, 256–7; extreme, 37, 153–8, 257–8
description; and evaluation in social science, 19–41; normative
subtext of, 36, 131, 138, 246, 248; *see also* agency, perfect;
evaluation
desire; first-order, 160–1; reason's independence of, *see* moral
reason, categorical nature of; second-order, 161
Dionysius, 241, 242 n. 52
direction of fit, 50, 67; *see also* normativity
disagreement, *see* conflict; unanimity
dismissive judgement, 29–33
disobedience, legal, 235
duty; 'collateral', to obey unjust laws, 252 n. 71; Kantian, 127;
moral, 118; natural, 141–2; to oneself, 216 n. 78; position-
al, 26, 117, 168–9, 171; *see also* moral reason; obligation;
political obligation; virtue, civic
education (*paideia*), 183, 222, 228–30, 235; Spartan, 237; *see also*
moral education
egotism, 160
ekklesia, *see* Assembly
eleutheria, *see* freedom
enabling constraint, 129 n. 33, 187–8; *see also* obligation,
phenomenology of
Encyclopédie, 150 n. 7
end (*telos*), 26, 49, 50, 51, 61, 72, 77, 101, 124, 127, 131, 133,
164–5, 223
endorsement constraint, 48 n. 13, 185
ephēbia, 141, 230 n. 25
epieikēs, *see* decency, decent
ergon, *see* function
Erythrai, 249

- ethics; as the basis of politics and law, 11–41; classical and modern, 129–30
- eudaimonia*, *see* happiness
- eukosmia*, 257
- eunomia*, 38, 233–6; descriptive conception of, 234; prescriptive conception of, 234, 236; Spartan, 233, 237 n.
- Euripides, 22
- European nations, 79, 151, 152
- evaluation in social science, 19–41; *see also* description; dismissive judgement
- excellence, *see* virtue
- exeinai*, *exousia*, *see* liberty
- extreme democratic challenge, the, 150–67; Aristotle's answer to, 157–67
- faction, 214, 250–1
- fine, *see* noble
- Franz Ferdinand, Archduke, 37 n. 41
- Frederick the Great, 141 n. 63
- freedom (*eleutheria*), 154, 158–9; as acting as one wishes, 162; Aristotle's endorsement of, 162–3; legal, 159 n. 27, 247; loose sense of, 159 n. 27; maximalist conception of, 159–60, 242; minimalist conception of, 160–2; negative and positive, 158 n.; and reason, 163, 228 n. 22; social or moral, 159 n. 27, 247; strict sense of, 159 n. 27; and virtue, 164; *see also* liberty
- free-riding, 191
- French Constitution of 5 Fructidor III, 101 n.
- friend, friendship (*philia*), 31, 164, 227; political, 107, 108, 165
- function (*ergon*), 34
- function argument, 53–67; two-step defence of, 64–6; *see also* human nature
- general will, 144 n.
- genos*, 228
- god, 52, 186, 198, 203
- good (*agathon*), 54; human, 56–7; *see also* happiness; life., *see* happiness; of individual, 226, 227, 229; man.; *see* agency, perfect; and virtue, 51
- good government, *see* *eunomia*
- goods; external, 57; internal, 57
- government, *see* authority
- graphê paranomôn*, 189
- gratitude, *see* political obligation, gratitude argument for
- gymnasia*, 202 n. 55
- habituation (*êthos*), 183
- happiness (*eudaimonia*); as autonomous activity/reflexive good, 14, 121; maximizing conception of, 59; as reason for action, 123–4; as a second-order good, 59, 123–4; *see also* activity; good, human
- Hector, 35 n. 38
- Hegel; on civil society and the state, 176 nn. 59, 60; on freedom, 162 n. 33; on identity and social roles, 83 n. 70; on moral duty, 126 n. 25, 128 n. 31; on political naturalism and contractarianism, 80 n.; on the state as political substance, 224
- Hera, 97 n. 20
- Hesiod, 37
- hetairiai*, *see* political clubs
- holism, 226
- Hobbes; on Aristotle's anarchism, 220 n.; on desire and practical reason, 121 n. 16; as founder of modern political philosophy, 260; on freedom as morality, 165 n. 39; Hobbesian model of government, 169; on the normative shortcomings of Greek and Roman political theory, 55 n. 22; on omnipotence, 216 n. 78; on organicism, 223 n. 7; on political authority, 97 n. 20, 99–100, 102, 111 n.; on republican liberty, 155–6; on sovereignty, 255 n.; on the state as artefact, 68, 73–4, 78–9; on the state as mortal god, 216 n. 77
- Homer, 35 n. 38
- homonoia*, *see* concord
- human flourishing, *see* happiness
- human good, *see* good, human

- human nature,; as the apparent foundation of practical philosophy, 55 n. 22, 56, 58, 63–7, 73; pessimistic conception of, 193–4; and practical philosophy, 61–3, 66–7, 73; *see also* civic priority; function argument; metaphysics; nature
