

ΔΗΜΗΤΡΙΟΣ ΜΟΥΡΤΖΙΛΑΣ

(Α.Μ.: 1107Δ027)

ARISTOTLE'S THEORY OF DEMOCRACY

ΔΙΔΑΚΤΟΡΙΚΗ ΔΙΑΤΡΙΒΗ

ΤΡΙΜΕΛΗΣ ΣΥΜΒΟΥΛΕΥΤΙΚΗ ΕΠΙΤΡΟΠΗ:

ΓΕΩΡΓΙΟΣ ΦΑΡΑΚΛΑΣ, Καθ. (Επιβλέπων)

ΝΕΝΟΣ ΓΕΩΡΓΟΠΟΥΛΟΣ, ομ. Καθ.

ΠΑΝΤΕΛΗΣ ΜΠΑΣΑΚΟΣ, ομ. Καθ.

ΠΑΝΤΕΙΟ ΠΑΝΕΠΙΣΤΗΜΙΟ

ΤΜΗΜΑ ΠΟΛΙΤΙΚΗΣ ΕΠΙΣΤΗΜΗΣ ΚΑΙ ΙΣΤΟΡΙΑΣ

ΑΘΗΝΑ, ΜΑΪΟΣ 2015

DIMITRIOS MOURTZILAS

(A.M.: 1107Δ027)

ARISTOTLE'S THEORY OF DEMOCRACY

DOCTORAL DISSERTATION

ADVISORY COMMITTEE:

GEORGIOS FARAKLAS, Prof. (Supervisor)

PANTELIS BASSAKOS, Prof. Emeritus

NENOS GEORGOPOULOS, Prof. Emeritus

PANTEION UNIVERSITY

DEPARTMENT OF POLITICAL SCIENCE AND HISTORY

ATHENS, MAY 2015

I am grateful to the
Greek State Scholarships Foundation (I.K.Y.)
for the scholarship that I have received
for the writing of this doctoral Dissertation.

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(Word count: 82000)

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Introduction

Introduction

In his well known classification of the constitutions Aristotle names democracy as a deviant constitution. On the basis of this classification, most of the readers of the *Politics* view Aristotle as an anti-democratic thinker. However, a more elaborate reading of the *Politics* reveals a number of statements that could be used so as to question this position. As I see it, in so far as Aristotle is not an advocate of any constitutional form, he is neither an anti-democratic nor a pro-democratic thinker. Nevertheless, I believe that his political thought provides us with a number of powerful arguments in support of what could be seen as being a democratic form of government. In my own interpretation, Aristotle's political thought reflects an egalitarian and participatory understanding of the political. An understanding whose democratic connotations could not be afford to be ignored. The aim of this dissertation therefore is to highlight, examine, and analyze those aspects of the Aristotelian political thought which I believe reveal this egalitarian and participatory understanding of the political.

It is clear that for Aristotle a life of action is a choice-worthy life. A happy life can only be a life of action. Specifically for Aristotle, contemplation is one type of action that has an intrinsic value. Political action is the other. The question that needs to be answered is whether Aristotle held that only a few citizens should have the opportunity to engage in any of these two forms of action, and thus have the opportunity to develop their virtue, or whether all the citizens of the polis should

engage in action. The assumption being that in the first case the few would be able to develop their virtue to a high level and, in the latter case, that all the citizens of the polis could do the same as far as possible¹. More simply, whether the few should develop their virtue to the utmost or the many should develop their own virtue as far as they could. According to my own reading of the text, those passages of the *Politics*, for example in books VII and VIII, that are usually considered by the commentators as supporting the first view, as well as those passages, for example of book III, that are usually considered as supporting the second view, show that Aristotle envisaged the establishing of a constitution that would enable all the free citizens to act.

It is also clear that for Aristotle the free citizens of a polis should not be subjected to any kind of despotic rule. Despotic rule cannot be accepted by free men. The only alternative to it is political rule. Political rule is ruling in turns; ruling and being ruled. In other words, to deprive some, or the majority, of the free citizens of participation in public offices would instill in them a feeling of injustice. Such a feeling of injustice would undermine the unity, and thus the stability and longevity of the polis.

It is moreover clear that Aristotle has a definitive understanding of what justice is. Justice for him is to give equal things to equals, and unequal things to unequals. In other words, the greatest injustice would be when equals are treated as unequals, and unequals as equals. He believes that most people, if not all, would agree with the above definition of justice. However, not all people would agree with how this equality, or inequality, should be measured. The lack of agreement refers to the

“ἄξία” (value) that should be taken into account for judging the equality between two or more men within the polis. The fact that there are different claims as to which is the primary “ἄξία”, is the main cause of factions within the polis.

Aristotle acknowledges that the different views regarding the most appropriate form of government stem from the different priority that various men, or groups of men, give to the different values. The primary political dispute is whether freedom, wealth, power, or moral virtue, should be considered as the primary value for judging equality. As a result, there are five competing candidates for the sovereign body within the polis: a) the many, b) the rich, c) the good, d) the best one, and e) a tyrant. As I see it, Aristotle believes that this dispute, which in the end is a quest about the legitimate holder of the sovereign power within the polis, is a true “ἁπορία”. This happens because all the claims regarding the primary value that should be used for judging the equality of the members of the polis are partially “just” claims. At the same time, however, the prevalence of one of them would cause injustice to some members of the polis, and thus undermine the unity of the polis.

I argue that Aristotle's main pursuit in the *Politics* is to highlight this problem, and to try to propose a solution or an “exit” to this “ἁπορία”². I believe that Aristotle makes it clear that this is the main problem that the lawmaker and the politician have to deal with. Whether he successfully provides a solution to this problem is an open question. One of the aims of this dissertation is to show how Aristotle tried to deal with this problem.

In my view, Aristotle presents three different ways to overcome this “ἁπορία”.

The first two could be applied to humans, while the third could have a meaning only in the highly improbable case that a god decides to live among humans. Of the humanly possible ways, the one could be applied to an actually existing polis, while the second is based on the utopian presupposition that the lawmaker, who would establish a new polis, would control all the necessary elements for the establishing of the new polis. More specifically, Aristotle argues that if there existed an individual who would differ in terms of virtue from the other inhabitants of the polis in the same way that a god differs from humans, it would be unjust to submit this individual to the ruling of the others. He should excel in virtue to all the other inhabitants of the polis and, as I see it, he should excel in all the other values as well. This exceedingly virtuous man should surpass the virtue of all the others, not individually, but taken as a whole. This is the first of the three just solutions to the “ἀπορία” of the sovereignty claims.

The second solution presupposes that all the members of the polis have at least some virtue. It presupposes that the demos of the polis is not bestial. It presupposes that the “πλῆθος” differs from a herd of beasts. If this is the case, the sum of virtue of the “πλῆθος” would be greater than that of any other part of the polis. Analogously, the sum of virtue of all the members of the polis, the “πλῆθος” and the virtuous few, would be greater than the partial sum. As Aristotle says, it is not natural for the part to be superior to the whole. Thus, based on the Aristotelian principles regarding virtue and justice, a “πλῆθος” comprised of all the inhabitants of the polis should hold the sovereign power in an Assembly. We should always have in mind that Aristotle

acknowledges that if a polis is ruled under a democratic regime which secures that the laws of the polis would not be overruled by any kind of decrees, then that polis would be governed well, because in that case the best citizens would be given the leading offices.

The third solution that Aristotle presents is a radical one, eliminating all kinds of inequality among the members of the polis. In doing so, Aristotle invalidates the dispute regarding justice. Regardless of the “ἄξια” that would be taken into account for judging equality, all the citizens would be equal. Thus, there would be no part of the polis that could claim sovereignty due to superiority. Justice would require that all the free citizens of the polis would take part in the governing of the polis.

Seen from a contemporary perspective, Aristotle's attempt to provide a solution to this “ἀπορία” enables us to claim that it constitutes the basis, and in fact the backbone, of a theory of democracy. As noted, if there is not a god living among the members of the polis, the only justified claims for holding the sovereign power are claims that demand the participation in the sovereign power of all the citizens of the polis. It is true that today we would be hesitant to name as democratic a constitution that excludes a great number of the inhabitants of the polis from it³. However, I believe that this feature of the third proposed solution, should not prevent us from highlighting the democratic character of its structural elements.

In order to interpret Aristotle's egalitarian and participatory understanding of the political, we need to examine his analysis of the various constitutions. Moreover, we need to examine and analyze Aristotle's views regarding a number of central issues

– such as the definition of the citizens and the non-citizens, the importance of unity, the role of property, and the meaning of justice – that provide the basis for the development of his understanding of the political.

Chapter I

Aristotle on Citizens and Slaves

An attempt to interpret Aristotle's account of the constituent parts of the polis, is a prerequisite of an analysis of the Aristotelian political thought. The central figure of the polis is the citizen. So it is very important to examine how Aristotle tries to define the citizens of a polis, and how he approaches the notion of citizenship. The analysis of the citizens, unavoidably leads to the quest for an interpretation of Aristotle's account of the non-citizens par excellence: the slaves. The fact that Aristotle develops a theory of natural slavery is widely known, though few have attempted to interpret it without any prejudice; and the justification of slavery based on that theory casts its shadow over the whole spectrum of his ethical and political thought.

Citizens and Citizenship

There are some issues that are complex and can be analyzed into their constituent parts. The best way to approach these issues, according to Aristotle, is by beginning our research from the particular to the general. So, for him, it is important to notice that the research concerning the citizen (πολίτης) is prior to that of the polis and the constitutions (πολιτεύματα). For him, the polis is the sum of its citizens. “ἡ γὰρ πόλις πολιτῶν τι πλῆθος ἔστιν”²⁴. A definition of what the citizen is, therefore, is important and vital for a research about the constitutions and the polis. “By raising the question of what the citizen is, Aristotle approaches the core of the political question par

excellence”⁵. What I would like to do is to examine Aristotle's attempt to answer this question as well as his definition of citizenship. In addition, I want to consider the possible implications of his answer concerning the way he views the various constitutions and, also, the way it can be related to the notion of eudaimonia.

Aristotle tries to formulate a definition of citizenship that is broad enough so as to cover all the distinctive constitutions, but at the same time, he is not that abstract that cannot be in accord with the existing ones. Before coming up with his own definition, Aristotle, faithful to his method, examines the common practices and ideas regarding the attribution of citizenship at the existing poleis – historically and at his own time. And he finds them inadequate. The most common practice for attributing citizenship is based on the criterion of lineage⁶. According to this criterion, for someone to be regarded a citizen, both his father and mother have to be citizens of the polis. This necessary condition often extends to his ancestors, two or three generations back.

For Aristotle, this way of defining citizens is not the most appropriate, because it is puzzling and cannot be applied to several cases. On one side, it is puzzling because in many occasions it is not easy to check and verify whether someone is of citizens' descent when we look two or three generations back. On the other side, this definition cannot be applied to those who first built and inhabit a polis. In addition, and more importantly, it cannot be applied to cases that some constitutional change occurs. “ἀλλ’ ἴσως ἐκεῖνο μᾶλλον ἔχει ἀπορίαν, ὅσοι μετέσχον μεταβολῆς γενομένης πολιτείας”⁷.

Aristotle also rejects a definition of citizenship that is based on that someone lives in a given polis, or on that he is the subject of a city's legal framework and can participate in trials and other legal procedures. He cannot accept this definition because the foreign residents (“μέτοικοι”) and the slaves – who by no means should be regarded as citizens – live in the same place as the citizens and, moreover, those who simply have commercial transactions with the polis can have access to its legal system and the administration of justice⁸.

In the first chapter of the third book of his *Politics*, Aristotle formulates three definitions of citizenship. We could say that at this stage Aristotle uses the aporetic method. He successively examines each definition and its inadequacies, and gradually comes up with the next one so as to avoid them. His first definition is the following: “πολίτης δ’ ἀπλῶς οὐδενὶ τῶν ἄλλων ὀρίζεται μᾶλλον ἢ τῷ μετέχειν κρίσεως καὶ ἀρχῆς”⁹. Id est, “the citizen proper is distinguished by nothing else so much as by having a share in giving judgement and exercising office”¹⁰. With this definition Aristotle is facing a problem. By having citizenship depend on the exercising of office, he excludes all those who on the other hand do participate in the political process of the polis, but whose participation and political function does not carry the title of a specific office. This is true, for instance, for the members of the Assembly (ἐκκλησία τοῦ δήμου) and for the jurors and judges in some courts, who are not regarded as officials. It is important to note that for Aristotle the actual sovereign power is based on the above mentioned political functions. And, as he puts it, “it would be ridiculous to deny [the] participation [of the people who have the greatest

authority (“τοὺς κυριωτάτους”)] in office”¹¹.

To overcome this difficulty, Aristotle makes a distinction of the various offices with respect to the length of time that one can hold these offices. On one side, there are those offices that can be held for a given amount of time. On the other side, there are those who that can be named “offices without limitation”. The best example of the second category is that of the member of the Assembly. Having this distinction in mind, Aristotle moves on to the formulation of the second definition. “τίθμεν δὲ πολίτας τοὺς οὕτω [ἀόριστος ἀρχὴ] μετέχοντας”¹². Id est, “citizens are considered those who partake of indefinite office”.

It could very well be said that while Aristotle insists that he tries to come up with a definition that would be sufficient for the plurality of the various constitutions, he has the tendency to define citizenship with regard to only one constitution, namely the Athenian democracy and its structure and political institutions¹³. Aristotle, himself, understands that his definition is more suitable for the citizen of a democratic regime, and less so, in most cases, for the other constitutions. In some poleis, as for example in Sparta and Carthage, the deliberation and the judging (“τὸ βουλευέσθαι καὶ δικάζειν”) – for all or for some of the issues – is done only by those who hold a specific – “determinate” – office.

Finally, Aristotle comes up with a definition, the third one, which he believes to be the broader, encompassing all the possible constitutions. Citizen should be considered “ὅ γὰρ ἐξουσία κοινωνεῖν ἀρχῆς βουλευτικῆς ἢ κριτικῆς”¹⁴. “As soon as a man becomes entitled to participate in authority, deliberative or judicial”, he

should be considered a citizen. Aristotle connects the status of citizen with the active participation at specific political functions of the polis. His definition has nothing to do with privileges and rights. Rather he stresses the importance of the active participation of the members of the polis.

As Newman remarks, Aristotle quarrels with the prevalent view of his time, according to which the status of citizen is connected with the possession of certain privileges and rights, such as the right to own land and the right of intermarriage, for example¹⁵. Some scholars argue that “the burden of *Politics*, III i, is to define the citizens as holders of distinctive political rights”¹⁶. In opposition to such views, I hold that Aristotle's definition of citizenship is based on the active participation in the political functions of the polis. For Aristotle, citizenship is not defined by particular political rights. For instance, we could hypothetically say that, if Aristotle founded citizenship on property, then only the owner of actual property would be entitled to be a citizen, and not the one who holds the right to acquire and own property but does not have any.

It could be argued that Aristotle in his effort to formulate – we could say – a universal definition, contradicts historical reality. His definition does not cope with the reality of many Greek poleis. Especially, with those that were ruled under an aristocratic, oligarchic or monarchic constitution. In those poleis the vast majority of the citizens – whose status as citizens is not doubted – do not participate in any office nor do they have any actual political function. Despite the fact that they lack any participation in the political realm of their polis – something that is a necessary

condition of the Aristotelian definition – they are, still, called citizens. It is by convention that they are called citizens and not by principle and definition. We need to coin the term “passive citizen” to overcome this contradiction¹⁷. Aristotle himself does not use this term, and there is not something similar in the text. But it seems that he is aware of that contradiction and that he places the citizens in two different categories so as to overcome this contradiction.

On one side, there is the “ἀπλῶς πολίτης”. We can translate it as the citizen in the fullest sense of the term. The citizen par excellence. And, on the other side, there is the passive citizen. In the first category – of the complete citizens – belong all those whose status and role in the polis coincides with the Aristotelian definition. Concisely speaking, the complete citizen are all those who partake in the process of “ἄρχειν καὶ ἄρχεσθαι”, of governing and being governed. In the second category of the “passive citizens” belong all those who are customarily called citizens, but are only governed without ever participating in governing.

Whether Aristotle makes a distinction of citizens in various categories is a disputed matter. Most would argue that he makes a distinction, but there is no unanimity regarding the way he does it¹⁸. For sure, there are three categories of citizens who properly hold this name, but whose status as citizens is conditional. There are the children, who are potentially citizens. They will properly be entitled the status of citizen when they reach the age of maturity. There are, also, the old men, who due to their age do not participate in the political functions of the polis. They are called superannuated citizens. I would like to mention that Aristotle's description of

these two categories seems to presuppose that all the children and all the old men, will or, as the case may be, did participate actively at the governing of the polis. One could argue that the above is a hint which reveals that Aristotle's account of citizenship is closely connected with a democratic form of government.

Some scholars argue that the various categories of the citizens should be based on the following criterion: each citizen should be categorized with regard to how “close” to the authority he stands¹⁹. This categorization presupposes that there is a kind of hierarchy among the citizens. The potential citizens form the first category. In this category belong all those persons who could potentially have access to the status of citizen. The citizens who participate in authority, form the second category. As it was mentioned before, they are all those who hold office, even though these offices do not formally have such a name. According to this argument, there is also a third category. The citizens that belong to this category are the citizens par excellence. They are all those citizens who have access to the offices of the polis, and who determine the type of the constitution. In this category belong all those whom Aristotle describes as “οἱ ἐν ταῖς τιμαῖς”. There is an ambiguity as to how we should translate this. Aristotle says: “λέγεται μάλιστα πολίτης ὁ μετέχων τῶν τιμῶν”²⁰. Some translate it as: citizen is “he who participates in the political offices”, and on this translation they base their interpretation. While others, stay closer to the text and provide a more faithful translation. It is translated as: citizen is “he who participates in public honors”. From Aristotle's argumentation one could conclude that all the citizens of the polis should participate in public honors. It is something that

distinguishes them from the alien residents. Thus, this remark does not allow us to conclude that the status of the citizen par excellence should be attributed to only a small group of citizens.

At this point, I would like to mention that for a citizen to be called citizen in the complete sense (“ἅπλῳ πολίτης”), there is no need of a moral evaluation. What I mean is that the necessary and sufficient condition for him to be considered as a citizen in the complete sense is to participate in the authority of the polis, and not to exhibit, what we would call, civic virtue when holding an office – definite or indefinite. Despite that, some scholars argue that to speak properly of citizenship in the complete sense is to speak of those who possess the necessary wisdom and virtue for governing²¹. But this kind of interpretation is not in agreement with Aristotle's text.

For Aristotle, there is another important issue for this inquiry on citizenship, and another question that has to be answered. “Is the excellence of the good man the one and the same with that of the good citizen or do they differ?”²². By answering this question we can have a better understanding of who the citizen is. On the one hand, Aristotle links the excellence of the good man to the goodness of the ruler. And argues that “the only goodness peculiar to a ruler is his practical wisdom, his prudence (φρόνησις)”²³. On the other hand, he says that “the excellence of the citizen must be relative to the constitution”²⁴. And makes use of an analogy to clarify this. He uses the metaphor of a ship so as to show that the goodness of a citizen is different and depends on whether his function in the polis has to do with governing, like the captain

on a ship, or has to do with being governed, like a member of the crew of a ship which is of lower rank. In other words, the excellence of the good man can be revealed in ruling well, “ἄρχειν καλῶς”. While, the excellence of the good citizen can be revealed either in ruling well, “ἄρχειν καλῶς”, or in being well ruled, “ἄρχεσθαι καλῶς”.

At the same time, Aristotle argues that there are two ways of ruling. “ἔστι γὰρ ἀρχὴ δεσποτική”²⁵. Id est, “there is such a thing as despotic rule”. It is rule by a master. But there is, also, political rule. “ταύτην γὰρ λέγομεν εἶναι τὴν πολιτικὴν ἀρχήν”²⁶. This way of ruling is based on “ἄρχειν καὶ ἄρχεσθαι” (ruling and being ruled). Each citizen should know and be in position to govern and be governed. “δεῖ δὲ τὸν πολίτην τὸν ἀγαθὸν ἐπίστασθαι καὶ δύνασθαι καὶ ἄρχεσθαι καὶ ἄρχειν”²⁷.

In my view, some interpreters take Aristotle's analogy between the division of labor on a ship and the various political functions within a polis too far, much further than Aristotle's own intention²⁸. It is true that Aristotle uses the example of a ship to clarify that there are different virtues that one has to poses so as to perform the different functions necessary for the safe journey of a ship, and by analogy to achieve the safety and well being of a polis. On a ship different virtues are required from a rower and different from a pilot. And “there cannot be ships with captains and officers only”²⁹. By analogy they imply that in polis, also, there are those who command and those who obey. And so, these interpreters argue that according to Aristotle this should be the basis for a limited attribution of citizenship. But on a ship the relations between the various members of the crew are stable, permanent and asymmetrical.

Aristotle's Theory of Democracy

The power relations are asymmetrically structured. This is not true for every polis. When the despotic rule is the case and the constitution is defined by this kind of rule, only a few exercise governing. A situation analogous to that of a ship. But, when the constitution is based on the other type of rule, that of ruling over free men of the same stock – the so called political rule – the situation is very different. In this latter case the relations within the polis are not stable and there is an alteration of the members of the polis in governing and being governed. Thus, there is no basis for limiting citizenship.

From the above it is clear that when the constitution of the polis is based on despotic rule, only one or a few can have the possibility to deploy their excellences and be good men. On the other hand, when the constitution is a kind of democracy which is based on political rule, all the citizens, potentially, can be good men. I hold the position that this is a strong argument for a form of government which is a kind of democracy. Aristotle's definition of citizenship, and his analysis of the good man and the good citizen, support the interpretative point of view that according to Aristotle, at least in principle, a variation of democracy is the constitutional form that enables both the citizen and man to achieve *eudaimonia* and the maximum of his capacities.

Aristotle's Theory of Slavery

The citizen of the polis is, at the same time, the head of a household. If we understand, as Aristotle does, the polis to be analogous to the body as a whole, then

the household should be considered analogous to the cell, which is the part that constitutes the whole. We should always have in mind that for Aristotle the polis is naturally prior and superior to the household and the individuals that compose it. “καὶ πρότερον δὲ τῇ φύσει πόλις ἢ οἰκία καὶ ἕκαστος ἡμῶν ἐστίν. τὸ γὰρ ὅλον πρότερον ἀναγκαῖον εἶναι τοῦ μέρους· ἀναιρουμένου γὰρ τοῦ ὅλου οὐκ ἔσται πρὸς οὐδὲ χεῖρ, εἰ μὴ ὁμωνύμως, ὥσπερ εἴ τις λέγοι τὴν λιθίνην”³⁰. But this does not mean that the household does not play any important role in the workings of the polis. The household is the realm of the non-political. And in this realm some very important and essential relationships occur. The union of the male and the female which is the essential prerequisite for the reproduction of the members of the polis takes place within the household. This union is reflected at the pair of husband and wife. The children, which are the result of this union, form another pair within the household, which is the pair of father and children. For Aristotle, in contrast to what a contemporary reader would expect, there is another element which is essential for a household to become complete. That is the slaves³¹. As a consequence, a third pair within the household is formed – that of the master and the slave. These pairs are “constructed” because their constituents cannot exist on their own but only as parts of a pair³².

Aristotle describes the relationships that are established between these three pairs that exist within the household, and gives them the following names: a) δεσποτικὴ (the relationship between master and slave) b) γαμικὴ (the relationship between husband and wife) and c) τεκνοποιητικὴ (the relationship between father and

children). He wants to examine the nature of these relations, and how these relations should be. “περὶ τριῶν ὧν τούτων σκεπτέον εἴη τί ἕκαστον καὶ πόῃον δεῖ εἶναι”³³.

Aristotle's analysis of the relationship, within the household, between the master and the slave has provoked a vivid debate and has cast its shadow on the sum of his work on politics and ethics. His analysis is based on his belief that in some relationships there is the element which should always rule and the element which should always be ruled. Furthermore, he considers that this asymmetrical relationship is natural, and it should be so, if it is to be in accordance with the nature of things. The theory that he develops, we could name it the “theory of natural slavery”, has brought in an awkward position the contemporary interpreters, and especially all those who admire his analytical spirit and hold a positive stance towards him.

It is important to note that Aristotle himself acknowledges that the question of the naturalness of categorizing some men as slaves was a part of the intellectual “discussion” of his time, and the legitimation basis of the institution of slavery was disputed. He mentions that “τοῖς δὲ παρὰ φύσιν τὸ δεσπόζειν (νόμῳ γὰρ τὸν μὲν δοῦλον εἶναι τὸν δ’ ἐλεύθερον, φύσει δ’ οὐθὲν διαφέρειν): διόπερ οὐδὲ δίκαιον: βίαιον γάρ”³⁴. Aristotle does not name those who refute the naturalness of the rule of the master over the slave and claim that this rule, and the distinction between free and slave, is not natural, but conventional and based on power. Despite that, the contradiction between “νόμῳ” and “φύσει” that Aristotle refers to, portrays some of the members of the sophistic movement³⁵. A saying that condemns slavery is attributed to the sophist Alcidas. According to the Scholiast on 1373b of Aristotle's

Rhetoric, the proposition that “God made all men free; nature has made no man a slave” was part of Alcidamas' *Messenian Oration*³⁶. Newman makes an interesting remark when he notes that “the institution [of slavery] was undergoing a rigorous examination, in the course of which one form of it after another was being weighed in the balance and found wanting, and that first enslavement for debt, then the enslavement of Greeks, then enslavement through war, were successively being eliminated, so that a total condemnation of the institution might well seem to be at hand”³⁷.

Aristotle's theory of slavery has been severely criticized. One could sum up the critique on the Aristotelian theory of natural slavery as follows. Aristotle wrongly argues in support of a temporary and historically formulated institution, considering that this institution reflects a permanent and natural situation. He considers a prevalent convention of his time as something natural. A question which derives from this critique, naturally arises: For what reason does Aristotle develop a theory of natural slavery in the first book of the *Politics*? Some of Aristotle's interpreters claim that he develops a theory of natural slavery so as to provide the theoretical background and the moral justification to himself and to the citizens of the Greek poleis to deprive the freedom of other human beings and use them as slaves. One could note that this interpretation is in accordance with the prevalent view regarding the role of slavery in ancient Greece, which tends to become conventional wisdom. Some others would add that Aristotle develops his theory of natural slavery having in mind the constitutional blueprint he presents in the seventh and the eighth book of the

Politics, so as, according to their understanding, to enable himself to propose the use of slaves in that context³⁸. It is interesting to note that most of the contemporary interpreters and commentators agree on that he fails in convincing about the correctness of his theory. They consider the theory of natural slavery he develops to be incoherent, logically inconsistent, and including many contradictions³⁹.

Aristotle's account of slavery in the first book of the *Politics* takes place in the context of his analysis of the household (περὶ οἰκονομίας). We should always have this in mind when we try to understand and interpret his theory of natural slavery. Aristotle, at least in this context, treats slavery “as entirely a domestic institution”⁴⁰. All his arguments regarding the naturalness of the institution of slavery treat only the possibility of a master-slave relationship within the context of the household. Slaves are considered for Aristotle as parts of the master's property. Their place is in the household, and they are the living equivalent of the other pieces of the master's property. Aristotle claims that they should be considered as tools (“ὄργανα”). Their difference from the other tools, as for instance a shovel, is based on the fact that they are animate tools, and that they are able to use other tools (“ὄργανον πρὸ ὀργάνων”). The slaves should be considered as tools that enable and help the master perform some of his actions. This description of slaves as tools sounds very odd to a contemporary reader. To abase a human being at the level of a tool is not very flattering for the thinker who expresses this view. However, we should keep in mind that performing the action of a tool is not abating *per se*. According to Aristotle's understanding an ambassador should be considered as a tool of the Minister of

Foreign Affairs. Aristotle himself refers to the case of a watch in a ship. The sailor who performs the job of the watch (πρωρεὺς) acts as a tool for the ship's captain (κυβερνήτης), so that the captain can perform his actions⁴¹. Thus, we can assume that for Aristotle even a free citizen could perform the action of a tool. As I see it the problem lies in that a slave is considered as a tool, and performs as a tool, in every aspect of his life. This account of slaves has influenced the way the contemporary interpreters have approached the Aristotelian theory of natural slavery. Being tools, the slaves are considered as productive tools, whose labour is used in productive processes. Thus, it is argued that one has to examine Aristotle's analysis of slavery in the light of an approach to slavery as an economic institution of the ancient societies. R.G. Mulgan notes that “we must not forget, however, that he [Aristotle] is writing within a society which took the existence of slavery for granted and where slaves, though they did not make up the entire labour force, were largely responsible for the marginal surplus of wealth and leisure which made Greek culture and civilization possible”⁴². It is true that Aristotle's view on labour is embedded in the Greek tradition of the classical era, and he shares the negative attitude toward manual labour⁴³. Based on that, one could assume, as Robert Schlaifer does⁴⁴, that Aristotle develops his theory of natural slavery in the first book of the *Politics* so as to provide the moral justification for the use of slaves in all the manual occupations and for the appropriation of the wealth that is produced from their labour. I believe that such an approach of the Aristotelian theory of natural slavery is wrong, because it is not in accordance with the text of the first book of the *Politics*. According to my view the

Aristotelian analysis of natural slavery is a political analysis, and not an economic one. Slavery is not approached as an economic institution⁴⁵.

Parenthetically, I would like to examine whether the economy of the ancient Greek poleis was based on the institution of slavery, and whether their wealth derived from the surplus produced by the labour of the slaves. There seems to be an agreement among scholars regarding the structure of the economy of the ancient Greek poleis. They agree that agriculture was the dominant and most important domain of the ancient economy. The wealth of these societies was based on the land and the agricultural production. As G.E.M De Ste. Croix notes, the wealth in the Greek world, from the archaic period till the Hellenistic times, was directly linked with the land and the cultivation of cereals, olive trees, and grapes, as well as the breeding and pasturing of oxes, sheep, and horses⁴⁶. Thus, the question that needs to be answered is whether there existed an extensive and significant use of slaves at the agricultural production⁴⁷. Ellen Meiksins Woods argues that the agricultural production was not based on the labour force of the slaves and that the use of slaves for the cultivation of the land, and all the other relevant works, was very restricted⁴⁸. She claims that the agricultural production, of ancient Athens at least, was based on the labour of some members of the polis who were considered as citizens. "But if slaves undoubtedly belonged to the essence of Athenian life, it was in a very different sense from that suggested by the 'slave mode of production' which displaces the labouring citizen from the heart of the productive 'base'"⁴⁹. These citizens were small farmers who worked on the land that was their property, or worked the land of other

wealthier landowners⁵⁰. Contrary to Wood, De Ste. Croix argues that we must assume that the use of agricultural slaves was widespread, and that the agricultural production was based on them. According to him, in every social formation a kind of extraction of surplus takes place. He believes that there are only two ways of systematic extraction of surplus that historically existed or exist. The dominant social class can extract surplus from the labour of the suppressed class only, either, through wage labour, or, through slavery and the labour of slaves⁵¹. Thus, he argues, given that there did not exist widespread wage labour, we are obliged to assume that the extraction of surplus took place through the use of slaves at the agricultural domain of the economy. Wood argues, convincingly I believe, that it is very difficult to support De Ste. Croix's thesis. She believes that there exist other ways of extracting surplus, apart from wage labour and the labour of slaves. The wealthy landowners could extract surplus from the small farmers, who were free producers, with various means: through the appropriation of rents, taxation, and compulsory services⁵².

There is a passage in the *Politics* which refers to the actual use of slaves at the various banausic/manual (“βαναύσους”) occupations and provides us some historical information regarding the extent of the use of slaves at these occupations. Aristotle notes that “ἐν μὲν οὖν τοῖς ἀρχαίοις χρόνοις παρ’ ἐνίοις ἦν δοῦλον τὸ βάνανσον ἢ ξενικόν, διόπερ οἱ πολλοὶ τοιοῦτοι καὶ νῦν”⁵³. This passage constitutes a historical remark he makes in the context of his analysis of the issue of citizenship, and his attempt to answer the question whether the manual workers should be considered as citizens. From the passage one cannot estimate neither the extent of the use of slaves

nor the domains in which their labour was used. It is worth noting that Aristotle chooses to use the expression πολλοὶ (many) rather than πλεῖστοι (the majority). Despite that, it is clear from Aristotle's witness that many slaves were used at various banausic occupations. But the phrase the “banausic occupations” is very wide, and covers a broad range of manual occupations; from domestic occupations to workers at the mines of Laurio.

Aristotle makes a very interesting distinction. He makes a distinction between two different kinds of tools. On the one hand, there are all those tools that are “productive tools”, and on the other hand, there are the “practical tools”. In my view, the heart of the Aristotelian argument about the natural slavery lies at the following passage, which clarifies the difference that exists between these two kinds of tools and clearly places the slaves at the category of the “practical tools”. Slaves should be understood as tools useful and necessary for action, and not for production. “τὰ μὲν οὖν λεγόμενα ὄργανα ποιητικὰ ὄργανά ἐστι, τὸ δὲ κτῆμα πρακτικόν: ἀπὸ μὲν γὰρ τῆς κερκίδος ἕτερόν τι γίνεται παρὰ τὴν χρῆσιν αὐτῆς, ἀπὸ δὲ τῆς ἐσθῆτος καὶ τῆς κλίνης ἢ χρῆσις μόνον. ἔτι δ’ ἐπεὶ διαφέρει ἡ ποίησις εἶδει καὶ ἡ πρᾶξις, καὶ δέονται ἀμφοτέραι ὀργάνων, ἀνάγκη καὶ ταῦτα τὴν αὐτὴν ἔχειν διαφοράν. ὁ δὲ βίος πρᾶξις, οὐ ποίησις, ἐστίν: διὸ καὶ ὁ δοῦλος ὑπηρέτης τῶν πρὸς τὴν πρᾶξιν”⁵⁴.

What is the difference between these two different kinds of tools? Why does Aristotle consider that it is important to make such a distinction, and what are the implications of this distinction? The criterion used for discerning and categorizing the various tools refers to the aim of the use of these tools. If the usefulness of a tool lies with the

production of other material goods, then this tool is a productive tool. If the usefulness of a tool lies with the employment of this tool in performing an action, then we should call it a practical tool. The utility of the first is connected with the fact that they are used in a process of production, and the utility of the latter is connected with the fact that they enable us to perform an action⁵⁵. I believe that Aristotle makes this distinction because he wants to show that the role of slaves is not to produce material goods, and that their labour should not be considered as a mean of production⁵⁶. If, as Aristotle clearly states, the labour of the slaves should not be used in the agricultural sector of the economy or in any other productive domain, why is the existence of slaves necessary, and why does Aristotle consider them as a constituent element of the household? So as to answer that question we need to have in mind the fact that for Aristotle the aim of the life of the members of each polis is the achievement of eudaimonia. Furthermore, we should not forget that for Aristotle “ἡ γὰρ εὐδαιμονία προὔξιν ἐστίν”⁵⁷. I hold the view that for Aristotle the existence of slaves in the household enables the master of the household to achieve eudaimonia. They do not produce the material goods and the wealth that is necessary for the “living”, but they are used by the master (“δεσπότης”) in all the everyday occupations within the household so that he, the master, does not have to worry about these things and does not have to spend time in performing them. They enable him to live in absolute “σχολή” (leisure/spare time), free from all kinds of distraction, so that he can achieve the “εὖ ζῆν” (well-living).

Another interesting point that needs to be examined is whether the Aristotelian

theory of natural slavery implies that the men living in the context of a polis should be divided in two groups: the natural (“φύσει”) slaves, on the one hand, and the natural (“φύσει”) free men on the other. Leaving aside the women, the children, and the foreign residents (μέτοικοι), Aristotle does not make a dichotomy between the natural free and the natural slaves. I believe that for Aristotle there is a third category of men. In the third category belong all those men who were born free but are obliged to work for their living. The farmers, the artisans, and all the manual workers in general are obliged to work and spend their time in their manual occupations rather than living in leisure (“σχολή”). In contrast to them, the free by nature, on the score of their social and economic status, are not burdened with any manual occupations. As Aristotle states, not all men are either free men by nature or slaves by nature. “καὶ οὐκ εἰσὶ τινες οἱ μὲν φύσει δοῦλοι οἱ δ’ ἐλεύθεροι, δῆλον, καὶ ὅτι ἔν τισι διώρισται τὸ τοιοῦτον, ὧν συμφέρει τῷ μὲν τὸ δουλεύειν τῷ δὲ τὸ δεσπόζειν [καὶ δίκαιον]”⁵⁸. Only in some cases it is just a man to be a master and another to be his slave. Not in all the cases of master- slave relationships both parts benefit. Aristotle's belief that it is also for the slave's interest to be a slave (“συμφέρει τὸ δουλεύειν καὶ δίκαιόν ἐστιν”) sounds very odd, and provokes many reactions.

Aristotle believes that in nature there is always a relationship of ruling among unequals. “ἐν ἅπασιν ἐμφαίνεται τὸ ἄρχον καὶ τὸ ἀρχόμενον”⁵⁹. He gives two examples to make his statement more clear. The living creatures are comprised of the soul and the body. In that case the relationship of ruling is clear: the soul is the ruling part, and the body the part that is being ruled. It is natural, and beneficial for both

parties, that the soul rules over the body. The second example regards the parts of the soul. Within the soul, reason (“νοῦς”) is the ruling part, and the appetite (“ὄρεξις”) the part that is being ruled. Interestingly, Aristotle notes that the first relationship is a master's/despotic rule (“δεσποτικὴν ἀρχήν”), while the latter is a statesman's or a king's rule (“πολιτικὴν ἢ βασιλικὴν ἀρχήν”)⁶⁰. Consequently, if there are two men whose difference is similar to that between the soul and the body, then the one ought to be the master and the other the slave. Aristotle calls this kind of slaves, natural slaves⁶¹. Aristotle seems to consider that the difference between the master and the slave is wide enough; analogous to that between the soul and the body. The slave by nature seems to be a kind of a handicapped man. He lacks the rational part of the soul. His soul is comprised of the emotional part only. “ἔστι γὰρ φύσει δοῦλος ὁ δυνάμενος ἄλλου εἶναι (διὸ καὶ ἄλλου ἐστίν), καὶ ὁ κοινωνῶν λόγου τοσοῦτον ὅσον αἰσθάνεσθαι ἀλλὰ μὴ ἔχειν”⁶². The slave by nature does not possess reason and cannot look ahead and plan. Thus, he needs the master to perform that action for him; to plan for him and guide his actions. “τὸ μὲν γὰρ δυνάμενον τῇ διανοίᾳ προορᾶν ἄρχον φύσει καὶ δεσπόζον φύσει, τὸ δὲ δυνάμενον τῷ σώματι ταῦτα πονεῖν ἀρχόμενον καὶ φύσει δοῦλον”⁶³. Based on that, Aristotle argues that the slave benefits from the master-slave relationship.

When Aristotle claims that the natural slaves lack deliberation, and that the natural slave is a part of his master, something like a detached, but living, part of his body⁶⁴, it is as if he is describing a non-human being which has human form⁶⁵. Some contemporary interpreters argue that there could not exist many humans that would

meet this criterion set by Aristotle for natural slavery, and that Aristotle was aware of it⁶⁶. I take side with those contemporary interpreters who believe that Aristotle's account of natural slavery constitutes a critique of the established institutions and practices. A critique which could be described as quite radical⁶⁷. His definition of natural slavery and the criteria he sets for the categorization of a man as a natural slave, seem to constrain and limit the slaves of a polis to a very small number of persons. In that way he substantially undermines the *status quo* of his time. He undermines the legitimation basis for the majority of the cases of actual slaves, and limits the number of the natural slaves; in contrast to the tens of thousands that existed in the Greek poleis of the classical era.

If we take into account Aristotle's statement that the slaves are like a detached, but living, part of the master's body, then it is as if Aristotle considers that the slaves do not possess soul at all. This contradicts some other passages of the *Politics*, where Aristotle states that the slave participates in reason only to the extent that he can feel it, but does not possess reason himself⁶⁸. I believe that for Aristotle the natural slaves possess only the passive part of the soul (“τῷ παθητικῷ μορίῳ τῆς ψυχῆς”). From Aristotle's statement in *Politics*, 1254b 4 – 11, it seems that he considered that all humans, as well as all the other living beings, possess a soul. We should also not forget that Aristotle says that “ὁ δοῦλος κτῆμά τι ἔμψυχον”⁶⁹. But this admission reveals a problematic aspect of the Aristotelian argument. If the natural slave possesses soul, even if only the emotive and passive part of it, then Aristotle is wrong in saying the rule between the master and the slave is a despotic rule. A despotic rule

should take place when the difference is analogous to that between the soul and the body. If the difference between the natural free and the natural slave is analogous to that between reason (“νοῦς”) and appetite (“ὄρεξις”), then the rule between them should be a statesman's rule. “Ὁ δὲ νοῦς τῆς ὀρέξεως πολιτικὴν ἢ βασιλικὴν [ἀρχήν]”⁷⁰. Aristotle refers to the statesman's rule in the context of a single man's soul, but, I believe, it is not logically inconsistent to refer to it when a man's reason rules over another man's appetite. I believe that a contradiction exists in that aspect of Aristotle's thought, one that is very difficult to resolve⁷¹.

In attempting to analyze Aristotle's theory of natural slavery, we should try to approach the Aristotelian notion of “nature”, and understand how he uses that notion when he speaks of “natural” things and situations. For Aristotle there is a basic/fundamental distinction. The universe is divided into two distinctive “spheres”. There is the sphere of the heavens, the celestial sphere. There is also the sphere of the things “under the moon”⁷². The human affairs take place in that second sphere. What is it that makes these two spheres different? Why is there a need for such a difference? The main difference, which is important for the present analysis too, regards the extent of the effect of the “ἀνάγκη”. The celestial sphere is the field of the “ἀνάγκη” par excellence. It is the sphere of regularity and necessity. In contrast, in the field of human affairs the regularity and the necessity is intermingled with the random; with the Aristotelian “συμβεβηκός”. In the celestial sphere every potentiality (“δυνάμει”) is always actualized. But this is not the case in the sphere under the moon. We could say that in that context the nature of things is more “flexible”. It is not the “iron” nature of

things that exist in the celestial sphere, which is realized in the field of the “ἀνάγκη”. If the world we live in was the world of the “ἀνάγκη”, then each acorn, each “φύσει” acorn, would achieve its potentiality and fulfill its nature and would thus become an oak tree. Yet, we know very well that this does not happen every time. Our world, the sphere of things under the moon, is governed both by the “συμβεβηκός” and by “ἀνάγκη”. Human affairs are governed by the same powers. Each man does not achieve his potential *qua* man. Aristotle knows that those who listen to him lecturing on the political, or those who read his political writings, are aware of that. He summarizes this aspect of his understanding of the world – which is based on the ideas of “φύσις”, “ἀνάγκη”, and “συμβεβηκός” – in the following proposition: “ἡ δὲ φύσις βούλεται μὲν τοῦτο ποιεῖν πολλάκις, οὐ μέντοι δύναται”⁷³. This discussion regarding the nature of things, has an important implication. It is directly implied that it is not possible that all men can achieve their potential as humans at the same degree, and, thus, they cannot be equal⁷⁴. This analysis of the Aristotelian account of nature enables us to interpret his argument that the slaves do not have all the parts of their soul fully developed. We should approach them as humans that did not manage to fully develop the potentiality of their human nature.

The analysis of the Aristotelian account of slavery thus far was based on the text of first book of the *Politics*. Although his theory of natural slavery is deployed there, Aristotle refers also to the slaves and their labour in the context of the seventh book, where he presents a constitutional blueprint. These two Aristotelian statements seem to be at odds and contradictory. In the context of his analysis of the constitution

presented in the last books of the *Politics*, he claims that slaves should be used in the agricultural production⁷⁵. This statement undermines our previous argument that for Aristotle the slaves are practical tools. At least at first sight. It is a clear proposal that is very difficult to be misinterpreted. Many things have been written and told regarding the place of books VII and VIII and the unity of the *Politics*. A brief remark that I would like to make is that although in both cases Aristotle refers to slaves, there is a difference between the two cases. As I see it, in the seventh book Aristotle does not refer to natural slaves, nor is he interested in arguing that the agricultural works are fitted to slaves. He emphasizes on the fact that the citizens of the polis should not have to be engaged in any manual occupation. For that reason he does not refer to slaves only, but to metics and other foreigners as well.

Consequently, I want to express the view that the Aristotelian analysis of the relationships within the household, and subsequently his theory of natural slavery, is centered around the natural free and not the natural slave. What interests him, in the first place, is to show why the natural free should use slaves as practical tools for acting within the household, and secondly, to argue that it is in the interest of those men who have not fully developed their potentiality as humans, to live under the guidance of others who have the ability to look ahead and plan.

Chapter II

Aristotle and the Level of Unity in a Polis

Living in a polis is a matter and a form of interaction. People do have to have in common some things. As to the range of this sharing, there is no agreement. On the one side of the spectrum, people could share only the territory they inhabit, on the other side of the spectrum, people could share everything but their own existence. A question arises: What is the optimum degree of sharing? To what extent should the members of a polis – the citizens – share things and to what extent they should keep things to themselves?

Socrates' proposal in Plato's *Republic* for community of wives, children, and property is an attempt to answer these questions. Aristotle, in book II of the *Politics*, engages himself in an analysis and critique of the Socratic proposal. Aristotle takes Socrates' proposals seriously, very seriously. He considers them as a frank attempt on behalf of Plato to frame the constitution of the ideal polis⁷⁶.

He recognizes the fact that Socrates' proposals for the community of wives, children, and property concerns only the class of Guardians, and not the whole polis⁷⁷. He is curious about the non expressed provisions of Socrates' ideal constitution for the other parts of the polis. He would like to know how Plato could organize the other part of the polis, and how this could be in harmony with the way he organizes the life of the class of the Guardians. In the absence of Socrates' own presentation, he tries to examine the various possibilities⁷⁸.

Before we examine the implications and the problems stemming from the fact

that Socrates proposal for the community of wives, children, and property concerns only one part of the polis, we should first examine and analyze Aristotle's account of these issues, and his arguments regarding the level of unity of a polis proposed by Socrates.

Aristotle resumes Socrates' proposal into the following proposition: “ τὸ μίαν εἶναι τὴν πόλιν ὡς ἄριστον ὃν ὅτι μάλιστα πᾶσαν”⁷⁹. For Aristotle there is a limit to the level of unity of a polis. If we would like to represent the polis with a number, this number would not be the one. One is the number representing a person, and to some extent the household. Polis is a multitude, and only by being a multitude it can function as a polis. “πλῆθος γάρ τι τὴν φύσιν ἔστιν ἡ πόλις”⁸⁰.

If the lawmaker tries to intervene and transform this multitude into a unit, the result would be a change of the very nature of the polis. According to Aristotle, there is a threshold of unity that should not be overcome, if the polis wants to continue being a polis in its real essence. From a point onwards the polis ceases to be a polis and becomes something more like a household. Thus, he rejects Socrates' claim that the best status for a polis is when it is a one, or in other words, when it has achieved the absolute unity. If we follow Socrates' argument to its limits, the polis should become like an individual, so as to achieve the absolute unity⁸¹. But, for Aristotle this is something that is not desired, because it would refute the existence of the polis as such. “ἀναιρήσει γὰρ τὴν πόλιν”⁸². The polis needs a level of non-unity so as to be preserved. It is very important that there are men and women who perform different functions within the city. What is needed is differentiation and not absolute oneness.

Even the same individual has to be different, in a sense, depending on his role in the governing of the polis. The equals rule in turns. Thus, the same person has to be different when it is his turn to rule from when it is his turn to be ruled, as if it were a different person each time. “οἱ μὲν γὰρ ἄρχουσιν οἱ δ’ ἄρχονται κατὰ μέρος ὥσπερ ἄν ἄλλοι γενόμενοι”⁸³.

In addition to his reservations to Socrates' proposal for unity that have to do with the nature of the polis as a multitude, Aristotle criticizes the ideal of the perfect unity of the polis on terms that have to do with the survival of the polis and its self-sufficiency and independence (αὐτάρκεια). Aristotle argues that an association of a multitude becomes a polis when it has achieved its own self-sufficiency and independence. The highest level of self-sufficiency is always preferable to the lesser ones, and this self-sufficiency is in direct analogy to variation and multitude – not unity⁸⁴.

The Community of Wives and Children

To achieve the desired level of unity, Socrates proposes the following: “τὴν τε τῶν γυναικῶν κτῆσιν καὶ γάμων καὶ παιδοποιίας, ὅτι δεῖ ταῦτα κατὰ τὴν παροιμίαν πάντα ὅτι μάλιστα κοινὰ τὰ φίλων ποιεῖσθαι”⁸⁵. If this community of wives and children is established, then, for Socrates, the members of the class of Guardians would achieve a community of feelings. The same events, such as birth or death, would cause the same feelings to all; since all would consider this happy event or the

loss as theirs. According to Socrates, when these feelings are private and are not shared by all, then this is a cause for the loosening of the ties among the citizens. And the contrary is true – the ties among the members of the polis become stronger – when there is this sharing and community of feelings, that is a result of the community of wives and children. And, for him, there is no bigger evil for a polis than the evil that drives the polis away from its unity and makes it a multitude⁸⁶.

Discord and faction are a constant threat to the polis when what a member of the polis calls “mine” collides with what another member of the same polis regards as his – in other words, when there is a conflict of interests. Socrates argues that this source of faction that jeopardizes the unity of the polis can be fundamentally cured through the institution of the community of wives and children. Then, all would call as theirs the same things and would not feel threatened by the other members of the polis. “Ἐν ἧτινι δὴ πόλει πλεῖστοι ἐπὶ τὸ αὐτὸ κατὰ ταῦτά τοῦτο λέγουσι τὸ ἐμὸν καὶ τὸ οὐκ ἐμὸν, αὕτη ἄριστα διοικεῖται; πολὺ γε”⁸⁷.

Aristotle is very critical of these arguments of Socrates. He argues that even if this kind of unity is the desired goal for a polis, this unity cannot be brought about by that way. People would not really consider these communal wives and children as theirs; but as something that belongs to all. And, thus, their affection for these would be epidermic, and not as deep as it is usual in the traditional families. So what Socrates sees as an expression of the unity of the polis – people calling the same things as “mine” and “not mine” (τὸ ἐμὸν καὶ τὸ οὐκ ἐμὸν) – is for Aristotle an indication of potential disunity and discord⁸⁸.

Another argument against the community of wives and children has to do with Aristotle's understanding of people's stance toward what is not private, but is communally owned. Aristotle argues that people tend to be indifferent and not care about what is not their property and is not their responsibility. Among other reasons, they tend to think that somebody else, not they, will take care of this which is common to many or all. Thus, a son who has a thousand fathers, and does not belong individually to any of them, would be neglected by all of them due to the lack of a direct individual and personal bond, and the natural tendency of them to think that somebody else will take care of him. We could comment that this observation of Aristotle is in accord with our own experience⁸⁹.

In addition, despite all those tricks and measures that Socrates wants to establish so as to avoid any identification and revealing of the blood relationships⁹⁰, Aristotle considers it very possible that through resemblance people would identify their kins, or would think that they have done so⁹¹.

Aristotle is a strong advocate of the necessity of the absence of faction within a polis. Some kind of unity within the polis is, thus, a necessary precondition so as to keep the various fractions to a minimum. Aristotle is critical of Socrates' proposed level of unity, but this does not imply that he considers any kind or level of unity within the polis as not desired. Some level of unity is a *sine qua non* for a prosperous polis, given that this unity does not undermine the nature of a polis as a multitude. I do not think we should place Aristotle and Plato on diametrically opposed sides regarding the unity of a polis.

Aristotle would agree with Socrates that unity within a polis can be achieved through the establishment of friendship/affection (φιλία) among the members of the polis. And, friendship/affection is highly praised by Aristotle as the highest good for poleis, because it cultivates the necessary conditions for the achievement of one of the major goals of the ideal constitution, and a prerequisite for the happiness (εὐδαιμονία) within a polis: the lack of faction. “φιλίαν τε γὰρ οἴομεθα μέγιστον εἶναι τῶν ἀγαθῶν ταῖς πόλεσιν (οὕτως γὰρ ἂν ἥκιστα στασιάζοιεν)”⁹².

Thus, Aristotle criticizes Socrates for not seeing that the proposed legislation for the community of wives and children would bring the exactly opposite results to those desired by Socrates. The community of wives and children would have as a result the dissolution of the strong ties of friendship and affection⁹³. Friendship and affection as existing and expressed between lovers, husbands, parents and children, is according to Aristotle that element that keeps a polis united and leaves faction aside⁹⁴. This so important element would lose all its strength, like the flavor of a small spoonful of sugar in a large quantity of water, in a polis ruled under a constitution similar to that proposed by Socrates. He argues that these feelings are stronger and are cultivated when the relationships are private and not shared⁹⁵. As he characteristically writes: “δύο γάρ ἐστιν ἃ μάλιστα ποιεῖ κήδεσθαι τοὺς ἀνθρώπους καὶ φιλεῖν, τό τε ἴδιον καὶ τὸ ἀγαπητόν”⁹⁶.

