A R I S T O T L E

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ABSTRACT

The thesis undertakes a reconstruction and critical assessment of Aristotle's theory of democracy.

The process of reconstruction requires at first the collection and organisation of the relevant material, since Aristotle's references to democracy, although numerous, are scattered throughout his political and ethical writings. A chapter is devoted to this task. This chapter also seeks to describe the historical and intellectual context in which Aristotle developed his ideas on democracy. The thesis then attempts to identify the fundamental principles which underlie Aristotle's conception of democracy. These are examined both in their relation to one another and also in their relation to the fundamental principles of Aristotle's political philosophy in general. Aristotle's teleological conception of the state and his theory of distributive justice based on proportionate equality are singled out as the salient principles which shape his conception, classification and criticism of democracy. These issues are dealt with in a number of chapters. One of them deals with the questions of equality and justice. Aristotle is described as having developed a theory of distributive justice which differs considerably from the democrats' corresponding conceptions thus giving rise to Aristotle's criticism of the democratic distribution of political power. In another chapter, the evaluative principles which lie behind Aristotle's classification of democracies are identified and their effect on his conception of democracy is discussed.

Having identified the structure of Aristotle's ideas, the thesis undertakes an evaluation of his assessment of democracy. Both the arguments which Aristotle employs against democracy and his defence of a moderate and restricted version of democracy are examined in their own terms and also in terms of their place within the Aristotelian political philosophy seen as a whole. Emphasis is given to Aristotle's proposals aiming at reforming democracy by moderating it, since this seems to be the practical aim of his theory of democracy.

In short, Aristotle's theory of democracy is shown to be broadly consistent, though not necessarily convincing.

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ACKNOWLEDGEMENTS

One of the unfortunate aspects of being a Greek nowadays is a constant feeling of inferiority when faced with the magnitude of our ancestors. Sometimes one feels that it would have been better, had they never existed. Nevertheless, it was a challenge for me to try at least to find out what the greatest of the Greek philosophers had to say on an issue which is as hotly debatable today as it was then, democracy.

I had one good thing to start with, the knowledge of the ancient Greek language and, to an extent, of ancient literature and philosophy. For this I will be always grateful to my teachers at Athens College and the University of Athens. (I would like here to mention specifically professors Th. Veikos and Th. Pelegrines, who are still a source of inspiration for me). But as my thesis was proceeding, I found myself spending more time on the parallel English translations rather than the classical texts. Alongside the development of my research on "Aristotle and Democracy" went my learning of English for which I am indebted to many people. At this point it would be a sign of ingratitude not to mention the patience of my supervisor, Mike Rosen, which went beyond tolerating my funny English.

Primarily to Mike Rosen, Janet Coleman, and Hamish Robinson, but also to many people in and out of the University College I am grateful for all the intellectual stimuli and above all their friendship which made my presence here and even my research enjoyable.

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INTRODUCTION

"Democracy", as is well known, is a conjunction of the two Greek words, *demos* and *kratos*. *Kratos* means power or rule while *demos* can signify either the body of citizens as a whole or a particular part of the citizenry, namely the poor, the lower classes.[1] Aristotle was among those who chose to use the term as signifying the rule of the poor.[2] Democracy itself was a frequent theme in Aristotle's ethical and political works. We meet references to democracy in most of the books which comprise the *Politics* and also in the *Athenian Constitution*, Aristotle's (or his school's) only surviving treatise on contemporary constitutions, as Athens was Greece's first and most prominent democratic *polis*.

One may, however, object that the mere fact that democracy is frequently referred to by Aristotle is not by itself a sufficient justification for such an intensive interest as the title of my thesis would suggest. Was there something special and important about ancient democracy, as depicted by Aristotle? And are there grounds in Aristotle's writing to allow us to speak not merely of his different views on democracy, but of his theory of democracy? To answer the first question, I shall give some account, brief now, more detailed later, of the peculiarities of ancient democracy and of Aristotle's treatment of it. To answer the second question, I must state my methodological assumptions before going on to apply them to a critical account of Aristotle's approach to democracy.

It is a commonplace to say that ancient democracy was different from modern democracy in many respects. It was direct democracy, its centre was the notion of the active political participation of the ordinary citizen in the running of the *polis*. Nor was ancient democracy the rule of the whole people: women and slaves were excluded. Such facts are not of interest to the historian alone. For, in keeping with the different form of ancient democracy, both its theoretical defence and its criticism were formulated in terms of notions which are quite distinct from modern democratic ideas. One should not expect Aristotle's criticism of democracy to correspond to modern approaches to democracy, for many of the features

of contemporary democracy he was criticising are not present today. In fact, it might well be argued that Aristotle would have been quite content with modern democracy.

There are also difficulties of interpretation which stem from Aristotle's particular attitude towards democracy. Unlike Plato[3], or Xenophon, or the pamphleteer who wrote the *Constitution of Athens*[4], he was not a fully committed anti-democrat. His stance was far more complicated. The first-time reader of the *Politics*, after having read much argument against democracy earlier in this work, may be surprised to encounter a whole chapter in Book III endorsing and even elaborating prodemocratic arguments and defending fundamental democratic principles[5]. However, it would be premature to attribute inconsistency to Aristotle without going through the whole corpus of his political writings.

The full complexity of the subject becomes clear when we consider Aristotle's classification of different types of democracy. As students of Aristotle know, classification for him is not just a matter of recording observation and taxonomising it, but is part of the process of evaluation. Different types of democracy are thus placed in a hierarchical order according to Aristotle's judgement of their worth. This means that there is a division between those types of democracy that he favours (or, at least, which he dislikes less) and those that he does not like at all. These types of democracy are not, however, direct descriptions of existing constitutions. They are mostly theoretical, abstract types, which are derived from Aristotle's understanding of democracy. So what meaning does he give to the term "democracy?"

i) METHOD

The above considerations lead us to ask: what is Aristotle's theory of democracy? But, an explicit theory of democracy cannot be found in the *Politics* or, indeed, anywhere else. This fact can be explained, first, by the form of the *Politics* as a series of lectures which Aristotle gave to his students and which were not intended for the general public. It is, to follow the terminology of Aristotelian scholars, an "internal" and not an "external" work. Moreover, Aristotle often tends to return to a topic on

various different occasions and so references to democracy can be found in most of the books of the *Politics* rather than in a particular book devoted to the question.

It is evident, however, that neither the references to democracy in the *Politics*, nor the account of the development of the Athenian democracy which is given in the *Athenian Constitution* are sufficient in themselves to provide us with a theory of democracy. A theory of democracy in Aristotle must be a matter of reconstruction: in many cases one will have to make explicit what is merely implied by Aristotle. In order to speak of a theory of democracy, it is necessary, first, to give an account of the fundamental principles of such a theory, second, to explain the relation of these principles to the more general principles of Aristotle's political philosophy, and, finally, to investigate how other conclusions and judgments made by Aristotle connect to these principles. I shall be arguing that Aristotle has a theory of democracy in this sense, showing what this theory says and examining whether it is a sound one.

In order to find the fundamental principles of Aristotle's theory of democracy, we must place our subject in context and examine democracy as a part of Aristotle's overall political theory as well as examining carefully Aristotle's explicit statements in carrying out this task. I shall be following two theoretical routes: one from the general (Aristotle's overall political theory) to the specific (his theory of democracy), the other from the specific (Aristotle's various comments on and descriptions of democracy) to the general (his theory of democracy)[6].

There are several reasons why this seems to me to be the most appropriate procedure. First, as I have already stated, Aristotle nowhere presents the reader with a fully constructed theory of democracy. Nevertheless, democracy is one of the main topics of his political work and, although we may lack an explicitly stated theory of democracy, we can reasonably claim that such a theory is implied. This makes the task of Aristotle's commentator or critic -- and I believe it is better when the two qualities go together -- more difficult; he has to reconstruct the implied theory.