- Hume,; on desire and practical reason, 120–2; endorsement of reasons universalism by, 118 n. 11; on morality as hypothetical imperative, 122 n.; on naturalistic fallacy, 55, 59; on political disobedience, 258; on the rationality of free-riding, 192 n. 34; on the simple account of government, 194 n. 38, 195
- ideal agent theory, 132
- ideal state, *see* best constitution
- identity, 162, 171–2
- imperative(s),; categorical, 130; hypothetical, 123
- individualism, 227, 230
- internalism, moral, 128–9
- interpretation of philosophical texts, method of, 7
- justice (*dikaïosunê, dikaion, dikaiôs*), 119, 135, 138–9; legal, 108, 109, 135; natural, 108; as reciprocity, 142
- Kant,; and Aristotle on the goodness of doing well, 129–30, 260; on a constitution suitable ‘for a nation of devils’, 17; on citizens and subjects, 106 n.; on duties to oneself, 216 n. 78; endorsement of ideal agent theory by, 132 n. 39; endorsement of reasons universalism by, 118 n. 11; on morality as categorical imperative, 122–3; on normativity and human nature, 43, 45, 50, 52, 53, 66, 67; on the paradox of laws and humans, 210 n. 68; on the phenomenology of morality, 127–8; on political allegiance as duty, 141 n. 62; on political authority, 100–1 n. 31; on political disobedience, 255–6 n. 77; on virtue, 125–6
- ‘Kantian card’, the, 43, 129; *see also* normativity; direction of fit
- Kinadon, 249 n. 63
- kingship (*basileia*), 36, 179; absolute (*pambasileia*), 214–18
- koînônia*, *see* community
- Kritias, 253 n. 74
- kurios*, *see* authority
- language or speech (*logos*), 70
- law (*nomos*),; as enabling constraint, 187; concept of, 207–10; conventional,; natural, 30 n. 34, 108; Nazi, 30 n. 34; positive, 30 n. 34, 108; rule of, 190; *see also* omnipotence
- lawgiver or legislator (*nomothetês*), 11–18, 183; *see also* politician or statesman
- Leonidas, 120
- liberalism, 197 n. 45
- liberty (*exousia*), 156, 157; Hobbes on, 156, 165 n. 39; *see also* freedom
- license, 159 n. 28
- liturgies, 241 n. 48
- Locke,; on explanation and justification of revolution, 250 n. 66; on freedom, 159 n. 28; on government, 146 n. 1; on ‘political’ as normative term, 240 n. 45; on political authority, 97 n. 20, 98–100; on the Rule of Law, 218 n. 82
- logos*, *see* language; reason
- Luca, 156
- Lycurgus, 232 n. 31, 238
- Lykophron, 80 n.
- majority rule, 203, 205, 213, 257
- Mantineia, battle of (418 BC), 20, 104
- medieval commentators on the *Politics*, 157–8

- metaphysics, metaphysical, 54; *see also* human nature
 military, 244
 monarchy, *see* kingship; tyranny
 moral backsliding in the best polis, 149 n. 6, 205 n. 62
 moral education, 183–4; *see also* education
 moral ought in Aristotle, 133–5
 moral reason, 118; categorical nature of, 118–19, 125; and motivation, 184–5; other-regarding nature of, 118; universalizable nature of, 118 n. 11
 morality in Aristotle, 116–32
 morally admirable, *see* noble
 mutual advantage, *see* good, common
 Mytilene, 213
 natural; constitution, 69; duty, *see* duty, natural; *see also* naturalism; nature
 natural law, *see* naturalism
 naturalism; ethical, 48–9; political, *see* political naturalism; *see also* practical wisdom
 naturalistic fallacy, 54–5, 59, 61
 nature (*phusis*); extended (nature2), 49, 62–3, 67, 72–3, 76–7, 79–80, 223; second, 49 n.; strict (nature1), 48, 73, 74, 83, 222; *see also* human nature; practical wisdom; rationality
 naturist fallacy, 55
 Nazism, 30–1 n. 34, 236 n., 240 n. 44
 Nelson, Lord, 35 n. 38
 noble, morally admirable (*kalon*), 124, 128, 130, 134–5, 137–8, 164
 normativity, 42–67, 172, 217 n. 80; normative question, the, 42–3, 45–53; *see also* direction of fit
 obligation; moral, 47; phenomenology of, 125–6, 128–9; political, *see* political obligation; structure of, 130–2; *see also* enabling constraint
oikos, 228
 oligarchy, 180, 190–2
 omnipotence, 216–17; *see also* sovereignty
 order (*taxis*), *see* coordination
 organicism, *see* holism; totalitarianism
 ostracism, 82
 Otanes, 154 n. 18
paideia, *see* education
paranomia, 189
 particularity requirement, 143–4
 parts (*merē, moria*), *see* whole and parts
 patriot (*philopolis*), 236 n.