It is clear that Socrates wants to undermine the institution of the traditional family and substitute it with the community of wives and children. But does Aristotle's “τό τε ἴδιον καὶ τὸ ἀγαπητόν” refer only to the relationships within a

traditional family? Contemporary scholars argue that Aristotle's primary goal is to defend the traditional family, because the stronger ties of a person with other persons take place within the limits of the family, and thus promote the unity of the polis to the desired level⁹⁷. Also in the first chapter of the second book of the *Politics* he clearly says that he wants to inquire whether the present practice or the law proposed in the *Republic* is better. And one can easily assume that he has in mind the form of the family that he presents in the analysis of the household (οἰκία) in the first book of the *Politics*. Despite the above, I believe that from Aristotle's analysis and critique in the second book of the *Politics*, we can assume that he would be open to other forms of sexual and parental relations that would be in accordance with his belief that these kind of relations should promote strong feelings of friendship and affection.

One could argue that friendship in many occasions is a source of faction and conflict. Inevitably one considers some as his friends, but at the same time some others as “not friends”. This sum of friendships would be a subtotal of the whole citizen body; being comprised of the members of a clan, a tribe, or a group. And consequently, it could happen that these clans, tribes, or groups could fight one another either for power and dominance, or for privileges and material possessions; jeopardizing that way the peace and the unity of the polis⁹⁸. It seems that Socrates wanted to make all the members of the polis – or at least the members of the class of Guardians – friends, by making them share all. Contrary to that, Aristotle argued that the outcome would be a sum of lucid relationships that would share nothing with the real friendship and affection, and its strong powers and effects, but the name.

Aristotle is also critical of Socrates' proposal for community of wives and children for an additional reason. This community of wives and children would inevitably – and that would be something desirable for Socrates – set the relationships of kinship and blood behind a veil of ignorance. The weight of a crime is totally different, much bigger, or an action has a totally different meaning, when it has occurred between close relatives. A homicide is no doubt something bad, but when the victim is the abuser's father, mother, or a close kin, it is considered unholy and terrible⁹⁹. And the community of wives and children would render such crimes between relatives more frequent than in a traditionally organized society.

Apart from the danger of more frequent incidents of patricide and matricide, incest, according to Aristotle, is another evil haunting the polis ruled under a constitution similar to that proposed by Socrates¹⁰⁰. Socrates seems to want to regulate to a high degree the sexual relations within his ideal polis. His account of this issue, I believe, is contradictory. According to my understanding of the *Republic*, Socrates does want to be in accord with the traditional morality regarding incest. In the context of the community of children, he wants to avoid the sexual intercourse between close kins, and for that reason he introduces some provisions as to how people in his polis would identify these groups of people within which their real relatives would most probably belong. By calculating in terms of period of procreation people would avoid to have sexual relations with their close kins. For instance, someone should consider all the children born in the period between seven and ten months after he became a bridegroom as his children¹⁰¹. On the other hand, by the way he speaks about this

issue one can assume that he understands that it is not that easy to control in an efficient way sexual relations, and that his regulations are more like guidelines, and not strict rules. The issue that is of great importance for him is that of procreation. He wants to make sure that the quality of the members of the class of Guardians remains of the high standards he has set: only children born under the desired for the lawmaker conditions are being embraced by the city and grow up¹⁰². One gets the impression that if there existed effective and sufficient contraceptive methods, Socrates would have no strong objections to any kind of sexual intercourse, given that sexual intercourse between direct descendants and ascendants would be avoided. “ὅταν δὲ δὴ οἶμαι αἱ τε γυναῖκες καὶ οἱ ἄνδρες τοῦ γεννᾶν ἐκβῶσι τὴν ἡλικίαν, ἀφήσομέν που ἐλευθέρους αὐτοὺς συγγίγνεσθαι ᾧ ἂν ἐθέλωσι”¹⁰³. However, in another passage he argues that those who enjoy the intense pleasures of sexual intercourse should be “stigmatized for want of taste and true musical culture”¹⁰⁴.

The above difficulties would be magnified by another provision of Socrates proposals: the transfers of children after their birth from the one class to the other. Socrates argues that some transfers of children should take place between the two classes¹⁰⁵. When such a transfer is considered appropriate, newborn children coming from the class of the farmers and skilled workers should be taken from them and transferred to the class of Guardians, and vice versa. Aristotle argues that these children would lose any traces of links of kinship, as they would consider their biological parents as not their parents, and would be susceptible to the unholy crimes occurring between close relatives¹⁰⁶.

The Community of Property

Aristotle also examines Socrates' proposal for the community of property, and asks whether the best possible constitution should have as a provision the community of property or the private ownership of property¹⁰⁷. Socrates in *Republic* 416c – 417b argues that the members of the class of Guardians should have no private property. “μὲν οὐσίαν κεκτημένον μηδεμίαν μηδένα ἰδίαν”¹⁰⁸. For Aristotle, this issue is analogous to that of the community of wives and children, but can, and should, be treated on its own. There are four different possibilities of arranging and legislating about this issue. First, the property to be privately owned and its products to be held and consumed privately; second, the property to be privately owned, but its products to be gathered so as to be communally distributed and used; third, the property to be communally owned, but its products to be distributed for private use; and last, the property to be communally owned and its products to be also communally used. Aristotle discusses explicitly the last three possibilities and it seems that he leaves unexamined the first one. Whether Aristotle is making such an omission is interesting *per se*. Miller claims that Aristotle omits the discussion of the possibility of private property and private use of its products, because “he is not defending a system of unqualified privatization”¹⁰⁹. Contrary to Miller, Mayhew – without wanting to support the view that Aristotle does indeed defend a system of unqualified privatization – argues that Aristotle does not discuss this possibility because for

Aristotle this way of regulating property would render impossible the sharing or giving of one's property as an act of generosity¹¹⁰. I hold the view that both are wrong. Aristotle refers to the possibility of private property and private use of its products in an indirect way. In *Politics* 1263a 23 – 25 he writes: “ὅν δὲ νῦν τρόπον ἔχει καὶ ἐπικοσμηθὲν ἔθεσι καὶ τάξει νόμων ὀρθῶν, οὐ μικρὸν ἂν διενέγκαι”¹¹¹. From this passage it is clear that Aristotle by referring to the present practice, he is referring to the system of private property and private use of its products, that was the norm in his time. And he is not only discussing this possibility, but he is arguing that it is a lot more superior than the others, given that the polis is governed by correct laws and that the ethos of the people is also good.

Furthermore, for Aristotle there is a fifth possibility¹¹². “ἑτέρων μὲν οὖν ὄντων τῶν γεωργούντων ἄλλος ἂν εἴη τρόπος”¹¹³. According to my understanding, this way of regulating property and production presupposes the communal ownership of property and the communal use of its products, and the existence of a class of people who have no share in the property and in the use of its products. Their role is to cultivate the land and produce all the other products, and as a payment for their toil they would receive only those things necessary for the continuation of their existence. Subsequently, they would not be considered as members of the citizen body and would not participate in the governing of the polis.

For Aristotle, community of property can be a source of discord and faction. Many problems could arise when people work together the communal land and have to share its products. It is possible that the pay people get for their work is not

analogous to that work. People would feel injustice if they get less than they should for their work – or what they feel that is the value of their work – or if they see that others who work less get the same as themselves, or more than they deserve¹¹⁴. In addition, our experience shows that in similar situations it is very difficult to keep the balances and avoid dissatisfactions when there is an everyday or constant interaction between people. These problems are some among the many disadvantages, according to Aristotle, that accompany the community of property, and make this way of regulating possessions not a desired option. As he emphatically notes, if we take into account all the problems related to a system of communal property then life looks totally impossible. “φαίνεται δ’ εἶναι πάνπαν ἀδύνατος ὁ βίος”¹¹⁵.

All this does not mean that a system based on private property does not have any problems. There are some problems, such as the disputes regarding contracts, which constantly occurred and occupied the courts in Aristotle's time – and continue to exist in ours – that are regarded as evils connected to private property. For Aristotle, these problems are not inherit to private property, but arise as outcomes of depravity (μοχθηρίαν)¹¹⁶. Despite such problems, which are not inherit to it and are far less compared to those connected to communal property, private property is the most choice-worthy method of regulating property.

Regarding Mayhew's claim that the system of private property and private use of it and of its products is a possibility that is of no value to be commented on by Aristotle, because this system would not allow people to act with generosity, it is interesting to notice and comment the following passage: “ἐν τῇ γὰρ χρήσει τῶν

κτημάτων τὸ τῆς ἐλευθεριότητος ἔργον ἐστίν”¹¹⁷. This passage, clearly, refers to a system of private property and private use of its products. There are two preconditions for generosity to take place: each person is the owner of certain possessions, and each person has the responsibility and freedom to use his possessions as he wishes, based on his private choices and decisions.

I believe that it is only in the context of private property and private use of its products that generosity is possible and has a true meaning. There is no ethical value in making people share their property through regulations – by imposing a system of communal use of property and of its products – when the people do not want and are not disposed to do so. They should deliberately decide to share their possessions with their friends, so as to be considered generous. Thus the interpretation that Aristotle is an advocate of a system of private property and common use of its products, because the system of private property and private use of its products does not allow the individuals to act with generosity, seems to me to be erroneous – it is not in accordance with Aristotle's text¹¹⁸.

Only when such a moral disposition, to act with generosity and deliberately share your possessions with friends, is a common feature of the morality of the members of the polis and has the character of an established ethos, only then the lawgiver should regulate the communal use of possessions. “φανερὸν τοίνυν ὅτι βέλτιον εἶναι μὲν ἰδίας τὰς κτήσεις, τῇ δὲ χρήσει ποιεῖν κοινάς: ὅπως δὲ γίνονται τοιοῦτοι, τοῦ νομοθέτου τοῦτ’ ἔργον ἰδιὸν ἐστίν”¹¹⁹. This is the case in Sparta.

Is generosity and the potential use of private property by a generous person the

sole reason for defending private property¹²⁰? As Irwin remarks, to argue that a polis should choose a system of private property for the sake of the potential generosity that could be expressed by the owners of this private property, is analogous to arguing that war is a desired situation for the sake of the bravery that could be expressed during the battles¹²¹.

Generosity is not the sole basis of legitimating private property. But the potentiality of generosity is very important. Private property enables individuals to express a virtuous aspect of their character and act virtuously. I believe that friendship, and the strengthening of the ties of friendship within a polis, is one of the main reasons for the support of private property by Aristotle. Friendship, as we have seen, is for Aristotle a very important element within a polis that enhances stability and helps avoid factions. Private property is important because it enables people to express in a material way their friendship¹²². Aristotle notes: “ἰδίαν γὰρ ἕκαστος τὴν κτήσιν ἔχων τὰ μὲν χρήσιμα ποιεῖ τοῖς φίλοις, τοῖς δὲ χρῆται κοινοῖς”, and “κοινὰ τὰ φίλων”¹²³.

A peculiar kind of friendship is that which a person has for himself. “τὴν πρὸς αὐτὸν αὐτὸς ἔχει φιλίαν ἕκαστος, ἀλλ’ ἔστι τοῦτο φυσικόν”¹²⁴. This is a very natural kind of friendship, when it is not an excessive one. For Aristotle, private property and possessions add to the pleasures of an individual and enhance the friendship of a person for himself. We could say that a person is more content with himself when he is the owner of some property. When Aristotle is criticizing Socrates for depriving the members of the class of the Guardians from happiness¹²⁵, he surely

has in mind the fact that they are not allowed to have any property; property being a source of happiness and self-love.

Aristotle is being criticized for holding that private property is not an indispensable precondition for the expression of generosity¹²⁶. Irwin argues that deliberate action – individual freedom and initiative, in his own terms – is the basis of the legitimation of private property for Aristotle, and that an individual could express deliberate action without needing to be in possession of any private property. We could easily imagine, the argument continues, a way of regulating property that would be based on communal ownership, but would, at the same time, allow a level of individual autonomy and initiative in the way this communal property and its products would be used. Thus, individuals would still be able to act virtuously and with generosity, without having to be the owners of any property. For instance, the polis could assign some land to a citizen for a period of time, say twenty years. During this period the citizen is allowed to use the land according to his own will, but within the limits set by the community. Irwin believes that an arrangement of property similar to that described in the example would provide the individual with the necessary material preconditions of generosity. According to Irwin, Aristotle fails to defend private property. His “defense of private property is seriously defective”, because there is not an unbreakable tie between generosity and private property¹²⁷. I believe that Irwin's argument is defective. A remark on Irwin's argument would be that according to his example the individual would either not be in position to act deliberatively and in his own initiative, or would be for the period of time that this

piece of land is assigned to him the *de facto* proprietor of this piece of land. According to the example the individual could act on his own initiative in a restrained way. He has to opt for the use of the land that was assigned to him in a way that would be in accordance with the expectations of the community that has assigned the land to him. Otherwise the polis would reclaim back this land. If we imagine that there are no restrictions in the way the individual uses the land, then this would be an arrangement of property similar to a system of private property. The individual would be the proprietor of this land, even though a peculiar proprietor, for the time period that this piece of land is assigned to him. Thus, we could say that an arrangement of property that would provision for communal property and private initiative in the use of it, would either fail to ensure genuine expression of deliberate action and initiative to the members of the polis, or would finally transform itself in a variation of a system of private property¹²⁸.

Socrates fails to achieve the desired level of unity in his ideal polis, according to Aristotle, and for another reason. His provision to divide the polis into two classes, the class of the Guardian, on one hand, and the class of farmers and skilled workers, on the other, is a source of faction. Aristotle claims that Socrates is not clear about the way the issues of sexual relations, rearing children, and property would be arranged for the members of the class of farmers and skilled workers¹²⁹. He argues that whatever the arrangement may be, either a system of community of wives, children, and property, or a system based on traditional families and private property, it is very

possible that factions between the two classes would arise. If the case is that the members of the class of farmers and skilled workers would have everything in common, and thus the same arrangements would exist between them and the members of the class of the Guardian, then it would be very difficult to convince them to accept being under the rule of the other class. They would feel that there are not many things that separate them from the members of the class of the Guardian, and they would demand to have an equal share in ruling the polis. On the other hand, if a system based on traditional families and private property would regulate their lives, then a deep dividing line would exist between the two classes¹³⁰. For Aristotle, the result would be that the polis would cease being one; it would be divided into two parts. It would be as if two different poleis, the one opposed to the other, would exist in the polis¹³¹.

Individual Autonomy

Can we conclude from Socrates' proposal for the community of wives, children, and property that he is interested to “dissolve” each person, man and woman, as autonomous individuals, and treat them only as parts of a unity, whose value as individuals is insignificant? Does Aristotle's criticism of Socrates' proposal imply that he has a different stance concerning the autonomy and individuality of each person within the polis? Is Newman right when he argues that “the individual counts for more with him, and is less lost and swallowed up in the State”¹³²?

Before we try to examine these questions, it is interesting and important to examine the general context that existed in classical Athens, and the Greek world in general, regarding the issue of the autonomy. Castoriadis's writes about this: "Unitary ontology, in whatever disguise, is essentially linked to heteronomy. The emergence of autonomy in Greece was conditioned by the nonunitary Greek view of the world that is expressed from the beginning in the Greek 'myths'"¹³³. Castoriadis calls the philosophical view that there is a rational world order and that the human affairs are linked with that order, unitary ontology. In the light of this proposition, he interprets Plato as an advocate of heteronomy. He argues that in the Greek poleis there was a constant movement regarding the way society was regulated, and a constant questioning of their institutions. "The movement is a movement of explicit self-institution. The cardinal meaning of explicit self-institution is autonomy: we posit our own laws"¹³⁴. Castoriadis asks about the "subject" of this autonomy, and answers that it is the members of the citizen body, who constitute the demos. They are the personalization of this autonomy¹³⁵. He emphasizes the importance of the possibility of self-legislating, as the supreme expression of autonomy. It is interesting to note that this approach is in accordance with the etymology and the original meaning of the word autonomy (αὐτονομία)¹³⁶. There is no strict dichotomy – as it is implied by the way I formulated the above questions – between the autonomy of the individual and the autonomy of the polis – whose substance is its citizen body. The demos is the absolute sovereign and is autonomous. This implies that the individual members of the citizen body share this autonomy. They all have a share and a saying in the self-

constitution of their society – being equal – and thus it should be considered that they autonomously set the rules of their common and private life, and the way they will pursue their life and happiness. Does this mean that the “pardonable oversimplification”, as Holmes calls it, “to locate the basic principle of Greek politics in the idea that totality is prior to individuality or that the polis is prior to the polites (citizen)” is wrong and can be undermined¹³⁷?

To ask in an Aristotelian way: Is autonomy of the same nature as evenness or not? If the parts constituting the whole are not autonomous, can the whole be autonomous¹³⁸? I believe that the answer is no. A society of slaves, even if they are slaves of the community, can never be a really autonomous society. For me, it is contradictory to say that the same persons at one instance, when acting as individuals in their private life have no autonomous existence, and at another instance, when they gather together, *en masse*, as a legislating body represent one of the most autonomous political entities in the human history.

According to my understanding, Aristotle's criticism of Socrates' proposal is not based on the assumption that Socrates with his regulations and laws does not allow the individual member of his ideal polis, as individual, to have any kind of autonomy. Despite Socrates' provisions for the community of wives, children, and property, he does not deprive the individual of its individuality and its autonomous existence; within the context of the polis of course. It is interesting to notice that Aristotle criticizes Plato for failing to achieve the goal of happiness for the members of his ideal polis, and not for constructing a polis that uses and exploits its members

as tools for achieving its own goals as an abstract entity. He interprets Socrates attempt to set the laws of an ideal polis as a failed attempt to set the political, social, and regulating context for the human flourishing and happiness.

Socrates' failure to provide the necessary conditions for the happiness of the members of the class of Guardians, is based on the fact that he does not treat all of them as equals by selecting only a few to participate in the governing in a permanent basis, without making a provision for a rule in turns. To treat equals, and warlike and spirited, like that, is for Aristotle a certain and permanent source of faction and disagreement¹³⁹. It seems that Aristotle's analysis of the desired level of unity within a polis is in support of the view that for Aristotle a democratic form of governance, based on the ruling in turns (ἄρχειν καὶ ἄρχεσθαι), is the constitutional form that is appropriate, by nature, for the governing of equals. The question that remains open is the extent of this democracy, that is, the extent of the citizen body. In other words we need to determine the criteria and the presuppositions for defining the citizen body and that body's limits.

There are some aspects in Socrates' proposals that reveal that he does not want to deprive the citizens of his ideal polis of their autonomy. His discussion of the courage and bravery that a member of the class of the Guardians shows in battle is a good example. Socrates acknowledges that an individual can show excessive courage and bravery in a battle, that exceeds the courage and bravery shown by his fellow warriors. For that reason he wants the legislator to establish incentives, such as the rewarding of the most courageous and brave warriors by letting them choose whoever

they want – man, boy, or woman – to have sexual intercourse with¹⁴⁰.

A question arises: Does this excessive courage and bravery shown in battle is a result of the quantity and quality of the gold, or silver, that exists in the warrior's soul, or does it also reflects an action that stems, at least partially, from an autonomous decision of this individual warrior? Without wanting to present Plato as a partisan of the importance and priority of the free will, I want to support the view that there is an element of individual autonomy and autonomous actions. I believe that Socrates' proposal for the establishment of incentives indicates that he wanted to cultivate an element of autonomy and private initiative in his ideal polis.

Nussbaum argues that Plato and Aristotle hold two very different and opposed views with regard to the issue of autonomy¹⁴¹. Based on Plato's view of human nature, she emphasizes the fact that for the majority of the members of the polis it is very important that they should be guided so as not be totally submitted to their irrational appetites and desires. Thus, for this part of the polis there is no room for autonomous actions¹⁴². She holds the view that Plato introduces the community of wives, children, and property, so as to eliminate individuality – separateness, in her own terminology – as a mean to the end of minimizing autonomy¹⁴³. We could add that the ruling part of the polis lacks full autonomy, if we consider that they are forced to undertake governing despite their reluctance.

I believe that although Plato is an advocate of unity within the polis, we should not overlook these elements that introduce some level of individual autonomy; and it would be equally wrong to say that Aristotle holds a view regarding the

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individual that is analogous to a modern liberal view. I regard that Aristotle's view about the necessity of ruling in turn among equals is revealing about his attitude on the importance of individual autonomy. But, we should always have in mind that the aim of peace within the polis and the avoidance of factions should never be compromised. Thus an equilibrium should be achieved between the two goals, the latter being more important than the former.

Chapter III

Aristotle on Egalitarianism, Political Planning, and Innovation

There are some issues that are very crucial for a proper understanding of the political. The issue of the equality or inequality of possessions, and the extent of this inequality; the organization of the territory and of the citizen body; and the change of the laws, are among the most important. At the same time, the way a thinker deals with these issues reveals a lot of things about his understanding of the political; his ideas of the way a society or a polis should be organized and governed; and his affinities with the one or the other constitutional way of organizing a polis. Aristotle deals with the above issues in his most characteristic way: by using his endoxic method. He chooses to present the constitutional blueprints proposed by Phaleas, and Hippodamus¹⁴⁴, and engages himself in a lively discussion with these thinkers.

I argue that Aristotle's critique of the opinions of the thinkers he chooses to present and criticize; his arguments on these issues and the answers to the problems that result from them; even his apories, when they arise, can reveal to us – in a deep way – Aristotle's own stand on these issues. In addition, these issues are not only crucial for an analysis of the political, but are central to any theory of democracy. Their analysis will help us to reconstruct Aristotle's account of democracy. I find this way of approaching Aristotle's understanding of the political, and subsequently of democracy, very Aristotelian.

In this chapter I will first present Aristotle's critique of the proposal for equality of possessions made by Phaleas, and the issues that are peripheral to this

proposition. Secondly, I will examine Aristotle's idea on political planning and political innovation, as they are expressed in his critique of Hippodamus' constitutional blueprint.

Aristotle and the Equality of Possessions

Aristotle, in *Politics* II 1266a 31 – 1267b 21, deals with the constitution of Phaleas, and discusses what appears to be the main theme of this constitutional blueprint: the equality of possessions. Aristotle briefly describes the main points of Phaleas' proposed constitution and criticizes what he finds to be insufficient, ill-proposed and not good for achieving the goals of a polis¹⁴⁵.

The equality of possessions seems to be for Phaleas the most important provision and the most essential element of a constitution, as well as the cornerstone of a well ordered polis. Phaleas, according to Aristotle's description/testimony, considered that the property of all citizens should be equal. He thought that property and possessions are the main, if not the only, reasons of faction among men. One should understand that it is implied here that the absence of faction and peace among the members of a polis is, for Phaleas, the goal of a polis and of its constitution. Phaleas believed that the desirable equality of property could be easily achieved. This would be easier in a newly founded polis (one can imagine that the founder of a polis could evenly divide the property, for example of land, among the citizens), but it also could be easily feasible in an already existing polis. However, it is not very clear how

this could be brought about. Some kind of unilateral transfer of payments could take place between the poor citizens and the rich ones. The provision of the law could be such that the poor would receive some property from the rich as a kind of dowry and the rich would only give property.

According to Aristotle, Phaleas holds the view that the lack of basic needs, and the subsequent evils like cold and hunger, is the main reason for crimes, such as stealing. Thus for Phaleas, by eliminating this insufficiency of means through the equal distribution of property, the legislator could bring about the elimination of crimes¹⁴⁶.

Aristotle regards that an implementation of a constitution, where the provision of the law would be equality of property, would have great impact on a polis¹⁴⁷. The issue of property plays a significant role in this association of men called polis. Equality of possessions, Aristotle remarks, was realized in the past. He believes that this kind of equality is something that can be achieved¹⁴⁸. The examples he gives – such as the legislation of Solon, and the law in Locri that regulates the sales of land and sets limits to the acquisition of land – are cases in which there were some limits to property inequalities, but no strict equality of possessions was in place.

The main line of argument of Aristotle's critique of the constitution of Phaleas is not that it is utopian, but that it does not take into account some very important aspects of human life and social living, and that it is based on an erroneous view of property. From Aristotle's testimony the impression is given that what Phaleas was primarily interested in and what he wanted to regulate by means of his constitution

was the possession of land. For Aristotle, Phaleas forgets that there exist forms of property which are of equal gravity and which set apart the rich from the poor. He refers to the possession of slaves, cattle, coined money, and generally the so called ‘movable property’¹⁴⁹. As Claude Mossé remarks, we can say that Phaleas is an egalitarian thinker, but in a restricted sense¹⁵⁰. And “his egalitarianism has the strictly limited purpose of preventing civil strife”¹⁵¹.

Phaleas’ constitution does not dictate the level at which equal property should be set. This is something which, according to Aristotle, should be taken into consideration. The legislator should avoid the two extremes: neither too high levels of property that would lead to luxury, nor too low levels of property that would lead to penury. He argues that the level of property should be set in the middle of these two extremes¹⁵². It is also very important if someone wants to introduce such laws, that at the same time births should be controlled. By controlling births the lawmaker can make sure that the lots of land will not be divided into many parts, and, thus, they will not become very small and insufficient for supporting their owners’ living¹⁵³.

Additionally, he takes into account another dimension of this issue: the international politics, as we would put it today. Phaleas does not consider the relations of the polis to the other poleis and states. By contrast, for Aristotle it is essential. The property and the wealth of the citizens as individuals, or families, is in direct proportion to the wealth and the strength of the polis. Here too Aristotle wants to avoid extremes. He does not argue for a polis that is as strong and wealthy as possible, but on the contrary for a polis that should be wealthy enough to have the ability and

the means to defend itself against poleis and states of equal strength. At the same time such a polis should not be very wealthy, so as to avoid alluring its powerful neighbors, who would consider taking risks and pains to conquer it¹⁵⁴.

Another negative aspect of this egalitarian policy regarding property, is the fact that the more accomplished people (χαρίεντες) would feel discomforted with this equality. Most probably they would demand a kind of distinction for their accomplishments. This kind of remuneration need not be of the material kind; it could take the form of distinctions and honors. The rendering of distinctions and honors, equally to all regardless of their accomplishments, is a reason for factions within a polis as much as the inequality of property¹⁵⁵.

“ἔτι στασιάζουσιν οὐ μόνον διὰ τὴν ἀνισότητα τῆς κτήσεως, ἀλλὰ καὶ διὰ τὴν τῶν τιμῶν, τοῦναντίον δὲ περὶ ἑκάτερον: οἱ μὲν γὰρ πολλοὶ διὰ τὸ περὶ τὰς κτήσεις ἄνισον, οἱ δὲ χαρίεντες περὶ τῶν τιμῶν, ἔαν ἴσαι: ὅθεν καὶ ἓν δὲ ἰῆ τιμῇ ἡμὲν κακὸς ἡδὲ καὶ ἐσθλός”¹⁵⁶.

In his critique of Phaleas' constitution, Aristotle refers to two kinds or two groups, of people within the polis. On the one hand, there are the many (οἱ πολλοὶ). On the other, there are the more accomplished ones (οἱ χαρίεντες). It is not clear from the text, what exactly Aristotle means when he refers to the more accomplished men - those who would demand for themselves a superior status, with regard to property, distinctions, and honors. One can assume that what he has in mind are those who actually perform better in the realm of managing their households (οἶκος) and in the administration of the polis.

In his analysis of Aristotle's critique of Phaleas' constitution, Balot is of the opinion that Aristotle makes a distinction between an upper and a lower class in a polis. In addition, he argues that “according to Aristotle, an agent's social class determines his reaction to economic equality”¹⁵⁷. For this reason he accuses Aristotle of class prejudice. In his reading of Aristotle's critique of Phaleas' constitution, for Aristotle there are two classes in the polis: the upper class and the lower class. The upper class is comprised of the wealthier men, and the lower class of the poorer. And there is a significant distinction between the two classes – a distinction of character, we could say. The members of the lower class have material motives only, while the members of the upper class are motivated by honors and distinctions. He implies that for Aristotle the members of the elite – and by elite he means economic elite – due to a superiority of character, would revolt in case of equal distribution of honors, while the members of the lower class, i.e. the poor who due to their character are not motivated by high values but only by their lower needs and greed, would revolt if there was not an equal distribution of possessions¹⁵⁸. He argues moreover that for Aristotle the members of the upper class are interested in acquiring more honors than the others, and when they demand inequality in material property, they do it because material property can be considered a sign of their superiority¹⁵⁹.

To my understanding of Aristotle's text, Balot is being misguided by his interpretation of the term “χαρίεντες”. As is clear, he proposes that Aristotle's class of χαρίεντες is an upper class with economic criteria. He accuses Aristotle for being ideologically sympathetic to the wealthy and unsympathetic to the poor¹⁶⁰. I hold the

view that Aristotle makes this distinction between the many on the one hand and the more accomplished on the other - the lower and the upper classes in Balot's terms – having in mind ethical values, and not property and status¹⁶¹. I argue that this social classification is not related only with wealth and material possessions – or with noble birth – but has an ethical dimension.

Can the want and need for distinctions and honors on behalf of the *χαρίεντες* be excessive as Balot argues¹⁶²? We cannot find anywhere in the text such a statement or implication. The *χαρίεντες* have the motive and the tendency to revolt when the distinctions are conferred to all equally regardless of their worth. And to my understanding this worth has an ethical meaning.

“καὶ γὰρ ἂν οἱ χαρίεντες ἀγανακτοῖεν ὥς οὐκ ἴσων ὄντες ἄξιοι, διὸ καὶ φαίνονται πολλάκις ἐπιτιθέμενοι καὶ στασιάζοντες”¹⁶³.

The most important point of Aristotle's criticism has to do with the lack of understanding, on behalf of Phaleas, of how humans are and how they act. Men, according to Aristotle, have the tendency to have ever expanding needs. When they meet one need they are not content and want more and more. Literally, their demands are unlimited¹⁶⁴.

Education is proposed as the only remedy to human greed. Both Phaleas and Aristotle agree on this. But for Aristotle, Phaleas' proposal for equality of education is not sufficient. It is not enough to say that all people should receive the same education. One must describe properly the content of this equal education, so as to be of a kind that would produce men who would not be interested only in accruing

property for themselves. Aristotle seems to be quite pessimistic as to the effect of education for most of the people on the unlimited wants of them¹⁶⁵.

Aristotle believes that Phaleas' constitution would be a remedy for the minor crimes, which are a result of poverty, but it will not provide any protection against those crimes that result from human greed. To support his argument that men mostly commit crimes not as a result of necessity but because of greed and inclination to excess, Aristotle poses as an example the tyrants¹⁶⁶.

Another interesting point is his final remark on Phaleas' constitution¹⁶⁷. It seems that Phaleas proposed that all skilled workers should not be considered members of the polis and should belong to the public. In other words, the polis would be formally divided into two classes: the class of the citizens, whose status would be based on their landed property, and the class of the public slaves¹⁶⁸. Aristotle believes that this could be applied only to a small polis, and it seems that he does not find it a very good idea. As Saunders remarks, "perhaps Aristotle thinks it too small: it could not function as a state"¹⁶⁹.

We could say that Aristotle's response to Phaleas' constitution is very conservative. For him it is preferable, because it is more feasible and would have better results for the well being and the internal peace of a polis, to maintain the existing property status quo, instead of trying to establish an equality of property. And for that purpose, there are two types of tools. On the one hand, there is education and its taming effect on men's wants and desires. On the other hand, there is the law and public force.

“τῶν οὖν τοιούτων ἀρχή, μᾶλλον τοῦ τὰς οὐσίας ὁμαλίζειν, τὸ τοὺς μὲν ἐπιεικεῖς τῇ φύσει τοιούτους παρασκευάζειν ὥστε μὴ βούλεσθαι πλεονεκτεῖν, τοὺς δὲ φαύλους ὥστε μὴ δύνασθαι: τοῦτο δ’ ἐστίν, ἂν ἥττους τε ᾖσι καὶ μὴ ἀδικῶνται”¹⁷⁰.

Thus, the lawmaker should use the proper means to restrict the will of every citizen to acquire more than he has. For those who have the natural disposition - τοὺς [...] ἐπιεικεῖς τῇ φύσει – he should provide the necessary education. And for the wicked ones - τοὺς [...] φαύλους – he should restrain them through law and the use of public force.

Some scholars wonder whether Aristotle could understand that the implementation of Phaleas’ constitution would result in the dissolution of the social classes¹⁷¹. An interesting question arises. If all men within the polis have the same material means and at the same time receive the same education, what would be the basis of social differentiation? Could Phaleas argue that after the implementation of his constitution the various classes would wither and with them the potential sources of social faction? It seems that Aristotle believes that men would not develop in the same way and, most importantly, that they would not develop the same ethical character. Equality of education and equality of property would not “eliminate refinement in artistic taste and achievement”¹⁷². Even if the equality of possessions is established, still there would be a kind of social stratification. More virtuous men would differ from less virtuous ones.

I believe that we can assume from Aristotle's critique of Phaleas’ constitution,

that for Aristotle a kind of social stratification is unavoidable. Given the equality of property and of education, men will differ as to their moral characters and their abilities to achieve. The idea of the equality of possessions would be a good idea, for Aristotle, if the lawmaker would not be subjected to the restrictions imposed by human nature. These restrictions – desire for distinctions and unlimited demands – to which the lawmaker is subject to, are inherent in human nature¹⁷³.

Political Planning and Innovation:

Aristotle's Analysis of Hippodamus' Constitution

Aristotle attributes a great honor to Hippodamus when he says that Hippodamus “πρῶτος τῶν μὴ πολιτευομένων ἐνεχείρησέ τι περὶ πολιτείας εἰπεῖν τῆς ἀρίστης”¹⁷⁴. Hippodamus was a prominent figure in ancient Greece, and I think it is interesting to provide some biographical information about his life and actions, that will help us understand better his political ideas and in particular his notion for a constitution.

As Aristotle informs us, Hippodamus, who came from Miletus, was the man who invented the division of poleis (“τῶν πόλεων διαίρεσιν εὔρε”), and planned the laying out of the streets of the Piraeus¹⁷⁵. Hippodamus became famous as a city planner. According to the ancient sources, he was responsible for the planning of some important poleis. Moreover, he probably was one of the three main collaborators – the other two being Pericles and Protagoras - who settled the Greek colony of Thurii in 444 B.C¹⁷⁶. All we know about Hippodamus' blueprint for the best polis comes

from Aristotle's description of it in *Politics* II 1267b 30 – 1268a 14, and his critique of it in the following passages of *Politics* (1268a 16 – 1269a 28).

Hippodamus' view was that the ideal polis should be comprised of ten thousands citizens. This body should not constitute a single class, but be divided into three different parts. The first would be made up of the skilled workers, the second of the farmers, and the third part of those who would bear arms and be responsible for the security of the polis. This schema should apply to the polis' territory as well which should be broken down into three parts: the sacred, the public, and the private. The land, whose products would be used for the needs of worshipping the gods, would be the sacred part of the territory. That, whose products would be used by the warriors for their sustenance, would be the public part. And the land used by the farmers for their sustenance, would be the private part. As I understand it, these three parts would not be equal. Their size would be proportionate to the needs the products of each is supposed to meet.

Hippodamus further wanted to set new regulations regarding the administration of justice and the legal framework of the polis. He supported the view that there are three distinctive types of crimes: outrage (ὕβρις), damage (βλάβη), and death (θάνατος). Consequently he proposed three categories of laws which would regulate these three types of crimes respectively¹⁷⁷. As Saunders notes, from Aristotle's description in this passage one could assume that Hippodamus' legislation had mostly a “negative” character. In other words, according to Hippodamus' constitution the law should regulate only those issues that have to do with harm and

damage, and the lawmaker should not want to intervene and regulate all the other issues. This means that the law should not intervene to a man's personal life and should not dictate the way each individual could achieve the good life¹⁷⁸.

An interesting aspect of Hippodamus' idea for a legal system was the institution of a court that would be above all the others (“ἐνομοθέτει δὲ καὶ δικαστήριον ἔν τὸ κύριον”)¹⁷⁹. This court would be a court of appeals. Each case that was thought to be badly judged could be brought to this sovereign court¹⁸⁰. The members of this court would be elderly people, who would be elected.

Aristotle does not comment on the establishment of such a court, evaluating its importance. I believe that it would be interesting to make a comparison of this provision of Hippodamus' constitution with Solon's reforms as they are described by Aristotle in *The Constitution of Athens*.

According to Aristotle, “δοκεῖ δὲ τῆς Σόλωνος πολιτείας τρία ταῦτ’ εἶναι τὰ δημοτικώτατα: πρῶτον μὲν καὶ μέγιστον τὸ μὴ δανείζειν ἐπὶ τοῖς σώμασιν, ἔπειτα τὸ ἐξεῖναι τῷ βουλομένῳ τιμωρεῖν ὑπὲρ τῶν ἀδικουμένων, τρίτον δὲ ὃ καὶ μάλιστά φασι ἰσχυκέναι τὸ πλῆθος, ἢ εἰς τὸ δικαστήριον ἔφεσις: κύριος γὰρ ὢν ὁ δῆμος τῆς ψήφου, κύριος γίγνεται τῆς πολιτείας”¹⁸¹.

As we see, for Aristotle, Solon's law, which allowed one to appeal to a court that was comprised of citizens members of the demos (“ἢ εἰς τὸ δικαστήριον ἔφεσις”), was the basis of the process of making the demos the sovereign power within the polis. In contrast, according to Hippodamus' constitution, the members of the sovereign (“κύριον”) court would consist of elected elderly citizens. The way of

choosing the members of the court – by election – and, more importantly, the fact that they would not come from the citizen body in its entirety but from a fraction of it – the elderly – are features that are related to an aristocratic, or meritocratic, constitution¹⁸².

Another aspect of the Hippodamian legal system has to do with the regulation of the decision-making process in the courts. Hippodamus believed that the jurors in a trial should give a detailed opinion on the verdict and the proposed penalty, rather than simply voting in order to condemn or to acquit.

Hippodamus supported the view that the appointment to all offices in the polis should be made through elections. The whole demos would vote for the appointment of the officials¹⁸³. And as I understand it, for it is not made clear by Aristotle, the members of the three classes not only could elect the officials, but they would themselves have the opportunity to be elected in the various offices. If the case was different, Aristotle, I believe, would not have let it pass without commenting on it.

Another element of Hippodamus' constitutional blueprint has to do with the political innovations. He wanted the polis to provide incentives to its citizens, so that they would be motivated to make discoveries that would be useful to the polis. The polis should honor and bestow distinctions to such men. “ἔτι δὲ νόμον ἐτίθει περὶ τῶν εὕρισκόντων τι τῇ πόλει συμφέρον, ὅπως τυγχάνωσι τιμῆς”¹⁸⁴.

Aristotle disagrees. In fact Aristotle is very critical of the very core of Hippodamus' constitution. He thinks that Hippodamus' division of the citizen body and the subsequent division of the territory of the polis is confusing, and it is not

functional. For Aristotle, two of Hippodamus' three classes, the farmers and the skilled workers, are in a very disadvantageous position, with regard to the military class. The division of power is asymmetrical. Those who carry arms – and at the same time own land – have more power in their hands, than those of the other two classes who are deprived of the ability to bear weapons. The skilled workers particularly are more vulnerable, as they are denied any landed property.

He argues that under these circumstances the equal representation of the three classes into the various offices of the polis would be impossible. “μετέχειν μὲν οὖν πασῶν τῶν τιμῶν ἀδύνατον”¹⁸⁵. Although it would not be so regulated, the members of the class possessing arms would hold the most important and powerful offices (“τὰς κυριωτάτας ἀρχὰς”). For example, it would be natural that the generals and the guardians of citizens would come from the class of those possessing arms. Thus, for Aristotle, the farmers and the skilled workers would be only nominally citizens. Both would play an important role in the functioning of the polis, their skills and labor would be indispensable, but at the same time they would have no real access to the various offices. In Aristotle's terms, “they become virtually the slaves of those who do possess arms”¹⁸⁶. A direct outcome of this situation is the fact that the farmers and the skilled workers would become hostile towards the constitution.

It is clear that Aristotle sees a source of faction and disturbance within the polis in this disequilibrium of power among the three classes. And he can think of only one solution for it in the context of Hippodamus' constitution which, in fact, is not a real and effective solution. It is not effective because it undermines the very

basis of this constitution. The stability within the polis could be maintained only when the class of those who possess arms is stronger than both the other two classes. This could be achieved by numerical superiority. But such a disproportional division of the citizen body would have as a result the change of the nature of the constitution. If the class of those possessing arms is so numerous and powerful, then there is no reason to share the governing of the polis and the various offices with the other two classes. There would be no sufficient reason for not transforming this *de facto* dominance of the military class within the polis, to a *de jure* dominance¹⁸⁷.

Aristotle's critique of this aspect of Hippodamus' constitution reflects his own beliefs about the ideal constitution and the necessary preconditions for the achievement of stability and peace within a polis. I believe that it is very important for Aristotle that no part of the polis should be strong enough so as to surpass the others in power and resources. If that were not the case, this part of the polis would have a strong incentive to use its power and resources to dominate the other parts, to "push" them out of the political life, and take the administration of the polis in its hands and, in the end, use them and exploit them for its own benefit. This dominant part of the polis, becomes the polis itself. The other parts are not members of the polis anymore; their existence is merely instrumental. This power could derive from an exclusive access to weapons – as is the case in the constitution of Hippodamus – an excess of wealth, or an extensive political influence.

Aristotle, also, finds insufficient, ineffective, and confusing the way Hippodamus wants to organize and regulate the cultivation of the land and the

distribution of its products. It is not clear who should cultivate the public land, whose products would be used for the sustenance of that part of the polis who would bear arms. If the members of the military class cultivate the public land on their own, then, as Aristotle rightly remarks, there would be, and there should be, no difference between them and the farmers. If the farmers have to cultivate both the public land and the private land owned by them, they will not be able to maximize the productivity of the land and will fail to support the whole population. Aristotle comes up with another idea. There is the possibility that a fourth class could exist. This part would have to cultivate the public land on behalf of the military class, would live in the polis, but would not be an actual part of it. “τέταρτον αὖ μόνον ἔσται τοῦτο τῆς πόλεως, οὐδενὸς μετέχον, ἀλλὰ ἀλλότριον τῆς πολιτείας”¹⁸⁸. We see that either the tripartite division of the polis undermines its own existence or it cannot provide the necessary materials for the sustenance of the whole population.

It should be noted that I am using the term “polis” to refer both to the spatial dimension of the polis, i.e. the territory, and, at the same time, to the totality of the citizen body. I believe that this use of the term is consonant with the ancient understanding of the nature of the polis. The polis was above all its citizens, not the territory and its buildings¹⁸⁹.

Aristotle examines Hippodamus' proposal of instituting honors and distinctions for those who invent something useful for the polis, and argues that although such a proposal sounds good and it is interesting, in the long run it is not beneficial for the polis. On the contrary, it can be proved to be very harmful to its well

being and its stability¹⁹⁰. He approaches this issue by examining whether or not political science is of the same nature as the other sciences. The main question that arises could be formulated in the following way: Is innovation and departure from tradition through novelties beneficial to the sciences? And should the same principles with the other sciences apply to political science?

He replies that history and experience show that innovation and the non adherence to tradition have been really beneficial for the sciences and human practices. One of the examples he gives, and it is a striking one, is medicine. Medical science has become better, and the humans have benefited a lot from the changes in the field. Adherence to the tradition of the field would not be useful and beneficial. “βέλτιον εἶναι τὸ κινεῖν”¹⁹¹.

He admits that there are many examples, taken from history and from experience, which show that changes of the customs and the laws were in a positive direction. And he makes a comparison, by means of some examples, between the laws of his own times and some ancient laws. He comes to the conclusion that the former are better in many aspects. Over time, the laws and customs of the people have become more delicate and refined.

But these remarks do not mean that changing the laws is always beneficial and that Aristotle is an advocate of constant change in the political realm. All the political changes, and the changes to the constitution and the laws should take place with great caution. While some benefits may result from these changes, at the same time, there is a big disadvantage. Usually the benefits are minor benefits, in view of the fact that

these changes make people less respectful to the law. As Aristotle sees it, the power of habit is the only power that a law has so as to make people respect it¹⁹². The longer a law exists, the stronger its influence upon the people and the polis. “ὁ γὰρ νόμος ἰσχὺν οὐδεμίαν ἔχει πρὸς τὸ πείθεσθαι παρὰ τὸ ἔθος, τοῦτο δ’ οὐ γίνεται εἰ μὴ διὰ χρόνου πλῆθος, ὥστε τὸ ῥαδίως μεταβάλλειν ἐκ τῶν ὑπαρχόντων νόμων εἰς ἑτέρους νόμους καινοὺς ἀσθενῇ ποιεῖν ἐστὶ τὴν τοῦ νόμου δύναμιν”¹⁹³. For that reason, it is better sometimes to keep the laws as they are, even if some of their provisions are erroneous. So he concludes, “οὐ γὰρ ὅμοιον τὸ κινεῖν τέχνην καὶ νόμον”¹⁹⁴.

From the way Aristotle argues on the issue of political innovation, we can see that he wants to make an honest debate on this issue and has no prior preoccupation. He is no devoted conservative, hostile to any change and anything new. It is my belief that Aristotle believes that the change of the human conditions is natural and will inevitably occur. Laws and customs cannot escape from this permanent movement, and they will adopt to the new conditions. Because of his fear that frequent changes of the laws would result in the disrespect of them by the people, he argues that conscious and organized change should not be encouraged¹⁹⁵.

Chapter IV

Aristotle's Definition of Justice

The intellectual quest for finding out what justice is, seems to be as old as the history of philosophy itself. The famous discussion narrated by Socrates in Plato's *Republic* is one of the important "moments" of this quest. As in Plato, the notion of "justice" is also central in Aristotle. Justice is a prerequisite of Aristotle's political thought, and more particularly of his analysis of the constitutions. Injustice is an evil that has to be avoided by all means, if the polis is to preserve its internal peace, and wants to provide the necessary conditions for the well-living of its members. For that reason, it is of the greatest importance to know what justice is, how it could be established, and how it is to prevail in the polis.

Before attempting to analyze Aristotle's account of justice, it would be interesting to briefly examine some other "instances" of this quest for justice; instances which preceded Aristotle's own account and which could be described as cornerstones in an attempt to approach the issue of justice. I will first consider Sophocles' attempt to deal with this issue in his *Antigone*. Then I will turn to Socrates' stance at his trial, as narrated in Plato's *Apology*. I believe that these considerations will lead us to a better understanding of Aristotle's account of justice by setting it in its broader historical context. The above mentioned cases deal primarily with the issue of law and the issue of the individual's stance against the law – positive, "natural", or of any other source. The discussion about law is inevitably interwoven with the understanding of justice, and vice versa. Justice is not an abstract notion. I

believe that Aristotle is right in saying that justice is a virtue. He is also right in arguing that it is of a distinctive nature, because it can be expressed only in relation to other individuals¹⁹⁶. It is this distinctive “social”, as we could call it, nature that makes justice so essential to any discussion of the political. Moreover, as *Antigone* and the *Apology* show, it becomes more difficult to approach or define justice when we have to deal with a situation in which the individual has to face the sovereign power which is embodied either in the monarch or the demos.

In *Antigone* Polyneices and Eteocles die together, the one from the sword of the other. Creon orders that the body of Eteocles be buried according to the customs, but he also orders that Polyneices' body should remain unburied, as a punishment for his attempt to attack and conquer his own country, Thebes. Antigone, who is Polyneices' and Eteocles' sister, decides to disobey Creon's order, and buries Polyneices' exposed body according to the appropriate burial customs. She justifies her choice by referring to the eternal laws and customs that are in accordance with the will of the Gods. Her action is revealed to Creon, who gives the order to bury her alive, so that she dies for disobeying the law, which is in that case the order of the highest authority: King Creon's mandate. Antigone dies by hanging herself. Her death triggers a chain of events. Haemon, Creon's son and Antigone's betrothed, commits suicide next to her body. The news of his death have as result the death of his mother, and Creon's wife, Eurydice, who also commits suicide. Creon after the warning of the prophet Teiresias, and in the light of these events, realizes that his decisions were not based on (practical) wisdom (“φρόνησις”).

The main protagonists of the drama are Antigone and Creon. Their conflict represents two distinctive moral characters and they embody two different and opposed approaches and definitions of justice. The conversation between the two persons is very important and, in fact, revealing. When Antigone is arrested and brought guarded to face Creon she does not refute her actions. “καὶ φημὶ δρᾶσαι κοὔκ ἄπαρνοῦμαι τὸ μή”¹⁹⁷. To Creon's question about how she dared not respect the law, she replies the following: It is not the Justice, that lives among the gods, that established such laws for men, nor is it Zeus that ordered that. And I would never disrespect the unwritten and stable laws of the Gods, which are of eternal value, for the sake of a man's order¹⁹⁸.

We see that for Antigone there are two different types of law. On the one hand, there are the eternal laws set by the Gods for the humans. On the other, there are the laws of humans. We can assume that it is implied that the human laws can be either in harmony with the eternal laws of the Gods or in contrast with them. Creon chose to order to leave Polyneices unburied, but he could have made his mind the other way and order the opposite. But human laws could never demand superiority or precedence over the eternal laws of the Gods. It is interesting that Antigone stresses the fact that the unwritten laws of the Gods go back to an unknown past. Their origin is not known to humans; it is as if they are eternal¹⁹⁹. I believe that this statement is central to understanding Sophocles' views of justice. Antigone does not appeal only to a notion of justice that is in accord with the will of the Gods, but to a notion of justice that is as old as the Gods of the other world. Creon could appeal not only to the laws

of the city, but also to some laws that are in accordance with the will of the Gods. In a sense he does so when he asks: “ἀλλ’ οὐχ ὁ χρηστὸς τῷ κακῷ λαχεῖν ἴσος”²⁰⁰. The audience of the drama, and a contemporary audience, would agree that this proposition sounds just, and that the Gods would not dictate a different law. Antigone's answer is the following: “τίς οἶδεν εἰ κάτωθεν εὐαγὴ τάδε;”²⁰¹. What does Sophocles want to say with this question, which Antigone uses as a response to Creon's argument? Is it an indication of Antigone's uncertainty about her own actions? Is it a rhetorical question? Or, is it something else? I believe that it is Antigone's appeal to the most ancient Gods, the Gods of the other world; and subsequently to their justice. It is an indirect way of saying that the older the laws, the greater their superiority. It is as if she says: your decision might be just for your Gods, Creon, but what is more important for me is what is just for the older Gods of the other world. On the one hand, Creon does not appeal only to his power, but also to a notion of justice which claims validity and accordance with the judgment of the Gods. On the other hand, Antigone appeals to a notion of justice which claims superiority due to its reference to the judgment of the most ancient Gods²⁰². This notion of the historicity of the laws, even of the laws of the Gods, is essential.

Although the legitimation basis of justice seems to be metaphysical, or of transcendental nature, I believe that this is not the case. History, and the historicity of a notion of justice, rather than any transcendental foundations, is the legitimation basis for any notion of justice. A plausible explanation for the acclaimed superiority of the older laws is their endurance in time. The fact that these laws have remained

unchanged during the passing of uncountable generations, is a proof for their superiority. The decree of a king, which has almost no history, could never claim superiority with regard to these other laws, whose origin is lost in time²⁰³.

In Socrates' case things are quite different. He is brought before an Athenian court with the charge of "corrupting the minds of the young, and of believing in deities of his own invention instead of the gods recognized by the polis"²⁰⁴. Socrates, defending himself, argues that he is unjustly charged, and that rather than being sentenced to death he should be honored, through free maintenance at the expense of the polis, for being a public benefactor²⁰⁵. He believes that he does not have to try to convince them by all necessary means, but to present the facts and his arguments, so that the jury could "decide where justice lies, and [...] return a just and lawful verdict"²⁰⁶. In addition, he claims that "[ἄνδρας] ἐκεῖνο μόνον σκοπεῖν ὅταν πράττῃ, πότερον δίκαια ἢ ἄδικα πράττει, καὶ ἀνδρὸς ἀγαθοῦ ἔργα ἢ κακοῦ φαῦλοι"²⁰⁷. We see that for Socrates the notion of justice has two aspects. On the one hand, there is the kind of justice which is a quality of a person's character, that is being expressed in his actions. In that case justice is not only a quality of character, but also, and more importantly I think, the ability to discern between right and wrong, and to make the right choices. For instance, in Homer's *Iliad* there are two cases in which Achilles' hold of justice is revealed to the reader. The first case is when he demands that he should have a bigger share of the loots of the war, and the second is when he decides to avenge the death of Patroclus. In the first case it is the allotment of the goods – and of the women – that is not just; in the latter it is not anger that drives him, but a well

rooted notion of justice that prescribes what a man of a good stuff is right to do in such cases. On the other hand, there is the kind of justice which is linked with the application of the law, and the correct application of the general provisions of the law to a specific case. It is not examined whether the laws are just and in accordance with justice, but whether the decision of the body responsible for the application of the law and the judgment of a case is in accordance with the law. That is evident from Socrates' saying that the jury should return a lawful verdict.