Second, one should not forget that Aristotle was a systematic

philosopher. It is often the case today that scholars use some particular theme or quotation from Aristotle in their treatment of modern problems, political or other[7]. But such a treatment cannot do justice to Aristotle, since we cannot understand any individual Aristotelian topic without relating it to the more general notions of Aristotelian theorising. This is so, firstly, because in Aristotle various themes are interrelated and ordered in a systematic way. Secondly, and most importantly, the teleological nature of Aristotle's political philosophy makes it impossible to treat any single theme as conceptually autonomous precisely because any such a topic is, in Aristotle's view, conditioned by the end (*telos*) or ends (*tele*) suggested for it. In the course of this thesis I will frequently indicate how teleologically orientated Aristotle's theory of democracy is. Still, for present purposes, the following simple example may throw some light on what I hope to make more fully apparent later. Democracy is labelled a "deviant" constitution by Aristotle because it allegedly serves the sectional interests of the poor. One might respond by asking why a constitution which served the interests only of the poor (who were, after all, almost always in the majority) should be deemed a deviant one. Had Aristotle been a partisan of oligarchy, we could assume that he disliked such a constitution because it did not serve the interests of the rich. Aristotle himself might seem to encourage such a conclusion, for he does indeed state that democracy is unfair to the rich. On this basis, one might see oligarchic tendencies or even bias behind Aristotle's theory of democracy[8]. But Aristotle regards oligarchy as a deviant constitution too. In fact, he judges oligarchy to be a grosser deviation than democracy[9]. Why then is democracy a deviant constitution? Here we need to employ Aristotle's teleology. Societies, he believes, ought to aim at, to have as their end, their *telos*, the common good. The good at which democracy aims is not common but sectional, however, as is that of oligarchy; hence both political forms are deviant. On this basis we may make more specific evaluations and understand why less sectional and more moderate forms of democracy are preferred by Aristotle to the more extreme democracies.

Since my aim is to reconstruct and criticise Aristotle's theory of

democracy in its own terms, the mere enumeration of the constituents of such a theory will not suffice. If Aristotle is to be shown to have held a coherent theory of democracy, the constituents must be shown to be interrelated. Some of them will be cardinal to the theory, while others may be of a secondary or derivative nature. Consider a statement claiming that considerations of a certain kind, A (e.g. the implementation of principles of distributive justice), are more important than considerations of kind, B (e.g. the freedoms citizens enjoy under a particular democracy), in Aristotle's assessment of democracies. One might substantiate such a claim by direct reference to the texts. But I am not interested only in what Aristotle said. I am interested, too, in why Aristotle said what he said, whether what he said is sound and what its importance is for a theory of democracy in general.

All these requirements are imposed upon the unfortunate student who pursues such an endeavour by the systematic nature of Aristotle's philosophy. While this may be true, it does not justify the assumption that the parts of Aristotle's philosophy are uniform and consistent, for then one might take a piece of methodology from the non-political works (e.g. the theory of the four causes) and simply employ it mechanically in the examination of a political or ethical subject. I hope to show that such an apparently easy solution would be inadequate and misleading. To do so would, for example, neglect the important line which Aristotle draws between what he calls theoretical and practical sciences. Politics is, for Aristotle, a practical not a theoretical science and, for this reason, political philosophy is different from a theoretical science such as physics in many respects. They differ in the aim they pursue, the intellectual faculties they employ, their subject-matter and the method they follow. Political philosophy aims at right action and uses a mode of reasoning which is not so stringent as that of the theoretical sciences. Its method is directed not simply towards analysing but also towards correcting the forms of political life. In politics the opinion of wise people, or even the opinion of the Many, can in conjunction with experience serve Aristotle as a starting point. But these must then be subjected to examination and correction.

On the other hand, it would be equally erroneous to deny all links between Aristotle's views on theoretical and practical sciences. After all, both aim to answer the question: what is the proper function, the aim, the completion of something? In the case of political philosophy, Aristotle's main endeavour is to identify the proper aim of the *polis* and to deliberate on the proper matter and organization which will enable it to realise this end[10].

How is the theory of democracy connected to all this? On the one hand it would be wrong to interpret Aristotle's theory of democracy in terms of the broader structure of his philosophical system without allowing for the particular features which Aristotle sees as characteristic of the practical sciences. On the other hand, it would be equally implausible to reconstruct the theory of democracy without taking account of Aristotle's more general political and philosophical principles.

ii) CONTENTS

To sum up: in reading the Aristotelian corpus one cannot fail to notice the copious references to democracy, in the course of which democracy is taxonomised, analysed and criticised. Thus we have more than sufficient evidence for the existence of a theory of democracy in Aristotle's political philosophy. Since Aristotle's theory of democracy is a part of his political philosophy, it is of obvious interest to try to establish its role in it. But Aristotle's theory of democracy is more than a particular application of his political philosophy. It intends to judge, recommend or reject models of democracy. It also stands in a critical relation to other theories and theorists of democracy. We thus need to test this theory against its environment, that is to say, to test it in relation to the content of contemporary democratic systems and in relation to contemporary ideas and theories of democracy. Consequently, my first chapter aims to give a brief account of the main principles of Aristotle's political philosophy. It also refers, although not in detail, to the contemporary situation of the Athenian democracy and the theoretical controversy which surrounded the emergence and development of this new and disputed constitution.

Part of this chapter is devoted to a general account of Aristotle's stated views on democracy as these appear throughout the Aristotelian corpus, but most especially in the *Politics*. As I have said, Aristotle's theory of democracy must be reconstructed. Yet there is a potential problem here. Is the process of reconstruction adversely affected by its aim, namely to present Aristotle's theory in a convenient form? Fortunately not. Aristotle's views, scattered as his statements of them are, are not brief, obscure or inconsistent. A reconstruction of Aristotle's theory of democracy is thus more a matter of collecting and placing together the substantial available evidence than improvising in its absence.

I then turn to the main object of the thesis: the attempt to present and assess Aristotle's critique of democracy. This part consists of three chapters: one dealing with the classification of democracies, another on the notions of distributive justice and equality and a third one on other relevant considerations such as freedom, leisure and the rule of law.

The chapter on the classification of democracies is important, given the manner in which Aristotle constructs his political classifications. These are not mere descriptions of political realities. They are, above all, powerful normative assessments of whatever is being classified. It is carried out in proportion to the importance of the principles in question.

Distributive justice (which for Aristotle is a question of the form of equality implemented) is the most important principle and for this reason I commence this part of the essay with a discussion of equality. I argue throughout this thesis for the central role that considerations of distributive justice play in Aristotle's theory of democracy. I attempt to show that the relation in which either democracy in general or particular forms of democracy stand to distributive justice is the main factor determining Aristotle's evaluation of them. In fact, most of the other considerations he puts forward seem themselves to be derived from his concern for distributive justice.The justification for this claim will, I hope, become fully apparent in the course of the essay. For the moment let me make some preliminary remarks. Aristotle's general theme in the *Politics* is the *polis* and its constitution considered insofar as it promotes the good life, the *eudaimonia*, the happiness of its citizens. For Aristotle,

the constitution is the mode of arrangement of political power and this arrangement is the object of distributive justice. A constitution is thus to be assessed and classified according to the principles of distributive justice. In practice, this usually amounts to Aristotle drawing a contrast between his own favoured understanding of political equality and that realised in the form of the democracy under review. For this reason I have placed my discussion of distributive justice before the more general chapter on the classifications of constitutions and democracies. Other principles on which Aristotle places less emphasis or on which he is less informative are dealt with in the last chapter of this section.

The next section of the thesis begins with a chapter devoted to Aristotle's defence of democracy. It seems strange, at first, that Aristotle should develop prodemocratic arguments. I assess the validity of these arguments by subjecting them to detailed scrutiny. I also try to explain how their presence can be interpreted in such a way that it does not amount to an inconsistency on Aristotle's part.

As we shall see, Aristotle's criticism of democracy extends to many of the fundamental principles supporting democratic rule and its implementation in the Greek world. It is important, however, to emphasise that Aristotle did not stop at mere criticism of democracy. Indeed, a considerable part of what I call his theory of democracy deals with the problem of moderating democracy, relieving it of its more extreme characteristics and equipping it with modifications and devices which would make it acceptable. I devote a lengthy chapter to the assessment of Aristotle's proposals for moderating democracy, in which both their logic and their practicality is examined. I am concerned with the relation that such proposals bear to Aristotle's fundamental political principles and I intend to show that there is no discrepancy between the two.