 peculiarity fallacy, 55, 65
 perfect agency, *see* agency, perfect
 perfectionism, 185
 Pericles, 166 n. 42, 258
 persuasion, 91, 96, 111
philia, *see* friendship
 Philoctetes, 83
phratRIA, 201 n. 55, 227
phronēsis, *see* practical wisdom
phronimos, *see* agency, perfect
phylai, 229
 Pittacus, 213, 214
 Plataea, battle of, 230 n. 25
 Plato, 24 n., 33 n., 89, 111 n., 198 n. 46, 220 n., 223 n. 6, 226, 229, 248 n. 61, 249–50, 257; on citizenship, 148; endorsement of a ‘vertical’ conception of political obligation by, 143; on excessive freedom as slavery, 161; his ‘humanism’ vis-à-vis Aristotle’s best polis, 227–8 n. 20; on institutional design in *Republic*, 196 n. 41; on intermediate associations, 227; on lawgivers and statesmen, 15; on the polis as one individual, 213; on political obligation, 182; on the political question, 147, 149; on politics as mastery, 155; on public education, 230, 231; on resistance to unjust regimes, 246 n.; and tyranny, 242 n. 52
 pleasure (*hēdonē*), 57, 63, 70, 161, 240 n. 44
 polis; ambiguity of ‘political’ and ‘polis’, 69, 174–6; natural existence of, 73–80, 82–3; normative conception of, 75–80; physical conception of, 74–5; as state (exclusive sense of), 174–5; as society (inclusive sense of), 174

- political; as moral predicate, 32, 240–2
- political akrasia, 236
- political animal (*zōon politikon*), 67–73; broad conception of, 68, 224; narrow conception of, 68, 73; republican or civic humanist reading of, 69, 83 n. 70
- political authority, *see* authority, political
- political clubs (*betairiai*), 201–2 n. 55, 227
- political naturalism, 67–86; hermeneutic reading of, 174
- political obligation; breadth of, 220; collateral, 169; concept of, 136–9; conceptual defence of, 167–74; depth of, 221; as duty, 140–4; gratitude argument for, 173; grounds of, 140–4; idiom ‘political obligation’ in the *Politics*, 139; limits of, 219–58; moral character of, 116, 137–9; as obligation properly speaking, 140–4; question of, 92, 145–67
- political philosophy, main issues of, 145; model approach to, 260
- political priority, *see* civic priority
- political question, *see* political obligation
- political science (*bē politikē*), 15, 109
- political theology, 198 n. 46, 215–17, 224 n. 12
- political theory; ethical basis of, *see* ethics, as the basis of politics and law; modern, 68, 78, 260
- politician or statesman (*politikos*), 11–18, 110, 186; true politician, 32, 33 n.; *see also* lawgiver
- politics, conceptions of, 198 n. 47, 202
- positive law, *see* law, positive
- practical reason(ing), 49–50; *see also* practical wisdom (*phronēsis*)
- practical viewpoint, 11–41; *see also* agency
- practical wisdom, 47, 49, 59, 121, 130; apparent incompatibility with authority, 92–5; *see also* authority, dilemma of; *see also* nature, extended; virtue
- ‘practicality’, 27, 60
- priority; ‘archeological’, 81–2; civic, *see* civic priority; hermeneutic, of the polis over its citizens, 85 n. 75; logical, epistemological, 62, 81–2; ontological, existential, 67, 81–3; normative, 81, 84–6; *see also* human nature and practical philosophy
- Prisoners' Dilemma, 190–2, 202 n. 56
- production (*poiēsis*), 60
- process (*kinēsis*), 51
- prudence, *see* practical wisdom
- public service, performing (*leitourgein*), 179