At one point of his speech, Socrates addresses his fellow citizens in this way: “ἀναγκαῖόν ἐστι τὸν τῷ ὄντι μαχούμενον ὑπὲρ τοῦ δικαίου, καὶ εἰ μέλλει ὀλίγον χρόνον σωθήσεσθαι, ἰδιωτεύειν ἀλλὰ μὴ δημοσιεύειν”²⁰⁸. Socrates believes that anyone who would actively defend justice in the context of the polis would be condemned to have a fate similar to his own. Wanting to show what is just and what unjust, he would have to, willingly or unwillingly, expose and make public much of the unjust actions of his fellow citizens; and that would cause the general enmity toward him. People do not appreciate having their unjust actions made public, and they do not like any self-appointed critic or “watcher of the public actions”. And his position would be even more precarious when sovereign power is not in the hands of the people. The authorities always tend to be less tolerant of anyone who is criticizing their unjust actions. But a question arises: How could the “true champion of justice” remain just and exercise justice when he decides to abstain from public affairs and public interaction, and confine his activities to the sphere of his private life?

It seems that Socrates' proposition contradicts Aristotle's statement that justice is a

virtue with a special and distinctive character. Justice is special and is distinct from the other virtues due to the fact that it is a virtue “πρὸς ἕτερον”, that is a virtue that can be exercised only in relation to another person²⁰⁹. In other words, justice, for Aristotle, is a social virtue. And I would add that justice is a political virtue. I believe that this understanding of justice is in accordance with Aristotle's text. Aristotle quotes Bias' saying that “ἀρχὴ ἄνδρα δείξει”²¹⁰. Meaning that the quality of a man's character will be revealed only when that man holds some kind of public office and exercises political power. The man holding power and participating in the governing of the polis is, by definition, acting in relation to others (“πρὸς ἕτερον καὶ ἐν κοινωνίᾳ”), and his choices and decisions affect the life of his fellow citizens. Thus, justice par excellence is a virtue expressed in the political actions of the “public” man. Does this mean that justice is confined only to the actions taking place in the political sphere, in the strict sense of the term? Definitely not. There are also and other instances of human interaction that take place in the polis, in which a person can behave justly or, as the case might be, unjustly. Using a contemporary term, we could say that these are all the actions taking place in the context of the civil society. But we should be careful in using that term, because for Aristotle, as well as his contemporaries, this sphere of human interaction does not belong to the private sphere but is an extension of the public/political sphere. So when Socrates investigates the Athenians about their wisdom, he is acting politically, as he did when as a member of the Council he voted against the will of the majority, in the trial of the ship commanders²¹¹. We should not forget Socrates' metaphor – according to which

Socrates' role in the polis is similar to a gadfly's stinging a large but inclined to laziness horse – which implies the public and political character of Socrates' “private”, in name only, investigations²¹².

I believe that Socrates and Aristotle speak the same language. They both acknowledge that justice is a political virtue, and that each individual should participate in the public affairs of the polis, if he wants to acquire and exercise justice. Although Socrates declares that the true champion of justice should choose to stay home (“ἰδιωτεύειν”) if he wants to go on living, his own life and personal stance actually show that even death is a small price to pay for the sake of justice. Aristotle is not “standing” very far when he says that this kind of justice is not a part of virtue, but the whole of it. “αὕτη μὲν οὖν ἡ δικαιοσύνη οὐ μέρος ἀρετῆς ἀλλ’ ὅλη ἀρετὴ ἐστίν”²¹³.

I hold the view that for Aristotle the laws of a political community should be the guide for the man who wants to act justly. I believe that if he were asked for an advice that would apply to the many, that would be the following: stick to the law. As he characteristically says: “δῆλον ὅτι πάντα τὰ νόμιμά ἐστὶ πὼς δίκαια”²¹⁴. Moreover, he declares that his opinion is that the provisions of every kind of legislative power are just. “τά τε γὰρ ὠρισμένα ὑπὸ τῆς νομοθετικῆς νόμιμά ἐστι, καὶ ἕκαστον τούτων δίκαιον εἶναί φαμεν”²¹⁵. Aristotle's claim that the provisions of every law are in a way just, triggers many objections. For instance, one could ask whether he would accept that the laws of the Nazi Germany, of the Soviet Union, or of any other totalitarian regime, were just; and whether the “citizens” – the people

living under these regimes – should follow the provisions of their laws as guides for achieving justice in their actions as individuals and as members of a community. Based on the passages which follow the ones above, we could say that the answer is No. According to the text, we should call just, the provisions of the law which dictate some forms of action and interaction in a political community through which the law promotes the εὐδαιμονία (happiness) of the political community²¹⁶. The law calls for a specific way of conduct and behavior that is in accordance with all the forms of virtue, and forbids all those ways of conduct and behavior that are in accordance with wickedness (μοχθηρία). For instance, the law commands that every man should act like a courageous and brave man, that he should act like a man of practical wisdom (σώφρων), and like a man full of patience (πράος)²¹⁷. The same is true even when the law is not well drafted. In such a case, the law still promotes the happiness of the members of the polis, but not so well as when compared to a rightly enacted law²¹⁸. It is interesting to mention that Aristotle is not telling that the law “should” command that kind of behavior, but that the law “does” command it. Thus, we could suggest that only when the law aims and promotes the εὐδαιμονία (happiness) of the political community, should it be considered as true law. So, we should rephrase what we previously said about Aristotle's advice to the man who wants to act justly. I believe that it would be like this: stick to the law, given that the law promotes the εὐδαιμονία (happiness) of the political community you live in. We see that he indirectly links justice with εὐδαιμονία.

There is a passage, however, which blurs the whole picture. “οἱ δὲ νόμοι

ἀγορεύουσι περὶ πάντων, στοχαζόμενοι ἢ τοῦ κοινῇ συμφέροντος πᾶσιν ἢ τοῖς ἀρίστοις ἢ τοῖς κυρίοις κατ' ἀρετὴν ἢ κατ' ἄλλον τινὰ τρόπον τοιοῦτον”²¹⁹. It seems that there is a contradiction between this passage and the previously analyzed ones. One could ask: Do the laws which aim at the interest of only a part of the polis, even if that part is comprised of the best men, promote the εὐδαιμονία (happiness) of the whole political community? Does Aristotle consider the εὐδαιμονία of the best men as equivalent to the εὐδαιμονία of the whole polis? It is not easy to give a satisfactory answer to these questions. When the laws aim at the interest of a part of the polis, they produce and preserve the εὐδαιμονία of this part of the polis, but at the same time they do not produce and preserve the εὐδαιμονία of the other parts of the polis. In fact, one could add, that in that case they tend to do exactly the opposite; they undermine their εὐδαιμονία. Aristotle, at least in his *Politics*, acknowledges that. When he is making the distinction between the right and deviant constitutions, he actually distinguishes between those constitutions which aim at the εὐδαιμονία of the whole polis and those which aim at the εὐδαιμονία of only a part of it. One could imagine only one occasion where the εὐδαιμονία of a part of the polis coincides with the εὐδαιμονία of the whole polis. This would happen, according to an Aristotelian approach of the polis and of the political, only when the relation between the one part and the other is analogous to the relation between a master and a slave. Even if we try to imagine a polis whose inhabitants would differ so radically with regard to virtue, there could be no compromise for the above mentioned contradiction because the two parts were taken as a whole they would not form a political community, but a kind of

conglomeration. Thus, I believe that there is a deep contradiction between the second part of the passage referring to the target of the laws, and the passage referring to the relation between justice and εὐδαιμονία in the polis.

Aristotle in *Nicomachen Ethics* 1134a 24 – 1135a 10 speaks specifically of the political justice (“πολιτικὸν δίκαιον”). Political justice could only exist among free and equal men who live in the same polis²²⁰. Equality in this context has two dimensions. Men could be equal either arithmetically or proportionately²²¹. What does Aristotle mean by this distinction? Equality means that the equals should receive equal and the unequals unequal (“ἴσοι ἴσα καὶ μὴ ἴσοι μὴ ἴσα”). We need to have in mind that the various men in question should be equal with regard to a specific value (“ἄξια”). This value could be liberty (“ἐλευθερία”), or wealth (“πλοῦτος”), or good birth (“εὐγένεια”), or excellence (“ἀρετή”). Aristotle says that there is unanimity in that equality should be considered with regard to a specific “ἄξια”, but there is no agreement on what this specific “ἄξια” could be²²². The democrats believe that it should be liberty, while those with oligarchic and aristocratic views hold that it should be wealth or good birth and excellence respectively²²³. If, for instance, men want to be equal with respect to honours, this does not always mean that they should receive the same honours. When the “ἄξια” on which equality is based is excellence, then men of unequal excellence should receive unequal honours so as to be considered equal. They would be considered equal when the ratio between their excellences is the same with the ratio between the honours they receive. In that case we have an example of proportional equality. When the “ἄξια” on which equality is based is liberty, then two

men of free birth should receive the same honours. In that case we have an example of arithmetic equality. At the political level this is the main reason for conflict between the opposing political views. The democratic belief that all free men should have the same share in the administration of the polis, is based on the assumption that the value according to which equality should be judged is liberty. On the other hand, the oligarchic claim for a limited participation in the administration of the polis, is based on the assumption that wealth or good birth should be the values for judging equality. Injustice occurs when somebody takes a bigger share of what is analogous to him from what is good (τῶν ἀπλῶς ἀγαθῶν), and a smaller share of what is bad (τῶν ἀπλῶς κακῶν)²²⁴. At the political level, injustice occurs when those ruling act in this way. In order to avoid that, it is advisable that reason (λόγος) should govern, and not men who tend to acquire more, or less if it is something bad, of what is analogous to them. Furthermore, those ruling should be rewarded for guarding justice and equality, through honors and respect²²⁵.

For Aristotle there are two kinds of political justice: natural (“φυσικό”) and legal (“νομικό”). It is strange that Aristotle claims that it is clear and easy to discern which provisions of the law are natural and which are conventional²²⁶, while, in contrast, Plato devotes an entire dialogue, in fact his longest, the *Laws*, in an effort to answer the following question: “ὀρθότητός τε καὶ ἀμαρτίας περὶ νόμων, ἥτις ποτ’ ἐστὶν φύσει”²²⁷. In order to define the natural political justice, Aristotle says that the natural political justice has the same power everywhere and is not affected by whether people think so or not. “φυσικὸν μὲν τὸ πανταχοῦ τὴν αὐτὴν ἔχον δύναμιν, καὶ οὐ

τῷ δοκεῖν ἢ μή”²²⁸. On the other hand, legal political justice has power only when it is established, its provisions could vary, and they could dictate one thing in one occasion and something else in another. For instance, the laws regulating sacrifices are of the conventional kind, and the fact that they dictate that a goat should be sacrificed rather than two sheep, is subject to change. Aristotle mentions that there are some who believe that the natural political justice is immutable and not subject to change, and that they use a metaphor – that the fire burns in the same way in Athens and in Persia²²⁹ – so as to show the stable and unaffected by external factors character of natural political justice. Having this in mind, they argue that the political justice is always of legal and conventional kind, due to the fact that it is always subject to change. We observe, they argue, that political justice is not immutable²³⁰.

For Aristotle, this is not true. Such an understanding of natural political justice, as immutable and not subject to change, might apply to the gods, but it is not so when we examine human affairs²³¹. According to Aristotle, both natural and legal political justice are subject to change, but at the same time there is a clear distinction between these two different kinds of political justice. “παρ’ ἡμῖν δ’ ἔστι μὲν τι καὶ φύσει, κινητὸν μέντοι πᾶν, ἄλλ’ ὅμως ἔστι τὸ μὲν φύσει τὸ δ’ οὐ φύσει”²³². The problem is that while Aristotle says that it is easy to distinguish between, on the one hand, natural and, on the other, legal and conventional political justice, he does not make clear how we could make such a distinction.

I believe that our argument about Sophocles' account of justice, and the importance he attributes to the historicity of the laws, could help us approach and

interpret Aristotle's account of natural political justice. I also believe that there are some affinities between these two accounts of justice. As we have seen, for Aristotle the immutability of some laws would be a sign of their divine character. Based on that, we could assume that the less a law is subject to change the more it should be considered as god-like. Thus, I believe that we could legitimately argue that for Aristotle a sign for discerning the laws which are based on natural political justice, rather than conventional, is their endurance in time. This is an argument which is in accordance with the Aristotelian text, his broader philosophical stance, and the predominant attitude in Ancient Greek thought.

II

Aristotle's analysis of natural political justice has provoked a vivid debate among many contemporary scholars who either claim that Aristotle introduces a theory of natural law, and that he is the founding father of the natural law tradition, or deny the previous argument, claiming that the notion of natural law does not exist in Aristotle's thought. In addition, there are some scholars who argue that the notion of natural rights is part of his discussion of justice, while some others reject this argument out of hand. As a preliminary remark, I need to say that there is no word in the Greek text of the *Nicomachean Ethics* that has the same meaning, or has the same theoretical connotations, with the modern English word "right(s)". Furthermore, I strongly believe that the translation of the Greek term "τὸ φυσικὸν πολιτικὸν δίκαιον" as

“natural political justice” is the only that renders in the best way the true meaning of the term²³³. Nevertheless, there are many contemporary scholars who use the term “natural right” so as to translate the above term²³⁴. I believe that by translating the “τὸ φυσικὸν πολιτικὸν δίκαιον” as “natural right” they distort the meaning of the text, and do not help us understand the Aristotelian account of justice. By doing this they enable themselves to interpret the text in a way that suggests that a notion of natural rights, as we understand it today in a post-Enlightenment era, is present in Aristotle's account of justice²³⁵.

We should always have in mind that Aristotle does not speak about natural justice in general, but he speaks specifically of natural political justice. The emphasis should lie at the political, and not the natural, character of natural political justice. It is not by accident or coincidence that Aristotle speaks of natural justice only in the context of his analysis of political justice. Natural justice exists only in a polis, or in political communities in general. Leo Strauss is wrong in arguing that Aristotle suggests that natural justice – natural right in Strauss's own terms – is present in its most fully developed form among the citizens of the polis, while natural justice exists also in pre-political situations or out of the context of a political community – though in a less developed form. He projects his own beliefs on Aristotle's thought when he says that although Aristotle speaks of natural political “right”, “this does not mean that there is no natural right outside the city or prior to the city”²³⁶. Strauss believes in the rational character of natural right, and he identifies himself with “some of the greatest natural right teachers” in arguing that, due to the fact that natural right is

rational, only by cultivating one's own reason, one can grasp natural right; and he implies that natural right could be known only to the few who have managed to cultivate their reason and not to everyone²³⁷. This is another point of his thesis which is at odds with the Aristotelian account of natural political justice. We see that while for Strauss it is difficult to know natural right, and only the cultivated minority could achieve this, Aristotle, in contrast, says that it is clear and easy to distinguish between natural, on the one hand, and legal and conventional political justice, on the other. Based on the text, one could assume that according to Aristotle everyone is in position to grasp and distinguish natural political justice.

An example of those who consider that Aristotle does not develop a theory of natural law is Hans Kelsen. Kelsen argues that the Aristotelian approach of justice as a virtue fails to help us approach the real nature of justice, and is only a way of trying to legitimize the established positive law of a given society; and subsequently to preserve the existing *status quo*²³⁸. He also claims that the notion of natural justice – though present – is not important, and does not play any significant role, in the context of Aristotle's ethical and political thought²³⁹. Kelsen believes that if the moral philosophy – of Aristotle in that case – cannot provide us with the principles, which could be used for answering the difficult questions of who is equal and what is equal, then the “positive legislator” who establishes a legal order should determine these principles. For that reason he believes that Aristotle should be ranked among the “supporters” of positive law, since “[...] his moral philosophy is not capable and considers itself not competent to answer the question which of the criteria is the just

one”²⁴⁰.

I believe that the following schema could help us understand by analogy the difference between the justice of the gods, the natural political justice that exists in the human communities, and the legal and conventional political justice that also exists among humans living in communities. This schema is inspired by Plato's *Timeaus*. In nature we have three different situations with regard to motion. There is the absence of motion, the circular motion, and all the other kinds of non-circular motion (e.g. the linear motion). In Plato the fact that something remains stable without moving is an expression of its divine character. In analogy to that, the circular motion, due to its repetitive and “normal” nature, is the only motion which resembles in a way the stability, and thus it is considered as the closest to a divine situation. Last, there are all the other non-circular motions which belong to the sphere of action of the mortals, and are more appropriate to them and correspond to their actions. The analogy that I propose is the following: the natural justice of the gods which is immutable and never changes, as Aristotle acknowledges, is analogous to the stability and the lack of any motion in nature. The natural political justice, which according to Aristotle is subject to change, should be considered as analogous to the circular motion; and the legal and conventional political justice, which is also subject to change, should be considered as analogous to the non-circular motions.

We need to focus also our analysis on the notion of legal and conventional justice, as it is analyzed in Aristotle's text. Bernard Yack is right in arguing that most of the commentators of the Aristotelian account of justice do not pay attention to his

definition and analysis of conventional justice – conventional right according to Yack's terminology²⁴¹. But, at the same time, I believe, he approaches the issue in a mistaken way; and his interpretation is not in accordance with the text. Aristotle's definition of legal and conventional political justice is the following: “νομικὸν δὲ ὃ ἐξ ἀρχῆς μὲν οὐδὲν διαφέρει οὕτως ἢ ἄλλως, ὅταν δὲ θῶνται, διαφέρει”²⁴². Yack, based on some of the examples that Aristotle gives, claims that conventional justice, for Aristotle, concerns only all those issues that are not very important. In other words, it concerns all those issues and situations, at which if we choose to act in one or in another way does not make any difference and is not important. For that reason, Yack emphasizes the example that Aristotle gives about the sacrifices. In a way he is right. The important issue is to decide to offer a sacrifice. Whether the sacrifice would consist of a sheep rather than two goats, makes no difference, till the moment that a law is established so as to regulate that issue²⁴³. But this is not the whole picture. If we want to approach and understand Aristotle's notion of legal and conventional justice we need to closely examine what he says about that and take into account all the examples he gives, and all the categories he refers to. If we achieve to grasp the notion of legal and conventional justice, we will enable ourselves to understand more properly Aristotle's account of natural political justice. I think that it is important to quote the passage, in which Aristotle gives his definitions and presents his examples so as to clarify that. “νομικὸν δὲ ὃ ἐξ ἀρχῆς μὲν οὐδὲν διαφέρει οὕτως ἢ ἄλλως, ὅταν δὲ θῶνται, διαφέρει, οἷον τὸ μνᾶς λυτροῦσθαι, ἢ τὸ αἶγα θύειν ἀλλὰ μὴ δύο πρόβατα, ἔτι ὅσα ἐπὶ τῶν καθ’ ἕκαστα νομοθετοῦσιν, οἷον τὸ θύειν Βρασίδα, καὶ

τὰ ψηφισματώδη”²⁴⁴. The last phrase (καὶ τὰ ψηφισματώδη) is enough so as to understand that the legal and conventional justice does not refer “only to the justice of actions about which we would be indifferent were it not for a prior agreement”²⁴⁵. The decrees could regulate in specific cases the whole spectrum of the life in a polis. Aristotle is aware of this, and refers to such a case when he speaks of the deviant form of democracy. In that case the many administer the polis through decrees, which acquire the status of law, but at the same time the established laws of the city are being put aside. As everyone understands, the decrees that could, and would, regulate every aspect of a man's life in a polis, are not dealing only with issues that the judgment of which is indifferent to the members of the polis. In addition, I believe that by the “ὅσα ἐπὶ τῶν καθ’ ἕκαστα νομοθετοῦσιν”, Aristotle refers to the cases where the law which is being established is not general enough, as it should be; and does not work as a general guideline who sets the context for the Judge or the jury, but is very specific and his provisions are limited to a specific issue.

We need to take into account and examine a tradition of interpretations of the Aristotelian notion of “natural political justice” which stems from Averroës and is related with other medieval Averroists²⁴⁶. According to this interpretation, Aristotle's notion of “natural justice” refers to a part of justice which is based on convention, and is a kind of conventional justice, but, at the same time differs from conventional justice due to the fact that it has universal value. This universal value of natural justice stems from the fact that it is universally accepted. It is a kind of positive law, but the fact that there is, almost, unanimous acceptance of it, discerns it from the “normal”

positive law. People, while living in different places and historical eras, accept the value of same fundamental broad rules, and agree to regulate their conduct and educate the younger members of their society in accordance with them. The fact that an agreement is needed, shows the conventional character of the justice which is reflected on these rules, while at the same time, the universality of their acceptance reveals the natural character of the justice which is reflected on these rules. These rules should not be considered as immutable because many occasions occur in which there is the need to override and disregard these rules for the sake of the preservation of the respective society²⁴⁷. There are and some contemporary scholars who claim that Aristotle's notion of natural political justice is related with some kind of “universality”. They argue that the “key” for understanding Aristotle's account of natural political justice lies at our ability to grasp its universal validity and power.

One has to admit that this interpretation seems to provide a satisfactory understanding of the Aristotelian account of natural justice. It is true that the word “πανταχοῦ”, in Aristotle's definition of natural political justice, supports such a way of interpreting it. But, if we pay close attention to the text of the *Nicomachean Ethics*, and contrast and collate the interpretation with the text, we could see that there is an antinomy between them. According to Aristotle the power and validity of natural political justice is not dependent on whether there is agreement about its power and validity, and whether it is recognized as such. As Aristotle characteristically says: “καὶ οὐ τῷ δοκεῖν ἢ μὴ”²⁴⁸. In contrast, according to this interpretation, most people would agree, and have the same opinion, that there are some broad rules which are

just; and thus they constitute natural justice. The power and validity of these rules is based on the universality of this agreement. In addition, it is argued that the mutable character of the political justice results from the fact that the provisions of the law which are based on natural justice could be suspended. It is implied that although killing is contrary to the natural justice, there are some cases in which killing is legitimized – in that context: not considered as contrasting natural justice – because it serves a higher ideal; which is the preservation of the political community. But, Aristotle does not provide nowhere in the text a clue for such an understanding of natural political justice. Natural political justice is considered mutable because it is subject to change, not because it could be suspended.

Why does Aristotle choose to use the term “natural political justice”? If we accept that our interpretation is right, and that the reference of natural political justice is not metaphysical or transcendental, we need to give an explanation for Aristotle's choice to use that term. The interpretation I want to propose is based on the fact that for Aristotle the very nature of every human is to be a political animal. Thus we can assume that there are some actions that are in harmony with the political nature of the humans. I want to propose the following: the justice which dictates the actions that are in accordance with the political nature of men living in the context of a polis, is the natural political justice. The provisions of a law, which are in harmony with the natural political justice, work as guidelines for the members of the polis, and by following and respecting these provisions they enable themselves to fulfill their nature as political animals.

Chapter V

Aristotle's Analysis of the Constitutions

While reading Aristotle's analysis of the various constitutions in the third book of the *Politics*, a discussion that took place at a distant past comes to mind. It is the discussion among Megillus of Lacedaemon, Clinias of Crete, and an Athenian Stranger, during a walk from Cnosus to the cave and temple of Zeus on Mount Ida, “on a long midsummer day”²⁴⁹. This walk is narrated in Plato's *Laws*²⁵⁰. It seems that Aristotle is reflecting on the part of the discussion that occupies the fourth book of the *Laws*, and comes up with his own analysis and classification of the various constitutions²⁵¹. I believe therefore that it is important to examine some parts of Plato's *Laws*, before embarking upon the interpretation of Aristotle's own analysis.

The Athenian Stranger narrates a story of a polis which was ruled under the providence of the God²⁵². In the context of this story he presents the necessary preconditions that a constitution should meet so that the polis can achieve its primary goals: to provide peace (as a result of lack of factions within the polis) and happiness (εὐδαιμονία). We can assume that the happiness refers to the polis as a whole, but also to its constituent parts – its citizens. “εἰρήνην τε καὶ αἰδῶ καὶ εὐνομίαν καὶ ἀφθονίαν δίκης παρεχόμενον, ἀστασίαστα καὶ εὐδαίμονα τὰ τῶν ἀνθρώπων ἀπηργάζετο γένη”²⁵³. We see that for Plato, if we consider the Athenian Stranger to be a spokesman for Plato, the lawgiver should establish laws that would enable the citizens of the polis to live in a peaceful environment, where justice and good laws prevail, and would cultivate modesty (αἰδῶ) in them.

The Athenian Stranger is very strict about the use of the term “constitution”. He holds the view that the most of the so-called constitutions should not even be called as such. He believes that tyranny, monarchy, oligarchy, aristocracy, and democracy should not be considered as constitutions, because they divide the polis into two parts, the ruling and the ruled. And the ruling part is exercising its power in a hybriatic and unjust way (ὑβρεώς καὶ ἀδικίας μεστοῦσθαι). “οὐκ εἰσὶν πολιτεῖαι, πόλεων δὲ οἰκῆσεις δεσποζομένων τε καὶ δουλευουσῶν μέρεσιν ἑαυτῶν τισί”²⁵⁴. The ruling part – being an individual, a small fraction of the polis, or the whole demos – has the tendency to rule guided by a soul full of desires and lust for pleasures. The only remedy would be that the governing of the polis, and of the households, would be guided by the immortal element that exists within the human beings. That is, the governing of the polis and the setting of the laws should be done under the governing of the reason. “τὴν τοῦ νοῦ διανομὴν ἐπονομάζοντας νόμον”²⁵⁵.

The Athenian Stranger makes a distinction: a kind of classification of constitutions. On the one hand, when the ruling part appropriates the sovereign power, and legislates and uses its power only for its own interest. Without taking into account the common interest, the law is not true law and there is no real justice in such a polis. In these cases the proper name for such an arrangement is “στασιωτεία” (party-divisions), and not “πολιτεία” (polities or constitutions). On the other hand, he argues that the name “πολιτεία” should be attributed only to such arrangements where the laws serve the common interest of the whole polis. “ταύτας δῆπου φαμὲν ἡμεῖς νῦν οὐτ’ εἶναι πολιτείας, οὐτ’ ὀρθοῦς νόμους ὅσοι μὴ συμπάσης τῆς πόλεως ἔνεκα τοῦ

κοινοῦ ἐτέθησαν: οἳ δ' ἔνεκά τινων, στασιωτείας ἄλλ' οὐ πολιτείας τούτους φαμέν, καὶ τὰ τούτων δίκαια ἅ φασιν εἶναι, μάτην εἰρῆσθαι”²⁵⁶. Thus, we have two kinds of constitutions: the proper ones, which justly bear the name “constitution”, and the “misnomers”. I use the term “misnomer” to name all those constitutional arrangements, that traditionally bear the name “constitution”, but inappropriately do so, according to the Athenian Stranger's classification. The above passage is interesting, and is important for our own analysis. We see that Plato makes a classification of the various constitutions, based on the criterion of whether the ruling part is governing for the sake of its own advantage and interest, or it is governing for the sake of the common advantage and interest.

Aristotle's Classification of the Constitutions

Aristotle wants to examine the issue of the various constitutions. The question is clearly stated by him: “πότερον μίαν θετέον πολιτείαν ἢ πλείους, καὶ εἰ πλείους, τίνες καὶ πόσαι, καὶ διαφορὰ τίνες αὐτῶν εἰσιν”²⁵⁷. How many constitutions are there? What are the differences among them? These are the questions that Aristotle wants to answer. But, prior to answering these questions, he has to answer another question: What is a constitution?

According to Aristotle's definition, the constitution (πολιτεία) is the way the various offices of a polis, and above all the sovereign office, are being ordered. In addition, the definition continues, the constitution is the government (πολίτευμα),

because the government is the sovereign in every polis. “ἔστι δὲ πολιτεία πόλεως τάξις τῶν τε ἄλλων ἀρχῶν καὶ μάλιστα τῆς κυρίας πάντων. κύριον μὲν γὰρ πανταχοῦ τὸ πολίτευμα τῆς πόλεως, πολίτευμα δ’ ἐστὶν ἡ πολιτεία”²⁵⁸. When the demos is sovereign and governs the polis, then the constitution is a democracy. This means that the Assembly of the demos holds the highest rank among the various offices within the polis, constituting the sovereign body of the polis. According to this reasoning, oligarchic is a constitution when only a few govern the polis, and the council that is composed of them is the sovereign body of the polis.

In order to examine the numerous constitutions, it is needed to examine first the various kinds of ruling. By examining the various instances of ruling among humans, Aristotle concludes that there are two types of ruling. One type is that in which there is the ruling that is exercised for the sake of the ruler – that being the master in a master-slave relationship, the man in a family, those holding offices in a political regime. The other type is that in which there is the kind of ruling that is exercised for the sake of both the ruler and the ruled. That could be the case in a family, or in the political life of a polis. From the examples Aristotle provides, he seems to imply that there is the possibility, which is a third kind of ruling, that the ruler exercises ruling for the sake of the ruled without benefiting himself²⁵⁹. The example he gives is that of the trainer of an athlete. The trainer has power over the athlete and exercises ruling on him. Through that ruling the athlete can benefit. Given that the trainer's advices are correct, the trainer's ruling is to the athlete's advantage. However the trainer does not benefit from his ruling. This could happen only

accidentally (κατὰ συμβεβηκός) in that occasion when the trainer, being a trainer, decides to put himself in the athlete's place²⁶⁰.

With regard to the political ruling, Aristotle makes a chronological distinction. There is a distinction between the past and the present, as if they are constituting two separate historical periods. In the past men were occupied with the pursuit of their own affairs, and were facing ruling and holding offices as a necessary obligation to the community and the polis, which was connected to their status, being equal members of the polis. In contrast, Aristotle's contemporaries seek to hold office and participate in the ruling. The desire for that is very strong, and power has become a kind of obsession. It is as if their health is directly depended on whether or not they are holding office. Men are being “corrupted” by the profits and benefits that are related to, and connected with, the participation in the political process and the holding of various offices²⁶¹. They want to hold office so as to benefit from that.

When the rulers exercise ruling for themselves, they exercise a kind of mastership similar to that of a master over a slave. But this is contradictory to the character of the polis: “ἡ δὲ πόλις κοινωνία τῶν ἐλευθέρων ἐστίν”²⁶². Based on this proposition, Aristotle formulates his basic principle for classifying the various constitutions. On the one hand, there are those constitutions which have as their target and aim (“σκοποῦσιν”) the common advantage. These are the correct constitutions (“ὀρθὰ πολιτεῖαι”)²⁶³. In such polities prevails the proper justice, the justice in its fullest sense (“τὸ ἀπλῶς δίκαιον”)²⁶⁴. On the other hand, there are those constitutions which have as their target, and aim, only the advantage of the rulers. These are the

mistaken constitutions (“ἡμαρτημέναι πολιτεῖαι”), which are deviations of the correct ones (“παρεκβάσεις τῶν ὀρθῶν πολιτειῶν”)²⁶⁵.

Richard Robinson links Aristotle's division of the constitutions, based on their aim, with the aims and intentions of the rulers of each constitutional arrangement. He says that, if Aristotle's proposition about the division of the constitutions is “concretely” interpreted, then it is not clear whether Aristotle is referring to the aims of the constitution or to the aims and intentions of the rulers. If the latter is the case, then a constitutional arrangement would change its character and change from a correct to a deviant constitution, or the reverse, simply by the change of the intentions of the rulers²⁶⁶. According to Robinson one would expect that Aristotle should make it clear whether for him the difference between a correct constitution and its deviation lies “in some difference of their laws and legal arrangement, or in the difference of their rulers' intention”²⁶⁷. I believe that such a clarification is not needed. Both propositions could be true.

For Aristotle there are six different types of constitutions. This classification is based on two criteria: the first is the previously mentioned division with regard to the aim of each constitution – that being the common advantage, or the advantage of the rulers. The second criterion is the number of those participating in ruling²⁶⁸. “ὅταν μὲν ὁ εἷς ἢ οἱ ὀλίγοι ἢ οἱ πολλοὶ πρὸς τὸ κοινὸν συμφέρον ἄρχωσι, ταύτας μὲν ὀρθὰς ἀναγκαῖον εἶναι τὰς πολιτείας, τὰς δὲ πρὸς τὸ ἴδιον ἢ τοῦ ἑνὸς ἢ τῶν ὀλίγων ἢ τοῦ πλήθους παρεκβάσεις”²⁶⁹. “Polity” (“πολιτεία”), the common name of all constitutions, is the name that Aristotle chooses to attribute to the constitutional

arrangement where the majority governs for the common advantage. The deviation of this constitution is “democracy”. This name is proper for the constitutional arrangement where the majority governs, but does not aim at the common interest of the total sum of the citizens of the polis. The many use their power to promote their interests, at the expense of the minority. For Aristotle, democracy is synonymous with the rule of the poor and needy (τῶν ἀπόρων)²⁷⁰. Aristotle attributes the name “aristocracy” to the constitutional arrangement where a small group of people rule the polis aiming at the promotion of the common advantage of the members of the polis. He adds to this category the case where the best men of the polis hold the sovereign power. It is interesting to quote Aristotle's text on this: “τὴν δὲ τῶν ὀλίγων μὲν πλείονων δ’ ἐνὸς ἀριστοκρατίαν (ἢ διὰ τὸ τοὺς ἀρίστους ἄρχειν, ἢ διὰ τὸ πρὸς τὸ ἄριστον τῇ πόλει καὶ τοῖς κοινωνοῦσιν αὐτῇς)”²⁷¹. We can assume that it is implied that when the best men of the polis govern, they always govern, and use the power they have, keeping in mind the common advantage and the interest of the entire polis. The deviation of this constitution is “oligarchy”. This is the case when the wealthy few rule aiming at the interests of their social class²⁷². Last, there are these constitutional arrangements where a single person holds the sovereign power. “Kingship” (“βασιλείαν”) is the name that is usually attributed to the constitutional arrangements where the monarch rules aiming at the common advantage, and Aristotle chooses the same name. When the monarch aims at his personal advantage and governs so as to promote his personal interest, then the proper name for this constitutional arrangement is “tyranny”.

Aristotle's Remarks on the Constitutions

Aristotle acknowledges that his classification could be undermined in some cases by the social stratification of certain poleis. His classification proves to be problematic when it has to be applied to a polis where the majority is comprised of wealthy men, and the poor ones are the minority. In general, this case is rare and marginal²⁷³. However, Aristotle is obliged to take this case into account, because it sheds light on the substance (“οὐσία”) of the various constitutions; and specifically on the substance of democracy and oligarchy. As we have seen, according to Aristotle's classification of the constitutions, democracy is connected with the rule of the majority. It follows that we should call democratic a constitutional arrangement where a wealthy majority holds the sovereign power within the polis, and rules by aiming at its interest. Analogously, given that according to the Aristotelian classification of the constitutions the rule of the few – aiming at their own interest – is called oligarchy, where a poor minority holds the sovereign power the constitutional arrangement should be called oligarchy. But this seems to be against the common sense regarding the various constitutions and, at the same time, against Aristotle's own understanding of the constitutions²⁷⁴. The quantitative criterion, regarding the number of those ruling, is not the defining one for the definition of democracy and oligarchy. It is only “συμβεβηκός” that the many hold the sovereign power in democracies, and that the few hold the sovereign power in oligarchies. It is not a part of the substance (“οὐσία”)

of these two constitutions. One could add that it is “κατ' οὐσίαν συμβεβηκὸς”. The essential element of democracy is the poverty of those holding the sovereign power, and the essential element of oligarchy is the wealth of those holding the sovereign power. “ὥ δὲ διαφέρουσιν ἢ τε δημοκρατία καὶ ἡ ὀλιγαρχία ἀλλήλων πενία καὶ πλοῦτός ἐστιν”²⁷⁵.

Francis Wolff argues that the marginal case that Aristotle deals with, i.e. the case where the many are wealthy and the few poor, supports the view that the teleological criterion is the only essential criterion for the classification of the various constitutions; and he adds that the teleological criterion is the only criterion which we could use for the evaluation of the various constitutions²⁷⁶. I believe that Wolff's claim is wrong. The number of those holding the sovereign power is neither unimportant, nor inferior to the teleological criterion. The following case could help us understand my argument. If we suppose that in a polis a number of equally virtuous persons exists, then the number of those holding the sovereign power is very essential. They are all equals, and for that reason they would all demand to participate equally in honours; that is, in Aristotelian terms, to equally participate in the governing of the polis and the holding of the various offices. Not to equally participate in the governing of the polis, either by ruling and being ruled in turns, or by distributing the various offices among them, would be considered as suffering injustice. Thus, if only one of them would hold the sovereign power, even if that one exercised the power aiming at the common advantage and interest, the constitutional arrangement would cause injustice and would not help the members of the polis achieve eudaimonia and

the well-living. “οὐκοῦν ἀνάγκη τοὺς ἄλλους ἀτίμους εἶναι πάντας, μὴ τιμωμένους ταῖς πολιτικαῖς ἀρχαῖς: τιμὰς γὰρ λέγομεν εἶναι τὰς ἀρχάς, ἀρχόντων δ’ αἰεὶ τῶν αὐτῶν ἀναγκαῖον εἶναι τοὺς ἄλλους ἀτίμους”²⁷⁷. We clearly see that in that case the number of those holding the sovereign power is very essential for the evaluation of the constitution. The arithmetic criterion is equally important with the teleological criterion for the evaluation of the constitution. From the previous example it is implied that the Aristotelian schema used for the classification of the constitutions has some weaknesses which set limits to its ambition to be an all-encompassing schema. It is interesting to note that Aristotle is very confident that his account of the classification of the various constitutions is methodologically sound. He considers that the previously mentioned case does not undermine his method and the principles he uses for the classification of the constitutions; and thus, it should not lead him to modify his classification by adding/naming some other constitutions.

As far as “polity” is concerned, Aristotle links the nature of this constitution with the virtues which the majority of the members of the polis possess, or potentially could possess. “συμβαίνει δ’ εὐλόγως: ἓνα μὲν γὰρ διαφέρειν κατ’ ἀρετὴν ἢ ὀλίγους ἐνδέχεται, πλείους δ’ ἤδη χαλεπὸν ἡκριβῶσθαι πρὸς πᾶσαν ἀρετὴν, ἀλλὰ μάλιστα τὴν πολεμικὴν: αὕτη γὰρ ἐν πλήθει γίγνεται: διόπερ κατὰ ταύτην τὴν πολιτείαν κυριώτατον τὸ προπολεμοῦν καὶ μετέχουσιν αὐτῆς οἱ κεκτημένοι τὰ ὅπλα”²⁷⁸. We see that the masses can be virtuous. It would be difficult and very rare for all the members of the polis or at least the majority of them to possess every virtue and excel in them. Experience shows that it is possible that some of the members of

the polis, usually a small fraction, differ from the others with respect to their superiority of virtuousness. But this does not mean that the many are doomed to live a life that is deprived of any virtue. They do possess the military virtue, at least²⁷⁹.

What does Aristotle exactly mean when he says that those who possess arms participate (“μετέχουσιν αὐτῇς”) in the constitution named polity? The expression “participate in the constitution” could be confusing, but given that according to Aristotle's analysis the constitution and the government have the same meaning, it is understood that when the constitutional arrangement is a “polity”, then those who possess arms participate in the governing. Should we assume that the participation in governing of those who possess arms is a necessary precondition for the establishment of a “polity”, or is it possible that a “polity” could appear based on another class of citizens? Should we assume that for Aristotle the necessary precondition for the establishing of a “polity” is the existence and the prevalence within the polis of a class of warriors, or perhaps of a class of citizens who participate in the military? I believe that the answer, at least in principle, is No. However, in practice and with respect to the actual poleis, the answer would be Yes. From the text it is evident that Aristotle links, in an indirect way, the correct constitutions with the virtuousness of the members of a polis. The causal relationship that exists, and needs to be examined, is the relationship between the virtues of the citizens, on the one hand, and the established constitution, on the other. “Polity” is linked with the virtuousness of the many. For the establishing of a “polity”, it is necessary that the majority of the citizens possess some kind of virtue. As Aristotle remarks, the most

common virtue for the majority of the citizens is the military virtue. However, this does not mean that if the majority possessed another virtue, then the corresponding constitution would be other than a “polity”. What seems to be important is that the many possess a virtue, any virtue, and not specifically the military virtue.

The Sovereign Body

“Internal *sovereignty* is the notion of a supreme power / authority within the state, located in the body that makes decisions that are binding on all citizens, groups and institutions within the state's territorial boundaries”²⁸⁰. Andrew Heywood, who provided the definition of sovereignty above, claims that the notion of sovereignty emerged in the sixteenth and seventeenth centuries, and that it was a by-product of the gradual development of the modern European states²⁸¹. Despite these claims, it is evident that the notion of sovereignty, and of the sovereign body, is present in Aristotle's political thought. In the tenth chapter of the third book of the *Politics*, Aristotle examines the various possibilities about which should be the sovereign body within the polis. His inaugural proposition is the following: “ἔχει δ’ ἀπορίαν τί δεῖ τὸ κύριον εἶναι τῆς πόλεως”²⁸². For Aristotle, there are five contesting candidates. The sovereign within the polis could be one of the following: a) the many, b) the rich, c) the good, d) the best one among the others, and e) a tyrant²⁸³. The problem is that, according to Aristotle, all these cases have problems and show some difficulties. Thus, it is not easy to answer who should be the sovereign body within the polis. In

all cases some kind of injustice occurs. The problem lies with the fact that the basic principle of the Aristotelian account of justice is not met in all these cases. In other words, the principle that equality should exist among equals, and inequality among unequals, is being violated. Or, to state it more properly, one of the equations of the Aristotelian principle of justice is violated. We should always have in mind that for Aristotle it is just for equals to receive equal, and for unequals to receive unequal. “δοκεῖ ἴσον τὸ δίκαιον εἶναι, καὶ ἔστιν, ἀλλ’ οὐ πᾶσιν ἀλλὰ τοῖς ἴσοις: καὶ τὸ ἄνισον δοκεῖ δίκαιον εἶναι, καὶ γὰρ ἔστιν, ἀλλ’ οὐ πᾶσιν ἀλλὰ τοῖς ἀνίσοις”²⁸⁴.

It is worth examining how injustice would occur when one of the previously mentioned candidates for the sovereign body manages to become the sovereign. When the many would be the sovereign body within the polis, they would base their sovereignty on their freedom and the fact that they are the majority; and they would consider free birth to be the highest value. Thus, they would use this value as the ultimate criterion for justice. In that context it is expected that they would project their equality with respect to freedom to the other domains of their life too. And if, for instance, they decided to confiscate and distribute the property of the wealthy, that, according to their understanding of justice, should not be considered as an unjust decision and action²⁸⁵. But, if we take into account another value, the wealth – as the oligarchics do – then the same decision and action is considered unjust. Similarly, when the rich would be the sovereign body within the polis, they would base their sovereignty on their wealth and the fact that inequality of wealth exists in the polis. They would claim that wealth should be the predominant value for evaluating justice.

Based on that the wealthy minority would exclude the others from the various offices, and could do wrong to the majority. The case of a tyrant does not differ very much. For him power and pure force is the decisive criterion for justice. He surpasses all the others in power, and, therefore, he considers it just to identify sovereignty with himself. At the same time he causes injustice to all the other inhabitants of the polis. He is in a position to use his power as he wills and do wrong to whomever he wants.

The case of the “ἐπικεῖς” follows the same pattern. At the same time Aristotle's analysis and argument is more revealing. Parenthetically, I would like to note that the word “ἐπικεῖς” could not be misinterpreted. It is clear that Aristotle is referring to those who excel in moral virtues. But they do not monopolize moral virtue. Thus, it would be great injustice to monopolize the sovereign power. If the various offices are distributed among the “ἐπικεῖς”, then all the others would be dishonoured and would suffer injustice²⁸⁶. Injustice would occur even if the ultimate criterion for justice is moral virtue, which is the decisive value for evaluating justice according to the “ἐπικεῖς”. Moral virtue is the decisive value for the “ἐπικεῖς”, because they consider that it holds the uppermost position among all the values. I believe that the passage of *Politics* 1281a 28 – 31 is revealing and important for interpreting Aristotle's account of the sovereign power: “ἀλλὰ τοὺς ἐπικεῖς ἄρχειν δεῖ καὶ κυρίου εἶναι πάντων; οὐκοῦν ἀνάγκη τοὺς ἄλλους ἀτίμους εἶναι πάντας, μὴ τιμωμένους ταῖς πολιτικαῖς ἀρχαῖς: τιμὰς γὰρ λέγομεν εἶναι τὰς ἀρχάς, ἀρχόντων δ’ αἰεὶ τῶν αὐτῶν ἀναγκαῖον εἶναι τοὺς ἄλλους ἀτίμους”²⁸⁷. We see that, for Aristotle, if superiority and inequality in one specific value exists – even if

this value is moral virtue – this does not justify the exclusion of the other from the various offices. The fact that all possess that virtue, even to a very small degree, qualifies them for participation in office. Not to allow them to hold office is dishonouring and does not promote the prevalence of justice within the polis. Analogously, if the best one among all the others holds the sovereign power, injustice would occur. In fact, greater injustice would occur, because even more citizens of the polis would be dishonoured by being excluded from the various offices of their polis²⁸⁸. I believe that this is a strong argument that applies to all the cases. We cannot easily imagine that a person, or a group/class of persons, possesses a virtue to such a great extent that the hold on the same virtue of the others would seem trivial and insignificant. Hence, whatever the evaluative value might be, all those who have a share in this value, even to a small extent, should not be excluded from the various offices. They should not be excluded from holding an office, and from participation in the administration of the polis, if the constitution wants to promote justice within the polis and the well-living of its the members.

The Aristotelian quest for the discovery of the appropriate holder of the sovereign power seems to lead to a genuine “ἀπορία”. According to the Aristotelian account of justice, all candidates are susceptible in doing wrong to some part of the polis, and the whole community in general. Despite that, we need to examine whether Aristotle proposes any further principles and criteria that would enable us to discern the best possible option among the five candidates, who all fail to avoid the incurring of injustice and to promote the prevalence of justice within the polis, or to distinguish

the one that minimizes the effect of injustice. I consider that Aristotle's argument, in *Politics* III 1281a 39 – 1282b 13, which is in support of the claim that the many should hold the sovereign power, provides us with some interesting and insightful remarks for approaching the issue of sovereignty.

Aristotle's Cumulative Theory:

The *πλῆθος* as a Masterpiece of Art

In the eleventh chapter of the third book of the *Politics* Aristotle wants to examine whether it is preferable the many/the multitude (“τὸ πλῆθος”) to hold the sovereign power rather than the excellent (“οἱ ἄριστοι”) few²⁸⁹. The discussion of this issue presupposes what has already been said regarding the conflicting claims for sovereignty²⁹⁰. Given that Aristotle says that there is some truth in the claim of the many to hold the sovereign power²⁹¹, the reader expects to see why Aristotle believes that it is more just for the many to be sovereign within the polis.

Should we say that Aristotle does not only believe that there is some truth in the claim of the many, but that he is convinced that the sovereign power should be attributed to the “πλῆθος”²⁹²? According to my view, Aristotle presents a number of very powerful arguments in favor of the participation of the totality of the members of the polis in its administration, and in politics in general. It seems that he is convinced that the stability and the longevity of a polis is seriously undermined when the many are excluded from the public offices and are not allowed to participate at the

administration of the polis²⁹³. As he characteristically says, a polis in which there are many who are excluded from office and are poor is full of enemies. “ὅταν γὰρ ἄτιμοι πολλοὶ καὶ πένητες ὑπάρχωσι, πολεμίων ἀναγκαῖον εἶναι πλήρη τὴν πόλιν ταύτην”²⁹⁴. At the same time he does not want to exclude the excellent few from the governing of the polis. Their presence is very important, because the non-virtuous and poor, due to their lack of justice and practical wisdom, would make many mistakes if they were entrusted with the highest offices in a polis. It is not safe to entrust the highest offices to those whose virtue does not correspond to the needs of these offices. “τὸ μὲν γὰρ μετέχειν αὐτοὺς τῶν ἀρχῶν τῶν μεγίστων οὐκ ἀσφαλές”²⁹⁵.

Apart from the dangers that come with the exclusion of the many from the administration of the polis, the need for justice ordains the participation of the many in the governing of the polis. In order to understand this, we need to analyze Aristotle's cumulative theory. Aristotle's claim that the qualities and the virtue of each individual is accumulated with that of the other individuals when they come together, could be named as “the cumulative theory”. Before proceeding with our analysis, it is worth quoting an extensive part of the relevant passage of the *Politics*²⁹⁶:

“τοὺς γὰρ πολλούς, ὧν ἕκαστός ἐστιν οὐ σπουδαῖος ἀνὴρ, ὅμως ἐνδέχεται συνελθόντας εἶναι βελτίους ἐκείνων, οὐχ ὡς ἕκαστον ἄλλ’ ὡς σύμπαντας, οἷον τὰ συμφορητὰ δεῖπνα τῶν ἐκ μιᾶς δαπάνης χορηγηθέντων: πολλῶν γὰρ ὄντων ἕκαστον μόνιον ἔχειν ἀρετῆς καὶ φρονήσεως, καὶ γίνεσθαι συνελθόντας ὥσπερ ἓνα ἄνθρωπον τὸ πλῆθος, πολύποδα καὶ

πολύχειρα καὶ πολλὰς ἔχοντ' αἰσθήσεις, οὕτω καὶ περὶ τὰ ἥθη καὶ τὴν διάνοιαν. διὸ καὶ κρίνουσιν ἄμεινον οἱ πολλοὶ καὶ τὰ τῆς μουσικῆς ἔργα καὶ τὰ τῶν ποιητῶν: ἄλλοι γὰρ ἄλλο τι μόνιον, πάντα δὲ πάντες. ἀλλὰ τούτῳ διαφέρουσιν οἱ σπουδαῖοι τῶν ἀνδρῶν ἑκάστου τῶν πολλῶν, ὥσπερ καὶ τῶν μὴ καλῶν τοὺς καλοὺς φασι, καὶ τὰ γεγραμμένα διὰ τέχνης τῶν ἀληθινῶν, τῷ συνῆχθαι τὰ διεσπαρμένα χωρὶς εἰς ἓν, ἐπεὶ κεχωρισμένων γε κάλλιον ἔχειν τοῦ γεγραμμένου τουδὲ μὲν τὸν ὀφθαλμὸν ἑτέρου δέ τινος ἕτερον μόνιον”²⁹⁷.

We see that for Aristotle the qualities, the property, and the grasp of virtue of each individual could be accumulated with the qualities, property, and grasp of virtue of the other individuals. This could happen only when these individuals come together and form a kind of union. For that reason, while usually the majority of the people taken as individuals are not considered as virtuous and are not “great” (σπουδαῖοι) men, it is possible that when these individuals are gathered together the sum of the qualities, property, and grasp of virtue of all these individuals would be greater than the sum of the qualities, property, and grasp of virtue of the few “great” men who are considered virtuous and prudent. In an indirect way Aristotle makes an analogy between the “πλῆθος” and a masterpiece of art. And more specifically, the “πλῆθος” is analogous to the finest piece of art that one could find in a given society. I find the previous analogy very interesting and, almost, provocative. To properly understand this argument we need to examine what is a piece of art; or to put it more properly,

what should be considered as a piece of art according to the ancient view on aesthetics. According to the ancient understanding of art and aesthetics, a work of art, so as to be considered as such, should not be an image or a copy of things that exist in the real world – even if these are the most beautiful ones that exist – but should try to achieve the absolute harmony. In order to achieve this, the artist should be inspired by numerous real-world-objects, and should try to discern what is the most beautiful part of each one. The work of art should represent the finest part of each object. For instance, a sculpture depicting a human body should not be based on one real-world-model only. No matter how close to perfection that model stands, it could never achieve perfection and absolute harmony. Hence, the artist should try to create his sculpture by using numerous models. The nose of the sculpture would be based on the nose of one of the models, the arms on another one, and so on. The final outcome would be an ensemble of the various parts, that would reflect the best features of each real-world-model, and at the same time would be finest than any one of them.