At the end of the thesis, I return to my initial targets and discuss how far they have been met. My conclusions follow.

Chapter One

CONTEXT AND CONTENT

1.1. CONTEXT

Aristotle developed his views on democracy while living in the democratic *polis* of Athens. As an alien he had no political rights and consequently could not participate in Athenian political life. Still, we can reasonably assume that Athenian democracy was not a matter of indifference to him. We know that he and his students compiled treatises on 158 different constitutions. Of all these treatises the only one surviving to us is the treatise on Athens.

In the pages which follow I shall attempt to present a brief history of the evolution of democratic institutions in Athens together with an equally brief description of the theoretical controversies which accompanied this development. In the course of this thesis I shall be arguing that Aristotle's theory of democracy is not primarily aimed at the criticism of contemporary constitutions and that it does not constitute a programme for partisan activity. As I noted above, Aristotle's theory of democracy is best understood in relation to the general principles of his political philosophy rather than to contemporary practicalities. Even his judgements in the *Athenian Constitution* should, to a large extent, be interpreted as an application of his political theory rather than an illustration of his attitudes towards historical figures. On the other hand, there are several reasons why we should not entirely ignore the historical context within which Aristotle's teaching on democracy was developed in the first place. Ancient democracy was quite different from modern democracy and so Aristotle's strictures on democracy cannot be applied directly to our own societies. A more important reason is that the development of democracy in Athens was accompanied by theoretical debates in which Aristotle himself, participated, albeit indirectly. Finally, it seems to me a useful thing to test some of Aristotle's criticisms of democracy against the realities of the Athenian democracy.

Athenian Democracy: a Sketch of its Historical Evolution

By the time of Aristotle, the 4th century BC, democracy had been developed and institutionalised in Athens as the result of a long process of changes which had taken place during the previous centuries.

The constitutional history of Athens may be said to have started with Theseus,the shrewd king of Athens who managed to unite the hitherto autonomous local communities under his power. For some time the government consisted of the king, a council of the elders and the *agora*, an assembly of the people which then had little power unlike its descendant, the *ecclesia* of democracy. Gradually, however, royal authority was dissolved and distributed among the aristocracy who filled the newly created magistracies. A *polemarch* was assigned power over military matters, another magistrate was made responsible for administrative matters, while the third archon, retaining the title of the "king", performed religious duties. The real power, however, rested with the Areopagus. This was an extension of the council of the elders. It included the heads of the aristocracy and elected the magistrates from its own ranks. The Areopagus was later to become the stronghold of conservative opposition to democracy.

The history of democracy in Athens starts with the reforms of Solon. The peasants had fallen into debt to the landed aristocracy and, since they could borrow against their bodies, many of them were in danger of being enslaved. Civil war was imminent and Solon was elected archon and named as mediator and legislator. Plutarch writes that "the rich accepted him readily because he was well-to-do, and the poor because he was honest"[11]. Solon cancelled the debts of the peasantry and also gave restricted political rights to the whole of the free population. For the first time the lower classes were admitted to the Assembly. They were given the right to elect the magistrates and call them to account, though they were denied the right to be elected themselves to these posts[12]. The old magistrates retained their judicial powers but the assembly took a share of these powers by being allowed to act as an appeal court.

According to an apocryphal story reported by Plutarch, the Thracian traveller Anarchasis, a contemporary of Solon, was amazed by an assembly of the Athenian people and remarked that in Athens the wise advised and the

fools decided[13]. But, as I have just noted, Solon's reforms provided the people with only limited power. The completion of democracy had to wait until the reforms of Cleisthenes after Athens had spent 50 years under the tyranny of Peisistratus and his sons[14]. It was later to be a constant ideological claim of the democrats that the expansion of the power of the people immunised the city against the danger of falling under the rule of a tyrant. Cleisthenes assigned duties to 10 artificial tribes which he created by joining together different local units. Solon had created a council of 400 members responsible, among other things, for preparing the agenda of the Assembly. Cleisthenes replaced it with a new council of 500 members, 50 from every tribe chosen by lot among a large number of candidates proposed by the tribes. The judicial power of the assembly was also increased and now ran in parallel with the jurisdiction of the Areopagus. Some years later, in 487-6, it was decided that the archons, who now numbered nine instead of the previous three, were to be chosen by lot from people nominated by the tribes.

The following years were marked by bitter strife between the democrats and their new institutions on the one side and the conservative stronghold of the Areopagus on the other. For a while the Areopagus managed to maintain its presence as a criminal and constitutional court. Gradually, however, most of its power was transferred to the Assembly and the popular courts. This change was partly a result of the 487-6 reform. The Areopagus consisted of all the ex-archons and since they were now chosen by lot, its aristocratic composition and its influence gradually diminished. At the same time, the lower classes were given access to the higher offices. This was done either through new reforms, as in the case of the third of the four classes which were institutionalised by Solon and were based on income, or by silent approval as in the case of *thetes*, the lowest class.

Of course, these democratic reforms did not meet with universal approval. In 411 and 404 attempts were made by opponents of democracy to abolish them, with the professed aim of restricting the political rights of the common people and stopping the democratic practice of paying a fee to the people for participating in public offices. Both attempts ended in a brief reign of terror after which democracy was swiftly restored. Before

the revolts, Pericles had extended the payment of a fee to the members of the popular courts, and after the victory of democracy over the oligarchic revolts, payments were extended to all those people participating to the Assembly. Additionally, the democrats changed the system by which the magistrates were selected from a combination of lottery and voting to the exclusive use of the lot. There were, however some exceptions to this. Magistrates requiring expertise -- the military generals, the ambassadors and the financial magistrates in the fourth century -- were appointed by election.

For many years scholars have failed to recognise the centrality of selection by lot in the Athenian democracy[15]. Today, the right to elect the government is generally thought to be at the very heart of democracy, but the ancients regarded election by vote as aristocratic and antidemocratic, probably because they thought that the prominent or better-off citizens stood a better chance of being chosen than the common citizens. I shall examine later the philosophy behind the adoption of the lot, its importance for democracy and Aristotle's attitude towards this system. I should, however, mention at this point that this system was not, as Xenophon claimed, equivalent to "selecting a ship's pilot or a physician by lot"[16]; many safeguards existed. People who had been convicted of criminal offences were not eligible to stand as candidates. After the citizen had been selected, he had to undergo a trial before the council in order to show that he was fit for office[17]. If he was inexperienced, he could appoint two assistants. In the course of the usual tenure of one year, the official had to account for his conduct before the assembly ten times, under a procedure called *epicheirotonia*[18], and finally, at the end of his term, he would submit his final account and would be held responsible for any possible misconduct[19].

In short, one may say that Athens' constitutional history is characterised by a series of reforms which led to the establishment and predominance of democracy. Political power was gradually transferred from the minority to the majority of Athenian citizens. As Aristotle concludes in the end of the examination of what he regards as the eleven most important constitutional changes in Athens: "Democracy made itself master

of everything by its votes in the assembly and the law-courts"[20]. It should be noted, however, that democratic government was not without restrictions. Aristotle, as we shall see, tends to ignore this, but checks and balances were much in evidence in Athenian democracy, the one democratic constitution about which we have detailed knowledge. The Assembly, in spite of the fact that it was the body with supreme power, could not, in theory at least, take a decision contrary to the spirit or the letter of the existing law. This was checked by the procedures of *eisaggelia* (impeachment) and *graphe paranomon* (indictment for illegal proceedings). The *eisaggelia* could be moved against an official or even a plain citizen for alleged treason, attempt to overthrow the constitution, taking bribes or deceiving the people. It was brought in front of the Council or the Assembly and resolved in the courts. The *graphe paranomon* was a means of prosecuting anyone proposing unconstitutional legislation to the Assembly or the Council[21]. The agenda of the Assembly was prepared by the Council, which also wielded most of the executive powers. Finally, contrary to the idea of the people doing whatever they wanted, it must be said that the orators and the politicians, usually from the prominent families of Athens, had an enormous influence over the decisions of the assembly.