- punishment, 169–70
- Pyramids, The, 60 n. 31
- rationality; and virtue, 163
- ‘readership’ objection, 13–18
- reason(s); first-order, 95, 96; for action, 41 n., 45; *logos*, 64; second-order, 95–8, 123, 124–5, 126; *see also* authority, as exclusionary reason; *see also* contemplation; moral reason; practical wisdom; rationality
- republicanism, 3 n. 8, 106; weak, 159 n. 28, 167 n. 42, 230–1; *see also* political animal, republican reading of
- Res gestae divi Augusti*, Greek translation of, 88
- revolt, 249
- revolution (*stasis*), 212, 220, 255–6; Kant on revolution, 255–6 n. 77; *see also* faction
- right, rights; natural, 243–4; as normative power, 113; of resistance, 239–55; to rule, 138
- Rousseau; and Aristotle on communities, 225; on authority, 91 n.; on citizens and subjects, 106 n.; on free-riding, 191 n.; on the normative shortcomings of the right of the strongest, 217 n. 80; on the particularity requirement, 144 n.; on political disagreement,

- 205 n. 61; on political theology, 217 n. 79; on unanimity and democracy, 203 n. 58
- role, *see* duty, positional
- rule,; constitutive, 188; -following and kingship, 214–18; legal, *see* law, concept of; political, *see* authority; primary, 208; of recognition, 209, 218; regulative, 188; secondary, 208–9
- Sarajevo, 37 n. 41
- scholarly gatherings (*sullogoi scholastikoi*), 202 n. 55
- self-binding, 216–17
- self-love, 162, 200 n. 51
- self-realization, 185 n. 25; *see also* happiness
- slavery, 161, 222; and the constitution, 154, 219; loose sense of, 159 n. 27; natural, 150; strict sense of, 159 n. 27; and tyranny, 243–5
- social theory,; and morality, *see* agency, moral and social science
- social thesis, the, 173–4
- Socrates, 33 n., 84 n. 73, 154 n. 18, 192 n. 36, 198 n. 46, 232 n. 30
- Solon, 10, 227 n. 18
- Sophocles, 22, 109 n. 42
- sovereignty, 255 n.; *see also* omnipotence
- Sparta, 37, 237–9; Aristotle on, 231–3
- Spartan army, 104
- spoudaios*, *see* agency, perfect
- stasis*, *see* faction; revolution
- state, 30 n. 34; natural vs. contractarian conception of, 74; *see also* polis
- state of nature,; in Aristotle, 74, 79, 84 n. 73, 151, 243; *see also* contractarianism
- statesman, *see* politician
- substance and accidents, 224–5; *see also* nature, strict
- susstitia*, *see* common meals
- Syracuse, 37, 38, 241
- task, *see* function
- taxation, 241
- techné*, *see* craft
- teleology, 70, 71
- Theompopus, 9, 189
- Theramenes, 253 n. 74
- Thermopylae, 120, 232 n. 31
- theôria*, *see* contemplation
- Thirty Tyrants, The, 253 n. 74
- Thrasymachus, 32 n.
- Thucydides, 34 n.
- totalitarianism, 81, 220, 222–33
- Trafalgar, battle of, 35 n. 38
- tyranny, 26–7, 30, 37, 173, 225 n. 13, 239–44; kingly, 242 n. 50, 243; perfect, 242, 246
- unanimity, 201, 203, 210; *see also* concord
- value, 46; *see also* normativity
- vice,; and rationality, 129 n. 32
- virtue,; civic and ethical, 26–8, 38–41, 105, 185 n. 26; ethical, 59, 77; full, 81, 127; justification of, 62–3; Kantian, 125–6; natural, 81; *see also* duty, positional; practical wisdom
- war, 244–5
- well-being, *see* happiness
- whole and parts, 82–3, 222–3
- wish (*boulêsis*), 24–25, 131, 163, 217–18
- Wotan, 217 n. 79
- Xenophon, 154 n. 18, 198 n. 46
- Xerxes, 155 n.
- Zeus, 217 n. 79
- zôon politikon*, *see* political animal