Analogously, when the “*πλῆθος*” is assembled, it holds a firmer grasp on virtue and prudence – which are the equivalent of beauty and harmony in the realm of politics – than any real-world-individual. For that reason Aristotle makes the distinction between the beautiful person and the ugly person, on the one hand, and the beautiful person and the artistic representation of a person, on the other. The beautiful person is obviously more beautiful than the ugly person. Moreover, the beautiful person might have a more beautiful part, the eyes for example, than the artistic representation. However, the artistic representation as a whole would always be more

beautiful than the beautiful person. If we follow the Aristotelian argument we will have to admit that an assembly comprised of Thersites-like men would have a firmer grasp of justice, virtue, and prudence, and a better apprehension of beauty and art, compared to the great Achilles, Nestor or Odysseus. Consequently, it is logically deduced that an assembly that would be as “wide” as possible, comprised of Thersites-like men as well as Achilles-like men, would have a firmer grasp of justice, virtue, and prudence, and a better apprehension of beauty and art than any other “partial” assembly. As Aristotle metaphorically says, “καθάπερ ἡ μὴ καθαρὰ τροφή μετὰ τῆς καθαρᾶς τὴν πᾶσαν ποιεῖ χρησιμωτέραν τῆς ὀλίγης”²⁹⁸. Analogously, the cumulated property of the assembled “πλῆθος” would be greater than that of any individual, and the cumulated property of the members of an as-wide-as-possible assembly would be greater than that of any other “partial” assembly. Thus, even if the property criterion is taken into account for the distribution of the various offices, it is just for the “πλῆθος” to be the sovereign body within the polis; “ὥστε δικαίως κύριον μειζόνων τὸ πλῆθος: ἐκ γὰρ πολλῶν ὁ δῆμος καὶ ἡ βουλὴ καὶ τὸ δικαστήριον. καὶ τὸ τίμημα δὲ πλεῖον τὸ πάντων τούτων ἢ τὸ τῶν καθ’ ἓνα καὶ κατ’ ὀλίγους μεγάλας ἀρχὰς ἀρχόντων”²⁹⁹.

Does Aristotle believe that only the virtues and the good qualities would add when the “πλῆθος” would come together, and not all those vices and bad qualities that would make the “πλῆθος” look like a big animal that would be guided by its desires and the demagogues that would feed them³⁰⁰? Aristotle does not discuss this possibility, but, as I see it, an Aristotelian response would be as follows: it is true that

the desires, which stem from the non-rational part of the soul, would be accumulated. Practical wisdom and temperance would be accumulated as well. Given that each individual would have a little grasp on each of these virtues, and according to the cumulative theory of the virtues, the “πλῆθος” would “possess” a great “amount” of practical wisdom and temperance. Thus, in that case, as it would happen with an individual, we expect that the rational part of the collective soul of the many would overmaster the non-rational part of it.

Newman claims that when Aristotle is speaking about the many (the “πλῆθος”), in that context, he excludes all the artisans and day-labourers, and refers only to those who are “not below a certain social level”³⁰¹. Newman believes that Aristotle would never claim that the poor labourers, when gathered together, could have a better grasp of justice and prudence, and a finer taste with regard to music and poetry, as compared to the good ones (ἐπικτεῖς), who are by definition few. But this does not seem to be the case. Newman's remark is not convincing, especially if one has in mind that in the broader discussion of the third book of the *Politics*, when Aristotle is talking about the “πλῆθος” (the many) he refers to all the free men who inhabit the polis – excluding, thus, the slaves and the foreign residents. He does not, for example, set a minimum of income or property as a qualification criterion, nor does he exclude those that are occupied as artisans, farmers, or labourers in general. It is clear that the “πλῆθος”, for Aristotle, is comprised of all the free men of a given polis without any qualifications, be they property or social status.

However, Aristotle's remarks are not unqualified. We should pay attention to

the use of the verb “ἐνδέχεται” that he uses. It is clear that Aristotle does not believe that every “πλῆθος” – every sum of persons that constitute the “πλῆθος” – considered as a sum excels the few “ἄριστους” in virtue and prudence³⁰². As he notes, there is the possibility that a certain population might not differ very much from a herd of beasts³⁰³. If this is the case, then it is impossible for the many, considered as a sum, to surpass the few “ἄριστους” in virtue. Could Aristotle believe that it is possible that the demos of a Greek polis should be considered bestial? I think that Aristotle would suggest nothing of the sort. I believe that he introduces this qualification so as to refer to the non-Greek poleis. He must have had in mind the “barbaric”, as he would name them, tribes and nations³⁰⁴. We should not forget that his intention is to propose a universal and all-encompassing classification and analysis of the various constitutions.

I believe that Aristotle's arguments on the cumulative property of the various values and virtues of the many (“πλῆθος”) provide a solution, though in a qualified sense, to the most difficult problem in the domain of politics and ethics that he is dealing with. The question regarding the sovereignty – and the sovereign body within the polis – is, in a way, answered. Aristotle acknowledges this when he mentions that in some poleis the many (“πλῆθος”) considered as a sum excel the few “ἄριστους” in virtue and prudence³⁰⁵, and thus their becoming the sovereign within the polis is just³⁰⁶.

A God Among Men

Aristotle says that it would make no sense, and it would be unjust, to demand that Zeus should share his power with others, and thus rule and be ruled in turns. Analogously, if there existed an individual who would differ in terms of virtue from the other inhabitants of the polis in the same way that a God differs from a human, it would be similarly unjust to submit this individual to the ruling of the others. Even if the ruling was exercised in turns³⁰⁷. The analogy that Aristotle makes between Zeus, on the one hand, and the One who surpasses all the other in terms of virtue, on the other, is not simply a matter of emphasis. It would be just, and justified, for the other inhabitants of the polis to renounce any demand and claim for participating in the governing of the polis, only in the case that this exceptional individual differs from the others as a God differs from a man. Aristotle believes that the other inhabitants would accept willingly to be ruled by such an individual. They all would accept to be the subjects of such a king.

We must not neglect to mention that this exceptional individual should not only differ in terms of virtue compared to each other inhabitant of the polis, but that his virtue should be superior to the accumulated virtue of all the other inhabitants. According to Aristotle, if it happened that an individual is so virtuous that his virtue surpasses the virtue of all the others taken as a whole, then it would be just for this individual to become the king of the polis³⁰⁸. This just claim is based on the superiority in terms of virtue. However, Aristotle does not say anything about whether the exceedingly virtuous man is superior with regard to the other values that could be

used for judging the members of the polis. For example, he does not mention anything about the wealth and the property of the exceedingly virtuous man. So there could exist some who would dispute his claim for being the sovereign within the polis, in the case that his property and wealth would not exceed the property and wealth of all the other inhabitants of the polis. In that case, and given that wealth is considered as the highest value, at least by some of the members of the polis, he could not claim superiority. The existence of the exceedingly virtuous man would not eliminate the disputes regarding the sovereignty within the polis, and would not terminate the factions. It seems that Aristotle implies that the One who surpasses all the others in terms of virtue would surpass the others in terms of all the other values as well. He reminds the reader about the various claims of sovereignty, “πάντες γὰρ καθ’ ὑπεροχὴν ἄξιοῦσιν, ἀλλὰ ὑπεροχὴν οὐ τὴν αὐτήν”³⁰⁹, and declares that the claim of superiority of the One who surpasses all the other in terms of virtue is also in accordance with the democratic, oligarchic, and aristocratic claims³¹⁰. The relevant passage is not very clear, because Aristotle refers to the understanding of justice of those who establish the various constitutions. Nonetheless, it is evident that if Aristotle wants to be consistent with his definition of justice, he cannot but refer to an individual that is superior regardless of the value that is taken into account.

There is another passage which could be used in support of the opposing interpretation. In *Politics* 1284b 25 – 28, Aristotle examines what should happen in the case that an individual superior in terms of virtue, and not in terms of power, wealth, and friends, appears in the polis³¹¹. If we accept that Aristotle refers to an

individual whose superiority is only partial, we will have to highlight the contradiction between Aristotle's claim that the other inhabitants of the polis would gladly accept his sovereignty, and his remarks regarding the opposing claims of sovereignty. By declaring that all those who have different understanding of superiority would accept the rule of such a divine individual as just, Aristotle, I believe, indirectly rules out the possibility of having an individual who would be superior in terms of virtue, but who would be inferior to the other inhabitants of the polis in terms, for example, of wealth, or power.

Another major issue concerns the life of these other inhabitants of the polis. The existence of the divine individual within the polis, and the establishing of his kingship, would deprive them of any possibility of political action. This would render them unable of developing their virtues and of acting virtuously, unless they happen to live a life of theory and contemplation. I think all would agree that it is difficult to imagine a polis comprised only of philosophers. A polis whose inhabitants, except for one, would be devoted to a philosophic way of living. We should not forget that being politically active and taking part in the administration of the polis enables its members to exercise and develop their practical wisdom³¹². Richard Kraut does not seem to believe that there is such an issue. He claims that the king would rule over politically active citizens. He is of the opinion that despite the fact that the king would rule permanently, the other inhabitants would be politically active citizens because they would “rotate into and out of lower offices”³¹³. I believe that Kraut's argument is not true to the text. The kingship of a god-like kind is a typical case of “*παμβασιλεία*”. In

that kind of kingship, the king is in sovereign control of everything; “ὅταν ἢ πάντων κύριος εἷς ὢν”³¹⁴. For example, when a god-like man exists in the polis, it is highly improbable to think that the other inhabitants of the polis would participate in the making of judicial decisions – something that is central to the Aristotelian understanding of citizenship.

As I see it, when Aristotle is speaking about the One who surpasses all the others in moral virtue – and all the other values – he is not moving in the realm of the polis anymore, but he is wandering on the high peaks of Mount Olympus. If such a “man” walked in the *agora* of Athens, the Athenians would have the same feelings and thoughts as the inhabitants of Seleucia had in the occasion which is described in Cavafy's poem “ΕΝΑΣ ΘΕΟΣ ΤΩΝ”³¹⁵. Aristotle himself acknowledges that it would be contrary to nature to have such a man within the polis. As he says, the part is naturally inferior to the whole: “οὐ γὰρ πέφυκε τὸ μέρος ὑπερέχειν τοῦ παντός”³¹⁶. Thus, we should not expect that a man, who is the part, could be superior to the polis, which is the whole.

Chapter VI

Aristotle's Presentation of the Actual Constitutions

It is common for people to speak about democracy, oligarchy, and the other constitutions, as if there is only one kind of democracy, or only one kind of oligarchy respectively. To Aristotle this belief is wrong and does not reflect the reality and the actual constitutions. “εἴπερ δὴ πλείους καὶ μὴ μία δημοκρατία μηδὲ ὀλιγαρχία μόνον ἔστιν”³¹⁷. There exist more than one form of democracy, and of oligarchy, and there are many different ways to combine the constitutions, or some of their elements³¹⁸. Aristotle seeks to discern the reasons that lead to the existence of several different constitutions. For him, the reason is the existence of more than one “parts” within the polis. “τοῦ μὲν οὖν εἶναι πλείους πολιτείας αἴτιον ὅτι πάσης ἔστι μέρη πλείω πόλεως τὸν ἀριθμὸν”³¹⁹. By the term “μέρη” (“parts”) we should understand different groups of people within the polis. The members of the polis could be categorized into different groups by many ways. Aristotle refers to some criteria which could be used so as to categorize the members of the polis into groups³²⁰. For instance, wealth and property could be one criterion. Based on that we could place people into three groups: the wealthy, the poor, and those who stand in between (τοὺς μέσους). Other criteria could be virtue, or birth/lineage.

Aristotle, in that part of his analysis of the constitutions, takes into account the prevailing view that there are two major constitutions. These are the democratic constitution and the oligarchic one. To support this view, he makes an interesting analogy to the number of the winds. He compares the winds with the constitutions. He

says that some times the winds are classified into two big groups: the north winds, and the south winds; and all the other winds are considered as variations/deviations of these two kinds³²¹. Although he says that this two-fold classification of the constitutions is not very accurate, he seems to find some value in using it. The view that there are mainly two constitutions, the democratic and the oligarchic, is supported by the fact that the primary way of dividing the polis into constituent elements (“μόρια τῆς πόλεως”), is to divide it into poor and wealthy. Aristotle believes that this way of dividing the polis into constituent elements is legitimate, and he contrasts this way of dividing the polis to the way Socrates did in the *Republic*³²².

Varieties of Democracy

For Aristotle, a constitution should be named as a democratic one when the sovereign body of the polis is consisted of the free men who are not wealthy, and these men are the majority. “ἔστι δημοκρατία [...] ὅταν οἱ ἐλεύθεροι καὶ ἄποροι πλείους ὄντες κύριοι τῆς ἀρχῆς ᾗσιν”³²³. We see that Aristotle links democracy with the rule of the poor. He emphasizes that the rule of the poor is the distinctive element of democracy, and not the rule of the many. And he adds that in actual poleis the poor are the majority and the rich the minority. However, we should not neglect that he is defining the democratic constitution as the rule of the free men of the polis. “δῆμος μὲν ἔστιν ὅταν οἱ ἐλεύθεροι κύριοι ᾗσιν”³²⁴. It is clear that with this statement Aristotle wants to show that the qualifying criterion for participating in the administration of the polis

is freedom. In other words, all those who are born free citizens are considered as part of the sovereign body without having to meet any other criteria, such as a specific amount of property or wealth, or being born from specific ancestors. The poor men are free citizens of the polis. Given that they are usually the majority within the polis, it is legitimate, according to Aristotle, to argue that it is more probable that they would rule the polis in a way that would promote the interests of their social class. When they do so, the constitution should be seen as being a democratic one. It is central to Aristotle that there is not only one but a number of different kinds of democracy, and it is important for him to reveal their differences and categorize them.

The first kind of democracy is the one based on equality. “δημοκρατία μὲν οὖν ἔστι πρώτη μὲν ἢ λεγομένη μάλιστα κατὰ τὸ ἴσον”³²⁵. This equality means that all the members of the polis are on the same level. Neither the poor nor the rich have any special advantage with regard to the other social class. There is no sovereign class; all are considered to be the same. All have the same share in the constitution. This equality results in the prevalence of the “δῆμος”, that is the prevalence of the non-wealthy citizens; of the many. This is due to the fact that they are the majority, and thus their decisions become sovereign. “ἐπεὶ δὲ πλείων ὁ δῆμος, κύριον δὲ τὸ δόξαν τοῖς πλείοσιν, ἀνάγκη δημοκρατίαν εἶναι ταύτην”³²⁶.

The main feature of the second kind of democracy is the introduction of a small property qualification. In other words, a member of the polis is allowed to hold any kind of office only if he meets that property qualification. A property threshold is established which sets the minimum amount of property that one should possess in

order to be considered eligible for holding office. From the text we can assume that the property of each member of the polis is constantly under examination. When his property and wealth are sufficient so as to meet the property qualification, he is allowed to participate in holding office, and take part in the administration of the polis. Analogously, when he fails to meet this small property qualification he is not entitled anymore to participate in its governing³²⁷. We understand that this property qualification is low enough so as to exclude only a small fraction of the citizen body.

In describing the third kind of democracy, Aristotle says that “ἕτερον εἶδος δημοκρατίας τὸ μετέχειν ἅπαντας τοὺς πολίτας ὅσοι ἀνυπεύθυνοι, ἄρχειν δὲ τὸν νόμον”³²⁸. This kind of democracy is characterized by the establishing of a qualification which limits to some extent the citizen body. This qualification is expressed by the “ἀνυπεύθυνοι” of the above proposition. The meaning of this term is not obvious to the reader, and needs to be examined. The term “ἀνυπεύθυνοι” could be translated as those who do not “fail to pass a scrutiny”, or “the citizens that are not open to challenge”³²⁹. There seems to exist unanimity among modern scholars that the term here refers to all those citizens whose lineage is not under dispute³³⁰. This interpretation of is dictated by Aristotle's remarks on the various kinds of democracy in *Politics* 1292ab21 – 1293a9. There he links the “ἀνυπεύθυνοι” with lineage and kinship. As he notes “ἕτερον δὲ εἶδος διὰ τὴν ἐχομένην διαίρεσιν: ἔστι γὰρ καὶ πᾶσιν ἐξεῖναι τοῖς ἀνυπευθύνουσιν κατὰ τὸ γένος”³³¹. As I understand it, Aristotle with the “ἀνυπεύθυνοι” refers to all those members of the polis who can trace their ancestors, on both the side of their father and the side of their mother, at least three

generations back, and prove that they were free citizens of the polis. In *Politics* 1275b22 – 1275b24 he mentions that this process of examining the parentage was a scrutiny that existed in some poleis as a practical way for attributing citizenship to an inhabitant of the polis³³².

What is more important is the second part of Aristotle's description of this kind of democracy. The significant aspect of this kind of democracy is the rule of the law. This means that there is a constitutional order that is respected and maintained. The many make decisions and hold the various offices, but it is the law that is sovereign. In other words, the many – the *demos* – administer the polis, but their power is limited and their decisions are subject to the provisions of the law. From Aristotle's description of this kind of democracy we can assume that the many rule the polis, but, given that they respect and follow the provisions of the law, they do not use their power so as to promote their class interest. However, one could legitimately argue that this could be the case only if the established laws are good laws promoting the common interest and the eudaimonia of the polis. If we bring to mind Aristotle's classification of the various constitutions³³³, we could say that his description of this kind of democracy contradicts his classification. This kind of democracy where the laws and not the many rule, does not seem to fall within the category of the deviant constitutions, even if we employ Aristotle's own principles for the classification of the constitutions.

The fourth kind of democracy is to a great extent similar to the previous one, but differs from it in one aspect. More specifically, in the administration of the polis

do not participate only those whose lineage is not disputed, but all those who have been given the citizenship of the polis. “ἕτερον δὲ εἶδος δημοκρατίας τὸ παντὶ μετεῖναι τῶν ἀρχῶν, ἐὰν μόνον ᾗ πολίτης, ἄρχειν δὲ τὸν νόμον”³³⁴. As I see it, this is the case when the polis has decided to have more lax criteria for the allocation of the various offices, and the participation in the administration of the polis. This means that the polis does not confine the holding of office, and the participation in the public affairs of the polis, only to those who can prove that they are offsprings of free citizens from both the side of their father and their mother. This could happen due to demographic reasons. There could be times when the citizen body is too small, and there is the need for the polis to incorporate some others. This could lead to the attribution of citizenship to men who are children of free citizens from only one of their parents, or even to resident aliens. This could mean that the body of those who are allowed to hold office is larger than that in the previous kind of democracy, but this is not necessary. What is more important, is that in that kind of democracy, it is also the laws that rule. Thus, our remarks on this issue are the same as with the previous kind of democracy.

Last, for Aristotle there is a fifth kind of democracy. Aristotle pays special attention to this specific kind of democracy. This kind of democracy is similar to the previous one in all its aspects, but one. This difference is significant. The similarities have to do with the members of the polis that participate in the ruling and the administration of the polis. This means that all those who have been given citizenship can participate in the governing of the polis. At the same time there is a great

difference with regard to sovereignty. In that case the laws are not sovereign, and they do not rule. Rather, the government and the ruling is based on the will of the multitude. This happens when the decrees of the many are sovereign over the laws. “κύριον δ’ εἶναι τὸ πλῆθος καὶ μὴ τὸν νόμον. τοῦτο δὲ γίνεται ὅταν τὰ ψηφίσματα κύρια ᾖ ἀλλὰ μὴ ὁ νόμος”³³⁵. What does this mean? How could a polis be governed that way? In such a kind of democracy all the important decisions are taken in the Assembly. What is decided by the majority in the Assembly regulates the way the polis is run. These decisions are not subject to any control, and there is no constitutional context to limit them. The polis is governed according to the will of the majority in the Assembly. For Aristotle, the presence of demagogues is a prerequisite for the establishing of a situation where the decrees of the multitude are more powerful than the provisions of the law. He claims that “it is the demagogues who bring about this state of affairs”; “συμβαίνει δὲ τοῦτο διὰ τοὺς δημαγωγούς”³³⁶. Interestingly, just a few lines after the previous remark, he notes that “ὅπου δ’ οἱ νόμοι μὴ εἰσι κύριοι, ἐνταῦθα γίνονται δημαγωγοί”³³⁷. The two statements seem to contradict one another. On the one hand, he seems to argue that the establishing of this kind of democracy is an effect of the presence of demagogues in the polis. It is as if their presence is a prerequisite for the establishing of this kind of democracy. On the other hand, at the second passage, he claims that a situation where the laws are not sovereign is the fertile ground for the development of demagogues. Based on the second proposition, we could argue that the presence of demagogues is the effect and not the cause.

I believe that one of Aristotle's most important remarks on democracy is the one he makes in *Politics* 1292a 8 – 9. He notes that “ἐν μὲν γὰρ ταῖς κατὰ νόμον δημοκρατουμέναις οὐ γίνεται δημαγωγός, ἀλλ’ οἱ βέλτιστοι τῶν πολιτῶν εἰσιν ἐν προεδρίᾳ”³³⁸. The reader of the *Politics* who is preoccupied in believing that Aristotle is a philosopher hostile to democracy, and especially the historical democracies, would feel very awkward when he comes across this passage. Based on this passage one could argue that Aristotle believes that if a polis is ruled by a democratic regime which secures that the laws of the polis would not be overruled by any kind of decrees, then that polis would be governed well, given that the best citizens would be given the leading offices and would hold the authority. The “εἰσιν ἐν προεδρίᾳ” leaves little room for any misunderstanding and dispute. Either we translate it as “authority”, or we claim that it refers to the leading offices of the polis³³⁹, the role of the best men in the governing of the democratic polis cannot be undermined. The best men, being the leaders of the polis, would contribute to the eudaimonia of the polis. From what Aristotle says, we can legitimately conclude that a democracy could provide to the members of the polis the suitable “context”, and environment, for the achieving of eudaimonia.

Varieties of Oligarchy

It is possible that one could be driven by the etymology of the word “oligarchy” to the conclusion that we should define oligarchy as the rule of the few. Aristotle having this

in mind wants to provide a definition of oligarchy that would reveal the nature of this constitution, that would include its characteristic features. For that reason he declares that we should not consider that the constitution is an oligarchic one when the few are the sovereign body within the polis³⁴⁰. He goes on to argue that the important aspect that distinguishes an oligarchic regime is the fact that it is the rich who are sovereign within the polis. To support his view he gives two examples, which represent two not so usual cases. As he says, one could imagine a polis which is comprised of 1300 free men. Of these 1300 men, the 1000 happen to be rich, and the 300 poor. If we assume that the 1000 rich men, who are the majority and the many within the polis, hold the sovereign power, and do not allow the 300 poor to participate in any office, then no one could claim that these 1300 men lived in a democratic regime. “οὐθεὶς ἂν φαίη δημοκρατεῖσθαι τούτους”³⁴¹. The second example Aristotle gives, presents the exactly opposite. In the case that the poor but few, of the above imaginary polis, were stronger than the many who were rich, and restricted the distribution of the offices to themselves, no one would claim that this polis is ruled by an oligarchical constitution³⁴². However, as Aristotle acknowledges, “συμβαίνει τοὺς μὲν πολλοὺς εἶναι τοὺς δ’ ὀλίγους: ἐλεύθεροι μὲν γὰρ πολλοί, πλούσιοι δ’ ὀλίγοι”³⁴³. Thus, we could sum up the Aristotelian definition of oligarchy as follows: “ὀλιγαρχία [...] ὅταν οἱ πλούσιοι καὶ εὐγενέστεροι ὀλίγοι ὄντες [κύριοι τῆς ἀρχῆς ᾗσιν]”³⁴⁴. For Aristotle it is important to link the oligarchic rule with the rule of the rich, and not only with the rule of the few, because if one does not highlight this distinctive feature of oligarchy, then he could result in arguing that when a minority, of any kind, holds the

power, we should assume that the regime is an oligarchic one³⁴⁵. But this does not mean that we should leave the numerical criterion aside. It is equally important for the definition of oligarchy.

Aristotle notes that there are more than one different kinds of oligarchy. First, there is that kind of oligarchy which uses a property criterion for defining those who could have access to the various offices of the polis. This property qualification is set in a way that would not allow the many to participate in the administration of the polis. However, if a person from the lower class manages to accumulate enough wealth so as to meet the property qualification, he is allowed to participate in the ruling. Second, there is another kind of oligarchy which resembles the previous one with regard to the existence of a property qualification, but differs with respect to the way that someone is considered eligible for participating in office. Aristotle's description of this kind of oligarchy is the following: “ἄλλο δέ, ὅταν ἀπὸ τιμημάτων μακρῶν ὧσιν αἱ ἀρχαὶ καὶ αἰρῶνται αὐτοὶ τοὺς ἐλλείποντας (ἂν μὲν οὖν ἐκ πάντων τούτων τοῦτο ποιῶσι, δοκεῖ τοῦτ' εἶναι μᾶλλον ἀριστοκρατικόν, ἐὰν δὲ ἐκ τινῶν ἀφωρισμένων, ὀλιγαρχικόν)”³⁴⁶. The text is not very clear, and much room is left for multiple interpretations. On the one hand, it is clear that the holding of the various offices is linked with the existence of great property. For instance, according to Richard Robinson's translation, “offices require a high property qualification”³⁴⁷. Based on the first part of this proposition, one could assume that the richer people of the polis would hold the various offices. On the other hand, the second part of the proposition seems to undermine this interpretation. According to the second part of

the proposition the richer people of the polis function as an electorate. What is not clear is the purpose of this election.

I believe that there are two interpretations of this passage that should be examined. The one interpretation is to say that the richer people of the polis, whose property meets the high property qualification, elect those who will be appointed to the various offices of the polis. This interpretation is somehow supported by the second proposition of this passage of the text, where Aristotle remarks that the electors choose either from “all”, or from a particular group. First we need to understand to whom Aristotle refers when he uses that “all” (“πάντων”). There are two options. He could either refer to all the members of the polis, or to all those who manage to meet the property qualification. To claim that this “all” refers to the totality of the members of the polis seems to me very problematic. The problem is that this interpretation contradicts Aristotle's own definition of oligarchy. We should not forget that Aristotle emphatically argued that a regime should be called oligarchic only when the opportunity to hold office is linked with being wealthy and having enough property. Hence, we could not argue that the rich elect the magistrates from the total of the citizen body, because that would contradict Aristotle's definition of oligarchy. To claim that the word “all” here refers to all those who manage to meet the property qualification sounds more possible. For instance, Eckart Schütrumpf claims that the electorate consists of those individuals who are at the same time eligible for being elected³⁴⁸. But, I believe, this interpretation does not comply with the meaning of this passage as a whole. More specifically, in that case the second possibility, that the

electors choose from a subgroup of that “all”, would not make any sense what so ever. It is as if the wealthy people would use another criterion so as to further restrict the number of the persons who could be eligible for holding an office. Something like having an elite within an elite. But we cannot trace something like that anywhere in the text. As I see it, If we want to support this interpretation, we would have to assume that those elected to hold office are chosen from a group of wealthy people.

For interpreting this passage we need to examine the meaning of the participle “τοὺς ἐλλείποντας”, and see why it is employed by Aristotle. According to the Liddell-Scott Lexicon, “οἱ ἐλλείποντες” should be translated as the “defaulters”³⁴⁹, i.e. those who fail to fulfill an obligation, especially fail to meet a financial or legal obligation. Thus, we could say that the role of the elections is to enable the wealthy people to rule out from the group of those who are eligible for holding office those who do not meet a certain obligation or criterion. For example, this obligation could have to do with the social status of the ancestors of the wealthy. Or, we could read it in a different way. We could imagine the possibility of having a very high property qualification. In this case those who meet it would be fewer than the number of the ones needed to fill in all the offices in the polis. Hence, we should assume that the rich ones, who meet the property qualification, elect some of the non-wealthy for the remaining offices³⁵⁰.

In light of what we said previously, we could interpret this passage in a slightly different way. If we read this passage having in mind the first kind of oligarchy, we could analyze it by saying that the accumulation of enough wealth and

property, so as to meet the property qualification is a necessary but not a sufficient precondition for having access to the various offices. What is further needed is the consent of the other members of the ruling class. In other words, the rich people who already hold the power should recognize the *nouveau riche* as actually being their peers. For that reason the election is used as a filter. A filter to ensure that those who would hold the various offices would not only meet the property qualification, but would also be devoted defenders of the interests of the ruling wealthy class.

Third, there is a kind of hereditary oligarchy. In that case the the son of a wealthy man does not only inherit the property of his father, but the office that his father held as well. When this kind of hereditary oligarchy exists, but there is no rule of the law and the rulers rule according to their will, we have a fourth kind of oligarchy. Aristotle names it “δυναστεία”.

Politeia

In Plato's *Laws*, the Athenian Stranger asks his two interlocutors, the Spartan Megillus and the Cretan Clinias, about whether the constitution of their poleis is a democracy, or an oligarchy, or an aristocracy, or a monarchy. Megillus replies that when he reflects on the constitution of Sparta he realizes that it is not easy, in fact it is almost impossible, to use one of the names of the various constitutions so as to name it, because it combines different elements of different constitutions. So, we cannot distinguish a dominant, and characteristic, element which would enable us to

categorize it as a democratic, or an oligarchic, or an aristocratic, or a monarchical regime³⁵¹.

Aristotle, in *Politics* IV, presents a similar description of the constitution of the Lacedaemonians³⁵². He says that people either describe it as a democracy, because it has a number of democratic features, or describe it as an oligarchic constitution, because of the oligarchic elements and institutions that it incorporates. The democratic features of the Spartan constitution include the rearing and the education of the children, the institution of the common meals, and the fact that the adult members of the polis adopt a public behavior that tries to blunt the inequality among the citizens of the polis. These are regulations, and conducts, that have one single aim: the development, and promotion, of equality among the citizens of the polis, current and potential. The sons of the rich receive the same education with the sons of the poor. All the young members of the polis, regardless of the economic status of their family, have the same educational opportunities. The fact that the rich and the poor receive the same nutrition, and wear similar clothes, promotes this feeling of equality. One could object that it is not equality, but friendship, the aim of the above mentioned regulations. I would answer to such an objection that friendship is the byproduct, and not the primary goal of these regulations. Equality is the main precondition for the development of friendship.

The above mentioned democratic features of the Spartan constitution are not the only ones. There are specific institutions that allow the many to participate at the governing and the administration of the polis. The two most important, according to

Aristotle, offices of the polis are closely linked with the demos. First, the members of the Council of Elders are being elected by the demos, and second, the people that make up the demos participate in the Ephorate³⁵³. However, the constitution of the Lacedaemonians has many oligarchical features. Aristotle enumerates some of them. The absence of the use of lot, and the choice of those who would hold the various offices through elections in every case, is one of those oligarchical features. Another important such feature is the fact that the few have the power to impose the sentence of death or exile (“ὀλίγους εἶναι κυρίους θανάτου καὶ φυγῆς”)³⁵⁴. For Aristotle, the constitution of Sparta is a good mixing of democracy and oligarchy. It looks like a democracy, it also looks like an oligarchy, and at the same time it does look like none of the two. Aristotle uses the Spartan constitution as an example of mixed constitutions, and as an actualization of the so-called “polity”.

Aristotle is clear in saying that polity is a mixture of oligarchy and democracy. “ἔστι γὰρ ἡ πολιτεία ὡς ἀπλῶς εἶπεῖν μίξις ὀλιγαρχίας καὶ δημοκρατίας”³⁵⁵. And he adds that the mixtures that are closer to a democracy are customarily called polity. “εἰώθασι δὲ καλεῖν τὰς μὲν ἀποκλινούσας ὡς πρὸς τὴν δημοκρατίαν πολιτείας”³⁵⁶.

Why does Aristotle choose the term “politeia” for naming the constitution where the many rule aiming toward the interest of the whole polis? Which are the most characteristic aspects of this constitution? Aristotle chooses the generic name polity for the properly mixed constitutions, because he was aware that there was no commonly accepted name for such constitutions, and there was the need to distinguish them from the other constitutions. But why did he choose the generic name for all the

constitutions so as to name this specific type of constitution? Why did he not choose another name which would not have any connotation with the other constitutions? For example, he could name it “mixed” or “demoligarchy”, or use any other name³⁵⁷. I believe that the use of the generic name is an indirect expression of his belief that in most cases, and in actual poleis, this kind of constitution would be more fitting, and would provide the necessary conditions that would enable the citizens of the polis to live a good life and achieve eudaimonia. In addition, this kind of constitution, if it is well mixed, would be the most stable. Its stability would be based on the fact that none of the parts of the polis would like to have a constitutional change, and the establishing of another constitution. Aristotle emphasizes that a constitution is more stable when all the parts of the polis want the its preservation, as contrasted to a constitution which is based on the acceptance of the majority³⁵⁸. It is not difficult to think of a powerful minority which could disturb the constitutional order, and establish a different constitution that would be in accordance to its will. Thus, the fact that all the parts of the polis “identify” themselves with the constitution, or at least with some core aspects of it, is a good sign for the longevity of a constitution.

Why does Aristotle claim that both the oligarchic part of the polis, which is comprised of the wealthy few, and the democratic element, which is comprised of the demos, share the same view that an established politeia, when it is well mixed, should not be replaced by another constitution? The shared view regarding politeia, which might seem odd at first sight, stems from the fact that politeia aims at the rich and the non-rich as well. In other words, in a politeia both wealth and freedom are used as a

criterion for the distribution of the various offices. “μόνον γὰρ ἡ μίξις στοχάζεται τῶν εὐπόρων καὶ τῶν ἀπόρων, πλούτου καὶ ἐλευθερίας”³⁵⁹. Wealth, which is the primary value of oligarchy, and freedom, which is the primary value of democracy, are used for judging the equality within the polis. Thus, both the many, who identify themselves with the democratic value, and the rich ones, who identify themselves with the aristocratic value, consider that they are treated justly. This is the essential quality of politeia. It is a constitutional order which ensures that the parts of the polis, which have opposing interests, consider that they do not suffer injustice.

Aristotle presents the characteristic elements of politeia which guarantee the above mentioned prevalence of a “bi-dimensional” justice. As he says, there are three elements which are elements of combination and mixture³⁶⁰. First, politeia incorporates segments of the legislation of both democracy and oligarchy. A very good example is the legislation regarding the courts of justice. In an oligarchic regime there are fines which are imposed on the wealthy for not participating in the courts of justice. At the same time there is no payment for the participation. In contrast, in a democratic regime there are payments for the poor, but no fines for the wealthy. The middle ground (“κοινὸν καὶ μέσον”) is to have both fines for the wealthy and payment for the poor. This combination is characteristic of politeia, which mixes elements from both democracy and oligarchy. Second, in a politeia the mean of what is ordained in oligarchy, on the one hand, and democracy, on the other, is chosen. For example, in an oligarchy a large property qualification is set for the participation in the Assembly. While, in a democracy there is no such property qualification, or a very

small one. The middle ground in that case is the mean between the two extremes. Last, in a politeia some democratic elements are mixed with some oligarchic elements. For example, democracies employ lot for choosing those who would hold office, without having a property qualification, while oligarchies employ elections and property qualifications. To take one element from the one constitution and another element from the other is characteristic of politeia. In our example, elections are used for the choosing of the officials, but there is no property qualification for holding an office. “ἐκ μὲν τῆς ὀλιγαρχίας τὸ αἵρετὰς ποιεῖν τὰς ἀρχάς, ἐκ δὲ τῆς δημοκρατίας τὸ μὴ ἀπὸ τιμήματος”³⁶¹.

As we have seen, politeia incorporates elements from both democracy and oligarchy. The better the mixing of these elements, the more it would look like both. And, thus, people might classify it as a democracy, while at the same time it might be classified as an oligarchy as well.

Varieties of Aristocracy

Aristocracy, as Aristotle acknowledges, is usually recognized as one of the constitutions, and it is called by this very name. He refers to Plato so as to give an example of this general recognition³⁶². One could assume that a constitution should be named as an aristocratic one when the citizens who hold the power and govern the polis are virtuous. For Aristotle, this is not a sufficient precondition. At least this is not a sufficient precondition for the existence of a “proper aristocracy” (“τὴν [...]

μόνην δίκαιον προσαγορεύειν ἀριστοκρατίαν”). The Aristotelian definition of the proper aristocracy is the following: “τὴν γὰρ ἐκ τῶν ἀρίστων ἀπλῶς κατ’ ἀρετὴν πολιτείαν καὶ μὴ πρὸς ὑπόθεσιν τινα ἀγαθῶν ἀνδρῶν μόνην δίκαιον προσαγορεύειν ἀριστοκρατίαν”³⁶³. A constitution is rightly called an aristocracy only when the citizens who rule the polis are unqualifiedly virtuous. They need to be virtuous, but their virtue should be without any qualification. What does this mean? What is an unqualified virtue?

According to my interpretation, an unqualifiedly virtuous man is the man who would be considered as virtuous in every context. What I mean is that the virtue of this kind of man would not be disputed regardless of the constitution of the polis that he lives in. His actions would be considered as virtuous no matter what the constitution of the polis might be. To understand it more clearly, we should think of the opposite case. For example, a man would be considered virtuous according to the standards of a monarchy if he obeys the orders of the king, but his obedience to the orders of the king would not be considered as virtuous if it is seen from the perspective of a democratic regime. In contrast, the actions of the unqualifiedly virtuous man, whichever they are, would be considered virtuous regardless of our perspective.

According to Aristotle, there are four kinds of aristocracy. The previously defined aristocracy, which is based on the existence of unqualified virtue within the polis, is the first kind. I believe that we should understand this first type of aristocracy – which is the one that is properly called an aristocracy – as follows: when there are

citizens who are virtuous in an unqualified sense, and these citizens rule, then the constitution should be called an aristocracy. We assume that the unqualified virtuousness of these citizens guarantees that they will rule having in mind the good of the whole polis, and not their own interests.

The other three kinds of aristocracy differ from the first one in this central aspect. The virtue of the men who rule is not unqualified. Aristotle does not explicitly say this, but from what he says it becomes clear that in the other three types of aristocracy unqualified virtue is not necessarily a reality within the polis. Despite the fact that unqualified virtue does not exist in the polis, these constitutions are still called aristocracies because they use virtue as a criterion, though not as the sole criterion, for choosing those who will hold the various offices within the polis. The second kind of aristocracy is the constitution where the few rule – similarly with an oligarchic constitution – and virtue is used as a criterion of election supplementary to wealth³⁶⁴. The third kind of aristocracy is the constitution where those who are chosen, due to their virtue, to hold the various offices, could also belong to the *demos* and not only to the wealthy – or they could solely belong to the *demos*³⁶⁵. In the latter case, this kind of aristocracy is considered a “blending” of democracy with virtue; “ἔστι μίξις [...] δημοκρατίας τε καὶ ἀρετῆς”³⁶⁶. Last, the kind of *politeia* which tends toward oligarchy is also classified as an aristocratic constitution³⁶⁷.

Kingship

Aristotle discerns more than one kinds of kingship. What makes these kinds different is the way a king becomes the ruler of a polis, the extent of his power, and the way he rules. The way the various kings acquire their power and rule, is not the same in every case. Aristotle classifies the various existing and historical kinds of kingship into “four plus one” categories. I say “four plus one” because strangely enough while Aristotle enumerates, presents, and again briefly refers to four different kinds of kingship, he adds as a final remark to this small passage of the *Politics* another kind of kingship³⁶⁸. The first kind is the Spartan kingship. The Spartan constitution is considered to be a kingship according to the provisions of the law. “εἶναι βασιλεία μάλιστα τῶν κατὰ νόμον”³⁶⁹. What are the main characteristics of the Spartan kingship? The following features are the distinctive ones of the Spartan constitution. The rule of the king is restricted. The king does not have power on every issue and on every aspect of the life in Sparta. He is the “head” of the army when he leaves the country, and leads the expeditions of the Spartans. Aristotle summarizes the Spartan kingship by saying that it is a form of generalship (“στρατηγία”) which is held for life and which is a kind of absolute ruling. But this kind of absolute ruling applies only in cases of war. As Aristotle says, the king does not have the power to sentence the members of the polis to death³⁷⁰. He has the power to inflict the death penalty only in times of war, and only in case a man of his army shows cowardice during battle³⁷¹. This power of the general over his soldiers has ancient roots. Aristotle traces it back to the Homeric ages, and quotes a relevant passage from *Iliad*, where Agamemnon threatens his soldiers that he will kill whomever stays away from the battle³⁷².

Moreover, part of the power of the king is to deal with all the issues regarding the gods and religion. Aristotle distinguishes two subdivisions of “στρατηγία διὰ βίου” (“generalship for life”), which is one of the “four plus one” kinds of kingship. The “στρατηγία διὰ βίου” could either be based on birth or on election; that is, the general-king would either be elected on power or would inherit the power from his ancestors.

It is interesting to note that Aristotle refers to the very distinctive feature of the Spartan kingship, that of having two kings at the same time, only *en passant*. He refers to the dual kingship only when he mentions that the religious affairs are attributed to the kings³⁷³. But even this passage is not clear, because one could very well read it as referring to the kings in general, and not to a duality of kings. On the contrary, Plato in his *Laws* highlights and praises this distinctive feature of the constitution of Sparta and claims that the existence of two kings is a divine feature of the constitution³⁷⁴.

The second kind is the barbaric kingship. The kings of the barbarian tribes were ruling in a way similar to that of a tyrant, but their ruling was based on law and tradition (“κατὰ νόμον καὶ πάτριαι”)³⁷⁵. We see that it is difficult to discern the kingships of the barbarian tribes, on the one hand, and tyranny, on the other, from the way the monarch rules, but only from the fact that they claim legitimacy from the fact that they are established according to some existing laws, and the historical continuity of their existence. These kings are ruling over willing individuals, and that is another feature that helps us discern them from tyranny. This is evident from the fact that the

royal guard is comprised of citizens, and not foreign mercenaries³⁷⁶. In other words, the king is not afraid that in case he gives military power to the citizens, they will use this in order to overthrow him. The citizens are willingly ruled by their king, and, thus, the latter does not need to hire foreign mercenaries so as to protect him and enforce his will over the subjects of his rule³⁷⁷. At this point, Aristotle makes a remark regarding the nature of the non-Greek tribes. As he says, the Barbarians are more slavish than the Greeks by nature. “δουλικώτεροι εἶναι τὰ ἥθη φύσει οἱ μὲν βάρβαροι τῶν Ἑλλήνων”³⁷⁸. He, also, adds that those living in Asia, contrasted to those living in Europe, are more slavish, and endure despotic rule without even trying to object to it.

Among the Greeks of ancient times – ancient for Aristotle - there existed a kind of kingship which differs from the other kinds of kingship. The kings whose kingship belonged to this specific type of kingship were called “αἰσυμνήτας”. This is the third kind of kingship. Aristotle provides us with a very brief and precise definition of “αἰσυμνήτας”. This kind of monarchy “ἔστι δὲ τοῦθ’ ὡς ἀπλῶς εἰπεῖν αἰρετὴ τυραννίς”³⁷⁹. What is common for both the “αἰσυμνήτας” and the non-Greek kings is the fact that both their rule is based on a given law, but they differ to the extent that the rule of the first is not based on ancestry or tradition. In addition there was no rule regarding the duration of the rule of the “αἰσυμνήτας”. They could in some cases hold their power for life, and in some other cases for a predetermined period or only for the time needed in order to perform a specific action³⁸⁰. A person was chosen, and the sovereign power was handed to him, in order to achieve a

specific goal. Aristotle mentions the case of Pittacus in Mytilene. In that case, the people of Mytilene elected Pittacus, and entrusted him with absolute power. Pittacus was asked to use this power so as to come up against the exiles whose leaders were Antimenides and the poet Alcaeus³⁸¹. The case of the “αἰσυμνήτας” who were elected for a specific time period and for performing a specific job reminds us of the institution of dictatorship in Rome. The Roman institution of *dictatura* has many similarities with the kingship of “αἰσυμνήτας”. During a dictatorship the power was concentrated into the hands of one man, for a limited period of time, and for performing a specific job. The most common task was to lead a military campaign. We can assume that the maximum period of dictatorship was the period of six months, because this period fitted with the period of the year that Rome usually carried out military campaigns³⁸².

According to Aristotle there is a fourth kind of kingship. For that kind of constitution Aristotle gives us a “dynamic” description. To put it another way, he presents the main features of some of the monarchical constitutions as they developed through time. The common feature of these kingships is the fact that they were first established during the “heroic times” (“κατὰ τοὺς ἡρωικοὺς χρόνους”)³⁸³. These kingships were established at a time when the citizens of a polis decided to hand all the power to one person, and submitted themselves willingly under this person's rule. The fellow citizens of the kings decided to act so, because they have benefited from the actions of that person in one or several ways. Kings became the persons that had brought them together, or that had provided land to them, or that had been benefactors

of the multitude in the arts or in war³⁸⁴. The descendants of those “first” kings continued to rule as kings but their rule was based on ancestry and tradition. Based on the text, we could assume that the descendants of the “first” kings were still ruling willing subjects, who accepted their rule, but this acceptance gradually faded after the passing of the generations. As Aristotle says, at the very beginning the kings were sovereign over most matters of the polis and decided on issues of war, sacrifices, and the attribution of justice. Their rule was also broadly accepted and in terms of geography. Their rule encompassed the polis and the countryside and was spread across the frontiers. But gradually they lost almost all of their power which was either taken by the many or was abandoned by themselves. Some of them ended up having only a minor role in the administration of the polis, which was confined at the execution of sacrifices, while others still held some power with regard to military expeditions³⁸⁵.

Last, there is a fifth kind of kingship which resembles the rule of the head of a household over the members and the possessions of the household³⁸⁶. In that case a single man is sovereign over all issues of the polis. “πάντων κύριος εἷς ὢν”³⁸⁷. I would like to use a modern term, and describe this kind of kingship as a “totalitarian” one. As I see it, Aristotle creates this fifth category in order to include all those monarchies where the monarch wants to intervene in all the aspects of the public and private life, and wants to regulate them according to his will.

Tyranny

Aristotle seems to believe that there are not many things regarding tyranny that would interest a political philosopher, or an “examiner” of the political. But despite that, he feels obliged to make some remarks about tyranny, because he has chosen to classify it as a kind of constitution³⁸⁸. A first remark is that one could discern the various forms of tyranny based on one criterion. That criterion would be whether or not the subjects of the tyrant have willingly submitted themselves under his rule. This is the case in many non-Greek tribes where the rulers are elected as tyrants. An institution similar to that existed in the past among Greeks too. The so called “αἰσυμνήται” were elected tyrants. The citizens decided to elect a person who would hold all the power in his hands and rule as a tyrant³⁸⁹. Aristotle links these types of tyranny with some forms of monarchy, given that the ruled willingly submit themselves to the rule of the ruler. He also mentions that there is another similarity to kingship. It concerns the fact that the ruler rules according to law. “διὰ τὸ κατὰ νόμον εἶναι ἀμφοτέρας ταύτας τὰς ἀρχάς”³⁹⁰. This does not mean that the actions and the decisions of the tyrant are in accordance with the provisions of an established law, but it highlights the fact that the establishing of the tyranny took place in way that is determined by a given law. The tyrant was handed the power in a lawful way. However, from the moment he becomes the absolute sovereign within the polis, he rules according to his will³⁹¹. His rule is not limited by any law, and he is not accountable for his actions. What characterizes tyranny is the fact that it is not a kind of political rule. The tyrant is the sovereign and rules like a master. He does not give any account to anyone. In a way the tyrant

transforms the polis into a household³⁹².

The worst kind of tyranny exists when the tyrant is inferior, as a man, to the subjects of his power. For Aristotle, men would never accept willingly to be governed in a master-like way by a man inferior to them. We can understand that it would be dishonoring for them, and they would never accept it, unless the tyrant managed to impose his rule by means of brute force. What is interesting, and needs to be mentioned, is that Aristotle believes that not only men do not accept to be ruled by a man who is inferior to them, but that they also do not accept to be under the rule of a man that is equal with them. As he says, the man who wants to rule over “τῶν ὁμοίων καὶ βελτιόνων” (“equal and superior”) without having to give any account, and aiming at his own interest and not the interest of the polis, should be considered the worst tyrant³⁹³.

The Middle Constitution

Aristotle, having in mind the definition of virtue that he come up with in the *Ethics*, according to which virtue is a mean between two extremes, he claims that “τὸν μέσον ἀναγκαῖον εἶναι βίον βέλτιστον”³⁹⁴. What does Aristotle mean by this? How should we interpret this statement? First of all, we need to properly render it into English. It could be translated as follows: “the middle life must be the best life” or “it necessarily follows [from our remarks in the *Ethics*] that the middle life is the best life”³⁹⁵. However, the translation of the statement does not elucidate the term “middle life”.

There is a problem with the understanding of the term “middle life”. How should a life look like so as to be called a “middle life”? We can assume that it does not mean a life lived in mediocrity. There must not exist anybody who would claim that mediocrity is the equivalent of the best life. The fact that it is linked with virtue is a hint for the interpretation of the term. One could assume that the “middle life” is the life of the man who has managed to attain the mean with regard to all the virtues. This seems to be a very probable interpretation, but the reading of the text guides us to a different interpretation. The “middle life” is linked with the virtues but in an indirect way. In order to understand it properly we need to examine the socioeconomic and political prerequisites of such a life. Aristotle says that every polis is divided into three parts. The one part is comprised of the very rich, the second part is comprised of the very poor, and the third one is comprised of all those whose wealth and property is an average of the first two extremes³⁹⁶. He claims that the rule indicating that the moderate and the mean is the best should also be applied to the case of property. To own a middle amount of property is the best situation with regard to wealth. One could say that this is not self-evident and that Aristotle would have to present convincing arguments. While it is easy to convince the majority of the people that it is better to own a middle amount of property, rather than own little property or no property at all (although there would always exist men sharing the views of the Christian and Buddhist monks that no property is better than any property), it is more difficult to convince them that having a moderate amount of property is better than having an exceeding amount of property.

Aristotle, so as to support his argument, links the amount of property and wealth that a man owns with the dominance of reason. He claims that it is easier for a man who owns a moderate amount of property and wealth to obey reason. As he says, apart from those who own a moderate amount of property, there exist two other kinds of people who form two groups respectively. The first group is comprised of all those who are exceedingly beautiful or strong or nobly born or rich. The second group is comprised of all those who are the exactly opposite of the first group; the extremely poor, the weak, and those deprived of any honor³⁹⁷. According to him, the actions of the exceedingly rich, on the one hand, and the extremely poor, on the other, are not guided by reason. It is very difficult for them to obey and follow reason (“χαλεπὸν τῷ λόγῳ ἀκολουθεῖν”)³⁹⁸, because what characterizes their actions is insolence and arrogance (“ὕβρις”) and wickedness (“κακουργία”) respectively. The “ὕβρις” of the exceedingly rich leads them to be wicked in great things (“μεγαλοπόνηροι”), and the “κακουργία” of the extremely poor leads them to be wicked in small things (“μικροπόνηροι”)³⁹⁹.

In addition, apart from the tendency to obey reason, the citizens owning a middle amount of property, have another characteristic that makes them a better component of the population of a polis, as contrasted to the exceedingly rich and the extremely poor. They are neither eager for holding the various offices of the polis, nor try to avoid ruling. Aristotle acknowledges that both of those attitudes, either eagerness or reluctance for holding an office, are harmful for the polis⁴⁰⁰. From what he mentions after the presentation of the above argument, the reader assumes that it is

those who are fortunate and have an abundance of wealth, power, friends, and the like, are eager for holding the various offices of the polis (“σπουδαρχοῦσιν”), and that those who live in excessive poverty are reluctant in holding any office (“φυγαρχοῦσι”). The problem with the former is that they are not willing to submit themselves under any kind of rule and that they do not know how to be ruled. Their inability to be ruled stems from the way they have been raised. Their life was always a life full of luxury, and they were not taught during their years of education to respect authority and to submit themselves to it. For that reason they do not know how to be ruled, and when they are asked, or have the opportunity, to rule, they rule in a despotic way⁴⁰¹. On the other hand, the latter are very humble (“ταπεινοὶ λίαν”), and as a result they do not know how to rule and are very servile when they are ruled⁴⁰².

One could mention that there is a contradiction between the previous remark, namely that the wealthy are eager to hold office while the poor are reluctant in holding any office, and some other remarks that Aristotle makes in the fourth book of the *Politics*. In *Politics* IV 1297a 14 – 33 Aristotle, in an indirect way, depicts the attitude of the rich citizens towards the participation in the various offices of the polis. In that passage he presents some measures that could be taken in order to ensure that the citizens will participate at the administration of the polis. Although the context of the text is not exactly the same, from what Aristotle says, it becomes evident that the rich citizens are not always willing to take part in the administration of the polis and have a role in public affairs. All the more, based on the propositions of that passage, and the measures proposed, one would not call the rich citizens as being eager for

holding the various offices of the polis. The exactly opposite would come in mind. Aristotle enumerates a number of regulations that could be established so as to motivate the rich citizens to hold offices and participate in the governing of the polis. For example, he says that there could exist provisions of the law that would impose fines on the rich for not participating in the Assembly, or for not serving as jurymen in the law-courts. From these examples we can assume that there is the need for the establishing of certain regulations that would urge the rich citizens to hold offices, and that they are not willingly and eagerly doing so. In support of this, we could bring to mind what Aristotle says in *Politics* 1293a 6 – 9. There he claims that the poor have the tendency to participate in the administration of the polis, especially if there is a compensation for holding an office because they do not need to spend much time in looking after their private affairs. While the wealthy people cannot afford spending their time in politics because they need to take care their private business⁴⁰³.