I shall conclude this part of the chapter with a brief note on the economic basis of the Athenian democracy. One might expect that the political progress of the Athenian masses would be accompanied by corresponding economic progress on their part. This was not the case, however. In the time of Solon loans which had been secured against the body of the borrower were cancelled and the people who had fallen into slavery because of them were freed. But no redistribution of land took place and poor Athenians were able to acquire land only by emigrating to the colonies. The basis of Athenian democracy consisted of small farmers and free labourers who were either self-employed or employed periodically by the state. Slavery was, of course, a feature of Athenian democracy as indeed of the whole ancient world, but its importance is somewhat exaggerated today, considering that the average Athenian could not afford to maintain a slave or at best would have only one or two domestic

servants. Most slaves were employed in the mines. Slaves were also used by the state, factories and big landowners.

Much of Athens' commerce and banking was in the hands of non-Athenian residents. The wealthy Athenians obtained their incomes from large farms, factories and mines. But it is important to note that the transformation of Athens into a trading centre during the sixth and the fifth centuries turned the city into a prosperous naval power with political and economic control over other cities[22]. Both public finance and private fortunes improved significantly. This new wealth, though not noticeably improving the economic fortunes of the lower classes, was not restricted to the landed aristocracy[23]. We know that in the fourth century 6000 citizens out of a probable total of 20000 were paying the war tax, a sign that they were relatively well-off. Of those, 1200 belonged to the category of the wealthiest citizens who were liable to be called to finance certain public functions such as the staging of a theatrical play or the maintenance of a war vessel.[24]

Finally, it should be noted that the fee paid to the participants in the assembly was, despite its controversial political character, too low for the recipient to subsist upon.[25]

Intellectual context.

In the remaining part of this chapter I intend to present the main ideas which appeared in the course of the intellectual debate between the proponents and the opponents of democracy. This debate had started long before Aristotle formulated his political theory; Aristotle was writing inside a context already framed by this controversy. It was a long, complicated and fruitful debate, in keeping with the importance of the new political form to which it referred, and cannot be fully presented here. I shall give only the main aspects of both the anti-democratic and pro-democratic arguments and at this point I shall avoid long references to Aristotle. As Aristotle discusses most of these arguments in his theory of democracy, I shall have the chance to return to this debate in more detail later.

The main sources of anti-democratic arguments and criticisms of

democracy are writers such as Plato, Xenophon, the writer of *The Constitution of Athens* and, in a more complicated way, Thucydides, Aristotle and Isocrates. But none of them was a typical spokesman for the political opposition to democracy, i.e. the oligarchs who based their politics chiefly on the claim that wealth should be the main criterion of the allocation of political power[26].

Plato summed up his political intentions in the following often quoted passage of his *Seventh Epistle*:

> the ills of the human race would never end until those who are sincerely and truly lovers of wisdom come into political power, or the rulers of our cities, by the grace of God, learn true philosophy[27].

Apart from his failed involvement in the political intrigues of Sicily, Plato refrained from engagement in practical politics. He was always interested in political reform but he came to believe that contemporary constitutions were so corrupt that they could not be corrected. He believed that his political ideals could be achieved outside these constitutions and consequently his political philosophy took on a highly idealistic and utopian character[28]. Although in Xenophon, as in Plato, several anti-democratic ideas and arguments are expressed, these do not amount to a thorough-going critique of democracy. We do not encounter the formulation of an oligarchic ideology corresponding to the needs of contemporary oligarchic *poleis*. The *Constitution of Athens* is an ironical, one might even say libellous, treatise which describes the efficiency of Athenian democracy in serving the interests of the lower classes against the interests of the "better" citizens[29]. It is more difficult for the reader to account for the political stance of Thucydides, Aristotle and Isocrates, however. All of them seem to favour the old type of democracy which was, as we saw, a moderate form of government combining elements from different constitutional forms.

On the other side of the debate things are even more unclear. It is striking that no statement of democratic political theory survives. We do not know whether one was ever written and, if none were written, why that should have been so. Hence we have to rely heavily on indirect sources such

as the works of literature and the speeches of the fourth century orators who were preoccupied with practical matters. But the main source remains the writings of people who were not particularly friendly to democracy and their accounts should not be received unquestioningly. To a large degree we still have to rely, as in so many other matters, on Plato and Aristotle, whose highly personal judgements may not be the best guide. As E. R. Dodds has pointed out, drawing inferences on matters of public belief from Plato and Aristotle has produced distortions comparable to what would result should:

> some future historian set out to reconstruct the religion of the Englishman from a comparative study of Paradise Lost, the philosophy of Berkeley, and the poems of William Blake[30].

Fortunately, modern scholarship has managed to reconstruct the debate on democracy by using indirect sources creatively and critically assessing the more opinionated writers[31].

We may summarise the debate on democracy as follows:

The opponents of democracy claim that democracy grants excessive freedom to citizens by allowing them to live as they wish. Thus citizens have no respect for the law and lawlessness prevails. The advocates of democracy dispute this point fiercely by claiming that democracy (some say only democracy) facilitates the rule of law by allowing all citizens to participate in political life thus rendering the city immune to tyranny and arbitrary rule in general. At this point, the critics of democracy question the laws of democracy by claiming that they are based on a wrong conception of justice because they treat equals and unequals alike. This results in an unfavourable situation for the best citizens and it means that the lower classes use their numerical superiority to rule according to their sectional interests. To the above, the democrats answer that democracy provides fairly for all citizens and that it does not abolish meritocracy.

I shall now briefly consider the individual points of this debate. The first anti-democratic argument makes the point that democracy grants excessive personal freedom[32] and that this leads to lawlessness. This accusation is not self-evident. Today we hold the ideal of freedom in high regard and so did the ancients. This, for example, is illustrated by the

passion with which they fought the Persian empire in order to retain their freedom, and the determination with which individual cities struggled to keep their autonomy. The same applies to personal freedom in particular. It needs to be shown that personal freedom inevitably leads to lawlessness. Plato is firmly of the opinion that this is the case. Athens is described in the *Republic* as follows:

> Is not the city full of liberty and freedom of speech? and has not every man licence to do as he likes?...And where there is such a licence it is obvious that every one would arrange a plan for leading his own life in the way that pleases him[33].

And, using a psychological argument, Plato puts forward the claim that:

> The minds of citizens become so sensitive that the least vestige of restraint is resented as intolerable, till finally...in their determination to have no master at all they disregard all laws, written or unwritten.[34]

Democrats were proud of personal freedom under democracy[35]. They would completely reject the second accusation, namely that democracy fostered lawlessness. As we have noted, there are not sufficient reasons (or, if there are, they are not stated) to conclude that excessive personal freedom <u>inevitably</u> leads to the lessening of the rule of law. It has to be said, though, that Plato's claim seems plausible. If a citizen resents any curtailing of freedom in his personal life why should we expect him to think and act otherwise in his public life? The Greek *polis* was a society where the lines between public and private life were drawn less clearly than they are today. Pericles labels the citizen who minds his own business and is not interested in public affairs as *achreion* (useless)[36]. In search of a democratic answer, I shall stay for a while with Pericles and his Funeral Oration. I think that a careful reading of this valuable text reveals that democrats regarded as the source of their personal freedom the tolerance with which citizens treated each others rather than the lack of constraints in their lives. According to Pericles:

> And not only in our public life are we liberal, but also as regards our freedom from suspicion of one another in the pursuits of every-day life; for we do not feel resentment at

> our neighbour if he does as he likes, nor yet do we put on sour looks which, though harmless, are painful to behold[37].

It is not that the personal sphere of life is not regulated. Only, the regulation taking place is based, as one should expect from a democratic constitution, on equality. As Pericles says "as regards the law all men are on equality for the settlement of their private disputes"[38].

Usually, proponents of democracy would go further than merely denying that democracy was a constitution fostering lawlessness. Returning the accusation, they would claim that democracy is, in fact, the only form of government capable of securing *eunomia*, a term used to signify the rule of law. Aeschines, for example, claims that, whereas other forms of government function according to the whims of their rulers, democracy is governed according to established laws[39]. Taking a similar line, Demosthenes contrasts democracy, which governs by law, with oligarchy, in which rulers are "entitled to undo the past and prescribe future transactions" at their pleasure[40].