Parenthetically, it is worth mentioning that when Aristotle speaks about wealth, power, friends, and the like, he describes them as the good and as indicators of good luck. Those who have all these goods in abundance are described as “οἱ [...] ἐν ὑπεροχαῖς εὐτυχιμάτων ὄντες”. Wealth, to take one of these goods as an example, is described as an “εὐτύχημα”. So, it becomes more difficult to convince the reader that it is not good to possess an exceeding amount of something that is described in such an approving and positive way.

From the above discussion of the attitude of the rich and the poor toward the participation in the administration of the polis a question arises: How is the polis

affected from these differences in attitude? Aristotle's response to this question is clear. He says that these differences have a very negative impact on the polis. From his point of view, the very existence of the polis as a proper political community is undermined. It is not only these differences in attitude that undermine the existence of the polis. It is all the existing inequalities and differences, which are the source of the differences in attitude, that threaten more severely the existence and the longevity of the polis. These inequalities, at their extreme, have as a result the division of the polis in two parts. The polis becomes a polis of slaves and masters, and not a polis of free men. And such a polis is not a polis in its proper sense. In other words, it ceases to be a political community and becomes a mere conglomerate of men; “ὅτι πλεῖστον ἀπέχει φιλίας καὶ κοινωνίας πολιτικῆς”⁴⁰⁴. Aristotle refers to friendship because he believes that the relationships among the members of a political community should be relationships based on friendship, and not relationships characterized by enmity⁴⁰⁵. As he puts it, people do not want to be with enemies even during a trip, much less to belong to the same polis with them⁴⁰⁶. The previous remarks highlight the problematic coexistence of the exceedingly rich and the extremely poor within the same polis. Enmity is the prevailing sentiment, because the former despise the latter, and the latter envy the former. “τῶν μὲν φθονούντων τῶν δὲ καταφρονούντων”⁴⁰⁷.

As we have seen, Aristotle presents a number of arguments in support of the “middle citizens” (“τοὺς μέσους”). We should understand that all those citizens who lie between the previously analyzed groups of citizens, the exceedingly rich, on the one hand, and the extremely poor, on the other, should be termed as the “middle

citizens”. In other words, they are all those citizens who own a moderate amount of property, and have access to a moderate extent to all the other “external goods”. Apart from the previously enumerated merits of the “middle citizens”, they have another advantage as contrasted to the other groups of citizens. Their status within the polis is the most secure. This is due to the fact that their moderate property is not targeted for confiscation by the poor ones, and at the same time they are not in need to try to confiscate the property of the rich ones⁴⁰⁸.

According to Aristotle's view, when the “middle citizens” are the dominant element of the citizen-body of a polis, and prevail within the polis, then this polis would necessarily be governed in the best way. It is worth quoting the relevant passage of the *Politics*: “ὥστ’ ἀναγκαῖον ἄριστα πολιτεύεσθαι ταύτην τὴν πόλιν ἐστὶν ἐξ ὧν φαμὲν φύσει τὴν σύστασιν εἶναι τῆς πόλεως”⁴⁰⁹. In addition, we see that Aristotle claims that it is the natural situation for a polis to have the “middle citizens” as its dominant element. I believe that we need to further analyze this passage, having in mind the context of the text, so as to be in position to come up with some very interesting remarks and conclusions. Just before the above passage, Aristotle notes: “βούλεται δέ γε ἡ πόλις ἐξ ἴσων εἶναι καὶ ὁμοίων ὅτι μάλιστα, τοῦτο δ’ ὑπάρχει μάλιστα τοῖς μέσοις”⁴¹⁰. I believe that this is a very central passage of the whole work. The main aim of the lawmaker is described in this brief sentence. The desired outcome is to have a polis that is made up of citizens that are alike and equal. This desire, according to the text, is not only the desire of the lawmakers but the desire of the whole polis. It is very important to highlight the fact that for Aristotle the best

thing for a polis, and consequently one of the primary goals of the lawmaker, is to be comprised of citizens that are alike and equal (“ἡ πόλις ἐξ ἴσων εἶναι καὶ ὁμοίων”).

From our analysis of the middle constitution, should we assume that it is another constitutional form, distinct from all the others that Aristotle enumerates? Or is it a variation of politeia?⁴¹¹ As Curtis Johnson acknowledges the majority of the commentators of the *Politics* consider that the politeia and the middle constitution are one and the same for Aristotle⁴¹². However I believe that, despite the similarities between the two constitutional forms, the middle constitution should not be considered as an ideal version of politeia. They are similar in their emphasis on the importance of the mean. They differ in that this mean reflects something different in the two cases. In the politeia the mean reflects the equilibrium of the two extremes. The two extremes exist in the polis, and the mean is more like an average. While in the middle constitution the presence of the extremes is marginal, and the mean is a reality. Moreover, Aristotle does not say that the characteristic elements of the politeia are present in a middle constitution. Another difference regards the value which is used for the distribution of the various offices. We should not forget that in politeia both wealth and freedom are used for judging the equality of the members of the polis. From Aristotle's discussion of the middle constitution we could assume that in that case virtue is the value which would be used for judging the equality of the members of the polis.

In a way, the middle constitution does not refer to specific constitutional form. It seems to be something like a “condition”. Should we define the “middle

constitution” as a “condition” that alters the character of the other constitutions when it takes place in a given polis? I tend to believe that the answer is Yes. We could imagine, for instance, a polis with a democratic constitution. This democracy could gradually become a middle constitution without having to incorporate elements of oligarchic legislation. This could happen in the case that the “middle citizens” become the majority within the polis. They rule, and their attitude toward ruling would be according to their qualities and values as they are described by Aristotle. But the legislation and the institutions of the polis would reflect the democratic constitution, which would not need to become more oligarchic or incorporate oligarchic features. For example, the “middle citizens” would still be chosen by lot to hold an office, and not through elections; if this was the established practice for choosing officials.

Chapter VII

Aristotle's Utopian Attempt to make all Citizens Alike and Equal:

An analysis of *Politics* VII and VIII

“ἡ πόλις ἐξ ἴσων εἶναι καὶ ὁμοίων”

Aristotle, *Politics* IV, 1295b 26.

The introductory sentence of the seventh book of the *Politics* makes the reader assume that what will follow will be an analysis of the best life and of the best constitution, which will enable the citizens to live according to the directions of the most choice-worthy life. As he says, it is important to examine what is the best life and then proceed with the quest of finding out the best constitution: “περὶ δὲ πολιτείας ἀρίστης τὸν μέλλοντα ποιήσασθαι τὴν προσήκουσαν ζήτησιν ἀνάγκη διορίσασθαι πρῶτον τίς αἰρετώτατος βίος. ἀδήλου γὰρ ὄντος τούτου καὶ τὴν ἀρίστην ἀναγκαῖον ἄδηλον εἶναι πολιτείαν”⁴¹³. One would expect that, after the examination of the most choice-worthy life, Aristotle would present and analyze the constitutional form that he considers as the best one. However, in the seventh and eighth book of the *Politics* he does not present a proper constitutional blueprint. As David Keyt notes, “the ostensible subject of *Politics* VII and VIII is the best constitution [...], but Aristotle’s discussion in these two books ranges far beyond the strictly constitutional”⁴¹⁴. It is clear from the text of books VII and VIII that Aristotle does not want to name one constitution as the best one. His aim is not to give a “recipe” for the way the polis should be governed. He wants to present and analyze

the prerequisites for the best life, and the underlying principles that are necessary for the establishing of the best constitution. I hold the view that the underlying principles of the blueprint of the “ideal” or “best” constitution are the same with the underlying principles of the whole text of the *Politics*. The proper understanding of these underlying principles is the key for the interpretation of Aristotle's views about the political. As a preamble, I could briefly say that these basic principles of the Aristotelian political philosophy are the following: the lawmaker should utilize all the available means in order to make all the citizens of the polis alike and equal, or to make them alike and equal as far as that is possible. Based on this assumption, the lawmaker should consequently enable all the citizens to rule and be ruled in turns. In this chapter I will present and analyze Aristotle's arguments in favour of this view, and his propositions regarding the proper legislation which will aim at making all the citizens alike and equal.

The Most Choice-worthy Life

Aristotle wants to examine whether the most choice-worthy life is one and the same when we have in mind either an individual or the polis considered as a whole. He believes that this question needs to be answered in conjunction with the question about which is the most choice-worthy life. In order to answer these questions, he goes on to examine the life of each individual in light of the various virtues, having in mind the way each individual acts – or does not act – within the polis based on this

individual's grasp of virtue. For Aristotle, the individual that wants to be, and to be considered, “μακάριος” (“happy” / “blessed”) needs to possess always “τῶν τε ἔκτ’ οὗ καὶ τῶν ἐν τῷ σώματι καὶ τῶν ἐν τῇ ψυχῇ”⁴¹⁵. It is clear that Aristotle refers to the external goods necessary for the well-being of a person, the goods of the body, and the goods of the soul. And in order not to leave any room for dispute regarding the fact that the virtues are the goods of the body and of the soul (for the moment we leave aside the external goods), he adds that a person that does not have even a part of courage (“ἀνδρεία”), temperance (“σωφροσύνη”), justice (“δικαιοσύνη”), and practical wisdom (“φρόνησις”) could never be considered as happy⁴¹⁶. Does this mean that we could assume that according to Aristotle virtue is the sufficient prerequisite for a happy life? Based on the text we could say that virtue is not only a necessary prerequisite of the happy life, but a sufficient one as well. As Aristotle says, it is the virtues that enable a person to acquire and preserve all the external goods⁴¹⁷. In other words, even if an individual lacks all the external goods – such as wealth, power, and reputation – that are necessary for a happy life, this individual could achieve a happy life if he has a firm grasp on virtue. And this because the virtuous man will always manage to acquire the necessary external goods, to the moderate amount that they are needed. Virtue will not make you necessarily rich, if you are deprived of all the material goods that you need for achieving the happy life, but will enable you to acquire the material goods that you need so as to support your virtuous soul.

Aristotle is clear in saying that although the external goods are prerequisites for a happy life⁴¹⁸, people should not try to acquire excessive amounts of them. These

goods are necessary but only to a certain degree. When this point is reached, the excessive amount of them does not provide any benefit at all, or, in the worst case, it becomes harmful for the possessor of these excessive external goods. Based on that, he criticizes his contemporaries because they seek without limits to excessively possess the external goods. “πλούτου δὲ καὶ χρημάτων καὶ δυνάμεως καὶ δόξης καὶ πάντων τῶν τοιούτων εἰς ἄπειρον ζητοῦσι τὴν ὑπερβολήν”⁴¹⁹. In contrast, there is no limit with regard to the virtues. The more a man possesses a certain virtue, the better it is for him. Only when we speak about the goods of the soul (“τῶν δὲ περὶ ψυχὴν ἕκαστον ἀγαθῶν”), we can say that an excessive possession of these goods is something good and useful⁴²⁰. This is the only case where the excessive is more preferable than the moderate. We see that virtue could never become harmful for the happiness of a man. The more virtuous a person is, the happier he is. Aristotle seems to acknowledge that this “positive correlation” between virtue and happiness cannot be doubted. As he says, “ὅτι μὲν οὖν ἑκάστῳ τῆς εὐδαιμονίας ἐπιβάλλει τοσοῦτον ὅσον περ ἀρετῆς καὶ φρονήσεως καὶ τοῦ πράττειν κατὰ ταύτας, ἔστω συνωμολογημένον ἡμῖν”⁴²¹.

As I have stated above, the virtuous man for Aristotle will always manage to acquire the necessary external goods, to the moderate amount that they are needed. However, in his attempt to argue that one needs to put effort so as to acquire virtue, he mentions that the possession of the external goods is merely a matter of chance or good luck. As he says, “τῶν μὲν γὰρ ἐκτὸς ἀγαθῶν τῆς ψυχῆς αἴτιον ταῦτόματον καὶ ἡ τύχη”⁴²². This proposition contradicts with the passage referring to the virtues as

a presupposition for the acquisition of the external goods⁴²³. Aristotle wants to make a contrast between good luck (“εὐτυχία”) and happiness (“εὐδαιμονία”)⁴²⁴, but he ends up with a contradiction. His argument that the possession of the external goods is a result of good luck or mere chance, contradicts with what he previously said about the acquisition of the same external goods. In addition, we could say that Aristotle's argument regarding the relationship between virtue and good luck is not very convincing. What I have in mind, is that we could present a number of examples which show that some kind of good luck is important for the achieving of happiness. For example, one could say that being born to free parents rather than from slaves is to a great extent a matter of chance or good luck. Aristotle himself, in the context of his discussion of the issue of slavery leaves room for the role chance might play in an individual's life. As he says a good man is born from a good man – in this context a good man is the equivalent of the free-born man – but this is not always the case⁴²⁵. Another example, more relevant to the discussion of books VII and VIII, would regard the education available to each individual. It is a matter of good luck, to a great extent, whether an individual would be offered a good education that would promote the cultivation of the virtues of the soul, or, for example, this individual would only be subjected to rigorous military training. In the *Nicomachean Ethics* Aristotle himself acknowledges that a man who has fallen into misfortune could not be considered as happy. “διὸ προσδεῖται ὁ εὐδαίμων τῶν ἐν σώματι ἀγαθῶν καὶ τῶν ἐκτὸς καὶ τῆς τύχης, ὅπως μὴ ἐμποδίζεται ταῦτα. οἱ δὲ τὸν τροχιζόμενον καὶ τὸν δυστυχίαις μεγάλαις περιπίπτοντα εὐδαίμονα φάσκοντες εἶναι, ἐὰν ᾗ ἀγαθός, ἢ ἐκόντες ἢ

ἄκοντες οὐδὲν λέγουσιν”⁴²⁶.

Leaving the above mentioned contradiction aside, and the reservations regarding Aristotle's arguments, we need to analyze Aristotle's dilemma with regard to which kind of living makes the most virtuous life. It is clear that the best constitution will enable the citizens of the polis to act in the best way and live a blessed/happy life; “καθ’ ἣν κἂν ὁστισοῦν ἄριστα πράττοι καὶ ζῶη μακαρίως”⁴²⁷. What is not clear, and a matter of dispute, is which is the most choice-worthy life of virtue. For Aristotle, there are only two “candidates” that are worth taking into consideration. There is the political and practical life (“ὁ πολιτικὸς καὶ πρακτικὸς βίος”), and there is the life of contemplation (“θεωρητικός”), which is not concerned with external concerns. The first is the life of the politician, while the latter is the life of the philosopher. Experience and history support this view. In the past as well as in the present the people who were attracted by, and were looking for, the honours that go along with virtue chose either the life of the politician or the life of the philosopher⁴²⁸.

It is an essential task for the lawmaker to examine which one of the two kinds of virtuous life the legislation would promote before attempting to establish his constitution. For that reason, Aristotle poses the question, and at the same time tries to provide an answer to it. The method he employs in order to answer this question is the endoxic method. As David J. Depew says, “Aristotle constructs a dialectical debate between two extreme types”⁴²⁹. On the one hand, there are those who reject any kind of involvement in politics. They believe that participation in the administration of the polis, and the political life in general, is an obstacle to their happiness and well-being.

They are contemptuous toward despotic rule and political rule in general. To rule despotically your fellows involves one of the greatest injustices. Political rule does not involve injustice, but it still sets obstacles to the well-being of the individual. “νομίζουσι δ’ οἱ μὲν τὸ τῶν πέλας ἄρχειν δεσποτικῶς μὲν γιγνόμενον μετ’ ἀδικίας τινὸς εἶναι τῆς μεγίστης, πολιτικῶς δὲ τὸ μὲν ἄδικον οὐκ ἔχειν, ἐμπόδιον δὲ ἔχειν τῇ περὶ αὐτὸν εὐημερίᾳ”⁴³⁰. We could call the supporters of this view “apolitical philosophers” or “apolitical intellectuals”⁴³¹. It is evident from the text that the latter believe that both political and despotic rule are obstacles to the achieving of the happy life. Thus, Pierre Destrée is wrong in arguing that the “apolitical philosophers” reject any involvement in the political life of the polis, because they believe that it is about despotic ruling⁴³². On the other hand, there are those who believe the exactly opposite: the only life appropriate for a man is the practical and political life. “μόνον γὰρ ἄνδρὸς τὸν πρακτικὸν εἶναι βίον καὶ πολιτικόν”⁴³³. The advocates of this view, could be divided into two subgroups. In the first group belong those who believe that private actions do not involve any kind of virtue. They believe that only the actions that take place in the realm of the public affairs and politics involve virtue⁴³⁴. Hence, it is assumed that one cannot live an apolitical life, if he has any aspirations of becoming good and virtuous. In the second group belong those who believe that “τὸν δεσποτικὸν καὶ τυραννικὸν τρόπον τῆς πολιτείας εἶναι μόνον εὐδαίμονά”⁴³⁵. We could say that the underlying thesis of this view is that you cannot do well if you do nothing at all⁴³⁶.

According to Aristotle, both the people who reproach public offices and the

people who believe that the political life is the best and most choice-worthy life are partly right and partly wrong. With regard to the claims of the first Aristotle presents two arguments. According to the first argument, they are right in believing that the free life (“ἐλεύθερος βίος”) is better than the despotic life (“δεσποτικός βίος”)⁴³⁷. In this context, we should render the “ἐλεύθερος βίος”, that Aristotle refers to, as the kind of life which is free from all sorts of political obligations. In contrast, the despotic life is the life of the man who is occupied, at least for some of his time, with the ordering of the slaves so as to make them perform the necessary tasks. For Aristotle, this is a base task that does not include any kind of virtue⁴³⁸. However, according to the second argument, they are wrong in believing that all kind of ruling is a despotic rule. Apart from despotic ruling, there is the political ruling; which is the ruling of free men. The “distance” between ruling over slaves and ruling over free men is not much less than the “distance” between the naturally free (“φύσει ἐλεύθερος”) and the natural slave (“φύσει δοῦλος”)⁴³⁹. Aristotle emphatically makes the distinction between political ruling and despotic ruling. We can assume that, for Aristotle, political ruling is not something that should be condemned. Is this distinction an adequate answer to the objections of the “apolitical philosophers” with regard to the necessity of involvement in the administration of the polis? This distinction does not fully answer to their objections. As Aristotle has mentioned, when he presented the views of the “apolitical philosophers”, they believe that even political ruling is an obstacle to their well-being and happiness; not only despotic ruling⁴⁴⁰. Thus we need to examine whether they are right in arguing that political

ruling is an obstacle to the achieving of well-being and happiness.

In order to do this we need first to analyze Aristotle's arguments with regard to the claims of the advocates of political life. Aristotle acknowledges that they are right in saying that action is much better than inaction. “τὸ δὲ μᾶλλον ἐπαινεῖν τὸ ἀπρακτεῖν τοῦ πράττειν οὐκ ἀληθές”⁴⁴¹. More importantly, action is not just better than inaction. Given that “ἡ γὰρ εὐδαιμονία προῖξίς ἐστιν”⁴⁴², action is a prerequisite of the well-being and of the happy life. The “εὐδαίμων” citizen is the citizen who is able to act. Moreover, the life of action is the best life for a polis too. “ἄλλ’ εἰ ταῦτα λέγεται καλῶς καὶ τὴν εὐδαιμονίαν εὐπραγίαν θετέον, καὶ κοινῇ πάσης πόλεως ἂν εἴη καὶ καθ’ ἕκαστον ἄριστος βίος ὁ πρακτικός”⁴⁴³. What should we understand by “acting” in this context? First, to act in a polis is to act politically, which means to participate in the decision-making and the administration of the polis. One might ask: Should we also understand domination and despotic ruling as a kind of “political” action? Aristotle acknowledges that there might be some that would come to this conclusion⁴⁴⁴. He also adds that there might be some truth in such claims.

However, he discards these claims as inappropriate for persons living in a polis. I believe that this is an essential point that needs to be examined. The question that needs to be answered is the following: Is the best situation that in which a single person holds all power and is the absolute sovereign? There are some who would answer Yes, because they believe that this absolute sovereign would be in position to “perform the greatest number of fine actions”⁴⁴⁵. Aristotle himself rejects this view. More precisely, he considers that this view might have some truth in it in principle,

but he rejects it as an option for a political community. As he says this could be an option when the absolute sovereign differs so much in virtue from the others as the master's virtue differs from the slave's virtue. This difference in virtue is a necessary condition but not a sufficient one. He should have the power to perform his actions.

“δεῖ δ’ οὐ μόνον ἀρετὴν ἀλλὰ καὶ δύναμιν ὑπάρχειν, καθ’ ἣν ἔσται πρακτικός”⁴⁴⁶.

I think we should interpret this proposition as follows: the absolute sovereign, if he wants to be such, needs to overpower all the others. His divine virtue needs to be accompanied by an extreme power. He should be in position to overpower the sum of power of all the others, otherwise he will not be in position to do what he wants, and what he thinks is best to do. If we could imagine that such a divine man could exist, then, as Aristotle acknowledges, it would be good to follow him and just obey him. However, from Aristotle's description we understand that we are not in the realm of politics anymore. This is a case of a master over slaves, not of a ruler of free men. This is a kind of despotic ruling which Aristotle rejects out of hand as inappropriate for free men. In order not to leave any room for doubts and misinterpretations he states: “τοῖς γὰρ ὁμοίοις τὸ καλὸν καὶ τὸ δίκαιον ἐν τῷ ἐν μέρει, τοῦτο γὰρ ἴσον καὶ ὅμοιον· τὸ δὲ μὴ ἴσον τοῖς ἴσοις καὶ τὸ μὴ ὅμοιον τοῖς ὁμοίοις παρὰ φύσιν, οὐδὲν δὲ τῶν παρὰ φύσιν καλόν”⁴⁴⁷. This ruling and being ruled in turns, is the definition of “acting politically”, which enables the members of the polis to act, and thus to achieve “εὐδαιμονία”.

Is acting politically the only way of acting? Contrary to what the advocates of the political life claim, Aristotle argues that there is another kind of acting. This kind

of acting is different from the political acting, but also leads to happiness. This kind of action refers to actions that are not directed to others persons⁴⁴⁸. There are actions that are not directed toward a third party, and do not take place for the sake of their results. These actions, which are actions of theory and contemplation, include their ends and exist for their own sake. Theory and contemplation are not only considered as actions, but they are considered as “more active” than the other kind of actions⁴⁴⁹. “ἀλλὰ πολὺ μᾶλλον [πρακτικάς] τὰς αὐτοτελεῖς καὶ τὰς αὐτῶν ἕνεκεν θεωρίας καὶ διανοήσεις”⁴⁵⁰.

Taking into account Aristotle's arguments regarding the claims of the “apolitical philosophers”, on the one hand, and the claims of the advocates of political life, on the other, we can assume that his intention is to compromise the two diametrically opposed views. The life of the politically active man could be a virtuous and happy life; comprised of just and temperate actions⁴⁵¹. Similarly, the life of contemplation and theory, that is the life of the philosopher, could also be a happy life, even if the actions of the philosopher take place in his own soul. Could we say whether there is an hierarchy between these two kinds of virtuous living? Is there an interconnection between them, or are they separate and clearly distinct? I think that the first question could be easily answered. The fact that Aristotle considers the “αὐτοτελεῖς” actions that are performed for themselves (“αὐτῶν ἕνεκεν”) as “more active”, allows us to assume that he considers the life of the philosopher as having higher status than the life of the politician. In addition, the fact that Aristotle believes that the actions of the God are not external, *id est* they are not directed toward nobody

or nothing, enables us to claim that for Aristotle the life of theory and contemplation stands higher than the political life. We could say that, according to Aristotle, a life of theory and contemplation is the life that enables a man to approach the divine as close as humanly possible.

With regard to the second question, and the possible linkage between the political life and the life of theory and contemplation, Pierre Destrée claims that “[...] Aristotle takes it for granted that a true philosopher who necessarily lives in a city could thence not possibly be some “alien cut off from the political community”, but must “take part in politics with other people and participate in (his) city state” (VII 2, 1324a15-17). Aristotle could not be clearer: political activity must be part of the happy life of every citizen of his best city, even philosophers”⁴⁵². Destrée bases his argument on Aristotle's division between practical wisdom and theoretical wisdom or contemplation⁴⁵³. He claims that an implication of this division is that if a man is not exercising practical wisdom, he will not be in position to fully practice his own *logos*⁴⁵⁴. Is Destrée right in interpreting Aristotle's discussion of the political and philosophic life in such a way that makes the happiness of the man of contemplation be subjected to his political activities? I hold the view that Destrée is not interpreting properly Aristotle's arguments. His interpretation does not comply with the text. From the text it is clear that Aristotle considers both political activity and contemplation as actions, and contemplation does not presuppose any kind of political action. Thus, one can achieve happiness only through contemplation. Moreover, a man does not exercise his “φρόνησις” only by taking part in politics and public affairs. According to

the Aristotelian definition of “φρόνησις”, “φρόνησις” is not linked with the political sphere of action only⁴⁵⁵. Based on the Aristotelian definition we can imagine a man who exercises his “φρόνησις” without participating in politics and in the administration of the polis. Aristotle argues that a man needs to be active in order to be virtuous and live a happy life. However, he does not say that a man should act in this or that way, politically or theoretically, and he does not say that he has to act both as politician and as a philosopher. Last, we should not forget that Aristotle adamantly believes that contemplation is the most self-sufficient action⁴⁵⁶. Hence, it would be odd to argue that a man of contemplation can live a happy life, and that contemplation is a self-sufficient activity, and at the same time to connect the happiness of the man of contemplation with his actual political engagement.

In my reading of the text, Aristotle does not reject neither the way of living of the apolitical philosophers, nor the way of living of the advocates of the life of political engagement⁴⁵⁷. He does reject some of their views, and uses their extreme beliefs in order to show that the life of political engagement as well as the life of contemplation are worth living and can lead to virtue and happiness⁴⁵⁸. It is right to say that from what Aristotle says we can imagine the possibility of having a *sui generis* way of life which reflects the fusion of political engagement and contemplation⁴⁵⁹. But it is not right to claim that the conventional political life and the conventional philosophic life do not fall into Aristotle's understanding of a happy life.

To conclude, we need to emphasize the link between happiness and action. As I see it, Aristotle's proposition that “ἡ γὰρ εὐδαιμονία πρᾶξις ἐστίν” is one of the

most important propositions of the whole text of the *Politics*. It highlights the importance that Aristotle attributes to acting as the only way of achieving virtue, and it shows that according to him the polis that is worth living in, is a polis ruled under a constitution which enables the members of the polis to act. A constitution which confines action to only few, or even to one, is not a constitution that promotes the well-being and the happiness of the citizens.

The Life of Leisure

As we have already seen, according to Aristotle two kinds of life should be pursued, the life of political engagement and the life of theory and contemplation. The life of the citizens who live in a polis governed under a constitution that enables them to live a happy life, could be summarized in one phrase: “αὐτοὶ δὲ πολιτεύονται ἢ φιλοσοφοῦσιν”⁴⁶⁰. Or, at least, this would be the ideal. Aristotle believes that it is important for the members of the polis to have adequate free time in order to engage themselves in politics and contemplation. As he says: “δοκεῖ τε ἡ εὐδαιμονία ἐν τῇ σχολῇ εἶναι: ἀσχολούμεθα γὰρ ἵνα σχολάζωμεν, καὶ πολεμοῦμεν ἵν’ εἰρήνην ἄγωμεν”⁴⁶¹. Thus leisure (“σχολή”), and the pursuit of it, plays a central role for the well-living and happiness of the members of the polis⁴⁶². The citizens should not spend their time in commercial activities, in banausic occupations, and in toiling the soil. In Aristotle's words: “οὔτε βάνανσον βίον οὔτ’ ἀγοραῖον δεῖ ζῆν τοὺς πολίτας (ἀγεννῆς γὰρ ὁ τοιοῦτος βίος καὶ πρὸς ἀρετὴν ὑπεναντίος), οὐδὲ δὴ γεωργοὺς

εἶναι τοὺς μέλλοντας ἔσεσθαι (δεῖ γὰρ σχολῆς καὶ πρὸς τὴν γένεσιν τῆς ἀρετῆς καὶ πρὸς τὰς πράξεις τὰς πολιτικάς)⁴⁶³. Interestingly, Aristotle makes an indirect distinction between the commercial and banausic occupations, on the one hand, and toiling the soil, on the other. The first two occupations should be avoided because they are contrary to the development of virtue. While, the agricultural occupation should be avoided because it is a time consuming occupation. Of course, the first two occupations are time consuming, but this is not the main reason for avoiding them. It seems that Aristotle considers them as totally incompatible with virtue. Contrary to them, farming is neither described as not fitting to a free man nor considered as incompatible with virtue. This *sotto voce* remark of Aristotle reminds us of Plato's *Laws*. According to the Athenian Stranger's description in the *Laws*, the citizens of Magnesia will be landowning farmers. These farmers are in position to develop their virtues, and are eligible for participation in all the offices of the polis. A farmer can be a virtuous man, and take part in the administration of the polis⁴⁶⁴. Despite the difference of farming with the other banausic occupations, Aristotle, in the context of the seventh book of the *Politics*, believes that it is better for the members of the polis not to take part in agricultural works. He wants to secure that they would not be concerned with pressing duties⁴⁶⁵.

The theoretical justification of the priority of leisure is based on the distinction of all the actions on two categories. The first category includes all the “necessary and useful” actions, while the second category includes the “noble” actions. The “necessary and useful” actions are all the actions that are linked with work and labour,

while the “noble” actions are linked with leisure. In an analogous schema, the actions related to war, should be considered as “necessary”, while the actions that take place during the time of peace should be categorized as “noble”. Thus, the overlapping of the two categorizations leads us to conclude that, on the one hand, there are the “noble” actions that take place in leisure during peaceful times, and, on the other hand, there are all the other actions⁴⁶⁶. According to Aristotle, there is a teleological priority of the first actions with regard to the latter. This means that the “necessary” actions happen for the sake of the “noble” actions. “διήρηται δὲ καὶ πᾶς ὁ βίος εἰς ἀσχολίαν καὶ σχολήν καὶ εἰς πόλεμον καὶ εἰρήνην, καὶ τῶν πρακτῶν τὰ μὲν εἰς τὰ ἀναγκαῖα καὶ χρήσιμα τὰ δὲ εἰς τὰ καλά. [...] πόλεμον μὲν εἰρήνης χάριν, ἀσχολίαν δὲ σχολῆς, τὰ δ’ ἀναγκαῖα καὶ χρήσιμα τῶν καλῶν ἔνεκεν”⁴⁶⁷. Could we legitimately conclude that the lawmaker should legislate having in mind that he should establish a constitution that would enable the citizens to perform “noble” actions, without having to spend their time in performing “necessary” actions⁴⁶⁸?

From what Aristotle says in 1333a 41 – 1333b 1, “δεῖ μὲν γὰρ ἀσχολεῖν δύνασθαι καὶ πολεμεῖν, μᾶλλον δ’ εἰρήνην ἄγειν καὶ σχολάζειν”⁴⁶⁹, we could assume that it is necessary for the members of the polis to spend some of their time in “necessary” actions, such as engaging in various business and defending their polis in war, so that they can afford having free time for peaceful leisure. However, although he considers it normal that the members of the polis would take part in war, an action that is a “necessary” action and not a “noble” one, he wants to make sure that the necessary preconditions will be met so that the citizens will never need to occupy

themselves in banausic, commercial, and agricultural occupations. As I see it, this proposition does not stem directly from his distinction between the “necessary” and the “noble” actions. It is based on his fundamental principle regarding the political. It is his strong belief in the importance of the existence of equality among the citizens of the polis that leads him to adopt this stance with regard to leisure during the times of peace.

Before analyzing how the importance Aristotle attributes to equality affects his stance regarding leisure, we need to examine the preconditions of the leisure life of the members of the polis. The life of leisure for all the members of the polis presupposes that some others work and provide the necessary means for the sustenance of the citizens. For that reason Aristotle proposes the existence of non-citizens who would provide through their labour the necessary material means for the sustenance of the citizens.

The Parts of the Polis and its Material Prerequisites

The ideal for a lawmaker who wants to establish a new constitution is to be in position to control all the constituent elements of the polis. The most desirable outcome would result in the – utopian – case where the lawmaker controls all the conditions that affect the establishing of the new polis⁴⁷⁰. In that case we would speak of an *in vitro* development of a polis; in conditions similar to that of a laboratory. Aristotle knows, as we all know, that the product of the labour of a weaver depends,

to a great extent, on the quality of the raw materials that are available to him. No matter how good his skills are, the quality of the raw materials that he can use, has a great impact on the final outcome. Analogously, the lawmaker (“νομοθέτης”) and the politician (“πολιτικός”) have at their disposal a number of “raw materials” that they will use in order to produce the desirable outcome; that is to constitute a polis in the way they wish. What, and how many, are the “raw materials” that the lawmaker and the politician could use for constituting a polis? According to Aristotle, the “raw materials” that the lawmaker and the politician have at their disposal, in constituting a polis, are two: the “body” of the inhabitants of the polis, and the territory. "οὕτω καὶ τῷ πολιτικῷ καὶ τῷ νομοθέτῃ δεῖ τὴν οἰκείαν ὕλην ὑπάρχειν ἐπιτηδεύως ἔχουσιν. ἔστι δὲ πολιτικῆς χορηγίας πρῶτον τό τε πλῆθος τῶν ἀνθρώπων, πόσους τε καὶ ποίους τινὰς ὑπάρχειν δεῖ φύσει, καὶ κατὰ τὴν χώραν ὡσαύτως, πόσῃν τε εἶναι καὶ ποίαν τινὰ ταύτην"⁴⁷¹.

With regard to the size of the polis, one needs to define the criteria for setting the upper and the lower limit of this size. The polis should be neither too small nor too big⁴⁷². As Aristotle says, most people believe that the bigger a polis the more eudaimon it would be. They think that the big polis, in terms of its population, is the great polis. “κατ’ ἀριθμοῦ γὰρ πλῆθος τῶν ἐνοικούντων κρίνουσι τὴν μεγάλην”⁴⁷³. But they do not see that greatest should be considered the polis that is in position, and has the power needed, to perform its “ἔργον” (“function”) properly⁴⁷⁴. Aristotle's analysis of the criteria that should be used for defining the proper size of the polis, sheds light on the functions of the polis, and depicts them in an indirect way. Which

are the criteria which should be used so as to define the proper size of the polis? In order to answer the previous question, we need to examine the dangers that undermine the very existence of the polis, and the issues that do not allow it to be a great polis. First, the polis should be big enough so as to be in position to defend itself. More specifically, it should be in position to defend itself from the external enemies and dangers, but also, at the same time, to be in position to defuse and counteract any internal threat. In other words, the citizens of the polis should be numerous enough so as to form an effective hoplites's army that could defend the polis and, in addition, the citizens should be in position to prevent any attempt of the non-citizens inhabitants of the polis to question the distribution of power within the polis, and to disturb the internal status quo of the polis. As Aristotle notes, “ἡ γὰρ τούτων [ὅσοι πόλεώς εἰσι μέρος καὶ ἐξ ὧν συνίσταται πόλις οἰκείων μορίων] ὑπεροχὴ τοῦ πλήθους μεγάλης πόλεως σημεῖον”⁴⁷⁵. Thus, we see that a prerequisite for a polis to become a great one is that the citizen body should be big enough so that its dominance within the polis could never be questioned.

As we have already mentioned the size of the citizen-body should be big enough so that the polis could have a large enough hoplites's army that would be in position to defend the polis and ensure the freedom of its members. On the other hand, the body of citizens should not be very big. If it were very big, a number of problems would appear. Aristotle believes that it would be very difficult for a such a big, overpopulated, polis to be well governed⁴⁷⁶. There is a link between the size of the polis and the existence of order and organization. He claims that it is very difficult

for a big polis to be well-ordered. And given that law is a kind of order, a big polis cannot be well-governed⁴⁷⁷. A polis should be big enough so as to self-sufficient. And usually this is possible when we have a medium size polis. Aristotle makes an analogy between a polis and a ship. As he says, a miniature ship should not be considered as a proper ship, and analogously a two-stages long ship is not a ship either⁴⁷⁸.

Aristotle makes it clear that according to his understanding of the polis, it is only the free citizens that should be considered as parts of the polis. In other words, the polis is its free citizens. And it is these free citizens who take part in the governing and the administration of the polis. The other inhabitants, the slaves and the resident aliens, should not be considered as parts of the polis. They live in the polis, but at the same time they are a foreign body to it. Their presence in the polis is necessary for its existence and preservation, but they are not parts of it⁴⁷⁹. Although it might sound a bit strange for us today to declare that a polis is comprised of only a part of its inhabitants, it seems that it was common ground for the contemporaries of Aristotle⁴⁸⁰. It is those non-citizens who would be occupied in all the banausic and agricultural occupations. According to Aristotle, “ἀναγκαῖον εἶναι τοὺς γεωργοὺς δούλους ἢ βαρβάρους [ἢ] περιοίκους”⁴⁸¹. And he adds that ideally they should be slaves who do not belong to the same race, and who are not spirited (“μήτε ὁμοφύλων πάντων μήτε θυμοειδῶν”)⁴⁸².

The existence of the labouring non-citizens in conjunction with the way the land is used, and the existence of obligatory common meals, promotes the equality among the citizens of the polis. As Aristotle says, the land of the polis should be

divided into two parts, the communal land and the privately owned land. The products of the common land would be used for the services to the gods and for the common meals. The privately owned land would be distributed among the members of the polis in a way that would make sure that all would have an allotment near the center of the polis and a second allotment near its frontiers. By having privately owned land the lawmaker ensures that the citizens would have strong ties with the polis, given that the possession of land strengthens the bond of the citizen with the polis. And by distributing the various allotments in the previously mentioned way the lawmaker ensures that all the citizens would have the same stance in cases of conflict with neighboring poleis⁴⁸³.

The fact that none of the citizens of the polis would have to work and spend their time in various banausic or agricultural occupations, promotes the equality among them. All have free time to live a life of leisure. This life of leisure ensures that all would be in position to develop their virtues, and guarantees that all would participate in the governing and the administration of the polis. We see that Aristotle's primary care is to make sure that all the citizens would be as equal as possible. He wants to ensure that, regardless of the value (“ἄξια”) that will be used in order to judge the citizens of the polis, all would stand at the same “height”.

Economic equality is one important precondition for achieving equality among the members of the polis. Aristotle proposes three regulations in order to make sure that economic equality would exist among the citizens of the polis. The equal distribution of the land, the institution of the common messes that would be provided

by the polis, and the use of slaves, or the employment of foreign residents, by all the members guarantee that the economic inequality would not affect the relations of the citizens. Why is economic equality so important? The answer is easy, if we have in mind the debate regarding the value (“ἄξια”) that should be used for judging the equality of the citizens of the polis, and the subsequent claims regarding the holder of sovereignty within the polis. The economic equality does not leave any room for claiming sovereignty based on the criterion of wealth. In other words, given that all the citizens would have a more or less equal property and wealth, no one or no group of citizens could claim that he, or they respectively, should hold the sovereign power because of his, or their, superiority in terms of property and wealth. Analogously, the existence of common messes and the use of slaves, or the employment of foreign residents, for the cultivation of the privately owned land, and for the other banausic occupations, enable all the citizens to develop their potential in leisure. In other words, all the citizen could develop their virtues, without being hindered by time-consuming occupations, so that no one or no group of citizens could claim that he, or they respectively, should hold the sovereign power because of his, or their, superiority in terms of virtue. Thus, given that leisure, apart from economic equality, is another end of the proposed legislation, Aristotle does not consider the possibility of having all the citizens work and then divide equally the product of their labour. He opts for having slaves or foreign residents working in order to provide all the necessary material means for the leisure class of citizens. Stephen Salkever notes that “Aristotle's implication, I think, is that there is no alternative to some form of slavery

if we are to secure for the citizens of this regime both the material goods they need to live and the leisure time they need to live well”⁴⁸⁴.

Aristotle knows that a life of leisure available to all is a necessary precondition for the achieving of the equality of virtue. However it is not a sufficient one. The development of the virtues and the instilling of them in the souls of the citizens presuppose that all would be educated in a way that promotes the development of virtues, and the habituation of all the citizens or potential citizens in being virtuous. For this reason, Aristotle strongly believes that the lawmaker should establish a public educational system that would be available to all the citizens or potential citizens of the polis. Aristotle is an advocate of a public education.

Nurture, Nature, and Virtue

Education is a major issue for every polis. It is an issue of great importance for every legislator too. Aristotle acknowledges that no one would dispute that the legislation should deal with this issue⁴⁸⁵. Thus, in the context of the seventh and eighth book of the *Politics*, he presents his arguments regarding the role of education, and presents his thoughts on the proper educational system for a polis. Aristotle's view regarding education is clear. He explicitly declares that the education offered in the polis should be public. In addition, he says that this public education should be equally available to all. All the citizens should receive the same education which would be offered by the polis. He highlights the importance of having a public education instead of having a

system of privately offered education. As he says, “φανερὸν ὅτι καὶ τὴν παιδείαν μίαν καὶ τὴν αὐτὴν ἀναγκαῖον εἶναι πάντων, καὶ ταύτης τὴν ἐπιμέλειαν εἶναι κοινὴν καὶ μὴ κατ’ ἰδίαν”⁴⁸⁶.

Why does Aristotle so explicitly claim that the education should be public rather than private? Why does he promote the establishing of a public education that would be one and the same for all the members of the polis? The answer to these questions, I believe, is not difficult. It is not difficult to answer these questions if we keep in mind the primary aim of the constitutional blueprint of the seventh and the eighth book. The answer is not difficult if we have in mind Aristotle's attempt to make all citizens alike and equal. Moreover, this answer enables us to understand the role and the aim of the education in the polis.

As I see it, the role of the public education proposed by Aristotle is to promote equality within the polis. This equality should not be understood only in terms of equal opportunities, but also in terms of equality of virtue. The aim of education is to make all citizens virtuous. And by making all the citizens virtuous, education promotes their equality in terms of virtue. Aristotle wants to ensure that all the citizens of the polis would be equal even in the case that virtue would be used as the primary value for judging them.

For Aristotle, it is important to have a common curriculum for all in order to ensure that there would be no differentiations with regard to what the young children should learn. The legislator should regulate the curriculum of studies. As he says, not all agree about what the young children should learn⁴⁸⁷. Therefore, it is important to

establish a curriculum that would promote virtue and the best life (“πρὸς τὸν βίον τὸν ἄριστον”). It becomes evident that Aristotle explicitly claims that the education should be public rather than private because the public character of the education, which would be one and the same for all, ensures that all the potential citizens would grow up in the same context. This would have as a result that they would all share the same values. In the light of this interpretation, public education is seen as a process of “normalization”. This means that the potential citizens through the educational process are becoming alike in terms of virtue.

Aristotle does not only want to make sure that all would have the same nurture. He also wants to ensure that nature would not create serious inequalities among the citizens of the polis. For that reason he wants to regulate the issues regarding the procreation and the birth of the children. He wants to secure, to the extent that this is humanly possible, that no one would be born with a serious handicap that would bring him in a disadvantageous position with regard to his/her fellow citizens⁴⁸⁸. Aristotle proposes a number of regulations on the issue of procreation. The legislation regarding the union of men and women for the aim of procreation should deal with a number of issues such as the proper age for getting married, the condition of the bodies of the future parents, the activities of the pregnant women, and the sexual relations of the married couple⁴⁸⁹. The aim is to ensure that the necessary conditions for the procreation of healthy children would exist; “ὥπως τὰ σώματα τῶν γεννωμένων ὑπάρχῃ πρὸς τὴν τοῦ νομοθέτου βούλησιν”⁴⁹⁰. For example, he believes that it is of great importance that at the time of procreation both

the parents should be at their prime. In other words, both the parents should be at the peak of their procreative powers. This means that the legislator should avoid the coupling, for the needs of procreation, of very young people, and of people who are older than a certain age. By setting all these regulations the lawmaker will ensure that all the children that will be born would be equally potentially good. It seems that he believes that if the procreation is regulated properly, then the children that would be born in the polis would have all the potential to become virtuous men and women. All would be equally gifted by nature in order to become virtuous citizens. Thus, nature would not create any advantage or disadvantage with regard to virtue.

Aristotle knows that men and women become virtuous and excellent because of three things: nature, habit, and reason⁴⁹¹. On the one hand, habituation and teaching through reason will be parts of the public education. On the other hand, the regulations regarding the union of the sexes will ensure that all the newborn that will go through the educational process would be equipped with the necessary natural capabilities, and would not have any natural handicaps. He believes that by setting the proper legislation regarding procreation, and through the proper educational process, the lawmaker will manage to instill virtue in the souls of all the potential citizens of the polis. In doing this, he achieves two goals. First, he promotes the well-being of the individuals and of the polis in total. And second, he makes all the citizens alike and equal in terms of virtue.

Two Readings of the Aristotelian Schema of Books VII and VIII

In books VII and VIII of the *Politics*, Aristotle deals with a number of issues that concern the legislation of a polis. It is clear that the argumentation of books VII and VIII presupposes, in a way, the discussion that takes place in Plato's *Laws*. The fact that Aristotle makes a direct reference to the discussion of the *Laws*, is not incidental⁴⁹². Aristotle is not using the references to the *Laws* in order to present a different or an opposing view. As I see it, Aristotle is imitating in a sense the discussion of the *Laws*. Aristotle has in mind that the constitutional blueprint of the *Laws* concerns the establishing of a new colony⁴⁹³. This means that the Athenian Stranger, and his interlocutors, have a higher degree of freedom than an ordinary lawmaker in establishing a new polis and a new constitution almost from scratch. Aristotle in the context of books VII and VIII is imitating the freedom of the Athenian Stranger and his interlocutors, i.e., the freedom of the settler of a new colony. Aristotle is reserving for himself even greater freedom. For example, the place and the territory of the new colony in the case of Magnesia are given, while Aristotle freely discusses these issues too.

I propose that we should understand the establishing of the “κατ’ ἐὐχὴν” polis of books VII and VIII as analogous to the founding of a new colony⁴⁹⁴. Is this aspect of the discussion that takes place in books VII and VIII important? Or is it a marginal issue? I believe that the fact that we are dealing with a new polis, which will be founded in the future according to the wills of the lawmaker, plays a central role in the discussion of books VII and VIII. Apart from giving the freedom to the lawmaker

to have control over all the constituent elements of the new polis, it serves another purpose. It promotes the equality of the members of the polis too. By proposing the establishing of a new polis from the scratch, Aristotle wants to make sure that no one in the polis could claim superiority in terms of noble birth. He knows that in many poleis there are some citizens who claim superiority based on the value (“ἁξία”) of good birth. They believe that they are superior in terms of birth and lineage. And they argue that this superiority justifies them to claim that they should hold the sovereign power within the polis. Aristotle wants to avoid such a possibility and for that reason he wants to ensure that no one could claim any kind of superiority based on good birth. We have a new polis, and the time of establishing the new constitution is the “time zero” for all the families of the polis. There is no differentiation with regard to lineage, and thus there is no citizen who could claim noble birth, or different at any rate from that of his fellow citizens. By proposing the establishing of a new polis, Aristotle manages to eliminate another reason of inequality. All the citizens of the polis are equal with regard to claims of noble lineage.

One might think that there is another reason that could possibly disturb the equality of the members of the polis. There could be the case that a single man, or a group of men, manages to acquire great power in his, or their hands, and claim that they should hold the sovereign power because of his, or theirs, superiority in power. In that case they could just grab the sovereign power simply by using this power. It seems that this case is not plausible at all in a polis that would be established and governed under the constitutional blueprint of books VII and VIII. This is not

plausible, because it would be impossible for one man, or a small group of men, to manage to gather so much power in his/their hands. The established economic equality, and the fact that all the members of the polis would be part of the hoplites's army of the polis, leaves no room for such a differentiation of power. Hence, the existence of a claim of superiority in terms of power is totally improbable.

As we have already seen, the primary aim of the constitutional blueprint of books VII and VIII is to establish a “multi-dimensional” equality among the citizens. The polis would consist of free men, who would be equal in terms of wealth, power, lineage, and virtue. Aristotle knows very well the various values that could be used for judging the equality of the members of the polis. Having in mind these values, and the corresponding claims for superiority and sovereignty that are based on them, he wants to make sure that none of these values could be used for creating differentiations among the citizens. Regardless of which value is used, all the citizens are alike and equal. Regardless of whether wealth, power, good birth, virtue, or freedom, is taken as the value that would be used for judging the members of the polis, and for claiming sovereignty within the polis, all the citizens are considered as alike and equal.

Why is it so important for Aristotle to ensure that this “multi-dimensional” equality would exist within the polis? Why does he want to present such an egalitarian constitutional blueprint? According to my view, the whole quest of books VII and VIII is an attempt on behalf of Aristotle to find a solution, or an “exit”, to the genuine “ἀπορία” of the claims for sovereignty. We should not forget that in the tenth chapter

of the third book of the *Politics*, Aristotle examines the various possibilities about which should be the sovereign body within the polis. And as I have already said, the Aristotelian quest for the discovery of the appropriate holder of the sovereign power leads to a genuine “ἄπορία”⁴⁹⁵. It is a genuine “ἄπορία” because whichever the evaluative value might be, some kind of injustice would occur within the polis. This would happen because in actual poleis the citizens would be equal with respect to one evaluative value, but they would be unequal with respect to a different evaluative value. Thus the egalitarian constitutional blueprint of books VII and VIII is an attempt on behalf of Aristotle to create a polis that would be consisted of men who would be equal in all terms, regardless of which value would be used for judging them, and in that way eliminate all the sources of injustice⁴⁹⁶. However, I believe that what Aristotle had in mind in the context of books VII and VIII could not apply to actual men, and actual poleis. It would be difficult to imagine that there could exist a lawmaker that would have the same freedom, and the same control over all the elements that he needs to use for the establishing of the polis, with the lawmaker's freedom that is needed for the application of the Aristotelian blueprint. It is for reason that I call Aristotle's attempt a utopian attempt.

In closing we could say that there are two readings of the Aristotelian schema. On the one hand, if we accept, for the needs of our interpretation, the Aristotelian schema that the polis is its citizens, and that the non-citizens inhabitants of the polis are not part of it, we are led to the conclusion that the form of government most appropriate for such a polis should be a kind of democracy. Given that the constitution

and the initial formation of the polis would aim at making all the citizens alike and equal to a great extent, it would be unjust not to allow all of them to equally participate at the administration of the polis.

On the other hand, if we do not accept the Aristotelian schema and claim that it makes no sense to consider that the non-citizens inhabitants of the polis are not part of it, we are obliged to admit that the constitutional arrangement which does not allow a big part of the inhabitants of the polis to have the slightest saying at the public affairs, should by no means be considered a kind of democracy. We could claim that Aristotle is actually establishing two poleis. We are not dealing with a single polis, but with two poleis. The first is the polis of the free citizens, and the second is the polis of the non-citizens. In that case we are obliged to consider that the form of government most appropriate for such a polis should be a kind of aristocracy.

As I see it however, the analysis of Aristotle's arguments of the seventh and eighth book of the *Politics* does not leave any room for claiming that Aristotle considered a certain kind of kingship as the most preferable constitutional form. I believe that the view that Aristotle promotes the establishing of a kind of kingship cannot be supported. P.A. Vander Waert argues that Aristotle prefers a certain kind of kingship⁴⁹⁷. According to his arguments, Aristotle prefers the establishing of a certain kind of kingship, because the rule of a king provides the necessary preconditions for the promotion of a philosophic life for the citizens of the polis⁴⁹⁸. He claims that political engagement is an obstacle to the development of the virtue of the citizens. The first observation that we need to make is that Vander Waert, contrary to what

Aristotle clearly says in books VII and VIII of the *Politics*, claims that political activities should not be considered as activities that take place during the time of leisure of the citizens, but that they are “unleisured” activities. We should not forget that, for Aristotle, political actions are considered as actions that promote the development of virtue and are identified with the happiness of the members of the polis. A second observation concerns the end of the constitutional blueprint of books VII and VIII. Vander Waert claims that the regime of books VII and VIII is “dedicated” to the promotion of the philosophic way of living. This is not correct. The regime of books VII and VIII wants to promote the happiness of the members of the polis, and the happiness of the polis in its totality. This means that the aim is to provide the necessary preconditions so that the members of the polis could act in a virtuous way that would promote their happiness. This could be achieved by performing two kinds of actions: political actions and actions of contemplation. Moreover, even if we accept that the life of philosophy is incompatible with political engagement, Aristotle could not accept this kind of kingship. Aristotle could not accept it because it would violate his definition of justice. It would be totally unjust to submit the contemplating individuals, who would have developed their virtue to a great extent, under the rule of another individual.

Conclusively, it would not be against Aristotle's understanding of the political to argue that the constitutional blueprint of the books VII and VIII is a peculiar kind of democracy. This kind of democracy is realized among the free citizens of the polis, and is based on a multi-dimensional equality. However, the sustenance of the polis is

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based on the exploitation of some others. These non-citizens are not considered as part of the polis, and their existence undermines Aristotle's egalitarian attempt.

Closing Remarks

Closing Remarks

In this Dissertation I examine whether Aristotle's political thought enables us to construct a theory of democracy. By examining this question, I stand in opposition to the established view, which is mostly based on the Aristotelian classification of the constitutions, and which treats Aristotle as an anti-democratic thinker.

The analysis of the citizen and the slave shows that for Aristotle there could exist a just constitution that would enable the citizens of a polis to act morally and participate at its administration, without presupposing the existence of a class of slaves. The sovereign body of the polis would consist of all the citizens, regardless of whether they would have to work and at the same time occupy themselves with domestic occupations. They may have to labour for their living but they would participate at the political life of the polis, and they could all potentially achieve happiness. The Assembly of these citizens, who would not be of a bestial kind, would be the sovereign body. They would not achieve perfect happiness, but their life would not be devoid of it. In addition, the analysis of Aristotle's definition of citizenship highlights the importance of the political participation of all the citizens. In this way the participatory character of the Aristotelian understanding of the political is revealed.

The analysis of the issue of unity enables us to interpret Aristotle's egalitarian understanding of the political. Unity is a presupposition for the happiness and the longevity of the polis, while the partialities which stem from the various inequalities

undermine it. Moreover, the political and moral significance of the participation at the governing of the polis in the context of “ἄρχειν καὶ ἄρχεσθαι” is highlighted.

The analysis of the Aristotelian examination of the views of Phaleas and Hippodamus enables us to have a better understanding of the passages of the *Politics* which concern the “κατ’ εὐχὴν” constitution. In the context of this analysis, we have a first encounter with the Aristotelian examination of the issue of equality or inequality of property, the role of education, and the proper way of organizing the polis. These very same themes reoccur at the end of the *Politics*. Thus, these usually neglected Aristotelian remarks prove to be of great help for the understanding of the constitutional blueprint of books VII and VIII. Aristotle reflects on the proposals of his predecessors and comes up with his own propositions. The views of Phaleas and Hippodamus, in conjunction with the Platonic views that are examined in the previous chapter, set the intellectual context which is very important for the proper interpretation of the Aristotelian views, and which needs to be examined for methodological reasons as well.

The quest for the just constitution presupposes a clear definition of justice. Thus, the analysis of Aristotle's definition of justice enables us to understand his encounter of the various constitutional forms. Justice is understood as political justice. And the implications regarding the active participation in politics are highlighted by the Aristotelian definition of justice as a virtue “πρὸς ἕτερον”.

The analysis of the competitive claims for sovereignty reveals the constitutional forms which, according to Aristotle, could be considered just. The

examination of the conditions which legitimate the many to claim sovereignty reveals another aspect of the participatory and egalitarian character of Aristotle's political thought.

The analysis of Aristotle's encounter of the various constitutions enables us to grasp properly the Aristotelian understanding of the democratic forms of government. The overlapping of the various constitutions is highlighted, and the importance of the criterion of whether the various parts of the polis consider that they suffer injustice is revealed.

The analysis of the constitutional blueprint of books VII and VIII of the *Politics* shows that according to Aristotle the “κατ’ εὐχὴν” constitution would eliminate all kinds of inequality and would establish a multi-dimensional equality. Aristotle attempts to make all the citizens of the polis alike and equal, regardless of the value which would be used for the evaluation of this equality. In doing this he wants to render the conflicting claims for sovereignty void.

In conclusion, I argue that Aristotle's political thought is based on an egalitarian and participatory account of the political. This understanding of the political, seen from a contemporary view, is considered as the core of a democratic thinking and constitutes the basis of a democratic form of government.

NOTES

1) “Die entscheidende Frage stellt sich vielmehr so: Tendiert Aristoteles' politische Philosophie eher zu einer quantitativen Steigerung der Tugend oder eher zu einer qualitativen?” Wolfgang Kullmann, *Aristoteles und die moderne Wissenschaft*, (Stuttgart: Steiner, 1998), p. 398.

2) We could say that Aristotle is trying to avoid the impasse of his definition of justice. It is this effort that has given us some of the most interesting statements of his political philosophy. Nenos Georgopoulos emphasizes the importance of the impasse for philosophy. As he says, it is this impasse, this philosophical "shipwreck", that signals the beginning of philosophizing. "In each Platonic dialogue, the Socratic logos is brought to an impasse. But at this impasse, thought opens to what thought cannot grasp, what the Socratic speech cannot say. It is this openness that makes each Platonic dialogue more than the undeniable failure with which the corresponding Socratic logos closes, an openness to what evokes wonder, signaling the beginning of philosophizing". Nenos Georgopoulos, "Tragic Action", in Nenos Georgopoulos (ed.), *Tragedy and Philosophy*, (London: Macmillan, 1993), p. 118

3) “Today, many of us would reject as "undemocratic" a political system that excluded a half or two-thirds of the adult population from full citizenship, as did the Athenians' [...]”. Robert A. Dahl, *A Preface to Democratic Theory, expanded edition*, (Chicago: The University of Chicago Press, 2006), p. xvi.

4) Aristotle, *Politics*, 1274b 41.

5) Leo Strauss, *The City and Man*, (Chicago: The University of Chicago Press, 1964),

p. 45.

6) Aristotle, *Politics*, 1275b 22 – 24.

7) Aristotle, *Politics*, 1275b 34 – 35.

8) Aristotle, *Politics*, 1275a 7 – 14.

9) Aristotle, *Politics*, 1275a 22 – 23.

10) I have found valuable and have alternatively used, with some changes when needed, the following translations: Aristote, *Les Politiques*, trans. Pierre Pellegrin, (Paris: GF Flammarion, 1993); R. Robinson, *Aristotle's Politics: Books III and IV*, (Oxford: Clarendon Press, 1962); and Aristotle, *The Politics*, trans. T.A. Sinclair, rev. edn. J.T. Saunders, (London: Penguin, 1992).

11) Aristotle, *Politics*, 1275a 28 – 29.

12) Aristotle, *Politics*, 1275a 31 – 32.

13) As Pierre Pellegrin notes: “On voit que, spontanément, alors qu' il mène une recherche générale et qu' il insiste sur le pluralité des types de constitutions, Aristote a tendance à définir la citoyenneté en se référant à la démocratie athénienne”. See Aristote, *Les Politiques*, trans. Pierre Pellegrin, p. 207, n. 12.

14) Aristotle, *Politics*, 1275b 18 – 19.

- 15) See W.L. Newman, *The Politics of Aristotle, with an Introduction, Two Prefatory Essays and Notes Critical and Explanatory*, vol. I, (Oxford: Clarendon Press, 1887 – 1902), p. 230.
- 16) Fred D. Miller Jr., *Nature, Justice, and Rights in Aristotle's Politics*, (Oxford: Clarendon Press, 1995), p. 144.
- 17) See Claude Mossé, “La Conception du Citoyen dans la Politique d' Aristote”, *Eirene*, VI (1967), p. 19.
- 18) For instance, see Fred D. Miller Jr., *Nature, Justice, and Rights in Aristotle's Politics*, p.148 and E. Lévy, “Cité et citoyen dans la Politique d' Aristote”, *Ktema*, No. 5 (1980), p. 241.
- 19) E. Lévy, “Cité et citoyen dans la Politique d' Aristote”, p. 241.
- 20) Aristotle, *Politics*, 1278a 36.
- 21) C. Johnson, “Who is Aristotle's Citizen?”, *Phronesis*, Vol. 29, No. 1 (1984), p. 83.
- 22) Aristotle, *Politics*, 1276b 16 – 18.
- 23) Aristotle, *Politics*, 1277b 25 – 26.
- 24) Aristotle, *Politics*, 1276b 30 – 31.
- 25) Aristotle, *Politics*, 1277a 33.

26) Aristotle, *Politics*, 1277b 8 – 9.

27) Aristotle, *Politics*, 1277b 13 – 15.

28) See D. Frede, “Citizenship in Aristotle's *Politics*”, in R. Kraut & S. Skultety (eds.), *Aristotle's Politics: Critical Essays*, (Lanham: Rowman & Littlefield, 2005), pp. 172 – 3.

29) Ibid., p. 173.

30) “The polis is naturally prior to the household and to each one of us. It is necessary that the whole is prior to the part: if it is separated from the whole there is no leg or hand, but only in name, as one made of stone is called such”. Aristotle, *Politics*, 1253a 19 – 22.

31) As he characteristically says, “οἰκία δὲ τέλειος ἐκ δούλων καὶ ἐλευθέρων”. Aristotle, *Politics*, 1253b 5.

32) “ἀνάγκη δὴ πρῶτον συνδυάζεσθαι τοὺς ἄνευ ἀλλήλων μὴ δυναμένους εἶναι”. Aristotle, *Politics*, 1252a 25 – 26.

33) Aristotle, *Politics*, 1253b 8 – 9.

34) “Others say that it is contrary to nature to rule as master over slave, because the distinction between slave and free is one of convention only, and in nature there is no difference, so that this form of rule is based on force and is therefore not just”.

Aristotle, *Politics*, 1253b 20 – 23.

35) For the sophistic movement, see G.B. Kerferd, *The Sophistic Movement*, (Cambridge: Cambridge University Press, 1981), and W.K.C. Guthrie, *The Sophists*, (Cambridge: Cambridge University Press, 1971).

36) “Ἐλευθέρους ἀφῆκε πάντας θεός· οὐδένα δοῦλον ἢ φύσις πεποίηκεν”. See, W.L. Newman, *The Politics of Aristotle, with an Introduction, Two Prefatory Essays and Notes Critical and Explanatory*, vol. I, p. 141; and also W.K.C. Guthrie, *The Sophists*, p. 159. Newman seems to believe that Aristotle, in *Politics* 1253b 20 – 23, refers to this saying of Alcidas, but notes that Zeller thinks that “Aristotle 'is not referring to Alcidas specially' in this passage of the *Politics*”. Ibid., p. 141. There are not many biographical information about Alcidas. Of the few information we have, we know that he must have been a disciple of Gorgias.

37) W.L. Newman, *The Politics of Aristotle, with an Introduction, Two Prefatory Essays and Notes Critical and Explanatory*, vol. I, p. 143.

38) “In Book I of the *Politics*, Aristotle develops a theory of natural slavery that is intended to serve two purposes: to secure the morality of enslaving certain human beings and to provide the foundation for the uses of slaves that he advocates in later books”. Nicholas D. Smith, “Aristotle's Theory of Natural Slavery”, in David Keyt and Fred D. Miller, Jr, (eds.), *A Companion to Aristotle's Politics*, (Oxford: Blackwell, 1991), p. 142.

39) R.G. Mulgan claims that Aristotle's theory of natural slavery is "radically incoherent". He believes that Aristotle's aim was to provide a justification for the existence of slaves, even if he had to present a theory which is incoherent and not very convincing. And speculates that Aristotle was aware of the inconsistencies of his theory, but considered them as "minor difficulties" that did not undermine his theory as a whole. R.G. Mulgan, *Aristotle's Political Theory: An Introduction for Students of Political Theory*, (Oxford: Clarendon Press, 1977), p. 44. As Nicholas D. Smith characteristically says, contemporary interpreters and commentators almost unanimously believe that Aristotle fails in providing convincing arguments and a sound theory. According to Smith, one can find only one exception to this "rule". This exception is W.W. Fortenbaugh's article "Aristotle on Slaves and Women", published in J. Barnes, M. Schofield, and R. Sorabji (eds.), *Articles on Aristotle 2: Ethics and Politics*, (London: Duckworth, 1977), and reprinted in W.W. Fortenbaugh, *Aristotle's Practical Side*, (Leiden: Brill, 2006). See, Nicholas D. Smith, "Aristotle's Theory of Natural Slavery", p. 142. Fortenbaugh claims that "Aristotle's view of slaves and women is neither the sophistry of a prejudiced Greek male enjoying a privileged position nor simply the product of a misguided biologist who assumes uncritically that nature's way is identical with the status quo". W.W. Fortenbaugh, "Aristotle on Slaves and Women", p. 135.

40) W.L. Newman, *The Politics of Aristotle, with an Introduction, Two Prefatory Essays and Notes Critical and Explanatory*, vol. I, p. 139.

41) Aristotle, *Politics*, 1253b 29.

42) R.G. Mulgan, *Aristotle's Political Theory: An Introduction for Students of Political Theory*, p. 43.

43) It is interesting to note that this negative attitude toward every kind of manual labour is not an inherent element of the Greek civilization from its beginning. Rather it developed gradually. It is difficult to detect a specific historical moment that coincides with the development of this attitude. Robert Schlaifer, who deals insightfully with this issue, argues that we could track its origins at the descent of the Dorian tribes. R. Schlaifer, "Greek Theories of Slavery from Homer to Aristotle", *Harvard Studies in Classical Philology*, vol. 47 (1936), p. 172.

44) "The idea that certain occupations were menial and beneath the dignity of a freeman [...] is the chief cause of the Greek attitude toward slaves which resulted in the most commonly held of all the later theories, that of the natural slave". Ibid., p. 171.

45) H. Kelsen is wrong in believing that Aristotle is "concerned with the justification of slavery as an economic institution", though he says that this is not his main concern. However he is right in understanding that Aristotle's analysis "is rather of a political than of an economic character". H. Kelsen, "Aristotle and Hellenic-Macedonian Policy", in J. Barnes, M. Schofield, and R. Sorabji (eds.), *Articles on Aristotle 2: Ethics and Politics*, (London: Duckworth, 1977), p. 173.

46) G.E.M. De Ste. Croix, *The Class Struggle in the Ancient Greek World: From the Archaic Age to the Arab Conquests*, (London: Duckworth, 1981), greek translation, *Ο Ταξικός Αγώνας στον Αρχαίο Ελληνικό Κόσμο: Από την Αρχαϊκή Εποχή ως την Αραβική Κατάκτηση*, (Athens: Κέδρος, 1986), p. 165.

47) My analysis presupposes, in a way, the methodological tools of the classical political economy.

48) Ellen Meiksins Wood, *Peasant – Citizen and Slave: The Foundations of Athenian Democracy*, (London: Verso Books, 1989), especially pp. 42 – 80. Ellen Meiksins Wood cites a number of other sources, which I selectively quote. An example of those who provide arguments in support of the thesis that the use of slaves at the agricultural domain was restricted are: Chester G. Starr, “An Overdose of Slavery”, *JEH* 18 (1958), pp. 17-32; A.H.M. Jones, *Athenian Democracy*, (Oxford: Blackwell, 1957), pp. 10-20; Gert Audring, “Grenzen der Konzentration von Grundeigentum in Attika während des 4. Jh. v. u. Z.”, *Klio* 56 (1974), pp. 445 – 446. Contrasting arguments are presented by Michael H. Jameson, “Agriculture and Slavery in Classical Athens”, *CJ* 73 (1977), pp. 122 – 141; and, the previously quoted, G.E.M. De Ste. Croix, *The Class Struggle in the Ancient Greek World: From the Archaic Age to the Arab Conquests*.

49) Ellen Meiksins Wood, *Peasant – Citizen and Slave: The Foundations of Athenian Democracy*, p. 80.

50) Thus, we could claim that the two main classes of the social formation of ancient Athens were the small farmers, on the one hand, and the wealthy landowners, on the other.

51) “To ensure a really large surplus for a long period, the bulk of the primary producers must either be made to give unfree labour, under the constraint of slavery or serfdom or debt bondage, or they must be driven to sell their labour power for a wage”. G.E.M. De Ste. Croix, *The Class Struggle in the Ancient Greek World: From the Archaic Age to the Arab Conquests*, p. 53.

52) Ellen Meiksins Wood, *Peasant – Citizen and Slave: The Foundations of Athenian Democracy*, pp. 64 – 67.

53) “In ancient times in fact the manual workers in some states consisted of slaves or aliens, and for that reason many of the manual workers are so even now”. Aristotle, *Politics*, 1278a 7 – 8.

54) “Now the tools mentioned are instruments of production, whereas an article of property is an instrument of action; for from a shuttle we get something else beside the mere use of the shuttle, but from a garment or a bed we get only their use. And also inasmuch as there is a difference in kind between production and action, and both need tools, it follows that those tools also must possess the same difference. But life is doing things, not making/producing things; hence the slave is an assistant in the class of instruments of action/the slave is a servant that ministers the actions”. Aristotle,

Politics, 1254a 1 – 9.

55) It is right to say that the property of a man, conceived as a whole, is a practical tool. However, I believe that we should not consider by analogy that all the tools and the possessions that make up the property of a man should be considered as practical tools as well. For example, the horse and the plow which are used for the cultivation of the land are productive tools, and Aristotle would categorize them as such. Thus, it is not contradictory to say that the property, which is a sum of tools (ἡ κτήσει πλῆθος ὀργάνων ἐστὶ), when considered as an entity is a practical tool which is comprised of practical and productive tools as well.

56) Augustos Bayonas seems to have grasped the importance of this passage; he does indeed refer to it. He seems also to be aware of the fact that the dominant sector of the ancient economy was the agricultural one. Yet, he is not willing to abandon the thesis that Aristotle developed his theory of natural slavery in order to justify the use of slaves in all the manual occupations, and to justify the appropriation of the wealth that is produced from their labour, and tries, I believe without success, to support it. He claims that the agricultural work should not be considered as a productive process. For him the agricultural works are only in name productive works – “superficially/on the surface” productive, as he calls them. Thus, he argues that by categorizing the slaves as practical tools, Aristotle does not exclude the use of slaves in the agricultural sector of the economy. Bayonas's interpretation is based on his understanding of the practical and the productive works. He believes that for Aristotle the productive works

are these works that have an element of creativity. The productive tools are used for the creation of something new. Hence, the Aristotelian account of slavery does not exclude the use of slaves at the agricultural works. Augustos Bayonas, “Ἡ περὶ δουλείας θεωρία τοῦ Ἀριστοτέλους”, in A. Bayonas, *Ἐλευθερία καὶ Δουλεία στὸν Ἀριστοτέλη*, (Thessaloniki: Ζήτρος, 2003), p. 84.

57) “for happiness (eudaimonia) is an action”. Aristotle, *Politics*, 1325a 32.

58) “it is clear that it is not always true that some are slaves by nature and others free, yet this distinction does in some cases actually exist – cases where it is expedient [and just] for the one to be master, the other to be slave”. Aristotle, *Politics*, 1255b 5 – 9.

59) “in all cases the ruler and the ruled appear”. Aristotle, *Politics*, 1254a 30.

60) “ἡ μὲν γὰρ ψυχὴ τοῦ σώματος ἄρχει δεσποτικὴν ἀρχὴν, ὁ δὲ νοῦς τῆς ὀρέξεως πολιτικὴν ἢ βασιλικήν: ἐν οἷς φανερόν ἐστιν ὅτι κατὰ φύσιν καὶ συμφέρον τὸ ἄρχεσθαι τῷ σώματι ὑπὸ τῆς ψυχῆς, καὶ τῷ παθητικῷ μορίῳ ὑπὸ τοῦ νοῦ καὶ τοῦ μορίου τοῦ λόγον ἔχοντος, τὸ δ’ ἐξ ἴσου ἢ ἀνάπαλιν βλαβερόν πᾶσιν”. Aristotle, *Politics*, 1254b 4 – 9.

61) Aristotle, *Politics*, 1254b 19 – 20.

62) “He who can belong to another (and belongs to another), and he who partakes in reason so far as to apprehend it but not to possess it, is a slave by nature”. Aristotle, *Politics*, 1254b 21 – 23.

63) “For that which can use its intellect to look ahead is by nature ruler and by nature master, while that which has the bodily strength to labour is ruled, and is by nature a slave”. Aristotle, *Politics*, 1252a 31 – 33.

64) Aristotle, *Politics*, 1255b 11 – 12.

65) As W.W. Fortenbaugh says, Aristotle's remarks on slavery threaten “the very humanity of slaves”. W.W. Fortenbaugh, “Aristotle on Slaves and Women”, p. 135. Olof Gigon notes, “es ergibt sich allerdings, dass wir mit zwei Menschentypen zu rechnen haben, von denen der eine ganz durch die *διάνοια*, der andere ganz durch das *σῶμα* bestimmt ist. Damit kommt schon hier das Problem in Sicht, wie eine derartige Spannweite in den Grenzen des Eidos Mensch überhaupt Platz hat”. Olof Gigon, “Die Sklaverei bei Aristoteles”, in Fondation Hardt (ed.), *La “Politique” d' Aristote, Entretiens sur l' Antiquité classique, tome XI*, (Vandœuvres/Genève: Fondation Hardt, 1965), p. 249.

66) Ernest Barker, *The Political Thought of Plato and Aristotle*, (New York: Russel & Russel, 1959), p. 365. See also, Nicholas D. Smith, “Aristotle's Theory of Natural Slavery”, p. 144.

67) See, for instance, W. Ambler, “Aristotle on Nature and Politics: The Case of Slavery”, *Political Theory*, Vol. 15, No. 3 (1987), pp. 390 – 410.

68) Aristotle, *Politics*, 1254b 21 – 23.

- 69) “the slave is a living [with a soul] possession”. Aristotle, *Politics*, 1253b 32.
- 70) Aristotle, *Politics*, 1254b 5.
- 71) See also, Nicholas D. Smith, “Aristotle's Theory of Natural Slavery”, p. 146. Others have argued that it is contradictory to believe that the slaves do not possess reason, on the one hand, but, on the other, to claim that they can perceive it. See for instance Robert Schlaifer, “Greek Theories of Slavery from Homer to Aristotle”, p. 193. Fortenbaugh believes that “there is nothing inconsistent or precarious in this thesis”. He argues that Aristotle, based on his theory of the bipartite soul, believes that slaves possess only the one part of the soul, the emotional part, and act emotionally, and that the possession of this part of the soul qualifies the person to perceive “reasoned admonition”. W.W. Fortenbaugh, “Aristotle on Slaves and Women”, p. 136.
- 72) Only the meaning of the expression regarding the reality of things that exist under the moon can be found in the Aristotelian corpus; the expression itself was coined by the medieval commentators of Aristotle.
- 73) “nature wants to do this many times, but cannot”. Aristotle, *Politics*, 1255b 4. For an analysis of the Aristotelian view that the sphere of the things that exist under the moon is not the sphere of necessity, see Ingemar Düring, *Aristoteles*, (Heidelberg: C. Winter, 1966), Greek translation, *Ο Αριστοτέλης: Παρουσίαση και Ερμηνεία της Σκέψης του*, Β' τόμος, (Athens: Μορφωτικό Ίδρυμα Εθνικής Τράπεζας, 2003), pp. 340 – 341.

74) Some argue that the idea of equality among men was emphatically introduced with the emergence of the Christian religion. It is only with the appearance of Christianity that the idea of equality becomes widespread. It is the idea that all men could be saved and go to the Christian Paradise that has affected the global “unconsciousness”. Based on this belief, the assumption that all men are equal, in a way at least, naturally occurs. But I believe that the idea – or to express it in other words, the “utopia” – of the equality among men haunts the thought of Plato and to a great extent the thought of Aristotle. Aristotle's assumption that men are not all equal is not an ideal for him, but a conclusion which derives from his observation and analysis of human societies. And, in a way, one of the main goals of his political thought is to blunt and, to the extent that it is possible, to eliminate the inequalities among the members of a polis; or at least to render them less extreme. This Aristotelian interest about equality does not concern all human beings but only the Greeks who are members and citizens of a polis. For the argument that it is with Christianity that the idea of equality among men comes to the foreground, see, for instance, John Gray, *Straw Dogs*, (London: Granta Books, 2002), p. 4.

75) “τοὺς δὲ γεωργήσοντας μάλιστα μέν, εἰ δεῖ κατ’ εὐχὴν, δούλους εἶναι, μήτε ὁμοφύλων πάντων μήτε θυμοειδῶν (οὕτω γὰρ ἂν πρὸς τε τὴν ἐργασίαν εἶεν χρήσιμοι καὶ πρὸς τὸ μηδὲν νεωτερίζειν ἀσφαλεῖς), δεύτερον δὲ βαρβάρους περιοίκους παραπλησίους τοῖς εἰρημένοις τὴν φύσιν”. Aristotle, *Politics*, 1330a 26 – 30.

76) One might think that it is a little bit strange that Aristotle chooses to discuss and criticize these issues and decides to leave aside other important aspects of the *Republic*, such as Socrates' proposal for the rule of the philosopher-king. See, for instance, Arlene W. Saxonhouse, "Family, Polity & Unity: Aristotle on Socrates' Community of Wives", *Polity*, Vol. 15, No. 2 (Winter, 1982), p. 210. Strauss's argument on this issue is a powerful one. "Since the rule of philosophers is not introduced as an ingredient of the just city but only as a means for its realization, Aristotle legitimately disregards this institution in his critical analysis of the *Republic*". See, Leo Strauss, *The City and Man*, (Chicago: Chicago University Press, 1964), p. 122. For a different reading of the *Republic*, see, Nenos Georgopoulos, "La République de Platon", *Les Temps Modernes*, No. 547 (1992), pp. 21 – 41, and Nenos Georgopoulos, "Η Πολιτεία του Πλάτωνα και οι Πολιτείες του Αριστοφάνη", *Ελληνική Φιλοσοφική Επιθεώρηση*, Vol. 22 (2005), pp. 152 – 174.

77) Saunders faultily argues that "[Aristotle] ignores the fact that the community of wives in the Republic is not meant to be practised by the whole state, but only by the two upper classes (the 'Guardians'), for special and particular reasons (eugenics and to remove temptations of selfishness and rivalry from their path)". See, Trevor J. Saunders, *Aristotle: The Politics*, (London: Penguin, 1992), p. 103. Canto-Sperber also wrongly remarks that "[...] Aristote ne mentionne pas le fait que cette unité ne définit que la classe des gardiens (et donc que les moyens de la réaliser ne s'appliquent qu'à cette seule et unique classe)". See, Monique Canto-Sperber, "L'Unité de l'État et les Conditions du Bonheur Public", in Pierre Aubenque (ed.), *Aristote*

Politique: Etudes sur la Politique d'Aristote, (Paris: Presse Universitaires de France, 1993), p. 50. For a similar view, see, R.F. Stalley, "Aristotle's Criticism of Plato's Republic", in David Keyt and Fred D. Miller (eds.), *A Companion to Aristotle's Politics*, (Oxford: Blackell, 1991), p. 182.

78) Aristotle, *Politics* II, 1264a 11 – 18.

79) "the greatest possible oneness of the entire state, as allegedly best". Aristotle, *Politics* II, 1261a 15 – 16.

80) "For a state is by nature a plurality of some sort". Aristotle, *Politics* II, 1261a 18 – 19.

81) Socrates argues that the more a polis is like an individual man the closer it is to the ideal. See, Plato, *Republic*, 462c – d. As Simpson writes: "It is Aristotle's studied brevity here that gives many commentators the impression that he has misunderstood what Socrates means by unity". They argue that what Aristotle understands by unity is a kind of oneness with regard to numerical unity, while what Socrates has in mind is a kind of oneness of sentiment. See, Peter Simpson, "Aristotle's Criticisms of Socrates' Communism of Wives and Children", *Apeiron*, Vol. 24, No. 2 (June, 1991), pp. 103 – 104. From Aristotle's analysis I believe that it is clear that in the second chapter of the second book of *Politics* he speaks of unity in a sense of oneness of character and functions. The polis for its preservation needs people of different character and abilities who would perform in the best possible way the various functions needed. Aristotle, *Politics* II, 1261a 22 – 23.

82) Aristotle, *Politics* II, 1261a 20 – 21. Barker uses the term “dwarf”, to describe the process of transforming the polis into a single unit. “[...] as Plato himself dwarfs his State into a family or clan, so in strict logic, for perfection's sake, it should be dwarfed from a family into a single individual”. See, Ernest Barker, *The Political Thought of Plato and Aristotle*, (New York: Russell & Russell, 1959), p. 233.

83) Aristotle, *Politics* II, 1261b 3 – 5.

84) Aristotle, *Politics* II, 1261b 12 – 15. Stalley argues that when Aristotle is speaking about self-sufficiency he is not having in mind only the fact that for a polis to be self-sufficient it is needed that its members perform different functions and tasks, so as to make sure its independent survival, but also that at the same time this differentiation is a differentiation in a sense of character. Various and different people should exist within the polis so that various types of relationships could exist. Plurality ensures the various forms of human interaction that contribute to the well living. “They need to be distinct in order to have the different kinds of relationships with one another that make life worth living. [...] The plurality of the city is precisely what makes it valuable”. See, R.F. Stalley, “Aristotle's Criticism of Plato's Republic”, p. 190.

85) “that the possession of wives and marriage, and the procreation of children and all that sort of thing should be made as far as possible the proverbial goods of friends that are common”. Plato, *Republic*, 423e – 424a.

86) “ἔχομεν οὖν τι μείζον κακὸν πόλει ἢ ἐκεῖνο ὃ ἂν αὐτὴν διασπᾷ καὶ ποιῇ πολλὰς ἀντὶ μᾶς; ἢ μείζον ἀγαθὸν τοῦ ὃ ἂν συνδῇ τε καὶ ποιῇ μίαν; οὐκ ἔχομεν”.

Plato, *Republic*, 462a – b.

87) Plato, *Republic*, 462c.

88) Aristotle, *Politics* II, 1261b 31.

89) Aristotle, *Politics* II, 1261b 37 – 40.

90) For example, see, Plato, *Republic*, 460c – d.

91) Aristotle, *Politics* II, 1262a 14 – 24.

92) Aristotle, *Politics* II, 1262b 7 – 9.

93) As Dobbs notes, “Aristotle objects to Socrates' proposals, not fundamentally because of their consequences for the maximization of economic productivity or even because of their apparent impracticability; Aristotle contests Socratic communism rather because of its corrosive effect on political cohesion or community”. See, Darrel Dobbs, “Aristotle's Anticommunism”, *American Journal of Political Science*, Vol. 29, No. 1 (Feb., 1985), p. 32. I would like to mention that Dobbs, as other contemporary scholars also do, being deeply embedded in the modern conflict, that had its peak during the Cold-War era, between the advocates of private property institutions, on the one hand, and of a communistic settlement of the economy, on the other, over-emphasize some aspects of Aristotle's critique of Socrates' proposals so as to recruit Aristotle at the contemporary anti-communistic camp. See, for instance, *Ibid.*, p. 32. Mayhew argues that in the first five chapters of the second book of *Politics*, Aristotle's main goal was to openly criticize and refute the communistic – as Mayhew names

them – ideas of Plato. He writes: “[...] communistic ideas were in the air – a part of intellectual debate (perhaps most of all in the Academy) – and Aristotle wanted to refute them”. See, Robert Mayhew, *Aristotle's Criticism of Plato's Republic*, (Lanham: Rowman & Littlefield, 1997), p. 8. I avoid the use of the terms communism and anticommunism for being nowadays conceptually charged, and because I do not find them appropriate for the context of an analysis of ancient Greek thought.

94) Friendship is an important and necessary external good which is a presupposition for the well being (εὐδαιμονία) of an individual within a polis (and for some of them, those pursuing a philosophical life, not even a necessary presupposition for εὐδαιμονία). It is also an element that keeps the polis united. Friendship is not an aim in itself. See, Aristotle, *Nicomachean Ethics*, 1099b 1 – 6; and for philosophy as a means for achieving happiness without the need of others, see, Aristotle, *Politics*, 1267a10 – 13. I believe that Stalley is wrong when he argues that for Aristotle friendship is the main *raison d' être* of a polis. He writes: “[Friendship] is [...] a main reason for its existence. [...] the city is to be valued as providing the context for friendship”. See, R.F. Stalley, “Aristotle's Criticism of Plato's Republic”, p. 193.

95) One could ask: Does a lover's feelings about the object of his love and desire are stronger when he has an exclusive access to that object, or do they become stronger and more passionate when an Ibsenic triangle does exist? Did Menelaus' love and desire for Helen was stronger before or after the appearance of Paris in their life? I would like to mention here Santayana's claim that “Neither of her two husbands loved

or understood her. Menelaus because he was a dullard, and Paris because he was a rake, approached her as they would have approached any other woman, and they found no great pleasure in her society”. See, George Santayana, *Soliloquies in England and Later Soliloquies*, (London: Constable and Company, 1922), p. 237.

96) “There are two things which particularly cause human beings to cherish and feel affection: the private and the delectable”. Aristotle, *Politics* II, 1262b 22 – 24.

97) Saxonhouse, for instance, argues that “Aristotle [...] sees the oikos as tying the individual to the community, the polis. To destroy the oikos is to destroy the attachments to particular others on which the security of the whole is based”. See, Arlene W. Saxonhouse, “Family, Polity & Unity: Aristotle on Socrates' Community of Wives”, p. 203.

98) As Saunders notes: “In historical states, precisely because friendships were private and particularized (X is my friend, Y is not), the most sanguinary conflicts arose between competing groups whose respective members were, precisely, friends”. See, Trevor J. Saunders, *Aristotle, Politics, Books I and II*, (Oxford: Oxford University Press, 1995), p. 115.

99) In Aeschylus' trilogy *Oresteia* we can find a dramatical expression of the ancient Greek ethos regarding this issue: patricide and matricide were considered an odious crime in ancient Greece. Orestes kills his mother Clytemnestra so as to revenge the assassination of his father, Agamemnon. For committing matricide he is haunted and tortured by the Erinyes, the mythical goddesses who were responsible, among other

things, for punishing those committing blood crimes. See, Aeschylus, *Libation Bearers*, 1021 – 1050.

100) Aristotle, *Politics* II, 1262a 34 – 35, and Plato, *Republic*, 461e.

101) Plato, *Republic*, 461c – d.

102) Plato, *Republic*, 460e – 461c.

103) “But when, I take it, the men and the women have passed the age of lawful procreation, we shall leave them free to form such relations with whomsoever they please”. See, Plato, *Republic*, 461b – c.

104) Plato, *Republic*, 402d – 403c.

105) Plato, *Republic*, 423c – d.

106) Aristotle, *Politics* II, 1262b 29 – 35.

107) Aristotle, *Politics* II, 1262b 39 – 40.

108) Plato, *Republic*, 416d.

109) See, Fred D. Miller Jr, “Property Rights in Aristotle”, in Richard Kraut and Steven Skultety, *Aristotle's Politics: Critical Essays*, (Lanham: Rowman & Littlefield, 2005), p. 132.

110) See, Robert Mayhew, “Aristotle on Property”, *Review of Metaphysics*, Vol. 46, No. 4 (June, 1993), p. 804. Mayhew gives the following example: “This horse is mine, but I share it with (that is, make it common to) my friend”. See, *Ibid.*, p. 804.

111) “and the present system, if further improved by good morals and by the regulation of correct legislation, would be greatly superior”.

112) I believe that Miller's remark that “[Aristotle] takes into account three property schemes: (i) private property, common use; (ii) common property, private use; and (iii) common property, common use” is erroneous and is not in accordance with the text of *Politics* II. See, Fred D. Miller Jr, “Property Rights in Aristotle”, p. 132; and Fred D. Miller Jr, *Nature, Justice , and Rights in Aristotle's Politics*, (Oxford: Clarendon Press, 1995), p. 321.

113) “A different system and an easier one would be if the land is worked by others”. See, Aristotle, *Politics* II, 1263a 9 – 10.

114) See, Aristotle, *Politics* II, 1263a 11 – 14. Mayhew is right in arguing that Aristotle does not refer to potential disagreements and factions between the members of the class of the Guardians, on one hand, and the members of the class of the farmers and skilled workers, on the other, due to these feelings of injustice. But, I believe that he is wrong in saying that this criticism refers to the possibility of disagreements and factions among the members of the class of the farmers and skilled workers, and that “would more plausibly apply to any kind of communism of property”. I hold the view that in this passage of the second book of the *Politics*, Aristotle is making a remark that has to do with all the systems of communal property, not only the relations among the members of the class of the farmers and skilled workers, and that the mentioned problems are inherit to them. It is a general

remark and it is not our task to apply it further. See, Robert Mayhew, “The Communism of Property: A Note on Aristotle, *Politics* 1263a 8 – 15”, *The Classical Quarterly*, New Series, Vol. 45, No. 2 (1995), p. 568 and n. 9.

115) See, Aristotle, *Politics* II, 1263b 28.

116) See, Aristotle, *Politics* II, 1263b 20 – 22.

117) “for it is in the use made of possessions that liberality [generosity] has its function”. See, Aristotle, *Politics* II, 1263b 13 – 14.

118) Mayhew's interpretation seems contradictory. On one hand, he acknowledges that the sharing of ones property, for Aristotle, is an outcome of voluntary action, and that “the power to dispose of property – even to allow others to use it in common – must reside with the owner”. But, on the other hand, he argues that Aristotle is an advocate of a system of private property and common use of it and of its products, which presupposes the existence of specific legislation that regulates the way the property and its products would be commonly used regardless the individual will and choice of each person. The example he gives for how he understands the system of private property and common use of it and of its products is not very convincing that this is what is for Aristotle the best way to regulate the issue of property. He argues that “they [the lawmakers] could establish laws that make it impossible for the owner of a horse, say, to bring to court someone who uses his horse in the way described by Xenophon [that is, somebody in need of a horse can take a horse that he finds, use it properly, and then restore it, without having to ask the owner of the horse]”. In such

an occasion, there is no voluntary action or freedom of choice on behalf of the owner of the property. See, Robert Mayhew, “Aristotle on Property”, p. 819 – 820.

119) “Clearly then it is better for property to be private, but for its use to be communal. It is a particular task of a lawgiver to see that people are so disposed”. See, Aristotle, *Politics* II, 1263a 37 – 39. Canto-Sperber does not take into account the fact that such an arrangement is for Aristotle a special case, and is wrong in assuming from this passage that Aristotle proposed the common use of property and of its products as the best way of arranging property. “Aristote propose ainsi que la possession (ktesis) soit privée et l'usage (khresis) commun (*Pol.*, II, 5, 1263 a 38 – 39). L'usage de la terre sera donc rendu commun à titre amical, à condition qu'aucun citoyen ne soit dépourvu de moyens de subsistance et que la terre n'appartienne qu'aux citoyens”. See, Monique Canto-Sperber, “L'Unité de l'État et les Conditions du Bonheur Public”, p. 66.

120) Miller summarizes Aristotle's criteria for evaluating a system of regulating property in the following list: “(1) It does not give rise to quarrels and complaints; (2) It leads to improvement in the care devoted to the property; (3) It facilitates friendship; (4) It fosters natural pleasures, in particular self-love; (5) It makes possible the exercise of virtues such as generosity and moderation”. See, Fred D. Miller Jr, “Property Rights in Aristotle”, p. 132.

121) T.H. Irwin, “Aristotle's Defence of Private Property”, in David Keyt and Fred D. Miller Jr, *A Companion to Aristotle's Politics*, (Oxford: Blackwell, 1991), p. 214.

122) Irwin acknowledges that for Aristotle, “[...] the right use of it [private property] strengthens the friendship that is needed to maintain concern for the common interest”. But, he argues that private property encourages “the natural tendency to greed, cupidity, and competition”. Thus, according to him “the abolition of private property might seem a small price to pay for their removal”. See, T.H. Irwin, *Aristotle's First Principles*, (Oxford: Clarendon Press, 1988), p. 465. I believe that Aristotle would answer in the following way: Greed is natural and inherent to human nature. By abolishing private property the lawmaker might achieve to diminish competition in the field of material possessions, but greed would be expressed, and possibly in an intensified way, in other fields of human interaction. For instance, people would express their greed and enter in a competition in acquiring honors.

123) “he makes available some things to be used by his friends, while he has the use of others communally” and “common are the goods of friends”. See, Aristotle, *Politics* II, 1263a 33 – 34 and 1263a 29.

124) “every man has affection for himself: nature meant this to be so”. See, Aristotle, *Politics* II, 1263a 41 – 1263b 2.

125) “ἔτι δὲ καὶ τὴν εὐδαιμονίαν ἀφαιρούμενος τῶν φυλάκων”. Aristotle, *Politics* II, 1264b 15 – 16.

126) See, T.H. Irwin, “Aristotle's Defence of Private Property”, pp. 223 – 224.

127) Ibid., p. 224.

128) Mayhew is also critical of Irwin's claims, but on a different basis. He argues that

Irwin's claims, that there is no need of private property for the exercise of generosity, fail to convince because it is not the same to give away your own property and to give away the communal property. The individual member of the polis does not feel that the communal property is somehow his own property. "I cannot feel for the community's resources what I feel for myself and my own things; I cannot really regard the former as my own. [...] Therefore, I shall indeed need my own resources if I am to act generously". See, Robert Mayhew, "Aristotle on Property", p. 814 – 815. Miller presents both Irwin's and Mayhew's arguments and takes side with the latter. See, Fred D. Miller Jr, "Property Rights in Aristotle", pp. 134 – 135.

129) See, Aristotle, *Politics* II, 1264a 13 – 16. Mayhew suggests that there are some passages in the *Republic* which indicate that Socrates proposed community of wives, children, and property for both of the classes in his ideal polis, while there are others indicating the exactly opposite. Thus, for Mayhew, Aristotle is right in saying that it is not clear how Socrates wanted to regulate the life of the members of the class of farmers and skilled workers. See, Robert Mayhew, "Aristotle on the Extend of the Communism in Plato's Republic", *Ancient Philosophy*, Vol. 13 (1993), pp. 313 – 321.

130) "[...] the guardian's way of life separates them so sharply from the productive class that social and psychological disunity within the whole state seems bound to increase". See, T.H. Irwin, "Aristotle's Defence of Private Property", p. 208.

131) Aristotle, *Politics* II, 1264a 17 – 29.

132) W.L. Newman, *The Politics of Aristotle, vol. II*, (Oxford: Oxford University

Press, 1950; 1st ed. 1887), p. 230.

133) See, Cornelious Castoriadis, *Philosophy, Politics, Autonomy: Essays in Political Philosophy*, (Oxford: Oxford University Press, 1991), p. 105. The French translation of this quote and of the passages discussed in the following paragraphs can be found in Cornelious Castoriadis, *Domaines de l' Homme: Carrefours de Labyrinth II*, (Paris: Seul, 1986).

134) Ibid., p. 105.

135) Ibid., p. 106.

136) αὐτονομία (of a state): freedom to use its own laws, independence; αὐτόνομος: living under one's own laws, independent, of persons and states. See, Henry George Liddell and Robert Scott, *A Greek-English Lexicon*, (revised and augmented throughout by Sir Henry Stuart Jones, with the assistance of Roderick McKenzie), (Oxford: Clarendon Press, 1940).

137) See, Stephen Taylor Holmes, “Aristippus in and out Athens”, in Richard Kraut and Steven Skultety, *Aristotle's Politics: Critical Essays*, (Lanham: Rowman & Littlefield, 2005), p. 8. Holmes argues that this “priority” of the polis over the individual is a characteristic element of the political philosophy both of Plato and Aristotle, and that this “priority” was a historical reality deeply rooted in the ancient Greek culture and ethos. “The 'priority' of the polis over the individual, in point of fact, was not invented by philosophers”. See, Ibid., p. 12.

138) Aristotle arguments in a similar way with regard to happiness. Aristotle, *Politics*

II, 1264b 19 – 22.

139) Aristotle, *Politics* II, 1264b 6 – 9.

140) Plato, *Republic*, 468b – c.

141) “We have seen in Plato and Aristotle two very different views of personal self-respect and its social conditions. One stresses the need for control and order; the other is willing to tolerate a certain amount of disorder for the sake of autonomy”. See, Martha Craven Nussbaum, “Shame, Separateness, and Political Unity”, in Amélie Oksenberg Rorty (ed.), *Essays on Aristotle's Ethics*, (Berkeley: University of California Press, 1980), p. 422.

142) *Ibid.*, pp. 407 – 410.

143) *Ibid.*, p. 415.

144) This “discussion” of the “theoretical”, we could say, constitutions – which takes place in the second book of the *Politics* and also includes Aristotle's critique of some aspects of Plato's *Republic* and *Laws* – is only one part of his analysis. In the second part of the second book he puts under the strain of his critique the “historical” and existing constitutions of Sparta, Crete, and Carthage.

145) It is interesting to notice that we have no other source referring to Phaleas apart from Aristotle's reference, and we have no other access to Phaleas' writings or teachings. See Trevor J. Saunders' comment at Aristotle, *The Politics*, (London: Penguin, 1992), p. 126, and E. Schütrumpf, *Aristoteles, Politik, Übersetzung und*

Erläuterung, vol II, (Berlin: Akademie Verlag, 1991), p. 238.

146) Balot is missing the point when he argues that Phaleas considered that by equalizing property the lawmaker could rule out greed as a social vice. Phaleas did not think that greed is the moral sentiment that motivates men to want more than they have, but the lack of the necessary means for their living. It was Aristotle who criticized Phaleas for not paying attention to this inherent aspect of human nature and wanted to emphasize it. See Ryan Balot, “Aristotle's Critique of Phaleas: Justice, Equality, and Pleonexia”, *Hermes*, 129 Bd., H. 1, (2001), p. 34.

147) See, Aristotle, *Politics* II, 1266b 14.

148) See, Aristotle, *Politics* II, 1266b 24.

149) See, Aristotle, *Politics* II, 1267b 9 – 13.

150) “La constitution de Phaléas est essentiellement égalitaire, mais dans un sens restraint: il s'agit d' égalités des propriétés, et cette égalité ne concerne que les seuls citoyens et ne porte que sur la propriété foncière, les fonctions artisanales étant excercées par des esclaves publics”. See, Claude Mossé, “Les Utopies Égalitaires à l' Époque Hellénistique”, *Revue Historique*, T. 241, Fasc. 2, (1969), p. 303.

151) See, Trevor J. Saunders, *Aristotle, Politics, Books I and II*, (Oxford: Oxford University Press, 1995), p. 136.

152) See, Aristotle, *Politics* II, 1266b 28.

153) See, Aristotle, *Politics* II, 1266b 9 – 11.

154) See, Aristotle, *Politics* II, 1267a 17 – 30.

155) See, Aristotle, *Politics* II, 1266b 43.

156) “And civil strife is caused by inequality in distinctions no less than by inequality in property, though for opposite reasons in either side; that is to say, the many are incensed by inequality in property, whereas more accomplished people are incensed if honours are shared equally, for then, as the tag has it, 'good and bad are held in equal esteem'”. See, Aristotle, *Politics* II, 1266b 39 – 1267a 2.

157) Ryan Balot, “Aristotle's Critique of Phaleas”, p. 38.

158) Ibid., p. 38 – 39.

159) Ibid., p. 40.

160) Ibid., p. 38.

161) It is interesting to see how *χαρίεντες* is translated. Some examples are the following: Schütrumpf translates it as “die Besser”(the better), e.g. E. Schütrumpf, *Aristoteles, Politik, Übersetzung und Erläuterung*, vol II, p. 29; Newman uses the term “men of education”, e.g. W.L. Newman, *The Politics of Aristotle, vol. II*, (Oxford: Oxford University Press, 1950; 1st ed. 1887), p. 286; Saunders prefers the term “sophisticated”, e.g. Trevor J. Saunders, *Aristotle, Politics, Books I and II*, p. 37.

It is interesting that all these translations are closer to an ethical understanding of the term that has more to do with the dispositions of the character rather than economic status.

162) Ryan Balot, “Aristotle's Critique of Phaleas”, p. 40.

163) “In the first place discontent will arise among the more accomplished people, who will think they deserve something better than equality. This is the reason for the many obvious instances of revolt and fraction inspired by them”. See, Aristotle, *Politics* II, 1267a 40 – 42.

164) See, Aristotle, *Politics* II, 1267a 46.

165) For a different reading on whether or not Aristotle is pessimistic regarding the effects of education, see Richard Kraut, “Aristotle's Critique of False Utopia (II 1 – 12)”, in Otfried Höffe, *Aristoteles: Politik*, (Berlin: Akademie Verlag, 2001), p. 72.

166) See, Aristotle, *Politics* II, 1267a 17.

167) See, Aristotle, *Politics* II, 1267b 13 – 16.

168) Based on this provision of Phaleas' constitution, Lana remarks that Phaleas' inspiration has oligarchic origins. “La riforma che Falea propone è di chiara ispirazione oligarchica”. See, Italo Lana, “La Teorie Egualitarie di Falea di Calcedonia”, in *Rivista Critica di Storia della Filosofia*, V, (1950), p. 270.

169) Trevor J. Saunders, *Aristotle, Politics, Books I and II*, p. 139.

170) “In such circumstances, therefore, a better point of departure than equalizing possessions would be to ensure that naturally reasonable people should not wish to get more than their share, and that the inferior should not be able to; and that can be achieved if they are weaker but not treated unjustly”. See, Aristotle, *Politics* II, 1267a48 – b8.

171) “It is to be noted that Aristotle totally fails to remark the possibility that, if the radical proposals of Phaleas were to be implemented, the term 'noble' might become obsolete”. See, Marcus Wheeler, “Aristotle's Analysis of the Nature of Political Struggle”, in J. Barnes, M. Schofield, and R. Sorabji (eds.), *Articles on Aristotle: 2, Ethics and Politics*, (London: Duckworth, 1977), p. 164. See, also, Trevor J. Saunders, *Aristotle, Politics, Books I and II*, p. 138.

172) See, Trevor J. Saunders, *Aristotle, Politics, Books I and II*, p. 138.

173) We could make a good parallelism, here, between Aristotle's analysis and Plato's account of Δημιουργὸς and Ἀνάγκη in *Timaeus*. See, Plato, *Timaeus*, 47e – 48b, 56c, 68e – 69a.

174) “He was the first of those not taking part in the running of a constitution to try to say something about the best one”. See, Aristotle, *Politics* II, 1267b 27 – 29.

175) See Aristotle, *Politics* II, 1267b 22 – 24. As Vanessa B. Gorman remarks, there

has been a great deal of disagreement over the interpretation of the phrase “τῶν πόλεων διαίρεσιν εὔρε”. See, Vanessa B. Gorman, “Aristotle's Hippodamos (“Politics” 2.1267b 22 – 30)”, *Historia: Zeitschrift für Alte Geschichte*, Bd. 44, H. 4 (4th Qtr., 1995), pp. 385 – 395. There is the one school of interpretation that argues that Aristotle “is attributing to Hippodamos the invention of orthogonal city planning – the use of strait streets meeting at right angles”, *Ibid.*, p. 386. This interpretation has influenced many translators, who translate the “τῶν πόλεων διαίρεσιν εὔρε” having in mind only the spatial division of the polis. For example, Newman translates it as “the division of cities into streets” or “quarters”, see, W.L. Newman, *The Politics of Aristotle*, vol. II, p. 295. See, also, Vanessa B. Gorman, “Aristotle's Hippodamos (“Politics” 2.1267b 22 – 30)”, p. 391. The other school of interpretation, as expressed by Gorman, argues that with this phrase Aristotle refers only to the division of the people into classes, and of the territory into types. See, *Ibid.*, p. 391.

176) For a discussion of the colonization project of Thurii, and Hippodamus participation and role in it, see David Fleming, “The Streets of Thurii: Discourse, Democracy, and Design in the Classical Polis”, *Rhetoric Society Quarterly*, Vol. 32, No. 3 (Summer 2002), pp. 5 – 32.

177) See, Aristotle, *Politics* II, 1267b 37 – 39.

178) See, Trevor J. Saunders, *Aristotle, Politics, Books I and II*, p. 141.

179) “He also proposed to legislate for a single sovereign court”. See, Aristotle,

Politics II, 1267b 38 – 39.

180) Pierre Bise refers to Hippodamus as the father of supreme courts (“père de Cours supérieurs de justice”). See, Pierre Bise, “Hippodamos de Milet”, *Archiv für Geschichte der Philosophie*, XXXV (New Series, XXVIII) (1923), p. 20, as quoted in John C. Hogan, “Hippodamus on Best Form of Government and Law”, *The Western Political Quarterly*, Vol. 12, No. 3 (Sep., 1959), p. 772.

181) “And the three most democratic features in Solon's constitution seem to be these: first and most important the prohibition of loans secured upon the person, secondly the liberty allowed to anybody who wished to exact redress on behalf of injured persons, and third, what is said to have been the chief basis of the powers of the multitude, the right of appeal to the jury-court—for the people, having the power of the vote, becomes sovereign in the government”. See, Aristotle, *The Constitution of Athens*, 9.1.