The democrats' claim that they alone observe the rule of law cannot be accepted without question, however. In theory, nothing prevents an oligarchic government from following the law and, in practice, we know that oligarchies such as the one in Thebes were not tyrannical, they functioned according to their own established laws which of course excluded the lower classes from political participation. But, equally implausible seems to be the claim that democracy is incompatible with the rule of law; not only is it fiercely denied by democrats but also many aspects of the constitutional life of Athens attest to the observance of this principle. As I have noted above, much concern was shown for the preservation and the clarification of laws, especially in the fourth century. Special magistrates, the *nomothetai*, were appointed to be responsible for the orderly functioning of the legal system. Every year laws were reviewed with the aim of clarifying and improving them. But radical revisions were not welcome as is indicated by persistent reference to the "ancestral constitution"[41] and by the existence of the *eisaggelia* and the *graphe paranomon* which penalised severely anyone attempting to change the basic laws.

Noticeably, Aristotle, who is usually more sober than the other

critics of democracy, accuses only one, the most extreme of the forms of democracy he classifies, of failing to preserve the rule of law[42]. I shall be arguing later, contrary to most of the commentators, that Aristotle at this point is not referring to Athens, in the first place, because he is not interested in classifying contemporary constitutions and, second, because even if this were his method, he could not have failed to notice all the constitutional checks and balances which guaranteed the observance of the rule of law in Athens.

But, in a way, all the above may be taken as mere prolegomena to the hard-core of the ancient debate on democracy. The most controversial point is whether the law of democracy is just law or not. Democrats regard this law as the only just law since it is based on political equality (*isonomia*)[43]. Anti-democrats claim that the law of democracy is not just because it treats equals and unequals alike[44]. Real justice, for them, is based on proportionality, namely equal things to equals and unequal things to unequals.

Isonomia was a very important notion for democrats. In a remarkably enlightening article bearing the title "Isonomia", G. Vlastos characterises this concept as:

> the favourite slogan of democracy, for it alone expressed its greatest achievement, its pursuit of the goal of equality to the farthest limits envisaged by the Greek mind, and this not in defiance, but in support of the rule of law[45].

The literal meaning of this term is "equality before the law". But the law may sanction political inequality as indeed the law of oligarchic states and even the constitution created by Solon did. *Isonomia*, then, came to signify political equality, equality in the distribution of political power. The claim that *isonomia* is conducive to the rule of law is probably explained by the fact that this notion was taken to be antithetical to and preventive of the exercise of arbitrary power, the *hybris* of the rulers[46]. It is also indicative of the emphasis ancient democracy placed on the ideal of freedom. With the implementation of political equality the citizen is protected against the danger of finding himself enjoying less political freedom than other citizens. Still, as I have noted above, we do not seem

to have reasons to regard *isonomia* as a necessary prerequisite of *eunomia*. An oligarchic constitution might have the majority of its citizens disenfranchised and still function according to the rule of law[47].

We may sum up the criticism of the principle of *isonomia* in three main points. First, that it is unjust since it treats as equal people who are not equal. Second, that, because all are treated as equal, those who deserve to rule do not. Third, that because the best citizens do not rule power falls in the hands of the populace (the *demos*) who harm the city and are too eager to provide for their own interests.

An exposition of the first point of criticism is given by the following words of Socrates in the *Republic*:

> except in the case of transcendent natural gifts no one could ever become a good man unless from childhood his play and his pursuits were concerned with things fair and good...Democracy tramples under foot all such ideas, caring nothing from what practices and way of life a man turns to politics, but honouring him if only he says he loves the people...[Democracy] is an agreeable anarchic form of society, with plenty of variety, which treats all men as equal, whether they are equal or not[48].

Democrats and anti-democrats differed substantially in the way they understood the notions of equality and justice[49]. I examine this debate in detail later in the context of Aristotle's treatment of these key notions. For the time being, it should be noted that for the opponents of democracy every aspect of political power, even the simplest one such as the franchise, should be distributed to men according to what they perceived as each individual's virtue.

The claim of the second point is that, because democracy uses the wrong mode of distributive justice, it ends up with the wrong type of government. Politics, according to Plato is an art and as with all other arts, it requires knowledge of the proper skills[50]. Consequently, for him, to assign politics to ignorant, unskilled people is not right. We may infer a brief democratic answer to this by using Protagoras, the sophist and Pericles, the leader of the *demos*. According to Protagoras' fable in the

Platonic dialogue bearing his name, political skill is something with which all people are endowed to some degree and are capable of developing it further through education and political participation. If *politike techne* (political skill or, better, political ability) together with friendship and justice, were not qualities with which people are in some degree endowed, political communities could not have been built[51]. The implication is that political participation of the people is justified on the basis of them being essentially capable of having some and developing even more political skills. On the other hand, as far as the allocation of more important offices is concerned, we have Pericles' statement in his Funeral Oration claiming that if one excels in public life he will be called to serve in office[52].

The third point makes the assertion that the implementation of egalitarianism and the lack of meritocracy leads to the tyranny of the masses. The emphasis here is not so much on democracy's inability to function as a well-organised government. Rather, democracy is dismissed as a device of the lower classes employed in serving their own sectional interests. As the oligarchic writer of the *Constitution of Athens* implies, democracy may be a well-run and effective constitution in facilitating the exploitation of the "best" (meaning here the rich) citizens by the poor[53].

Democrats of course viewed their favoured constitution very differently. A. Jones in his study of the critics of democracy quotes from Lysias' Funeral Oration the following passage which for him sums up the ideals of democracy:

> [Our ancestors] were the first and only men of that time who cast out arbitrary power and established democracy, holding that the freedom of all was the greatest concord, and sharing with one another their hopes and perils they governed themselves with free hearts, honouring the good and chasing the bad by law. They held it bestial to constrain one another by force, and the part of men to define justice by law, and to persuade by reason, and serve both by action, having law as their king and reason as their teacher[54].

But in the debate on democracy Lysias' florid panegyric should not have the last word. The issues concerned were far more complicated than is implied above; I shall return to them in the course of examining Aristotle's approach.

In preparation, I should summarise Aristotle's positions on what I named as the three main points of criticism of *isonomia* as follows:

On the first point (that democracy treats unequals as equals) Aristotle participates in the attack upon egalitarianism. However, by taking the discussion to its logical conclusion he ends up by rejecting all contemporary models of distributive justice as partial. His view is that the proper criterion for the distribution of political power ought to be political virtue. But political virtue is extremely difficult to identify and even if it were to be identified, a system in which power is distributed according to virtue would be very difficult to implement. So Aristotle offers a more pragmatic account. According to the latter, suitable criteria of distribution would take into consideration everything contributing to the good life of the *polis*. On the second point, Aristotle rejects the Platonic conception of politics as an art best left to the experts. He adopts the principle of change between ruling and being ruled. He also regards the granting of restricted political rights to the popular classes as both useful and theoretically defensible. On the third point, he, too, regards democracy as a constitution which is *ex definitio* beneficial to the lower classes. He holds the conviction that the more sectional a democracy becomes the more it diverges from the rule of law. For this reason, he offers suggestions aimed at moderating democracy by retaining a balance between different social classes and institutions.

1.2 CONTENT

For the reasons noted in the Introduction, it is important to give a preliminary survey of the treatment of democracy in Aristotle's political corpus before embarking on a more detailed discussion of particular aspects. My account here is restricted to the *Politics* and the *Athenian Constitution*, the works in which democracy is discussed in detail. I do not refer to the *Ethics* because democracy is rarely mentioned there at all, and, when it is, then not in any particularly enlightening manner. However in the course of this inquiry I shall often refer to the *Ethics*. This is because in Aristotle's conception (unlike many modern theories) politics and ethics are linked to each other in a crucial way. For Aristotle, ethics is about the pursuit of the happy life (*eudaimonia*[55]) by the individual and he considers the happy life to be a life of virtue and excellence[56]; it is this that human nature and its distinctive feature, reason, dictate[57]. The arrangements under which the happy life is to be achieved are the concern of politics.[58]

Democracy in the *Politics*

Although Book I of the *Politics* does not discuss democracy in particular, it is important to my inquiry because it spells out the general principles of Aristotle's political philosophy. Aristotle defines political association (*polis, politike koinonia*) as the highest form of human association. The *polis* is a necessary condition for the achievement of man's end which is, according to Aristotle, happiness or the good life (*eudaimonia*). In that sense man is said to be by nature a political animal. Aristotle says of the *Polis* that: "while it comes into existence for the sake of [mere] life (*zen*), it exists for the good life (*eu zen*)" (1252b30). Aristotle also states -- in contrast to Plato -- that relations of a political nature ought not to be regarded as identical to those of a despotic nature, i.e. master-slave relations.

Most of the rest of this book is devoted to the justification of "natural slavery" and the examination of the life of the household. Here, the definition of political rule as being "in most cases" interchange

between ruling and being ruled (1259b5-6) together with the strong denunciation of the acquisition of unnecessary wealth, might be taken to indicate that Aristotle is embarking on his political treatise with pro-democratic and anti-oligarchic inclinations. We should note, however, that in the last lines of this book Aristotle stresses that different classes and social categories develop different virtues and that goodness and virtue are the relevant factors in determining one's proper social and political functions (1260a). This is a point on which Aristotle will later base much of his anti-egalitarian position.

Book II consists of a critique of ideal constitutions as conceived by various writers, followed by a critique of various existing constitutions. Most of Aristotle's criticism is directed against Plato. One of the several points of criticism of the *Republic* is the absence from it of political rule among equals which, according to Aristotle, is what natural equality and justice prescribes (1261b1).

When reviewing actual states, -- Sparta, Crete and Carthage -- Aristotle makes use of the notion of the "mixed constitution", which is a state combining features of more than one constitutional type. Aristotle in his usual way does not provide mere descriptions of these constitutions. He also makes normative assessments. For example, the election of the powerful magistrates, the *Ephors*, from the whole of the Spartan citizenry is judged negatively because such magistrates could easily be bribed but also positively because such an arrangement left the poor content (1270b10ff).

At the end of this book Aristotle refers to Solon, for many the founder of democracy. Solon is treated favourably by Aristotle, but it is not clear at this point whether he regards Solon as the father of Athenian democracy or the founder of a mixed constitution of the kind Aristotle favours.

Book III is, I think, by far the most important book of the *Politics*. It covers a wide range of subjects including the definitions of citizenship and constitutions, the classification of constitutions, and Aristotle's treatment of distributive justice.

Sharing power or having the entitlement to share power is the most

essential point in Aristotle's definition of citizenship. This, of course, is very close to the way the democrats understood citizenship. However, Aristotle devotes some space in oeder to clarify his point that the notions of the good (virtuous) man and the good citizen coincide only in an ideal (meritocratic) constitution. In democracy, mechanics and labourers are made citizens even though the pursuit of virtue is impossible for them because of the nature of their employment (1277b30ff).

What constitutes a *polis* and what its constitution is depend for Aristotle on what that constitution has as its end, its conception of the good life. Constitutions which pursue the sectional interests of the ruling body are classified as deviant. Democracy is (along with tyranny and oligarchy) labelled a deviant constitution for it caters only for the interests of the lower class, though it is said to be a milder deviation than the other two. The discussion next turns to political or distributive justice. For Aristotle, the right form of distributive justice is the one which recognises all relevant contributions to the well-being of society and rewards them appropriately. Democracy and oligarchy are again said to be deviant since they each emphasise only one distributive criterion, free-status and wealth respectively.

In this book Aristotle devotes one chapter to the elaboration of arguments in favour of democracy. He makes it clear, however, that it is only the moderate form of democracy (that is, democracy combined with the rule of law) which he is prepared to defend.

Book IV examines actual, non-perfect constitutions. Here democracy receives a long treatment as a form of non-perfect constitution quite common in ancient Greece. Aristotle offers two classifications of types of democracy in this book. The first one is based on the degree of adherence to the concept of the rule of law, the other is based on the social classes dominant in each type. As we shall see later, these classifications are more or less complementary. Varieties of oligarchy and polity are also classified. Polity is a middle constitution combining the democratic feature of numbers with the oligarchic feature of wealth. It is a constitution favoured by Aristotle who advises democrats and oligarchs to moderate their constitutions towards polity.

The last part of Book IV is an examination of the institutional elements of constitutions. These, according to Aristotle, are of three types: deliberative, executive and judicial. In terms of these three elements, the special features of democracy are said to be to allow all citizens to deliberate on all matters, to allow all citizens to appoint the magistrates from the whole body of citizens either by vote or by lot and, finally, to draw the courts from all citizens and to give them power to decide on all issues.

The subject of Book V is the causes of civil strife and revolution. Aristotle treats *stasis* (civil strife) in the same way a physician treats a disease. He identifies its causes, both intrinsic and accidental, details its occurrences in different forms of constitutions and finally offers suggestions for prevention which, as we might expect, include moderation and fairness.

Staseis are said to occur in democracies when the rich revolt against attacks on them by demagogues and also when the people are tempted to alter a form of democracy towards a more extreme one.

Most of Book VI is devoted to suggestions concerning the construction of democracies -- and to a lesser degree of oligarchies -- with an aim to their stability and endurance, but most importantly with an aim to them becoming less unjust constitutions.

The causes of constitutional variance are again stated to be differences in the composition of the populace and in the nature of institutions. Liberty, together with equality, are said to be the prime aims of democracy. Aristotle advises the democrats not to conceive and implement equality in absolute, numerical terms but rather as a combination of considerations involving both numbers and property.

At 1318bff, in the middle of this book, Aristotle offers another classification of types of democracy based on the different social groups which in each case dominate the composition of the populace. Then, as in the previous book, he suggests measures aiming at the preservation and improvement of democracy. These include advice for promoting moderation and avoiding alienating the rich class as well as suggestions aimed at improving the lot of the common people.

In Books VII and VIII Aristotle attempts to construct an ideal state. Since democracy is by no means an ideal constitution, it is hardly surprising that it is not mentioned here.

Aristotle reflects on the best territory, population and planning of the city. The aim of the state is again said to be the *eudaimonia* of its citizens which for Aristotle means the practice of goodness fostered by means of natural endowment, habit and reason (1332a40-b11). The last two are matters for education and Aristotle therefore devotes Book VIII (which is either unfinished or survives only in part) to the educational system of his ideal state.

A point which is relevant to the discussion of democracy is that the ideal state functions on the basis of an interchange between being ruled and ruling and is generally based on political equality[59]. Nonetheless, it keeps its farmers and craftsmen disenfranchised since they lack the leisure necessary for political excellence (1329aff).

The *Athenian Constitution*

In 1890 F. Kenyon discovered in the back of some papyri, newly acquired by the British Museum, the work which we know today as the *Athenian Constitution* (*Athenaion politeia*). The text was published the next year and its authenticity was quickly established. We know now that it was one of the 158 treatises Aristotle's school compiled by surveying the history and constitutions of different states. It has not been settled whether this work was written by Aristotle himself or by one of the students under his supervision, although for the purposes of this inquiry, the question is of no great consequence since the book more or less complies with the general notions of Aristotle's political theory[60].

The work has two main parts. The first part is a historical account of how contemporary Athenian democracy came into existence. The second part is an analysis of how the constitution functioned in Aristotle's time.

The evolution of the Athenian democracy is summed by the author in Chapter xli in terms of eleven major constitutional changes:

> The first modification of the original arrangements occurred when Ion and the people with him came as settlers: that is

> when the Athenians were first divided into the four tribes and the tribal heads were instituted. Second...the change under Theseus, which deviated slightly from monarchy[61]...Third, that under Solon after the civil disturbances, the change which brought about the origin of democracy. Fourth, the tyranny of Peisistratus. Fifth, the constitution of Cleisthenes after the overthrow of the tyrants, more democratic than Solon's constitution. Sixth, the constitution after the Persian Wars, when the council of Areopagus took charge. Seventh and next, the constitution to which Aristides pointed and Ephialtes accomplished by overthrowing the council of Areopagus: in this the city made its greatest mistakes, because of the demagogues and its rule of the sea. Eighth, the establishment of the Four Hundred; and after that, ninth, democracy again. Tenth, the tyranny of the Thirty and the Ten. Eleventh, the regime after the return from Phyle and Piraeus, from which the constitution has continued to that in force today, continually increasing the power of the masses[62].