182) See, also, Schütrumpf's comment on the fact that the members of the supreme court would be elected: “Dies im Unterschied zum demokratischen Losverfahren”. See, E. Schütrumpf, *Aristoteles, Politik, Übersetzung und Erläuterung*, vol II, p. 268. Newman remarks that “[...] Hippodamus was [...] unfavourable to the democratic institution of the lot, for which he would in all cases substitute election”. See, W.L. Newman, *The Politics of Aristotle*, vol. I, p. 383. I argue that these are aristocratic features, in contrast to Saunders, who argues that they

are oligarchic elements: “[...] its composition (election, of the aged only) has an oligarchic flavor”, see, Trevor J. Saunders, *Aristotle, Politics, Books I and II*, p. 142.

183) “τοὺς δ’ ἄρχοντας αἵρετοὺς ὑπὸ τοῦ δήμου εἶναι πάντας. δῆμον δ’ ἐποίει τὰ τρία μέρη τῆς πόλεως”. See, Aristotle, *Politics* II, 1268a 11 – 12.

184) See, Aristotle, *Politics* II, 1268a 6 – 7.

185) See, Aristotle, *Politics* II, 1268a 20 – 21.

186) “ὥστε γίνονται σχεδὸν δοῦλοι τῶν τὰ ὅπλα κεκτημένων”. See, Aristotle, *Politics* II, 1268a 19 – 20.

187) “τί δεῖ τοὺς ἄλλους μετέχειν τῆς πολιτείας καὶ κυρίου εἶναι τῆς τῶν ἀρχόντων καταστάσεως;” See, Aristotle, *Politics* II, 1268a 28 – 29.

188) See, Aristotle, *Politics* II, 1268a 39 – 40.

189) Themistocles stated that the Athenians could transfer their polis to Italy and it would still be Athens. As Ehrenberg notes with regard to the territory of the polis: “where this region lay was in a sense irrelevant”, and “both in time and in principle, the state as a community came before the state as territory”. See Victor Ehrenberg, *The Greek State*, (Oxford: Blackwell, 1960), p. 28. Hansen states that the use of the term “polis” for referring to the territory was marginal in ancient Greece. See, Mogens Herman Hansen, *Polis: An Introduction to the Ancient Greek City-State*, (Oxford: Oxford University Press, 2006), p. 57.

190) “βλαβερὸν ἢ συμφέρον ταῖς πόλεσι τὸ κινεῖν τοὺς πατρίους νόμους”? See, Aristotle, *Politics* II, 1268b 27 – 28. This question posed by Aristotle, summarizes a long debate existing in ancient Greece. Jacqueline de Romilly discusses the issue of stability and change of the laws in ancient Greek thought and practice, and she notes that this was “une question couramment débattue à Athènes”. A good example of the importance of the stability of the law for the ancient Greeks is Solon. The story, narrated by Herodotus, that Solon after establishing his laws departed for a ten years journey, so as not to have to change or adapt his laws to the necessities of the moment, is very characteristic of their attitude toward this issue. The most vulgar expression of this inclination toward the stability of the laws is that of Cleon in the third book of Thucydides' *History of the Peloponnesian War*: “πάντων δὲ δεινότατον εἰ βέβαιον ἡμῖν μηδὲν καθεστήξει ὧν ἂν δόξῃ περὶ, μηδὲ γνωσόμεθα ὅτι χείροσι νόμοις ἀκινήτοις χρωμένη πόλις κρείσσων ἐστὶν ἢ καλῶς ἔχουσιν ἀκύροις”. See, Thucydides, *History of the Peloponnesian War*, III, 37, 3. Jacqueline de Romilly argues that Aristotle discusses this issue in the second book of the *Politics* having in mind Thucydides and Cleon's argument. According to de Romilly the use of the verb “κινεῖν”, which is also used by Thucydides, and the use of the undetermined form “ἀποροῦσι γὰρ τινες”, are referring to Thucydides and Cleon's argument. See, Jacqueline de Romilly, *La Loi dans la Pensée Grecque: des Origines à Aristote*, (Paris: Belles Lettres, 1971), p. 220 – 221.

191) See, Aristotle, *Politics* II, 1268b 34.

192) I agree with de Romilly's remark that Aristotle's emphasis on the importance of the power of habit as a basis for the legitimacy of the laws is connected with the fact that for the ancient Greeks there is no other strong basis or source of legitimacy for them, as for example in another society this source of legitimacy could be a God or the power of a King. “[...] ce rôle de l'habitude dans l'autorité des lois rejoint le problème posé à la pensée grecque par la loi. Car, si la loi est, pour les Grecs, *nomos*, c'est-à-dire un usage sanctionné par une décision collective, il est à coup sûr difficile – et l'on a pu le voir à travers une longue série de témoignages – de lui assurer après coup de justifications transcendentales. Elle risquerait donc de se trouver sans appui solide, si ne lui était restituée la seule force qui, à l'origine, avait été la sienne, c'est-à-dire celle de l'habitude”. See, Jacqueline de Romily, *La Loi dans la Pensée Grecque*, Ibid., p. 224. Brunschwig makes a similar remark: “[...] la loi ne tire aucune autorité de son utilité sociale objective, ni de l'accord des citoyens pour la trouver juste et l'adopter comme leur”. See, J. Brunschwig, “Du Mouvement et de l'immobilité de la Loi”, *Revue Internationale de Philosophie*, vol. 34, (1980), p. 533.

193) “The law has no power to secure obedience save the power of habit, and that takes a long time to become effective. Hence easy change from established laws to new laws means weakening the power of the law”. See, Aristotle, *Politics* II, 1269a 21 – 24.

194) “There is a difference between altering a craft and altering a law”. See, Aristotle, *Politics* II, 1269a 20 – 21.

195) Contrary to my argument, Brunschwig holds that Aristotle could not make his mind on this issue. According to him, Aristotle could not come to a conclusion as to whether or not it is preferable to encourage the change of the laws. Aristotle discusses the pros and cons for each position but does not take sides. "[...] l'aporie du changement des lois est pour Aristote une véritable aporie, dans laquelle il est personnellement impliqué, et par laquelle il est authentiquement divisé". See, J. Brunschwig, "Du Mouvement et de l'immobilité de la Loi", p. 535. Georges Contogiorgis believes that Aristotle is an advocate of the change of the laws. As he says, the relevant passages of the *Politics* (1268b 26 - 1269a 28) constitute "une argumentation en faveur du changement des lois". He believes that one should not interpret Aristotle's remarks regarding the power of habit as a call for merely minor changes to the laws. He claims that the constitutional blueprint of books VII and VIII is an example of Aristotle's attitude toward radical change. "[...] son projet de politeia présenté dans les derniers livres de la *Politique* constitue à lui seul un plaidoyer en faveur d'un changement profond". Georges D. Contogiorgis, *La Théorie des Révolutions chez Aristote*, (Paris: Pichon et Durand-Auzias, 1978), pp. 245 - 246. I hold the view that in books VII and VIII Aristotle does not refer to the change of an existing regime, but to the establishing of a new polis. Thus, we are not entitled to consider his statements in books VII and VIII as proposals for the change of already existing laws.

196) Aristotle, *Nicomachean Ethics*, 1129 b 27 – 33. Aristotle uses a very beautiful,

almost poetic, metaphor when he speaks about justice: “Οὐθ’ ἔσπερος οὐθ’ ἑῷος οὐτῶ θαυμαστός”, he declares. Aristotle, *Nicomachean Ethics*, 1129 b 28.

197) “I confess my action and I do not deny it”. Sophocles, *Antigone*, 43. The translation of this and of the other quotes from *Antigone* are mine. Very useful is Richard Jebb's translation. Sophocles, *The Antigone of Sophocles*, edited with introduction and notes by Sir Richard Jebb, (Cambridge: Cambridge University Press, 1891).

198) Creon:

“καὶ δῆτ’ ἐτόλμας τοῦσδ’ ὑπερβαίνειν νόμους;”

Antigone:

“οὐ γάρ τί μοι Ζεὺς ἦν ὁ κηρύξας τάδε,
οὐδ’ ἡ ξύνοικος τῶν κάτω θεῶν Δίκη
τοιούσδ’ ἐν ἀνθρώποισιν ὥρισεν νόμους.
οὐδὲ σθένειν τοσοῦτον ῥόμην τὰ σὰ
κηρύγμαθ’, ὥστ’ ἄγραπτα κάσφαλῇ θεῶν
νόμιμα δύνασθαι θνητὸν ὄνθ’ ὑπερδραμεῖν.
οὐ γάρ τι νῦν γε κάχθές, ἀλλ’ αἰεί ποτε
ζῆ ταῦτα, κοῦδεὶς οἶδεν ἐξ ὅτου φάνη.
τούτων ἐγὼ οὐκ ἔμελλον, ἀνδρὸς οὐδενὸς
φρόνημα δείσας’, ἐν θεοῖσι τὴν δίκην
δώσειν”.

Sophocles, *Antigone*, 449 – 460.

199) See, note 194.

200) “The good and the bad should not have the same fortune”. Sophocles, *Antigone*,

520.

201) “Who knows if this is holy to those in the other world”. Sophocles, *Antigone*, 521.

202) In the end, one could think, there is no appeal to the judgement of death; his judgement is superior of any other.

203) It is interesting to note that Aristotle in his *Rhetoric* seems to consider that Sophocles' *Antigone* asserts that her action is just by nature. “ἡ Σοφοκλέους Ἀντιγόνη φαίνεται λέγουσα, ὅτι δίκαιον ἀπειρημένου θάψαι τὸν Πολυνείκη, ὥς φύσει ὄν τοῦτο δίκαιον”. Aristotle, *Rhetoric*, 1373b 9 – 11. If we pay close attention to the text – to this passage, and the passage that precedes it – we see that Aristotle refers to the common beliefs (“ἔστι γάρ τι ὃ μαντεύονται πάντες”) regarding justice and injustice (“δίκαιον καὶ ἄδικον”). Bernard Yack convincingly argues that Aristotle's statement about natural justice, as expressed in his *Rhetoric*, reflect the opinions of the many, and of some wise men, which he uses unrefined in his analysis. This is in accordance with the scope of the *Rhetoric*. For persuading more convincingly one has to refer to the the opinions that most of the people hold as true, and use principles that are embedded in these opinions (we should not forget that “the *Rhetoric* is a work about means of persuasion rather than an inquiry into the good for human beings”). Bernard Yack, *The Problems of a Political Animal: Community, Justice, and Conflict in Aristotelian Political Thought*, (Berkeley: University of California Press, 1993), pp. 145 – 147. Ross Corbett holds a similar view. Ross J. Corbett, “The Question of

Natural Law in Aristotle”, *History of Political Thought*, Vol. XXX, No. 2 (Summer 2009), p. 230.

204) “Σωκράτη φησὶν ἀδικεῖν τοὺς τε νέους διαφθείροντα καὶ θεοῦς οὐς ἡ πόλις νομίζει οὐ νομίζοντα, ἕτερα δὲ δαιμόνια καινά”. Plato, *Socrates' Defense (Apology)*, 24 b – c. I use, with changes, Hugh Tredennick's translation. See, Plato, *The Collected Dialogues*, ed. by Edith Hamilton and Huntington Cairns, with introduction and prefatory notes, Bollingen Series LXXI, (New Jersey: Princeton University Press, 1963).

205) It is interesting to note Liantinis's argument that Socrates actually manipulated the Athenians, so as to get rid of the old age and the problems linked with that. He argues that the architect of his condemnation was his tragic wisdom. Dimitrios Liantinis, *Γκέμμα*, (Athens: Liantini Publications, 2006)[in Greek], p. 86.

206) “εἶναι δεῖσθαι τοῦ δικαστοῦ οὐδὲ δεόμενον ἀποφεύγειν, ἀλλὰ διδάσκειν καὶ πείθειν. οὐ γὰρ ἐπὶ τούτῳ κάθηται ὁ δικαστής, ἐπὶ τῷ καταχαρίζεσθαι τὰ δίκαια, ἀλλ’ ἐπὶ τῷ κρίνειν ταῦτα: καὶ ὁμώμοκεν οὐ χαριεῖσθαι οἷς ἂν δοκῇ αὐτῷ, ἀλλὰ δικάσειν κατὰ τοὺς νόμους”. Plato, *Socrates' Defense (Apology)*, 35 c.

207) “[A man] has only one thing to consider in performing any action – that is, whether he is acting rightly or wrongly, like a good man or a bad one”. Plato, *Socrates' Defense (Apology)*, 28 b.

208) “The true champion of justice, if he intends to survive even for a short time,

must necessarily confine himself to private life and leave public affairs alone”. Plato, *Socrates' Defense (Apology)*, 32 a.

209) Aristotle, *Nicomachean Ethics*, 1129 b 32 – 33.

210) “Office will reveal the man”. Aristotle, *Nicomachean Ethics*, 1130 a 2.

211) Plato, *Socrates' Defense (Apology)*, 21 e, and 32 b.

212) Plato, *Socrates' Defense (Apology)*, 30 e – 31 a.

213) Aristotle, *Nicomachean Ethics*, 1130 a 9 – 10.

214) “It is clear that those things that are according to the law are in a way just”. Aristotle, *Nicomachean Ethics*, 1129b 12.

215) “We believe that the provisions of the legislative power are lawful, and everyone of these is just”. Aristotle, *Nicomachean Ethics*, 1129b 13 – 14.

216) “ὥστε ἓνα μὲν τρόπον δίκαια λέγομεν τὰ ποιητικὰ καὶ φυλακτικὰ εὐδαιμονίας καὶ τῶν μορίων αὐτῆς τῇ πολιτικῇ κοινωνίᾳ”. Aristotle, *Nicomachean Ethics*, 1129b 17 – 19.

217) Aristotle, *Nicomachean Ethics*, 1129b 20 – 24.

218) Aristotle, *Nicomachean Ethics*, 1129b 25 – 26.

219) “The laws prescribe for everything, targeting at the common interest (a) of all, or

(b) of the best men, or (c) of those who are sovereign due to their virtue or in another way similar to virtue”. Aristotle, *Nicomachean Ethics*, 1129b 14 – 17.

220) Aristotle, *Nicomachean Ethics*, 1134a 26 – 28.

221) “ἴσων ἢ κατ' ἀναλογίαν ἢ κατ' ἀριθμόν”. Aristotle, *Nicomachean Ethics*, 1134a 27.

222) “τὸ γὰρ δίκαιον ἐν ταῖς νομαῖς ὁμολογοῦσι πάντες κατ' ἀξίαν τινὰ δεῖν εἶναι, τὴν μέντοι ἀξίαν οὐ τὴν αὐτὴν λέγουσι πάντες”. Aristotle, *Nicomachean Ethics*, 1131a 26 – 28.

223) Rosen argues that Aristotle does not provide any means for reconciling the competing claims of the various parts of the polis, and that his analysis helps to distribute the good in question only when the opposing claims are reconciled. F. Rosen, “The Political Context of Aristotle's Categories of Justice”, *Phronesis*, Vol. 20, No. 3 (1975), p. 235. It is true that Aristotle, in the context of his analysis of justice, does not propose any principle, or mechanism, for the reconciling of the opposing claims for the distribution of any given good, but his whole political thought is preoccupied with finding the best way for avoiding conflicts within the polis, which could very well have their origin in opposing claims for the distribution of the material and political goods, and achieving internal peace. Thus, one could argue that we should not try to locate Aristotle's response to the evils of faction and conflict in a specific passage of his works, but try to see the whole picture. Whether he fails, or

not, in achieving his aim is an issue that should be dealt independently.

224) Aristotle, *Nicomachean Ethics*, 1134a 35 – 36.

225) Aristotle, *Nicomachean Ethics*, 1134a 36 – 1134b 8.

226) Aristotle, *Nicomachean Ethics*, 1134b 31 – 33.

227) Plato, *Laws*, 627d

228) Aristotle, *Nicomachean Ethics*, 1134b 18 – 20.

229) “τὸ πῦρ καὶ ἐνθάδε καὶ ἐν Πέρσαις καίει”. Aristotle, *Nicomachean Ethics*, 1134b 27. Tony Burns does not even grasp the meaning of the text, when he claims that Aristotle himself, rather than some others, uses this example so as to clarify his understanding of the notion of natural political justice. Based on this erroneous understanding of the text, he believes that there is a contradiction in it and tries to resolve it. Tony Burns, “Aristotle and Natural Law”, *History of Political Thought*, Vol. XIX, No. 2 (Summer 1998), p. 146. Gabriela Remow tries, according to my view unconvincingly, to respond to Burns's interpretation. She constructs two categories of the notion “natural”, which she ascribes to Aristotle. She claims that for Aristotle there are two distinctive understandings of the notion of “natural”; the one is “descriptive” and the other is “normative”. By following this system of categorization she results to some very bizarre propositions. For instance, she argues that Greeks naturally speak Greek and practice Greek religion. I believe that Aristotle would agree

with the view that Greeks do not naturally speak Greek and practice Greek religion, and that no justice – or natural political justice – would be violated if they were hindered from speaking Greek and practicing Greek religion. In addition, it is not natural, in any way, for humans to achieve excellence in government; even in “their particular government” (I understand that Remow uses this expression so as to refer to the existing constitution for a given population), as Remow argues. In both cases, speaking Greek and achieving excellence in government, there is such a possibility for men, not a natural necessity. It is not natural for men, even in most cases, to achieve this. Remow tries to categorize natural political justice as one of the situations where the final situation turns out naturally in most cases, but not necessarily. I believe that, it is erroneous to try to explain the mutability of natural political justice, by arguing that it is analogous to the “ὥς ἐπὶ τὸ πολὺ” (“for the most part”) situations that Aristotle takes into account in many other instances. For Remow's arguments, see Gabriela Remow, “Aristotle, Antigone and Natural Justice”, *History of Political Thought*, Vol. XXIX, No. 4 (Winter 2008), pp. 585 – 600, especially pp. 593 – 596.

230) Aristotle, *Nicomachean Ethics*, 1134b 24 – 28.

231) For the notion of “immutability” see Brian Leftow, “Immutability”, *The Stanford Encyclopedia of Philosophy (Winter 2012 Edition)*, Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/win2012/entries/immutability/>>. [Accessed 12/03/2013].

232) Aristotle, *Nicomachean Ethics*, 1134b 29 – 31.

233) See, for instance, Aristotle, *Nicomachean Ethics*, *Aristotle in 23 Volumes*, Vol. 19, translated by H. Rackham, (Cambridge, MA: Harvard University Press, 1934); Aristotle, *The Nicomachean Ethics*, translated by J.A.K. Thomson, revised Hugh Tredennick, (London: Penguin, 2004). Richard Bodéüs's French translation is problematic. Although the title he gives to the passage we mostly refer to is “Justice naturelle et justice légale”, he transforms the text, trying to avoid the difficulties it poses to the translators, by using an adjective (“juste”) so as to render the meaning of a noun (“δίκαιον”). His translation is the following: “Par ailleurs, dans ce qui est juste entre concitoyens, il y a, d' un côté, ce qui est naturel, et de l' autre, ce qui est légitime”. Aristote, *Éthique à Nicomaque*, traduction et présentation par Richard Bodéüs, (Paris: GF Flammarion, 2004), p. 260.

234) See, for instance, Leo Strauss, *Natural Right and History*, (Chicago: The University of Chicago Press, 1953). Bernard Yack also uses the phrase “natural and conventional right” when he refers to Aristotle's discussion of natural political justice in *Nicomachean Ethics* 1134b. Bernard Yack, *The Problems of a Political Animal: Community, Justice, and Conflict in Aristotelian Political Thought*, p. 132.

235) MacIntyre would add that there was no word before 1400 A.C. for expressing the notion of “right”, not only in Greek, but also in Hebrew, Latin, and Arabic. It is an indication that it is impossible for the people who were using these languages to have

thought that there are such things as “rights”; if we assume that these rights do actually exist. With regard to the existence of rights, MacIntyre says: “the truth is plain: there are no such rights, and belief in them is one with belief in witches and unicorns”. Alasdair MacIntyre, *After Virtue: A Study in Moral Theory*, 3rd ed., (Notre Dame, Indiana: University of Notre Dame Press, 2007), p. 69. Fred D. Miller, Jr, acknowledges that there is not an expression in ancient Greek which is equivalent to the expression “a right”. But, he believes that this does not show that a notion of “a right” was not known in ancient Greece. Fred D. Miller, Jr, “Origins of Rights in Ancient Political Thought”, in Stephen Salkever (ed.), *The Cambridge Companion to Ancient Greek Political Thought*, (Cambridge: Cambridge University Press, 2009), p. 302. Believing that there are terms that correspond to the modern notion of “rights”, he argues that the notion of “natural rights” does not only exist in Aristotle's thought, but they “play an important role in his political theory”. Fred D. Miller, Jr, “Aristotle and the Natural Rights Tradition”, *Reason Papers*, No. 13 (Spring 1988), p. 166. Miller seems to have R. G. Mulgan in his mind when he writes the above. Mulgan holds an opposing view. As he says, “the idea of natural law as such does not play an important role in his [Aristotle's] political theory”. R.G. Mulgan, *Aristotle's Political Theory: An Introduction for Students of Political Theory*, (Oxford: Clarendon Press, 1977), p. 141.

236) Leo Strauss, *Natural Right and History*, p. 157. Julia Annas, in her discussion of Aristotle's account of justice, comments that although, for Aristotle, it is in political

communities that justice exists among men (polis is the “primary locus of justice”), he does not deny “outright” the existence of justice between men living in different political communities. Her position stands somewhere in the middle, but we have to note that Annas speaks of justice in general, and not of natural justice. Julia Annas, *The Morality of Happiness*, (Oxford: Oxford University Press, 1993), p. 316.

237) Leo Strauss, *Natural Right and History*, p. 9.

238) “Das ist die eigentliche Funktion der tautologischen Mesotes-Formel, die darauf hinausläuft, daß gut ist, was nach der bestehenden Gesellschaftsordnung gut ist. Es ist eine durchaus konservative Funktion: die Aufrechterhaltung der bestehenden Gesellschafts-ordnung”. Hans Kelsen, *Was ist Gerechtigkeit*, (Wien: Franz Deuticke, 1953), p. 35 – 36.

239) Hans Kelsen, *What is Justice?: Justice, Law, and Politics in the Mirror of Science*, (Berkeley: University of California Press, 1971), p. 384.

240) Ibid., p. 128 and p. 133.

241) Bernard Yack, *The Problems of a Political Animal: Community, Justice, and Conflict in Aristotelian Political Thought*, p. 142.

242) “the legal [political justice] is that which does not differ being this or that way in the first place, but when it has been established it does differ”. Aristotle, *Nicomachean Ethics*, 1134b 20 – 22.

243) Yack translates and quotes only the first part of the passage in which Aristotle gives examples of situations that fail under the legal and conventional political justice. The other half of this passage, however, is at odds with his interpretation. His choice not to discuss and comment the second part leave his interpretation exposed to criticism. If he had taken into account the whole passage, I believe, that he would have to discard his thesis. It is interesting to quote Yack's translation of the relevant passage, so as to show how he tries to support his interpretation. "Conventional right, however, concerns that which is originally indifferent, but once it has been laid down is not indifferent, for example, that a prisoner's ransom shall be one mina, or that a goat and not two sheep should be sacrificed". Aristotle, *Nicomachean Ethics*, 1134b 18 – 23, as it is translated in Bernard Yack, *The Problems of a Political Animal: Community, Justice, and Conflict in Aristotelian Political Thought*, p. 142. Yack seems to imply what Tony Burns more clearly declares: that the Aristotelian conventional and legal political justice applies to situations where there is "no moral necessity which dictates either that the actions in question ought to be performed, or that they ought not to be performed". Tony Burns, "Aristotle and Natural Law", p. 146.

244) "the legal [political justice] is that which does not differ being this or that way in the first place, but when it has been established it does differ. For instance, one mina is the amount for ransoming a slave, or that one goat and not two sheep shall be sacrificed; and again all the laws that are passed for particular cases, e.g. that

sacrifices shall be made in honour of Brasidas, and the provisions of decrees”. Aristotle, *Nicomachean Ethics*, 1134b 20 – 24.

245) The quote is from Bernard Yack, *The Problems of a Political Animal: Community, Justice, and Conflict in Aristotelian Political Thought*, p. 143. As he characteristically says, “we see no intrinsic merit in, say, sacrificing one goat to the gods rather than two sheep, or driving on the left rather than the right side of the road”. Ibid., p. 143. He firmly believes that the application of the legal and conventional justice, for Aristotle, is limited to cases like this. Based on that he wrongly argues - “we must conclude”, he says – that “natural right includes all of our judgments about the justice of the actions about which mature and relatively reasonable individuals would not be indifferent”. Ibid., p. 143.

246) Leo Strauss refers to this tradition of interpretation. Leo Strauss, *Natural Right and History*, p. 158.

247) Strauss considers that this interpretation lies at the very opposite of the Thomistic interpretation of the Aristotelian account of natural justice. According to the Thomistic interpretation the non-immutable character of natural justice concerns only the more specific rules of natural justice. These more specific rules derive from the fundamental principles of natural justice, which are eternal and immutable. Strauss considers both of these interpretations insufficient, and tries to “find a safe middle road between these formidable opponents”. Ibid., pp. 157 – 159. For Aquinas' attempt to interpret Aristotle's discussion of natural political justice, and its mutability,

see also, Harry Jaffa, *Thomism and Aristotelianism*, (Westport, CT: Praeger, 1979), pp. 179 – 181; quoted in Ross J. Corbett, “The Question of Natural Law in Aristotle”, *History of Political Thought*, Vol. XXX, No. 2 (Summer 2009), p. 229 and p. 232.

248) Aristotle, *Nicomachean Ethics*, 1134b 23.

249) Plato, *Laws*, 625a – b, and R. G. Bury, “Introduction”, in Plato, *Laws, Books I – IV*, (Cambridge, MA: Loeb Classical Library – Harvard University Press, 1926), p. vii.

250) Plato's *Laws*, according to Santayana, “is a monument of wisdom”. See, George Santayana, *Soliloquies in England and Later Soliloquies*, (London: Constable and Company, 1922), p. 231.

251) See, also, W.L. Newman, *The Politics of Aristotle, vol. I*, (Oxford: Clarendon Press, 1887), pp. 215 – 216, and William W. Fortenbaugh, “Aristotle on Prior and Posterior, Correct and Mistaken Constitutions”, in William W. Fortenbaugh, *Aristotle's Practical Side: On his Psychology, Ethics, Politics and Rhetoric*, (Leiden: Brill, 2006), pp. 271 – 272.

252) Plato, *Laws*, 713a – e.

253) “furnished peace and modesty and orderliness and justice without stint, and thus made the tribes of men free from feud and happy”. Plato, *Laws*, 713e.

254) “are not polities, but arrangements of States which rule or serve parts of themselves”. Plato, *Laws*, 712e – 713a.

255) “giving to reason's ordering the name of law”. Plato, *Laws*, 714a.

256) “Such polities we, of course, deny to be polities, just as we deny that laws are true laws unless they are enacted in the interest of the common weal of the whole State. But where the laws are enacted in the interest of a section, we call them feudalities [“feuds” or party-divisions] rather than polities; and the “justice” they ascribe to such laws is, we say, an empty name”. Plato, *Laws*, 715b.

257) “whether to distinguish more than one kind of constitution, and, if so, how many, what they are, and what the differences between them”. Aristotle, *Politics* III, 1278b 7 – 8.

258) Aristotle, *Politics* III, 1278b 9 – 11.

259) Aristotle, *Politics* III, 1278b 39 – 40.

260) Aristotle, *Politics* III, 1279a 1 – 8. Regarding the “κατὰ συμβεβηκὸς” some remarks are important and needed. The usual translation of “συμβεβηκὸς” is “accident” or “accidental” (“accident” in French, “Akzident” in German). These translations fail to convey the full meaning of the “συμβεβηκὸς”. This very aristotelian term, which derives from “συμβαίνειν”, should be better rendered as “go together” or “go hand in hand with”. Things could be “συμβεβηκότα” for two kinds of reasons: either for accidental reasons or for reasons that are relevant with their substance (“οὐσία”), but are not part of their substance. An example can help us understand this better. For Aristotle, the property that the sum of the angles of a triangle is equal with two right angles goes together with (συμβαίνει) the substance of

the triangle; it is not something accidental. As Castoriadis says, we should make a distinction between the “κατ' οὐσίαν συμβεβηκότα” and the “κατὰ τύχην συμβεβηκότα”. Castoriadis proposes that in French the “συμβεβηκὸς” and the “συμβαίνειν” should be translated as “comitant”, from the Latin “cumeo, comitans”, which is closer to the ancient – Aristotelian – meaning of the term. See, Cornelius Castoriadis, *Sur “Le Politique” de Platon*, (Paris: Éditions du Seuil, 1999), Greek translation, *Ο Πολιτικός του Πλάτωνα: Επτὰ Σεμινάρια στην EHESS*, (Athens: Polis, 2001), pp. 72 – 73. For a more detailed analysis of the term, see also, Pierre Pellegrin, *Dictionnaire Aristote*, (Paris: Ellipses Éditions, 2007), pp. 15 – 16.

261) Aristotle, *Politics* III, 1279a 10 – 15.

262) “the polis is a society/association of the free”. Aristotle, *Politics* III, 1279a 21.

263) Aristotle, *Politics* III, 1279a 17 – 18.

264) I believe that Aristotle uses the term “ἁπλῶς” in the same way that he uses it in the context of his attempt to come up with a definition of citizenship. In that context “ἁπλῶς πολίτης” is the citizen in the fullest sense of the term, the citizen par excellence, as contrasted to the passive citizen. Aristotle, *Politics* III, 1275a 19 – 24. Thus, I believe that Robinson, for instance, is wrong in translating “τὸ ἁπλῶς δίκαιον” as “simple right”. Richard Robinson, *Aristotle's Politics, Books III and IV*, (Oxford: Clarendon Press, 1962), p. 21. I believe that “τὸ ἁπλῶς δίκαιον” is the proper justice, the justice in its fullest sense.

265) Aristotle, *Politics* III, 1279a 19 – 20. Francis Wolff is wrong in believing that

Aristotle is the first to introduce a principle / criterion for the classification of the constitutions which is based on the aim of the political ruling. As we have seen, Plato in his *Laws* makes a classification of the various constitutions using a “teleological” criterion which refers to whether the ruling part is governing for the sake of its own advantage and interest, or not. See, Francis Wolff, *Aristote et la Politique*, (Paris: Presses Universitaires de France, 1991), Greek translation, *Ο Αριστοτέλης και η Πολιτική*, (Athens: Ινστιτούτο του Βιβλίου – Καρδαμίτσα, 1995), pp. 110 – 112.

266) Richard Robinson, *Aristotle's Politics, Books III and IV*, p. 21.

267) Ibid., p. 21.

268) Aristotle is not the first to introduce an arithmetic criterion for the classification of the various constitutions. As Francis Wolff remarks, the criterion of the number of those participating in the governing was introduced earlier; maybe as early as the beginning of the fifth century B.C. Francis Wolff, *Ο Αριστοτέλης και η Πολιτική*, p. 110. See, for instance, Herodotus, *The Histories*, 3.80 – 3.82, and Plato, *Statesman*, 291d.

269) “When the one or the few or the many rule for the common advantage these are necessarily correct constitutions; but they are perversions when they rule for the private advantage either of the one or of the few or of the majority”. Aristotle, *Politics* III, 1279a 29 – 31.

270) Aristotle, *Politics* III, 1279b 9 – 10.

271) “For a rule of more than one but only a few it is “aristocracy”, either from the

ruler's being the best men or from its aiming at the best for the city and its participants". Aristotle, *Politics* III, 1279a 35 – 37.

272) Aristotle, *Politics* III, 1279b 8.

273) Aristotle himself believes that the poor and needy are everywhere the majority, and that the wealthy are everywhere few. “τοὺς μὲν εὐπόρους ὀλίγους, πολλοὺς δ’ εἶναι τοὺς ἀπόρους πανταχοῦ”. Aristotle, *Politics* III, 1279b 37 – 38.

274) Aristotle, *Politics* III, 1279b 20 – 26.

275) Aristotle, *Politics* III, 1279b 39 – 40.

276) Francis Wolff, “Justice et Pouvoir (Aristote, *Politique* III, 9 – 13)”, *Phronesis*, Vol. XXXIII/3 (1988), p.278.

277) “If so, the others will always be dishonoured; for, as we say, office is honour, and if the officers are always the same men, everyone else is necessarily without honour”. Aristotle, *Politics* III, 1281a 29 – 31.

278) “It goes together reasonably [with the substance of the correct constitutions], that it is possible for one man or a few to excel in virtue, but it is difficult for the many to possess every virtue/excellence, but they can best excel in military virtue, for this is a virtue that the masses can possess; and therefore with this form of constitution [πολιτεία] all those who participate in wars form the sovereign part, and it is those who possess arms who participate in governing”. Aristotle, *Politics* III, 1279a 39 – 1279b 3.

279) Interestingly, Aristotle chooses to use the verb “συμβαίνειν”. For the Aristotelian term “συμβαίνειν” and “συμβεβηκός”, see above. We can assume that it is not accidental that the many possess the military virtue – and that it is difficult and rare for the majority to excel in all the virtues/excellences – but that the military virtue goes together with the multitude. “αὕτη [πολεμικήν ἀρετήν] γὰρ ἐν πλήθει γίγνεται”. Aristotle, *Politics* III, 1279b1.

280) Andrew Heywood, *Key Concepts in Politics*, (Houndmills, Basingstoke: Palgrave Macmillan, 2000), p. 37.

281) Ibid., p. 37.

282) “It is a question who should be the sovereign body in the polis”. Aristotle, *Politics*, 1281a 11.

283) “ἢ γάρ τοι τὸ πλῆθος, ἢ τοὺς πλουσίους, ἢ τοὺς ἐπικρεῖς, ἢ τὸν βέλτιστον ἕνα πάντων, ἢ τύραννον”. Aristotle, *Politics*, 1281a 12 – 13.

284) “it is thought that justice is equality, and so it is, though not for everybody but only for those who are equals; and it is thought that inequality is just, for so indeed it is, though not for everybody, but for those who are unequal”. Aristotle, *Politics*, 1280a 10 – 13.

285) Aristotle, *Politics*, 1281a 14 – 16.

286) Aristotle, *Politics*, 1281a 29 – 31.

287) “Then should the good [ἐπικρεῖς] hold office and be the supreme sovereign? If

so, everyone else will be excluded from office, and so will be dishonoured. For office is honour, we say; and, if the officers are always the same men, everyone else is necessarily without honour”. Aristotle, *Politics*, 1281a 28 – 31.

288) Aristotle, *Politics*, 1281a 32 – 33.

289) “ὅτι δὲ δεῖ κύριον εἶναι μᾶλλον τὸ πλῆθος ἢ τοὺς ἀρίστους μὲν ὀλίγους δέ”. Aristotle, *Politics* III, 1281a 40 – 41.

290) “Γ 11 weist deutlich auf Γ 10 zurück”. Eckart Schütrumpf, “Probleme der Aristotelischen Verfassungstheorie in *Politik*”, *Hermes*, Vol. 104, No. 3 (1976), p. 323.

291) “τάχα δὲ καὶ ἀλήθειαν”. Aristotle, *Politics* III, 1281a 42.

292) According to Francis Wolff Aristotle clearly believes that the many should hold the sovereign power within the polis. “ [...] la réponse nous semble sans ambiguïté positive. Oui, il faut confier le pouvoir souverain au peuple [...]”. Francis Wolff, “Justice et Pouvoir (Aristote, *Politique* III, 9 – 13)”, p. 287.

293) “τὸ δὲ μὴ μεταδιδόναι μηδὲ μετέχειν φοβερόν”. Aristotle, *Politics* III, 1281b 28 - 29.

294) “for a polis in which a large number of people are excluded from office and are poor must of necessity be full of enemies”. Aristotle, *Politics* III, 1281b 29 - 30.

295) Aristotle, *Politics* III, 1281b 25 - 26.

296) Jeremy Waldron claims that this passage “has not been given the attention it

deserves in modern discussions of Aristotelian political philosophy”. Jeremy Waldron, “The Wisdom of the Multitude: Some Reflections on Book 3, Chapter 11 of Aristotle's *Politics*”, *Political Theory*, Vol. 23, No. 4 (Nov., 1995), p. 563.

297) “For it is possible that the many, though not individually good men, yet when they come together may be better, not individually but collectively, than those who are so, just as public dinners to which many contribute are better than those supplied at one man's cost; for where there are many, each individual, it may be argued, has some portion of virtue and wisdom, and when they have come together, just as the multitude becomes a single man with many feet and many hands and many senses, so also it becomes one personality as regards the moral and intellectual faculties. This is why the general public is a better judge of the works of music and those of the poets, because different men can judge a different part of the performance, and all of them all of it. But the superiority [difference] of good men over the mass of men individually, like that of handsome men, so it is said, over plain men and of the works of the painter's art over the real objects, really consists in this, that a number of scattered good points have been collected together into one example; since if the features be taken separately, the eye of one real person is more beautiful than that of the man in the picture, and some other feature of somebody else”. Aristotle, *Politics* III, 1281a 39 - 1281b 16.

298) “just as impure food mixed with what is pure makes the whole more nourishing than the small amount of pure food alone”. Aristotle, *Politics* III, 1281b 34 – 38.

299) “Hence justly the multitude is sovereign in greater matters, for the popular assembly, the council and the jury-court are formed of a number of people, and also the assessed property of all these members collectively is more than that of the magistrates holding great offices individually or in small groups”. Aristotle, *Politics* III, 1282a 37 – 40.

300) Michel Narchy considers that Plato, in contrast to Aristotle, would claim that all the imperfections and defects would accumulate. “[...] chez Platon, la foule accumule les défauts, alors que chez Aristote la multitude totalise les qualités des individus qui la composent: optimisme du Stagirite, opposé au pessimisme de Platon”. Michel Narchy, “Aristote Devant les Objections de Socrate a la Démocratie (*Politique*, III, 4 et 11)”, in Pierre Aubenque (ed.), *Aristote Politique: Etudes sur la Politique d'Aristote*, (Paris: Presse Universitaires de France, 1993), p. 280.

301) W.L. Newman, *The Politics of Aristotle*, vol. I, p. 255 – 256.

302) “εἰ μὲν οὖν περὶ πάντα δῆμον καὶ περὶ πᾶν πλῆθος ἐνδέχεται ταύτην εἶναι τὴν διαφορὰν τῶν πολλῶν πρὸς τοὺς ὀλίγους σπουδαίους, ἄδηλον, ἴσως δὲ νῆ Δία δῆλον ὅτι περὶ ἐνίων ἀδύνατον”. Aristotle, *Politics*, 1281b 16 – 18.

303) Aristotle, *Politics* III, 1281b 19 – 20.

304) A certain level of social development is presupposed. The ethical, intellectual, and aesthetic summation, cannot take place among primitive people. See, Egon Braun, "Die Summierungstheorie des Aristoteles", in Peter Steinmetz (ed.), *Schriften zu den Politika des Aristoteles*, (Hildesheim: Georg Olms Verlag, 1973), p. 400. In

contrast, Wolfgang Kullman believes that the cumulative theory could apply to culturally advanced societies only; “Nur für kulturell fortgeschrittene Gesellschaften gilt die [Summierungs]Theorie”. And, thus, he believes that the qualifications did not refer only to barbarian tribes and nations; “offensichtlich denkt er im ersteren Falle nicht oder nicht nur an Barbaren”. Wolfgang Kullmann, *Aristoteles und die moderne Wissenschaft*, (Stuttgart: Steiner, 1998), p. 395.

305) “ἀλλὰ περὶ τὸ πλῆθος οὐδὲν εἶναι κωλύει τὸ λεχθὲν ἀληθές”. Aristotle, *Politics* III, 1281b 19 – 20.

306) Aristotle believes that the “πλῆθος” could legitimately hold the sovereign power within the polis for another reason as well. His view is based on an anti-technocratic understanding of the political. For Aristotle, politics is analogous to those crafts in which the specialist is not the better judge. In contrast to those crafts – such as medicine – in which the proper decisions are made by the specialists, political judgement and decision-making do not presuppose special knowledge. As Pierre Aubenque mentions, “les arguments d' Aristote en faveur de la démocratie sont clairement dirigés contre ce paradigme [du médecin] technocratique”. Pierre Aubenque, “Aristote et la Démocratie”, in Pierre Aubanque (ed), *Aristote Politique: Etudes sur la Politique d'Aristote*, p. 261.

307) “ἀλλὰ ἂν τις γένηται διαφέρων κατ' ἀρετήν, τί χρὴ ποιεῖν; οὐ γὰρ δὴ φαῖεν ἂν δεῖν ἐκβάλλειν καὶ μεθιστάναι τὸν τοιοῦτον: ἀλλὰ μὴν οὐδ' ἄρχειν γε τοῦ τοιούτου: παραπλήσιον γὰρ κἂν εἰ τοῦ Διὸς ἄρχειν ἀξιοῖεν, μερίζοντες τὰς ἀρχάς”.

Aristotle, *Politics*, 1284b 27 – 31.

308) “ὅταν οὖν ἡ γένος ὅλον ἡ καὶ τῶν ἄλλων ἓνα τινὰ συμβῇ διαφέροντα γενέσθαι κατ’ ἀρετὴν τοσοῦτον ὥσθ’ ὑπερέχειν τὴν ἐκείνου τῆς τῶν ἄλλων πάντων, τότε δίκαιον τὸ γένος εἶναι τοῦτο βασιλικὸν καὶ κύριον πάντων, καὶ βασιλέα τὸν ἓνα τοῦτον”. Aristotle, *Politics*, 1288a 15 – 19. Aristotle does not refer only to a king. He also refers to a “γένος”. It is usually translated as “family”. As I see it, we should interpret it as a dynasty, that is a succession of generations of the same family, rather than a number of individuals of the same family who are contemporaries. Thus, we should speak of "a family that far surpasses all others in its ability to produce outstanding offspring". See, Richard Kraut, *Aristotle: Political Philosophy*, (Oxford: Oxford University Press, 2002), p. 413. On the other hand, Mary Nichols interprets Aristotle's reference to a “γένος” as a reference to the members of the same family in the strict sense. She considers that the fact that the exceedingly virtuous individual has a family is a sign that it is not self-sufficient, and thus it should not be considered as a god among men. In addition, she mentions that “Aristotle's expansion of kingship to include a family of virtuous individuals thus implicitly questions the defensibility of kingship [...]”. Her argument could be summarized as follows: it is the virtue of all the members of this exceedingly virtuous family that, when added, surpasses the virtue of all the other inhabitants of the polis; and not the virtue of the individual who would be the king. Thus if we compare the virtue of the king, on the one hand, to the virtue of all the other living in the polis, including the other members of the royal family, on the other, the king could not claim

superiority in terms of virtue. Mary P. Nichols, *Citizens and Statesmen: a Study of Aristotle's Politics*, (Savage, Maryland: Rowman & Littlefield, 1992), p. 80. Nichols is right in saying that the king should surpass all the other inhabitants of the polis, including the members of the royal family, but, I think, she is wrong in reading the “γένος” as family in the strict sense, and not as a dynasty. If she is right in reading the “γένος” in that way, Aristotle's arguments in favor of the kingship of the exceedingly virtuous individual are seriously undermined.

309) “for they all make their claim on the ground of superiority, though not the same superiority”. Aristotle, *Politics*, 1288a 23 – 24.

310) “οὕτως ἔχει κατὰ τὸ δίκαιον ὃ προφέρειν εἰώθασιν οἱ τὰς πολιτείας καθιστάντες, οἳ τε τὰς ἀριστοκρατικὰς καὶ οἱ τὰς ὀλιγαρχικὰς καὶ πάλιν οἱ τὰς δημοκρατικὰς”. Aristotle, *Politics*, 1288a 20 – 22.

311) “ἀλλ’ ἐπὶ τῆς ἀρίστης πολιτείας ἔχει πολλὴν ἀπορίαν, οὐ κατὰ τῶν ἄλλων ἀγαθῶν τὴν ὑπεροχὴν, οἷον ἰσχύος καὶ πλούτου καὶ πολυφιλίας, ἀλλὰ ἂν τις γένηται διαφέρων κατ’ ἀρετὴν, τί χρὴ ποιεῖν;” Aristotle, *Politics*, 1284b 25 – 28.

312) As C.C.W. Taylor notes, the “individuals need the polis in order to live the good life, i.e., the life shaped by the shared exercise of *phronêsis*”. C.C.W. Taylor, “Politics”, in Jonathan Barnes, *The Cambridge Companion to Aristotle*, (Cambridge: Cambridge University Press, 1999), p. 246.

313) Richard Kraut, *Aristotle: Political Philosophy*, p. 411.

314) Aristotle, *Politics*, 1285b 29 – 30. We should always have in mind that Aristotle

links “παμβασιλεία” with the household management. The “παμβασιλεία” is the “οἰκονομία” of a polis, or of a nation.

315) ONE OF THEIR GODS

When one of them passed through Seleucia's
marketplace, about the hour of dusk,
like a tall and perfectly handsome ephebe—
with the joy of immortality in his eyes,
with his perfumed dark hair—
the passers-by kept looking at him
and asked each other if anyone knew him,
and whether he was a Syrian Greek, or a stranger.
But some, who observed with greater care
would understand and step aside;
and as he disappeared under the arcades,
into the shadows and the evening lights—
headed for that part of town that only at night
comes alive, with orgies and debauchery
and every sort of drunkenness and lust—
they wondered which of Them could he be,
and for what shady pleasure of his
he had descended to Seleucia's streets,

from the Hallowed, Most Venerated Halls.

C. P. Cavafy, *The Collected Poems*, translated by Evangelos Sachperoglou, (Oxford: Oxford University Press, 2007), p. 89.

316) “For it is not natural for the part to exceed the whole”. Aristotle, *Politics*, 1288a 26 – 27.

317) “there is more than one form of each, both of oligarchy and of democracy”. Aristotle, *Politics* IV, 1289a 24 – 25.

318) “νῦν δὲ μίαν δημοκρατίαν οἷονται τινες εἶναι καὶ μίαν ὀλιγαρχίαν: οὐκ ἔστι δὲ τοῦτ’ ἀληθές. ὥστε δεῖ τὰς διαφορὰς μὴ λανθάνειν τὰς τῶν πολιτειῶν, πόσαι, καὶ συντίθενται ποσαχῶς”. Aristotle, *Politics* IV, 1289a 9 – 10.

319) “The reason for the plurality of constitutions lies in the plurality of parts in every state”. Aristotle, *Politics* IV, 1289b 27 – 28.

320) See, Aristotle, *Politics* IV, 1289b 28 – 1290a 2.

321) Aristotle, *Politics* IV, 1290a 14 – 15.

322) Aristotle claims that the Socratic way of dividing the polis into parts, at least as Socrates did in the *Republic*, is an elegant one but not sufficient. Socrates claims that what distinguishes a constituent element of the polis from another is the function that this element is called to perform. For that reason he discerns, for instance, the fighting element of the polis, the guardians, from the farming element. For Aristotle, this way

is erroneous and not sufficient because a person could very probably have multiple roles within the polis. A farmer, at one instance, could be called to fight for the polis, and thus act as a warrior, or could be a judge. The same person could possess different virtues and have various capabilities. “τὰς μὲν οὖν ἄλλας δυνάμεις τοῖς αὐτοῖς ὑπάρχειν ἐνδέχεσθαι δοκεῖ πολλοῖς, οἷον τοὺς αὐτοὺς εἶναι τοὺς προπολεμοῦντας καὶ γεωργοῦντας καὶ τεχνίτας, ἔτι δὲ τοὺς βουλευομένους τε καὶ κρίνοντας”. Aristotle, *Politics* IV, 1291b 1 – 5. While, at the same time, a person cannot be at the same time both poor and rich. “ἀλλὰ πένεσθαι καὶ πλουτεῖν τοὺς αὐτοὺς ἀδύνατον”. Aristotle, *Politics* IV, 1291b 6 – 7.

323) “A democracy exists whenever those who are free and are not well-off, being in the majority, are in sovereign control of government”. Aristotle, *Politics* IV, 1290b 18 – 19.

324) Aristotle, *Politics* IV, 1290a 40 – 1290b1.

325) “The first kind of democracy therefore is the one which receives the name chiefly in respect of equality”. Aristotle, *Politics* IV, 1291b 30.

326) “But since the people are a majority, and the decision of the majority is sovereign, this must be a democracy”. Aristotle, *Politics* IV, 1291b 37 – 38.

327) “τὸ τὰς ἀρχὰς ἀπὸ τιμημάτων εἶναι, βραχέων δὲ τούτων ὄντων: δεῖ δὲ τῷ κτωμένῳ ἐξουσίαν εἶναι μετέχειν καὶ τὸν ἀποβάλλοντα μὴ μετέχειν”. Aristotle, *Politics* IV, 1291b 39 – 41.

328) “And another kind of democracy is for all the citizens that are not open to

challenge to have a share in office, but for the law to rule”. Aristotle, *Politics* IV, 1292a 1 – 3.

329) The first is T.A. Sinclair's translation of the “ἀνυπεύθυνοι”, and the second is H. Rackam's.

330) See, for instance, Eckart Schütrumpf's translation and comment. He translates the “ἀνυπεύθυνοι” as “[alle Bürger] deren Abstammung nicht bestritten werden kann”. Aristoteles, *Politik, Buch IV-V*, übersetzt und eingeleitet von Eckart Schütrumpf, (Berlin: Akademie Verlag, 1996), p. 20 and p. 289.

331) “Another kind is due to the distinction that comes next: all the citizens not liable to objection on the score of birth”. Aristotle, *Politics* IV, 1292b 34 – 35.

332) “ὀρίζονται δὲ πρὸς τὴν χρῆσιν πολίτην τὸν ἐξ ἀμφοτέρων πολιτῶν καὶ μὴ θατέρου μόνον, οἷον πατρὸς ἢ μητρός, οἱ δὲ καὶ τοῦτ' ἐπὶ πλεον ζητοῦσιν, οἷον ἐπὶ πάππους δύο ἢ τρεῖς ἢ πλείους”. Aristotle, *Politics* III, 1275b 22 – 24.

333) See, Aristotle, *Politics* III, 1279a 32 – 1279b10.

334) “another kind of democracy is for all to share in the offices on the mere qualification of being a citizen, but for the law to rule”. Aristotle, *Politics* IV, 1292a 3 – 4.

335) “the multitude is sovereign and not the law; and this comes about when the decrees of the assembly over-ride the law”. Aristotle, *Politics* IV, 1292a 5 – 6.

336) Aristotle, *Politics* IV, 1292a 7.

337) “where the laws are not sovereign, then demagogues arise”. Aristotle, *Politics* IV, 1292a 10.

338) “for in the states under democratic government guided by law a demagogue does not arise, but the best classes of citizens are in the most prominent position”. Aristotle, *Politics* IV, 1292a 8 – 9.

339) According to the Liddle-Scott dictionary “προεδρία” should be translated as “authority”. It is interesting to mention that the passage they refer to for this translation of the term is the passage from *Politics* 1292a 8 – 9. H.G. Liddell and R. Scott, *A Greek-English Lexicon*, revised and augmented throughout by H.S. Jones with the assistance of R. McKenzie, (Oxford: Clarendon Press, 1940). Schütrumpf translates it as “die führende Stellung”. Aristoteles, *Politik, Buch IV-V*, übersetzt und eingeleitet von Eckart Schütrumpf, p. 20.

340) “οὐδ’ ὀλιγαρχίαν, ὅπου κύριοι ὀλίγοι τῆς πολιτείας”. Aristotle, *Politics* IV, 1290a 33 – 34.

341) “no one would say that these lived under a democracy”. Aristotle, *Politics* IV, 1290a 36 – 37.

342) Aristotle, *Politics* IV, 1290a 37 – 40.

343) “it happens the former to be many and the latter to be few, since many are free, but few are rich”. Aristotle, *Politics* IV, 1290b 2 – 4.

344) “oligarchy when [sovereign control lies with] the rich and well-born, these being

few”. Aristotle, *Politics* IV, 1290b 19 – 20.

345) Aristotle mentions that the criterion for defining a ruling minority, and, thus, for regulating the distribution of offices within a polis, could be a strange one. This could be for instance the height or the beauty of the citizens. Hence, if one accepted that the rule of the few is the distinctive element of an oligarchic regime, he should consequently categorize the regimes that used a criterion such as height or beauty for the distribution of offices as oligarchies. “καὶ γὰρ ἂν εἰ κατὰ μέγεθος διενέμοντο τὰς ἀρχάς, ὥσπερ ἐν Αἰθιοπίᾳ φασὶ τινες, ἢ κατὰ κάλλος, ὀλιγαρχία ἦν ἂν: ὀλίγον γὰρ τὸ πλῆθος καὶ τὸ τῶν καλῶν καὶ τὸ τῶν μεγάλων”. Aristotle, *Politics* IV, 1290b 4 – 7.