As the above quotation shows, value judgements are not absent from this part of the *Athenian Constitution*. Solon's reforms are treated favourably (ch. v-xii) and Solon's personal and political conduct receives much praise for:

> when he might have been a tyrant if had taken sides with whichever of the two factions he wished, he chose to incur the enmity of both by saving the country and introducing legislation that was best. x,2).

Cleisthenes' reforms -- which contributed significally to the advance of the democratisation of Athens -- are not criticised (ch.xxix), probably because the constitution was at that stage not fully democratic. But, for the period when it became more democratic, Aristotle, or whoever wrote the *Athenian Constitution*, takes a critical and often negative attitude towards the democratic leaders. He favours the moderate anti-democrats, especially Theramenes who was executed by the Thirty Tyrants.

P. J. Rhodes has claimed that:

> There are not many signs of political theory in this history...studies which have claimed to detect a pervasive influence of the Aristotelian theory are unconvincing[63].

I hold precisely the opposite opinion and at a later stage of my inquiry I shall endeavour to show that the author's attitude towards the different phases of Athenian democracy and his judgement passed on political figures are in compliance with Aristotle's theory of democracy; they could be explained as products of this theory.

Turning to the second part of the book, we note that it is more neutral and descriptive than the first part. The author describes the functioning of the magistrates and the jury-courts of Athens in his own time. Very little is said about the Assembly, but this part of the book has been delivered to us incomplete and we do not know what the missing part included. The failure to mention both the body of legislators (*nomothetai*) responsible for supervising the legal system, and the various constitutional checks and balances in operation during the fourth century may have to do with the author's (evidently false) view that the contemporary constitution was "continually increasing the power of the masses" (ch. xli,2).

Chapter Two

DISTRIBUTIVE JUSTICE, EQUALITY AND DEMOCRACY

> To find theoretically where truth resides, in these matters of equality and justice, is a very difficult task. Difficult as it may be it is an easier task than that of persuading men to act justly if they have power enough to serve their own selfish interests. The weaker are always anxious for equality and justice. The strong pay no heed to either. (1318b2-6, Barker's translation)

2.1. INTRODUCTION

In this chapter I wish to present and evaluate Aristotle's criticism of the distributive ideas and patterns of democracy. For this purpose it is necessary to discuss Aristotle's theory of distributive justice in general at some length because, although Aristotle still provides both the starting point and also the basic categories of much contemporary discussion[64], his theory is nevertheless a highly perplexing one strongly tied to his wider ethical and political principles and to the intellectual context in which it was advanced.

There are three main points which I wish to argue for:

1. Aristotle's theory of distributive justice is open to criticism from the point of view of his own teleology.

2. Indeed, Aristotle's teleological principles could be used to argue in favour of ancient democratic distributive ideas and patterns.

3. In spite of the conclusion drawn from points 1. and 2. that Aristotle's criticism of democratic distribution is inconsistent, I wish to show that his criticism of the presumed injustice of democracy is of prime importance for understanding his assessment of democratic theory and practice. I shall try to explain why this is so.

2.2. ARISTOTLE ON DISTRIBUTIVE JUSTICE

2.21. General justice.

Book V of Aristotle's *Nicomachean Ethics* brought the term "distributive justice" into common currency. But distributive justice (or injustice) is itself, according to Aristotle, a part of the general notion of justice (1130b8-17) which is usually translated as "general justice"[65]. According to Aristotle:

> [General] Justice...is coextensive with virtue in general, being the practice of virtue in general towards someone else...the actions that spring from virtue in general are in the main identical to the actions that are according to the law, since the law enjoins conduct displaying the various particular virtues. Also the regulations laid down for the education that fits a man for social life are the rules productive of virtue in general. (*Nic. Eth.* 1130b18-26)

There are two points in this definition which, especially from a modern point of view, look perplexing. The first is the association of justice with virtue. Justice is defined not merely as a particular virtue but as the practice of virtue in general. What makes general (or complete) justice so important is the fact that "its possessor can practise its virtue towards others and not merely by himself."(1129b32-33). Today the question "what is justice?" is far from being thought as an easily answerable one. We tend to agree that justice is done when everyone receives his due and, perhaps, that to be just is not to be greedy. But these answers are too general; exactly what one's due ought to be and where greed starts are highly debatable subjects. As we shall soon see, although Aristotle endorses these generalisations, he restricts their scope to the specific area of distributive justice. According to him, not acting greedily is one virtue (or the avoidance of one vice) in practice, but what describes complete justice is the practice of all virtues.

The second point in the above definition which requires emphasis is the strong association of complete justice and lawfulness. This must also seem strange to modern ears since we can easily imagine a law-abiding

citizen who is hardly a paragon of virtue or justice. Aristotle was aware of such a possibility. He drew a firm distinction between correct and deviant constitutions. It is only under a correct constitution that the law is not liable to favour sectional interests and it is only in the ideal case of a correct constitution that the notions of the good citizen and the good man coincide. For Aristotle, being a good (law-abiding) citizen does not automatically mean that one is also a good (virtuous) man. This is the qualification the *Politics* make on the pronouncements of the *Ethics*.

Nonetheless, even assuming the existence of ideal conditions, the identification of justice with lawfulness is not self-evident. It is only when we realise the state to be an ethical community, as Aristotle claims, that we are able to transcend the division between private and public morality. For Aristotle, the *polis* is created for the subsistence of its members but it develops (or, ought to develop) in such a way that it serves their moral improvement aiming towards their happiness. Happiness for the Aristotelian man is synonymous with the practice of virtue, the form of life allegedly most worthy of man's distinguishing feature, reason.

For the moment, let us suspend the obvious questions to which such a view gives rise: why should we regard the *polis* as a moral community and not simply as an arrangement for the coexistence of its citizens as they pursue their individual interests? Or, why should we accept Aristotle's assumption that one's happiness is not antithetical but complementary to the happiness of the others? What we need to keep in mind for the moment is the fact that it is Aristotle's teleology which shapes his conception of general justice and leads him to the proclamation that:

> the term "just" is applied to anything that produces and preserves the happiness or the component parts of happiness, of the political community. (*Nic. Eth.* 1129b17-19)

We have now been given a standpoint, albeit a rather vague one, from which to assess democracy. In accordance with the pronouncements of general justice the determining factor in the evaluation of democracy ought to be extent to which it promotes happiness, that is, the pursuit and practice of virtuous life. Aristotle's reference to "the component parts of happiness" implies that, rather than expecting a complete endorsement or

rejection of democracy, we should allow the possibility that judgement may vary in reference to individual "parts" of happiness.

Aristotle's conception of general justice amounts to an exhortation to act in a virtuous way. This is, of course, too vague a statement to solve specific disputes related to issues of justice and injustice. Politics is about power (*to kyrion*) and as such is connected to the special branch of justice which is concerned with the distribution of political power.

2.22. Distributive Justice

According to Aristotle:

> Particular Justice... is divided into two kinds. One kind is exercised in the distribution of honour, wealth, and the other divisible assets of the community, which may be allotted among its members in equal or unequal shares. The other kind is that which supplies a corrective principle in private transactions. This Corrective Justice again has two subdivisions, corresponding to the two classes of private transactions, those which are voluntary and those which are involuntary. (*Nic. Eth.* 1130b30-31a3)

I have already indicated that Aristotle attributed great practical political significance to the existence of competitive conceptions of distributive justice. Or, as Newman, the best of his modern commentators, notes:

> It is, however, mainly by considerations of justice that Aristotle is guided in his construction of the state...varying views of justice lay at the root of constitutional diversity and constitutional change[66]

One may then be tempted to proceed immediately to the exposition of Aristotle's distributive theory, in the centre of which lies a distinct application of what he thought to be the relevant criteria for distribution. Before doing so, however, I think it is useful to make some comment on the character of the goods to be distributed referred to in the above quotation.