346) “another is when the magistracies are filled from high assessments and the magistrates themselves elect to fill vacancies (so that if they do so from all the citizens of this assessment, this appears rather to be of the nature of an aristocracy, but if from a particular section of them, it is oligarchical)”. Aristotle, *Politics* IV, 1292b 1 – 4. [trans. H. Rackham. See, Aristotle, *Aristotle in 23 Volumes, Vol. 21*, translated by H. Rackham, (Cambridge, MA: Harvard University Press, 1944)].

347) Aristotle, *Politics: Books III and IV*, trans. Richard Robinson, (Oxford: Clarendon Press, 1995), p. 83.

348) Schütrumpf argues that “die Wählerschaft hier identisch mit den für das Amt Wählbaren ist [...], und schließt die Möglichkeit aus, daß die Wählerschaft größer als die für das Amt Wählbaren ist”. Aristoteles, *Politik, Buch IV-V*, übersetzt und

eingeleitet von Eckart Schütrumpf, p. 311.

349) See the entry “ἐλλείπω”. Henry George Liddell and Robert Scott, *A Greek-English Lexicon*, revised and augmented throughout by Sir Henry Stuart Jones, with the assistance of Roderick McKenzie, (Oxford: Clarendon Press, 1940).

350) According to what Aristotle says in *Politics* 1293a 23 – 24 this seems to be the most plausible interpretation. “διὸ αὐτοὶ μὲν αἰροῦνται ἐκ τῶν ἄλλων τοὺς εἰς τὸ πολίτευμα βαδίζοντας”. Despite that, this interpretation contradicts Aristotle's definition of oligarchy. There would be no contradiction only in the case where those who are elected to hold the remaining offices are the “puppets” of the wealthy ones, who act as their “puppet masters”.

351) “καὶ μὴν συννοῶν γε, ὦ ξένε, τὴν ἐν Λακεδαιμόνι πολιτείαν οὐκ ἔχω σοι φράζειν οὕτως ἥντινα προσαγορεύειν αὐτὴν δεῖ. καὶ γὰρ τυραννίδι δοκεῖ μοι προσεοικέναι—τὸ γὰρ τῶν ἐφόρων θαυμαστὸν ὥς τυραννικὸν ἐν αὐτῇ γέγονε — καὶ τις ἐνιότέ μοι φαίνεται πασῶν τῶν πόλεων δημοκρατουμένη μάλιστ’ εἰσὶν εἰσὶν. τὸ δ’ αὖ μὴ φάναι ἀριστοκρατίαν αὐτὴν εἶναι παντάπασιν ἄτοπον: καὶ μὲν δὴ βασιλεία γε διὰ βίου τ’ ἐστὶν ἐν αὐτῇ καὶ ἀρχαιοτάτη πασῶν καὶ πρὸς πάντων ἀνθρώπων καὶ ἡμῶν αὐτῶν λεγομένη. ἐγὼ δὲ οὕτω νῦν ἐξαίφνης ἂν ἐρωτηθεῖς, ὅντως, ὅπερ εἶπον, οὐκ ἔχω διορισάμενος εἰπεῖν τίς τούτων ἐστὶν τῶν πολιτειῶν”. Plato, *Laws*, 712 c – e.

352) Aristotle, *Politics* IV, 1294b 14 – 19.

353) “ἔτι τὸ δύο τὰς μεγίστας ἀρχὰς τὴν μὲν αἰρεῖσθαι τὸν δῆμον, τῆς δὲ μετέχειν

(τοὺς μὲν γὰρ γέροντας αἰροῦνται, τῆς δ' ἑφορείας μετέχουσιν)". Aristotle, *Politics* IV, 1294b 29 – 31.

354) "the few have the power to sentence to death and exile". Aristotle, *Politics* IV, 1294b 34.

355) "polity is, to put it simply, a mixture of oligarchy and democracy". Aristotle, *Politics* IV, 1293b 34. Aristotle defines polity, which is a "correct" constitution, as the mixture of two "deviant" constitutions, oligarchy and democracy. Does this enable us to assume that "the argument that asserts the defectiveness of those regimes may have been an overstatement rather than an accurate examination of their true nature"? See, Clifford Angell Bates, *Aristotle's "Best Regime": Kingship, Democracy, and the Rule of Law*, (Baton Rouge: Louisiana State University Press, 2003), p. 106.

356) "people customarily give the name of polity only to those among such mixed constitutions that incline towards democracy". Aristotle, *Politics* IV, 1293b 34 – 35.

357) I am not alone in seeing that the use of the generic name is of some significance. Clifford Bates also claims that "there must be a reason [Aristotle] labels this regime with the name common to all regimes. He must be pointing to something". He believes that the ambiguity of the name functions as a "textual clue" pointing at the ambiguity of the text. Clifford Angell Bates, *Aristotle's "Best Regime": Kingship, Democracy, and the Rule of Law*, p. 105. See, also, Kevin M. Cherry, "The Problem of Polity: Political Participation and Aristotle's Best Regime", *The Journal of Politics*, Vol. 71, No. 4 (2009), pp. 1406 - 1407.

358) “καὶ σώζεσθαι δι’ αὐτῆς καὶ μὴ ἔξωθεν, καὶ δι’ αὐτῆς μὴ τῷ πλείους εἶναι τοὺς βουλομένους [...] ἀλλὰ τῷ μὴδ’ ἂν βούλεσθαι πολιτείαν ἑτέραν μὴθὲν τῶν τῆς πόλεως μορίων ὅλως”. Aristotle, *Politics* IV, 1294b 36 – 40.

359) “”. Aristotle, *Politics* IV, 1294a 16 – 17.

360) “εἰσὶ δὲ ὅροι τρεῖς τῆς συνθέσεως καὶ μίξεως”. See, Aristotle, *Politics* IV, 1294a 35 – 1294b 13.

361) “from oligarchy that offices are to be elected, and from democracy that this is not to be on a property qualification”. Aristotle, *Politics* IV, 1294b 12 – 13.

362) Aristotle, *Politics* IV, 1293a 40 – 43.

363) “for it is just to apply the name aristocracy only to the constitution which is composed of those who are without qualification best in virtue, not merely good in relation to some arbitrary standard”. Aristotle, *Politics* IV, 1293b 3 – 5.

364) “ὅπου γὰρ μὴ μόνον πλουτίνδην ἀλλὰ καὶ ἀριστίνδην αἰροῦνται τὰς ἀρχάς, αὕτη ἡ πολιτεία διαφέρει τε ἀμφοῖν καὶ ἀριστοκρατικῇ καλεῖται”. Aristotle, *Politics* IV, 1293b 10 – 12.

365) Aristotle, *Politics* IV, 1293b 14 – 17.

366) Aristotle, *Politics* IV, 1293b 17 – 18.

367) Aristotle, *Politics* IV, 1293b 20 – 21.

368) Aristotle, *Politics* IV, 1285a 3 – 1285b 32.

369) “is kingship according to law”. Aristotle, *Politics* IV, 1285a 3 – 4.

370) “κτεῖναι γὰρ οὐ κύριος”. Aristotle, *Politics* IV, 1285a 9.

371) Aristotle, *Politics* IV, 1285a 9 – 11.

372) “ὄν δέ κ’ ἐγὼν ἀπάνευθε μάχης ἐθέλοντα νοήσω / μιμνάξειν παρὰ νηυσὶ κορωνίσιν, οὗ οἱ ἔπειτα / ἄρκιον ἐσσεῖται φυγέειν κύνας ἢ δ’ οἰωνούς”. Homer, *Iliad*, 2. 391 - 394.

373) “τὰ πρὸς τοὺς θεοὺς ἀποδέδοται τοῖς βασιλεῦσιν”. Aristotle, *Politics* IV, 1285a 6 – 7.

374) “θεὸς εἶναι κηδόμενος ὑμῶν τις, ὃς τὰ μέλλοντα προορῶν, δίδυμον ὑμῖν φυτεύσας τὴν τῶν βασιλέων γένεσιν ἐκ μονογενοῦς, εἰς τὸ μέτριον μᾶλλον συνέστειλε”. Plato, *Laws* 691 d – e.

375) Aristotle, *Politics* IV, 1285a 19.

376) “οἱ γὰρ πολῖται φυλάττουσιν ὅπλοις τοὺς βασιλεῖς, τοὺς δὲ τυράννους ξενικόν”. Aristotle, *Politics* IV, 1285a 26 – 27.

377) As Aristotle puts it in a very beautiful way, the difference between tyrants, on the one hand, and kings, on the other, is that “οἱ μὲν παρὰ τῶν πολιτῶν οἱ δ’ ἐπὶ τοὺς πολίτας ἔχουσι τὴν φυλακὴν”. Aristotle, *Politics* IV, 1285a 28 – 29.

378) “Barbarians are by natural character more slavish than Greeks”. Aristotle, *Politics* IV, 1285a 20 – 21.

379) “This, to put it simply, is an elective tyranny”. Aristotle, *Politics* IV, 1285a 30 – 32.

380) Aristotle, *Politics* IV, 1285a 33 – 35.

381) Aristotle, *Politics* IV, 1285a 35 – 37.

382) Wilfried Nippel presents some aspects of the Roman institution of dictatorship, and analyzes how it was understood as an instrument which should be employed for the preservation of the constitution. Wilfried Nippel, “Saving the Constitution: The European Discourse on Dictatorship”, in Janet Coleman and Paschalis M. Kitromilides (eds.), *In the Footsteps of Herodotus. Towards European Political Thought*, (Firenze: Leo S. Olschki, 2012), pp. 30 – 35.

383) Aristotle, *Politics* IV, 1285b 4 – 5.

384) “τοῦ πλήθους εὐεργέτας κατὰ τέχνας ἢ πόλεμον, ἢ διὰ τὸ συναγαγεῖν ἢ πορίσαι χώραν”. Aristotle, *Politics* IV, 1285b 6 – 7.

385) Aristotle, *Politics* IV, 1285b 9 – 20.

386) “ὥσπερ γὰρ ἡ οἰκονομικὴ βασιλεία τις οἰκίας ἐστίν, οὕτως ἡ παμβασιλεία πόλεως καὶ ἔθνους ἐνὸς ἢ πλειόνων οἰκονομία”. Aristotle, *Politics* IV, 1285b 32 – 33. Aristotle here makes a parallelism between the head of a household, on the one hand, who could be described as a king, and a king, on the other, whose government could be described as household management. Aristotle did not consider all the kinds of kingship as all-encompassing kinds of ruling. Only the last kind of kingship, the “παμβασιλεία”, is a an all-encompassing kind of ruling that wants to control all aspects of the life in the polis.

387) “a single ruler is sovereign over all matters”. Aristotle, *Politics* IV, 1285b 29 – 30.

388) Aristotle, *Politics* IV, 1295a 1 – 24.

389) “Ἐν τε γὰρ τῶν βαρβάρων τισὲν αἰροῦνται αὐτοκράτορας μονάρχους, καὶ τὸ παλαιὸν ἐν τοῖς ἀρχαίοις Ἕλλησιν ἐγίγνοντό τινες μοναρχοὶ τὸν τρόπον τοῦτον, οὗς ἐκάλουν αἰσυμνήτας”. Aristotle, *Politics* IV, 1295a 11 – 14.

390) both forms of rule being according to law”. Aristotle, *Politics* IV, 1295a 10 – 11.

391) “διὰ τὸ δεσποτικῶς ἄρχειν καὶ κατὰ τὴν αὐτῶν γνώμην”. Aristotle, *Politics* IV, 1295a 16 – 17.

392) Given that “παμβασιλεία” could be described as household management, the tyranny could be seen as the analogous of the “cruel misrule of the household”. See, Roger Boesche, “Aristotle's 'Science' of Tyranny”, *History of Political Thought*, Vol. XIV, No. 1 (1993), p. 7.

393) “τοιαύτην δ’ ἀναγκαῖον εἶναι τυραννίδα τὴν μοναρχίαν ἥτις ἀνυπεύθυνος ἄρχει τῶν ὁμοίων καὶ βελτιόνων πάντων πρὸς τὸ σφέτερον αὐτῆς συμφέρον, ἀλλὰ μὴ πρὸς τὸ τῶν ἀρχομένων”. Aristotle, *Politics* IV, 1295a 19 – 21.

394) Aristotle, *Politics* IV, 1295a 38.

395) The first is T.A. Sinclair's translation, while the second is close to H. Rackham's translation.

396) Aristotle, *Politics* IV, 1295b 1 – 3.

397) “ὑπέρκαλον δὲ ἢ ὑπερίσχυρον ἢ ὑπερευγενῆ ἢ ὑπερπλούσιον ὄντα, ἢ τάναντία τούτοις, ὑπέρπτωχον ἢ ὑπερασθενῆ ἢ σφόδρα ἄτιμον”. Aristotle, *Politics* IV, 1295b 7 – 8.

398) Aristotle, *Politics* IV, 1295b 9.

399) Aristotle, *Politics* IV, 1295b 9 – 11.

400) Aristotle, *Politics* IV, 1295b 11 – 12.

401) Aristotle, *Politics* IV, 1295b 21.

402) Aristotle, *Politics* IV, 1295b 19.

403) “καὶ μάλιστα δὲ σχολάζει τὸ τοιοῦτον πλῆθος [τῶν ἀπόρων]: οὐ γὰρ ἐμποδίζει αὐτοὺς οὐθὲν ἢ τῶν ἰδίων ἐπιμέλεια, τοὺς δὲ πλουσίους ἐμποδίζει, ὥστε πολλάκις οὐ κοινωνοῦσι τῆς ἐκκλησίας οὐδὲ τοῦ δικάζειν”. Aristotle, *Politics* IV, 1293a 6 – 9.

404) “this condition of affairs is very far removed from friendliness, and from political community”. Aristotle, *Politics* IV, 1295b 24.

405) “ἡ γὰρ κοινωνία φιλικόν”. Aristotle, *Politics* IV, 1295b 24.

406) Aristotle, *Politics* IV, 1295b 24 – 25.

407) “the ones are envious and the others contemptuous”. Aristotle, *Politics* IV, 1295b 22.

408) Aristotle, *Politics* IV, 1295b 29 – 33. Here Aristotle is making a comparison with the situation in Athens during the times of extreme democracy, where the poor ones

tried to put the wealthy ones into trial in order to convict them, and subsequently to confiscate their property and use it as payment for themselves for attending the Assembly.

409) “hence that polis will necessarily be best governed which consists of those elements, of which we say that the polis is by nature composed”. Aristotle, *Politics* IV, 1295b 27 – 28.

410) “the polis wants to consist as far as possible of those who are like and equal, a condition found chiefly among the middle citizens”. Aristotle, *Politics* IV, 1295b 26 – 27.

411) Janet Coleman poses a similar question. As she says, “is [the middle constitution] an ideal version of polity as a mixed constitution or is it a different constitution altogether?” Janet Coleman, *A History of Political Thought: From Ancient Greece to early Christianity*, (Oxford: Blackwell, 2000), p. 219. See, also, John Creed, “Aristotle's Middle Constitution”, *Polis: Newsletter of the Society for the Study of Greek Political Thought*, Vol. 8, No. 2 (1989), pp. 2 - 27.

412) Curtis N. Johnson, *Aristotle's Theory of the State*, (New York: St. Martin's Press, 1990), p. 148. Johnson supports the view that the middle constitution is not a version of politeia, but a separate constitution. For the opposing view, see, for example, Judith A. Swanson and C. David Corbin, *Aristotle's Politics: A Reader's Guide*, (London: Continuum, 2009), p. 76. They consider that the discussion of the middle constitution in *Politics* IV 1295a 25 – 1296b11 is part of the discussion that regards politeia.

According to them, “Aristotle also defines polity as the rule of the middle class or middling part in chapter 11 [...]”.

413) “Anyone who is going to make a suitable investigation of the best form of constitution must necessarily decide first of all what is the most desirable mode of life. For while this is uncertain it is also bound to be uncertain what is the best constitution”. Aristotle, *Politics* VII, 1323a 14 – 17.

414) David Keyt, "Aristotle's Political Philosophy", in Mary Louise Gill and Pierre Pellegrin (eds.), *A Companion to Ancient Philosophy*, (Oxford: Blackwell Publishing, 2006), p. 402.

415) “τῶν τε ἐκτὸς καὶ τῶν ἐν τῷ σώματι καὶ τῶν ἐν τῇ ψυχῇ, πάντα ταῦτα ὑπάρχειν τοῖς μακαρίοις χρή”. Aristotle, *Politics* VII, 1323a 25 – 26.

416) “οὐδεὶς γὰρ ἂν φαίη μακάριον τὸν μηθὲν μόριον ἔχοντα ἀνδρείας μηδὲ σωφροσύνης μηδὲ δικαιοσύνης μηδὲ φρονήσεως”. Aristotle, *Politics* VII, 1323a 27 – 29. For the differences between “σωφροσύνη” and “φρόνησις” see Aristotle's definitions of these two terms in the *Nicomachean Ethics*. “Σωφροσύνη”, which we translate as “temperance”, is the virtue which regards the non-rational part of the soul; “Ὅτι μὲν οὖν μεσότης ἐστὶ περὶ ἡδονᾶς ἢ σωφροσύνη”. While, “φρόνησις”, which we translate as practical wisdom or prudence, is the virtue of the man who can deliberate well, and act respectively, with regard to his good and to his interests in general. “δοκεῖ δὲ φρονίμου εἶναι τὸ δύνασθαι καλῶς βουλευσασθαι περὶ τὰ αὐτῷ ἀγαθὰ καὶ συμφέροντα, οὐ κατὰ μέρος, οἷον ποῖα πρὸς ὑγίειαν, πρὸς ἰσχύν, ἀλλὰ

ποῖα πρὸς τὸ εὖ ζῆν ὅλως”. Pericles is an exemplary man of practical wisdom. See, Aristotle, *Nicomachean Ethics*, 1117b 23 – 1118b 7 and 1140a 24 – 1140b 30.

417) “κτῶνται καὶ φυλάττουσιν οὐ τὰς ἀρετὰς τοῖς ἐκτὸς ἀλλ’ ἐκεῖνα ταύταις”. Aristotle, *Politics* VII, 1323a 40. C.D.C. Reeve makes a comment on this passage, which is worth mentioning. He says that “the point is probably not that virtue invariably makes you rich, but that, without virtue, wealth and the rest can do you as much harm as good”. Aristotle, *Politics*, translated, with Introduction and Notes, by C.D.C. Reeve, (Indianapolis: Hackett Publishing Company, 1998), p. 192, n. 3.

418) As Aristotle notes in the *Nicomachean Ethics*, “φαίνεται δ’ ὅμως καὶ τῶν ἐκτὸς ἀγαθῶν προσδεομένη [ἡ εὐδαιμονία], καθάπερ εἵπομεν: ἀδύνατον γὰρ ἢ οὐ ράδιον τὰ καλὰ πράττειν ἀχორήγητον ὄντα. πολλὰ μὲν γὰρ πράττεται, καθάπερ δι’ ὀργάνων, διὰ φίλων καὶ πλούτου καὶ πολιτικῆς δυνάμεως: ἐνίων δὲ τητῶμενοι ῥυπαίνουσι τὸ μακάριον, οἷον εὐγενείας εὐτεκνίας κάλλους: οὐ πάνυ γὰρ εὐδαιμονικὸς ὁ τὴν ιδέαν παναίσχης ἢ δυσγενῆς ἢ μονώτης καὶ ἄτεκνος, ἔτι δ’ ἴσως ἦττον, εἴ τω πάγκακοι παῖδες εἶεν ἢ φίλοι, ἢ ἀγαθοὶ ὄντες τεθνᾶσιν”. Aristotle, *Nicomachean Ethics*, 1099a 31 – 1099b 6.

419) “[they] seek an unlimitedly excessive amount of wealth, possessions, power, reputation, and the like”. Aristotle, *Politics* VII, 1323a 36 – 37.

420) Aristotle, *Politics* VII, 1323b 10 – 11.

421) “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”. Aristotle,

Politics VII, 1323b 22 – 23.

422) “chance and good luck is the cause of the goods external to the soul”. Aristotle, *Politics* VII, 1323b 27 – 28.

423) See, Aristotle, *Politics* VII, 1323a 40.

424) “ἐπεὶ καὶ τὴν εὐτυχίαν τῆς εὐδαιμονίας διὰ ταῦτ’ ἀναγκαῖον ἑτέραν εἶναι”. Aristotle, *Politics* VII, 1323b 26 – 27.

425) “ὥσπερ ἐξ ἀνθρώπου ἄνθρωπον καὶ ἐκ θηρίων γίνεσθαι θηρίον, οὕτω καὶ ἐξ ἀγαθῶν ἀγαθόν. ἡ δὲ φύσις βούλεται μὲν τοῦτο ποιεῖν πολλάκις, οὐ μέντοι δύναται”. Aristotle, *Politics* I, 1255b 1 – 4.

426) “so that the happy man requires in addition the goods of the body, external goods and the gifts of fortune, in order that his activity may not be impeded through lack of them. Consequently those who say that, if a man be good, he will be happy even when on the rack, or when fallen into the direst misfortune, are intentionally or unintentionally talking nonsense”. Aristotle, *Nicomachean Ethics*, 1153b 17 – 21. There are things, such as good birth and good looks for example, that are beyond our control. It is clear that some things “must remain forever in the lap of the gods”. See, C.D.C. Reeve, *Practices of Reason: Aristotle's Nicomachean Ethics*, (Oxford: Clarendon Press, 2002), p. 162.

427) “in which anyone might do best and live a blessedly happy life”. Aristotle, *Politics* VII, 1324a 24 – 25.

428) “σχεδὸν γὰρ τούτους τοὺς δύο βίους τῶν ἀνθρώπων οἱ φιλοτιμότετοι πρὸς ἀρετὴν φαίνονται προαιρούμενοι, καὶ τῶν προτέρων καὶ τῶν νῦν”. Aristotle, *Politics* VII, 1324a 29 – 31.

429) David J. Depew, “Politics, Music, and Contemplation in Aristotle's Ideal State”, in David Keyt and Fred D. Miller, *A Companion to Aristotle's Politics*, (Oxford: Blackwell, 1991), p. 349.

430) “Some people think that ruling over one's neighbors, if despotically exercised, involves a definite injustice of the greatest kind, and if politically, although it carries no injustice, yet is a hindrance to the ruler's own well-being”. Aristotle, *Politics* VII, 1324a 35 – 38.

431) I use the terms “apolitical philosophers” and “apolitical intellectuals” which were coined by Pierre Destrée and David J. Depew respectively. See, Pierre Destrée, “Education, leisure, and politics”, in Marguerite Deslauriers and Pierre Destrée, *The Cambridge Companion to Aristotle's Politics*, (Cambridge: Cambridge University Press, 2013), p. 313 and David J. Depew, “Politics, Music, and Contemplation in Aristotle's Ideal State”, p. 349.

432) “The apolitical philosophers reject any involvement in politics mainly because they hold that politics consists in ruling despotically over others, like masters over their slaves”. Pierre Destrée, “Education, leisure, and politics”, p. 313.

433) “the practical and political life is the only life fit for a man”. Aristotle, *Politics* VII, 1324a 39 – 40.

- 434) Aristotle, *Politics* VII, 1324a 40 – 1324b 1.
- 435) “the despotic and tyrannical form of constitution alone achieves happiness”. Aristotle, *Politics* VII, 1324b 2 – 3.
- 436) “ἄδύνατον γὰρ τὸν μηθὲν πράττοντα πράττειν εὖ”. Aristotle, *Politics* VII, 1325a 21 – 22.
- 437) “ὅτι ὁ τοῦ ἐλευθέρου βίος τοῦ δεσποτικοῦ ἀμείνων. τοῦτο γὰρ ἀληθές”. Aristotle, *Politics* VII, 1325a 24 – 25.
- 438) “ἔστι δ’ αὕτη ἡ ἐπιστήμη οὐδὲν μέγα ἔχουσα οὐδὲ σεμνόν· ἃ γὰρ τὸν δοῦλον ἐπίστασθαι δεῖ ποιεῖν, ἐκεῖνον δεῖ ταῦτα ἐπίστασθαι ἐπιτάττειν”. Aristotle, *Politics* I, 1255b 33 – 35.
- 439) “οὐ γὰρ ἔλαττον διέστηκεν ἡ τῶν ἐλευθέρων ἀρχὴ τῆς τῶν δούλων ἢ αὐτὸ τὸ φύσει ἐλεύθερον τοῦ φύσει δούλου”. Aristotle, *Politics* VII, 1325a 28 – 30.
- 440) “πολιτικῶς δὲ τὸ μὲν ἄδικον οὐκ ἔχειν, ἐμπόδιον δὲ ἔχειν τῇ περὶ αὐτὸν εὐημερίᾳ”. Aristotle, *Politics* VII, 1324a 37 – 38.
- 441) “to praise inaction more highly than action is an error”. Aristotle, *Politics* VII, 1325a 31 – 32.
- 442) “happiness is action”. Aristotle, *Politics* VII, 1325a 32.
- 443) “But if these things are well said, and if happiness is to be defined as well-doing, the active life is the best life both for the whole state collectively and for each man individually”. Aristotle, *Politics* VII, 1325b 14 – 16.

444) See, Aristotle, *Politics* VII, 1325a 34 – 35.

445) “πλείστων καὶ καλλίστων κύριος εἶη πράξεων”. Aristotle, *Politics* VII, 1325a 36.

446) “he must possess not only virtue but also power that will render him capable of action”. Aristotle, *Politics* VII, 1325b 12 – 14.

447) “because for equals the noble and just consists in their taking turns, since this is equal and alike, but for those that are equal to have an unequal share and those that are alike an unlike share is contrary to nature, and nothing contrary to nature is noble”. Aristotle, *Politics* VII, 1325b 7 – 10.

448) “ἀλλὰ τὸν πρακτικὸν οὐκ ἀναγκαῖον εἶναι πρὸς ἑτέρους”. Aristotle, *Politics* VII, 1325b 16 – 17.

449) I follow T.A. Sinclair in rendering the meaning of the “ἀλλὰ πολὺ μᾶλλον”, as “more active”. Aristotle, *Politics* VII, 1325b 19 – 20. For the T.A. Sinclair's translation, see Aristotle, *The Politics*, trans. T.A. Sinclair, (London: Penguin, 1992), p. 401.

450) “but far more [active] those speculations and thoughts that have their end in themselves and are pursued for their own sake”. Aristotle, *Politics* VII, 1325b 19 – 21.

451) See, Aristotle, *Politics* VII, 1325a 32 – 34.

452) Pierre Destrée, “Education, leisure, and politics”, p. 313. Destrée quotes and

paraphrases Aristotle's question at 1327a 14 – 17. At this passage Aristotle asks “πότερος αἰρετώτερος βίος, ὁ διὰ τοῦ συμπολιτεύεσθαι καὶ κοινωνεῖν πόλεως ἢ μᾶλλον ὁ ξενικὸς καὶ τῆς πολιτικῆς κοινωνίας ἀπολελυμένος”.

453) Ibid., p. 312.

454) Ibid., p. 313.

455) See, Aristotle, *Nicomachean Ethics*, 1140a 24 – 1140b 30.

456) “ἢ τε λεγομένη αὐτάρκεια περὶ τὴν θεωρητικὴν μάλιστ’ ἂν εἴη: τῶν μὲν γὰρ πρὸς τὸ ζῆν ἀναγκαίων καὶ σοφὸς καὶ δίκαιος καὶ οἱ λοιποὶ δέονται, τοῖς δὲ τοιούτοις ἱκανῶς κεχορηγημένων ὁ μὲν δίκαιος δεῖται πρὸς οὕς δικαιοπραγήσει καὶ μεθ’ ὧν, ὁμοίως δὲ καὶ ὁ σώφρων καὶ ὁ ἀνδρεῖος καὶ τῶν ἄλλων ἕκαστος, ὁ δὲ σοφὸς καὶ καθ’ αὐτὸν ὧν δύναται θεωρεῖν, καὶ ὅσω ἂν σοφώτερος ᾖ, μᾶλλον: βέλτιον δ’ ἴσως συνεργοὺς ἔχων, ἄλλ’ ὅμως αὐταρκέστατος”. Aristotle, *Nicomachean Ethics*, 1177a 27 – 34.

457) Contrary to my interpretation, David J. Depew claims that “he [Aristotle] rejects the way of life of both apolitical intellectuals and conventionally political men as models for the happy life of both individual and of the best state”. David J. Depew, “Politics, Music, and Contemplation in Aristotle's Ideal State”, p. 352.

458) “Aristotle may be suggesting that if we understand the two kinds of life correctly we will see that a city could be constructed in such a way as to give scope for both”. Richard Stalley, “Education and the State”, in Georgios Anagnostopoulos (ed.), *A Companion to Aristotle*, (Oxford: Blackwell Publishing, 2009), p. 568. I think that

Stalley is right in making the previous remark. We are close to the truth when we say that Aristotle's intention in analyzing the life of political engagement and the life of contemplation is to show that both should be available to the citizens of a well-governed polis.

459) See, Ibid., p. 352.

460) “they themselves engage in politics or philosophy”. Aristotle, *Politics* I, 1255b 36 – 37.

461) “It is thought that happiness consists in leisure: for we do business in order that we may have leisure, and carry on war in order that we may have peace”. Aristotle, *Nicomachean Ethics*, 1177b 3 – 4.

462) Carnes Lord claim that “leisure (σχολή) is the great theme of Book VII”. Carnes Lord, “Politics and Philosophy in Aristotle's *Politics*”, *Hermes*, Vol. 106, No. 2 (1978), p. 354.

463) “the citizens must not live a mechanic or a commercial life (for such a life is not noble and inimical to virtue), nor yet must those who are to be citizens be tillers of the soil (for leisure is needed both for the development of virtue and for active participation in politics)”. Aristotle, *Politics* VII, 1328b 39 – 1329a 2.

464) As Thanassis Samaras mentions, “agricultural labour on one's own land is now implicitly separated from other types of βαναυσία and is treated as absolute compatible with active citizenship”. Thanassis Samaras, “Aristotle's *Politics*: The City of Book Seven and the Question of Ideology”, *Classical Quarterly*, Vol. 57 (2007), p.

87. There is no unanimity among scholars about whether the citizens of Magnesia are proper farmers and actually toil the soil. Contrary to what Samaras claims, Seth Benardete believes that, despite the impression that is given by what the Athenian Stranger says, the citizens of Magnesia are not proper farmers, and they are not labouring in the agricultural production process. As he characteristically says, “[...] none of the masters know the art of farming. They live the life of farmers, but they never handle a plow”. Seth Benardete, *Plato's Laws: The Discovery of Being*, (Chicago: The University of Chicago Press, 2000), pp. 211 – 212. I believe that the truth lies in the middle of these two opposing views. According to my interpretation of the *Laws*, the majority of the citizens would have to actively participate at the agricultural works of their estate, while there would be some who due to their relative wealth could afford to have only a managerial role in their estate.

465) As J.L. Stocks notes, “leisure stood for free time, absence of pressing duties and external calls”. J.L. Stocks, “ΣΧΟΛΗ”, *The Classical Quarterly*, Vol. 30, No. 3/4 (1936), p. 181.

466) Contrary to my interpretation, Carnes Lord claims that political activities “are a form of occupation”. Based on this assumption he categorizes political activities together with economic and military activities. He says that “although political activities require leisure, in themselves are a form of occupation. Like economic or military activities, they partake of the character of the necessary; they cannot be understood to exist for their own sake”. Carnes Lord, *Education and Culture in the*

Political Thought of Aristotle, (Ithaca: Cornell University Press, 1982), p. 56. Lord bases his interpretation on a specific understanding of the following passage: “ὥστε φανερόν ὅτι δεῖ καὶ πρὸς τὴν ἐν τῇ διαγωγῇ σχολὴν μανθάνειν ἅττα καὶ παιδεύεσθαι, καὶ ταῦτα μὲν τὰ παιδεύματα καὶ ταύτας τὰς μαθήσεις ἑαυτῶν εἶναι χάριν, τὰς δὲ πρὸς τὴν ἀσχολίαν ὡς ἀναγκαίας καὶ χάριν ἄλλων”. Aristotle, *Politics* VIII, 1338a 9 – 13. Lord believes that there are two kinds of leisure. He coins the term “noble leisure” and claims that the “τὴν ἐν τῇ διαγωγῇ σχολὴν” passage refers to this kind of leisure. According to his distinction, on the one hand there is the noble leisure, and on the other hand there is what Aristotle calls “play”. Carnes Lord, *Education and Culture in the Political Thought of Aristotle*, p. 54 – 55. As I see it there is no reason to understand the “τὴν ἐν τῇ διαγωγῇ σχολὴν” of the previous passage differently from the “πρὸς τὴν ἐν τῇ σχολῇ διαγωγὴν” in Aristotle, *Politics* VIII, 1338a 21 – 22, for example. We should render this phrase in English as “the pursuit in leisure”, and not as “noble leisure”. With regard to the term “διαγωγῇ”, Schütrumpf notes that “dem Begriff haftet eine Unbestimmtheit an, die Ar. nicht beseitigt”. See, Aristoteles, *Politik, Buch VII/III*, übersetzt und erläutert von Eckart Schütrumpf, (Berlin: Akademie Verlag, 2005), p. 580. Apart from the lack of textual support for the argument of Carnes Lord, Aristotle's remarks do not leave much room for such interpretations. Aristotle clearly declares that the citizens of the polis should live in leisure in order to develop their virtue and to engage in political actions. “δεῖ γὰρ σχολῆς καὶ πρὸς τὴν γένεσιν τῆς ἀρετῆς καὶ πρὸς τὰς πράξεις τὰς πολιτικάς”. Aristotle, *Politics* VII, 1329a 1 – 2. Aristotle could not make it more clear that

political actions are actions that take place in leisure, and should not be considered as occupations. The political actions are considered as good actions, and not as necessary. This becomes evident from the distinction between the economic and military actions, on the one hand, and the political actions, which are their opposite, on the other. See, Aristotle, *Politics* VII, 1333a 41 – 1333b 3. Lord seems to acknowledge that according to what Aristotle says in the *Politics*, the political activities should be seen as activities of leisure, and not as an occupation. Carnes Lord, *Education and Culture in the Political Thought of Aristotle*, p. 40 – 41. However, he claims that if we take into account the *Nicomachean Ethics* as well, the “image” changes. He refers to the following passage: “δοκεῖ τε ἡ εὐδαιμονία ἐν τῇ σχολῇ εἶναι: ἀσχολούμεθα γὰρ ἵνα σχολάζωμεν, καὶ πολεμοῦμεν ἵν’ εἰρήνην ἄγωμεν. τῶν μὲν οὖν πρακτικῶν ἀρετῶν ἐν τοῖς πολιτικοῖς ἢ ἐν τοῖς πολεμικοῖς ἡ ἐνέργεια, αἱ δὲ περὶ ταῦτα πράξεις δοκοῦσιν ἀσכולοὶ εἶναι, αἱ μὲν πολεμικαὶ καὶ παντελῶς (οὐδεὶς γὰρ αἰρεῖται τὸ πολεμεῖν τοῦ πολεμεῖν ἕνεκα, οὐδὲ παρασκευάζει πόλεμον: δόξαι γὰρ ἂν παντελῶς μαιφόνος τις εἶναι, εἰ τοὺς φίλους πολεμίους ποιοῖτο, ἵνα μάχαι καὶ φόνοι γίνοντο): ἔστι δὲ καὶ ἡ τοῦ πολιτικοῦ ἀσכולος, καὶ παρ’ αὐτὸ τὸ πολιτεύεσθαι περιποιουμένη δυναστείας καὶ τιμᾶς ἢ τὴν γε εὐδαιμονίαν αὐτῷ καὶ τοῖς πολίταις, ἑτέραν οὖσαν τῆς πολιτικῆς, ἣν καὶ ζητοῦμεν δῆλον ὥς ἑτέραν οὖσαν”. Aristotle, *Nicomachean Ethics*, 1177b 4 – 15. We need to observe that this kind of politics that Aristotle refers to in the passage from the *Nicomachean Ethics*, is a kind of politics which has an end other than itself. The end of politics, in that case, is external to the political process. In contrast, in

books VII and VIII of the *Politics*, the life of political action is not considered a choice-worthy life because of the external ends that might be achieved. It is considered a choice-worthy life due to its intrinsic value. Thus, we are compelled to either say that there is a contradiction between the Aristotelian proposition regarding politics in the *Nicomachean Ethics* and the understanding of politics in the *Politics*, or acknowledge that in the context of the *Nicomachean Ethics* Aristotle has a different kind of politics in mind. Moreover, there is a big debate about the chapters 6 – 8 of the tenth book of the *Nicomachean Ethics*, in which Lord refers to. It is an open question whether these chapters contradict with the rest of the *Nicomachean Ethics* and the other ethical and political texts of Aristotle. For example, Nussbaum claims that “we should [...] view the fragment X. 6 – 8 as a serious working-out of elements of a position to which Aristotle is in some way deeply attached, though he rejects it in the bulk of his mature ethical and political writings”. Martha C. Nussbaum, *The Fragility of Goodness: Luck and Ethics in Greek Tragedy and Philosophy, revised edition*, (Cambridge: Cambridge University Press, 2001), p. 377. Should we consider, based on *Nicomachean Ethics* X 6 – 8, that for Aristotle political life, and practical activities in general, are merely means to the life of contemplation? See, David Keyt, "Intellectualism in Aristotle", in Terence Irwin (ed.), *Classical Philosophy: Collected Papers, Vol. 5 Aristotle's Ethics*, (New York & London: Garland Publishing, 1995), p. 168. As Richard Kraut mentions, “it may seem odd that after devoting so much attention to the practical virtues, Aristotle should conclude his treatise with the thesis that the best activity of the best life is not ethical”. Richard Kraut, "Aristotle's Ethics",

The Stanford Encyclopedia of Philosophy (Summer 2014 Edition), Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/sum2014/entries/aristotle-ethics/>>.

There are two opposing interpretations regarding the eudaimonia. And thus, two opposing views about the most choice-worthy life, which are based on the respective interpretations of eudaimonia. On the one hand there is the “intellectualist” interpretation of eudaimonia and on the other hand there is the “inclusive” interpretation of eudaimonia. Despite the fact that “in the course of the last two decades the positions of the intellectualist interpreters and the inclusive interpreters of the *NE* have come closer and closer”, the relative discussion goes on and the question regarding the proper understanding of eudaimonia remains open. See, Anthony Kenny, *Aristotle on the Perfect Life*, (Oxford: Clarendon Press, 2002), p. 93. According to the intellectualist interpretation of eudaimonia, contemplation is the whole of happiness. “ἡ εὐδαιμονία θεωρία τις”. Aristotle, *Nicomachean Ethics* X, 1178b 31 – 32. According to the inclusive interpretation of eudaimonia, happiness contains also the activity of the moral virtues. The moral virtues are parts of the eudaimonia, and not merely means to it. Hence, philosophical wisdom (“σοφία”) is only a part of eudaimonia and not the whole of it. “ἡ σοφία [...] μέρος γὰρ οὐσα τῆς ὅλης ἀρετῆς”. Aristotle, *Nicomachean Ethics* VI, 1144a 5 – 6. As Nussbaum metaphorically states it, “σοφία” is “the biggest and brightest jewel in a crown full of valuable jewels, in which each jewel has intrinsic value in itself, and the whole composition (made by practical wisdom) also adds to the value of each”. Martha C. Nussbaum, *The Fragility of Goodness: Luck and Ethics in Greek Tragedy and*

Philosophy, p. 374. The intellectualist interpretation of eudaimonia has been severely criticized. Many scholars have argued that the intellectualist interpretation of eudaimonia, taken to its extremes, leads us to conclusions that are not morally acceptable by contemporary philosophers. For example, according to the strict intellectual interpretation of eudaimonia, a contemplating man should not interrupt his thoughts in order to help his neighbor whose house is burning, and he should not hesitate to betray a friend in order to gain a large property that would allow him to contemplate in leisure. See, Anthony Kenny, *Aristotle on the Perfect Life*, p. 89 - 93; Robert Heinaman, "Eudaimonia and Self-sufficiency in the *Nicomachean Ethics*", *Phronesis*, Vol. XXXIII/1 (1998); Martha C. Nussbaum, "Aristotle", in T.J. Luce (ed.), *Ancient Writers, Vol. I*, (New York: Charles Scribner's Sons, 1982). Should we conclude that the man of contemplation, "who is the hero" of *Nicomachean Ethics* X, is a "strange and repellent human being"? See, Anthony Kenny, *Aristotle on the Perfect Life*, p. 89. In order to avoid the excessive intellectualism, we could say that being a philosopher does not mean that you do not need the practical wisdom and the ethical virtues in order to achieve happiness. As J.O. Urmson notes, "so it is not perhaps unreasonably charitable to Aristotle to take his verbal identification of contemplation with eudaimonia in the latter chapters of Book X to be the selection of a dominant feature within a life containing other elements necessary to full eudaimonia". J.O. Urmson, *Aristotle's Ethics*, (Oxford: Blackwell, 1995), p. 119.

467) "Also life as a whole is divided into business and leisure, and war and peace, and our actions are aimed some of them at things necessary and useful, others at things

noble. [...] war must be for the sake of peace, business for the sake of leisure, things necessary and useful for the purpose of things noble”. Aristotle, *Politics* VII, 1333a 30 – 36.

468) “καὶ τὰναγκαῖα καὶ τὰ χρήσιμα δὲ πράττειν, τὰ δὲ καλὰ δεῖ μᾶλλον”. Aristotle, *Politics* VII, 1333b 1 – 2.

469) “a man should be capable of engaging in business and war, but still more capable of living in peace and leisure”. Aristotle, *Politics* VII, 1333a 41 – 1333b 1

470) “ποίας τινὰς δεῖ τὰς ὑποθέσεις εἶναι περὶ τῆς μελλούσης κατ’ εὐχὴν συνεστάναι πόλεως”. Aristotle, *Politics* VII, 1325b 35 – 36.

471) “So also the statesman and the lawgiver ought to be furnished with their proper material in a suitable condition. Under the head of material equipment for the state there first come the questions as to a supply of population – what precisely ought to be its number and what its natural character. And similarly in regard to the territory, what is to be its particular size and nature”. Aristotle, *Politics* VII, 1326a 3 – 8.

472) It seems that when Aristotle, in this context, refers to size of the polis, he is actually speaking about the size of the population of the polis.

473) “ They judge a great state by the numerical magnitude of the population”. Aristotle, *Politics* VII, 1326a 11.

474) Aristotle gives the following example: we say that Hippocrates is greater (“μείζω”) than another man who is bigger in physical size, not because of his physical

characteristics, but due to his skills and abilities. Aristotle, *Politics* VII, 1326a 15 – 16.

475) “It is superiority in the number of these [those who form part of the polis, i.e. with those elements of which a polis properly consists] that indicates a great polis”. Aristotle, *Politics* VII, 1326a 22 – 23.

476) “ὅτι χαλεπόν, ἴσως δ’ ἀδύνατον, εὐνομεῖσθαι τὴν λίαν πολυάνθρωπον”. Aristotle, *Politics* VII, 1326a 26 – 27.

477) “ὅ τε γὰρ νόμος τάξις τίς ἐστι, καὶ τὴν εὐνομίαν ἀναγκαῖον εὐταξίαν εἶναι, ὃ δὲ λίαν ὑπερβάλλον ἀριθμὸς οὐ δύναται μετέχειν τάξεως”. Aristotle, *Politics* VII, 1326a 29 – 32.

478) Aristotle, *Politics* VII, 1326a 40 – 1326b 2.

479) The slaves and the resident aliens are one of the things that are the *sine qua non* of the polis. Aristotle acknowledges that they are a necessary precondition for the existence of the polis, but he does not recognize them as parts of the polis. “ἐπεὶ δ’ ὥσπερ τῶν ἄλλων τῶν κατὰ φύσιν συνεστώτων οὐ ταῦτά ἐστι μόρια τῆς ὅλης συστάσεως ὧν ἄνευ τὸ ὅλον οὐκ ἂν εἴη, διῆλον ὡς οὐδὲ πόλεως μέρη θετέον ὅσα ταῖς πόλεσιν ἀναγκαῖον ὑπάρχειν”. Aristotle, *Politics* VII, 1328a 21 – 25.

480) For example, the metics living in Athens were not considered as part of the polis.

481) “the farmers must either be slaves, or foreigners, [or] people who live in outlying areas”. Aristotle, *Politics* VII, 1329a 25 – 26.

482) Aristotle, *Politics* VII, 1330a 26 – 27.

483) See, Aristotle, *Politics* VII, 1330a 9 – 17.

484) Stephen Salkever, “Whose Prayer?: The Best Regime of Book 7 and the Lessons of Aristotle's *Politics*”, *Political Theory*, Vol. 35, No. 1 (2007), p. 34. Salkever is right in saying that Aristotle does not make any attempt to justify the use of these slaves. “What is notable here is not so much the likelihood that slavery in this city of prayer will be unjust, but the utter absence of any consideration of its justice”. Ibid., p. 35.

485) “ὅτι μὲν οὖν τῷ νομοθέτῃ μάλιστα πραγματευτέον περὶ τὴν τῶν νέων παιδείαν, οὐδεὶς ἂν ἀμφισβητήσει”. Aristotle, *Politics* VIII, 1337a 11 – 12.

486) “it is evident that education too must be one and the same for all, and that the responsibility for it should be public and not private”. Aristotle, *Politics* VIII, 1337a 22 – 24. Given that Aristotle is so clear in proposing the establishing of a system of public education, it is strange that Richard Bodéüs says that the education could be provided either by the polis or by private individuals. As he says, “the fact that the legislator must be involved with education does not necessarily imply that the law must set up a system of public education governed by civic officials. But it does surely imply that the lawgiver is required to put the principles of education into the law, even if private persons are in charge of that education”. Richard Bodéüs, *The Political Dimensions of Aristotle's Ethics*, (Albany: State University of New York Press, 1993), pp. 123 – 124. If Aristotle allowed the existence of a system of private education, he would have to establish a number of check mechanisms in order to

examine whether the private education incorporated the right principles. The fact that he does not refer to such mechanisms, or institutions, is a strong argument in support of the view that he envisaged the existence of a system of public education.

487) “τίς δ’ ἔσται ἡ παιδεία καὶ πῶς χρὴ παιδεύεσθαι, δεῖ μὴ λανθάνειν. νῦν γὰρ ἀμφισβητεῖται περὶ τῶν ἔργων. οὐ γὰρ ταῦτά πάντες ὑπολαμβάνουσι δεῖν μανθάνειν τοὺς νέους οὔτε πρὸς ἀρετὴν οὔτε πρὸς τὸν βίον τὸν ἄριστον, οὐδὲ φανερόν ποτερον πρὸς τὴν διάνοιαν πρέπει μᾶλλον ἢ πρὸς τὸ τῆς ψυχῆς ἥθος”. Aristotle, *Politics* VIII, 1337a 34 – 39.

488) In order to ensure that there would not exist in the polis individuals with any kind of handicap, he proposes that the lawmaker should establish a law which would dictate that the newborns which are born with some kind of handicap would be abandoned. “περὶ δὲ ἀποθέσεως καὶ τροφῆς τῶν γιγνομένων ἔστω νόμος μηδὲν πεπηρωμένον τρέφειν”. Aristotle, *Politics* VII, 1335b 19 – 21.

489) See, Aristotle, *Politics* VII, 1334b 29 – 1336a 2.

490) “one should ensure that the bodies of the children that are produced shall be in accordance with the wishes of legislator”. Aristotle, *Politics* VII, 1335a 5 – 6.

491) “ἀλλὰ μὴν ἀγαθοί γε καὶ σπουδαῖοι γίνονται διὰ τριῶν. τὰ τρία δὲ ταῦτά ἐστι φύσις ἔθος λόγος. καὶ γὰρ φῦναι δεῖ πρῶτον, οἷον ἄνθρωπον ἀλλὰ μὴ τῶν ἄλλων τι ζώων· εἶτα καὶ ποιόν τινα τὸ σῶμα καὶ τὴν ψυχὴν. ἔνια δὲ οὐθὲν ὄφελος φῦναι· τὰ γὰρ ἔθνη μεταβαλεῖν ποιεῖ· ἔνια γὰρ εἴσι, διὰ τῆς φύσεως ἐπαμφοτερίζοντα, διὰ τῶν ἐθῶν ἐπὶ τὸ χεῖρον καὶ τὸ βέλτιον. τὰ μὲν οὖν ἄλλα

τῶν ζώων μάλιστα μὲν τῇ φύσει ζῆ, μικρὰ δ' ἔνια καὶ τοῖς ἔθεσιν, ἄνθρωπος δὲ καὶ λόγῳ: μόνος γὰρ ἔχει λόγον: ὥστε δεῖ ταῦτα συμφωνεῖν ἀλλήλοις. πολλὰ γὰρ παρὰ τοὺς ἔθισμοὺς καὶ τὴν φύσιν πράττουσι διὰ τὸν λόγον, ἐὰν πεισθῶσιν ἄλλως ἔχειν βέλτιον. τὴν μὲν τοίνυν φύσιν οἷους εἶναι δεῖ τοὺς μέλλοντας εὐχειρώτους ἔσεσθαι τῷ νομοθέτῃ, διωρίσμεθα πρότερον: τὸ δὲ λοιπὸν ἔργον ἤδη παιδείας. τὰ μὲν γὰρ ἐθιζόμενοι μαθήνουσι τὰ δ' ἀκούοντες". Aristotle, *Politics* VII, 1332a 39 – 1332b 11. As Helen North mentions, "Both the *Ethics* and the *Politics* are deeply concerned with the problem of moral education, which was in the Greek tradition always the responsibility of the lawmaker. In both works Aristotle relies on the traditional triad of nature, habituation, and teaching (*physis*, *ethos*, and *logos* in *Pol.* 1332a 39 – 40; *physis*, *ethos*, and *didachê* in *Eth. Nic.* 1179B 20 – 21)". Helen North, *Sophrosyne: Self-Knowledge and Self-Restraint in Greek Literature*, (Ithaca: Cornell University Press, 1966), p. 208.

492) Aristotle makes a direct reference to the *Laws*, when he is discussing the issue of the territory of the polis. As he says, "περὶ δὲ τῆς πρὸς τὴν θάλατταν κοινωνίας, πότερον ὠφέλιμος ταῖς εὐνομουμέναις πόλεσιν ἢ βλαβερὰ, πολλὰ τυγχάνουσιν ἀμφισβητοῦντες". Aristotle, *Politics* VII, 1327a 10 – 13. This dispute about whether access to the sea is beneficial or harmful to well-governed poleis is referring to the passage of the *Laws* where the Athenian Stranger claims that the new colony which is to be founded should not be near, and have access to, the sea. He claims that the proximity with the sea would negatively affect the virtue of the citizens of the polis. Plato, *Laws*, 704a – 705b.

493) Plato, *Laws*, 702b – e.

494) The relevant passage leaves to room for dispute. It is clear that the whole discussion of books VII and VIII concerns a new polis. It would be no mistake to interpret it as the founding of a new colony. This new polis would be established in the future according to the wills of the lawmakers: “περὶ τῆς μελλούσης κατ’ εὐχὴν συνεστάναι πόλεως”. Aristotle, *Politics* VII, 1325b 36.

495) He sets the issue in the following way: “ἔχει δ’ ἀπορίαν τί δεῖ τὸ κύριον εἶναι τῆς πόλεως. ἥ γάρ τοι τὸ πλῆθος, ἥ τοὺς πλουσίους, ἥ τοὺς ἐπιεικεῖς, ἥ τὸν βέλτιστον ἕνα πάντων, ἥ τύραννον. ἀλλὰ ταῦτα πάντα ἔχειν φαίνεται δυσκολίαν”. Aristotle, *Politics* III, 1281a 11 – 14.

496) It is evident that our interpretation leaves no room for interpreting Aristotle's political thought as anti-egalitarian. I believe that we cannot seriously take into account those who claim that “Aristotle's overall argument is so unabashedly anti-egalitarian [...]”. See, Thanassis Samaras, “Aristotle's *Politics*: The City of Book Seven and the Question of Ideology”, p. 84.

497) P.A. Vander Waert, “Kingship and Philosophy in Aristotle's Best Regime”, *Phronesis*, Vol. 30, No. 3 (1985), pp. 249 - 273.

498) “Aristotle prefers a certain kind of kingship, I shall argue, because it is better suited to foster the life of φιλοσοφία or leisured culture to which the best regime is dedicated”. Ibid., p. 252.

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