When we speak of distribution or redistribution today we refer mainly to monetary wealth, although land is often also included when we speak about agrarian societies. Aristotle's list includes land and wealth among the divisible things[67] but it is political power and offices which, referred to as "honours", are the main divisible (hence disputable) items he has in mind, and it is these items which he mostly speaks about in the *Politics*. Such a major difference from contemporary approaches requires some further explanation.

Some discussion has taken place among modern scholars as to whether Aristotle's idea of distribution includes the possible redistribution of land[68]. The evidence for this, however, is weak. Aristotle makes reference to the distribution of land in the context of the construction of his ideal state but hardly anywhere else[69]. On the contrary, he condemns the confiscation of properties as the prime example of injustice[70]. Aristotle mentions such an allegedly unjust measure as one of the tricks demagogues practise in extreme democracies in their effort to manipulate the mob's passions and self-interest[71].

I can only speculate on some possible reasons why Aristotle held such a view[72]. Perhaps he felt restricted in his mission as a political philosopher by the fact that contemporary constitutions had already established distributive patterns and did not include provision for the redistribution of wealth and land. Even the democrats concentrated on the pursuit of political equality (*isonomia*) and free speech (*isegoria*) and had abandoned the older slogan of *isomoiria* (redistribution of land, literally: equal lots of land).

On the other hand, the distribution of political power was a matter of vigorous dispute. By making it the central theme of his distributive theory, Aristotle simply conformed to the climate of his epoch. Such questions are, of course, not unknown to our own times. What is peculiar is the classification of political power and offices under the label of "honours". The distribution of honours such as knighthoods and lordships or honorary ambassadorial titles is familiar to us, but such a phenomenon does not lie in the centre of political theory and practice. To understand this "peculiarly Greek"[73] conception we have to consider the structure of

the *polis*, a small state where every free citizen is expected to be called to some duty or office. The citizen's presence there ensured the control of political power, the avoidance of its arbitrariness, and of the dangers it represented towards the curtailment of his own freedom. It also ensured the superiority of the free citizen over non-citizens against whom, slaves excepted, he had otherwise no financial or judicial advantage. One such "honour" in particular, the franchise in the form of the granting of political rights to the whole citizenry, was passionately defended by the democrats and equally passionately fought by their opponents. Naturally, Aristotle's theory of distributive justice has a lot to say on this issue.

We may now turn to some questions concerning the nature of Aristotle's endeavour to formulate a distinct theory of distributive justice. Aristotle's exact motive will become clearer, or at least less puzzling, when this exposition is concluded. However, one question may already have arisen. I have noted before that Aristotle perhaps felt restricted by the fact that particular modes of distribution already existed and were dependent on the form of each constitution. For Aristotle, the form of constitution is mainly determined by the sovereign body, the *kyrion* which rules. If we assume that every such body imposes a distributive pattern that suits its interests, both the importance of distributive justice and the endeavour of the political philosopher to produce such a theory are open to doubt. I intend to examine the exact role of distributive justice later. For the time being, it seems obvious that even though existing constitutions may have their particular, characteristic patterns of distribution, this need not prevent the philosopher (in our case, Aristotle) from having his own theory of distribution. Even though such a theory may never be realised in the form of an ideal state, it may well function as a source of criticism and correction of the existing patterns of distribution.

Having prepared the way, let us now enter Aristotle's theory of distribution. Since the issues are very complicated and, as we shall soon see, not all commentators agree on what exactly Aristotle's theory is, it would be useful to begin with two long quotations.

According to the *Ethics*:

> All are agreed that justice in distributions must be based on desert of some sort, although they do not mean the same sort of desert; democrats make the criterion free-birth; those of oligarchical sympathies wealth, or in other cases birth; upholders of aristocracy make it virtue. Justice is therefore a sort of proportion... proportion being equality of ratios, and involving four terms at least. (1131a25-32)

According to the *Politics*:

> all men lay hold on justice of some sort, but they only advance to a certain point, and do not express the principle of absolute justice in its entirety. For instance, 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; these partisans strip away the qualifications of the persons concerned, and judge badly...most men are bad judges when their own interests are in question... the two parties agree as to what constitutes equality in the thing, but dispute as to what constitutes equality in the person. (1280a9-19)

The above texts do not embody Aristotle's distributive theory in its entirety -- some vital points are still missing. Nevertheless, we can draw some general conclusions about the nature of Aristotle's theory.

The first point has to do with the principle of desert which, according to Aristotle, is applied by any distributive theory. From a modern point of view, theories of distributive justice based on desert are not the only ones. Theories based on the notion of needs and theories based on the notion of rights are two other categories which come readily to our mind. (And, as we shall see, ancient democrats were not content to be interpreted as proceeding from a misapplication of the principle of desert). That said, Aristotle indeed followed *axia* (worth or desert) in his own distributive theory.

The second point I wish to make refers to the formula through which the principle of desert is applied. Aristotle's equality is proportional

equality, equality of ratios between the different values of two individuals and the rewards they receive. It is not without significance that Aristotle sets out to spell out his notion of distributive justice with a reference to equality. It is a frequent strategy in his philosophy to start from an *endoxon*, a popular opinion, in order to find the truth in it and also the truth beyond it which comes through philosophical analysis and the qualifications the latter imposes on such an opinion. And, this is not merely a rhetorical pattern. Aristotle believed that there was wisdom or, at least some wisdom, in what we today call "common sense". In societies contemporary with Aristotle people, under the influence of democratic ideals, equated justice with equality. As Aristotle says "If then the unjust is the unequal, the just is the equal --a view that commends itself to all without proof". (*Nic. Eth.* 1131a12-13)

It seems at first that we are faced with a concession by Aristotle to democratic ideology. But it is only a superficial concession. For Aristotle, equality should not be absolute equality but equality of ratios, equality between equals and inequality between unequals. Rewards ought to be determined by a citizen's contribution to the end of political life, which is the good, happy life, a life where virtuous action flourishes. Unequal contribution entails unequal reward.

Aristotle constructs a long teleological argument in order to prove the truth of his distributive formula. In Book III of the *Politics*, just before embarking on a detailed discussion of distributive justice, Aristotle investigates the end which characterises the existence of a *polis*. Certain things are put forward: wealth, mutual defence, trade and business arrangements, intermarriage, a guarantee of men's rights. All the above are found wanting:

> It is manifest therefore that a state (*polis*) is not merely the sharing of a common locality for the purpose of preventing mutual injustice and exchanging goods. These are necessary pre-conditions of a state's existence, yet nevertheless, even if all these conditions are present, that does not make a state, but a state is a partnership of families and of clans in living well (*eu zen*), and its object is a full and

> independent life...the political fellowship must therefore, be deemed to exist for the sake of noble actions, not merely for living in common (*syzen*). Hence, those who contribute most to such fellowship have a larger part in the state. (1280b30-1a6)

One should not overlook the fact that there are two different claims in the above argument. Firstly, Aristotle endeavours to show that the polis exists not only for the sake of co-habitation but, chiefly, for the achievement of the good life. This is an essential claim for Aristotle's whole approach to politics. It is an appealing position, made even more appealing by the cunningness of Aristotle's line of argument, first putting forward contesting claims, only to find them inadequate. That it is a powerful presentation is evinced by the outrage it causes to some liberal scholars even today[74]. The second claim, however, is weaker. "Hence those who contribute most to such fellowship have a larger part in the state." Aristotle wants to say that those who have contributed most ought to be rewarded with more political power. As we shall see, we could retain the teleology expressed in the first claim without subscribing to the second claim. In other words, it is not inevitable that a teleological approach towards the political and ethical dimension should lead us to a retrospective principle of desert, recognising and rewarding what one has already achieved and contributed but not what one may do in the future. Leaving this perfectly Aristotelian objection aside for the moment, we should also note that both points are crucial to the way in Aristotle constructs the content of his distributive theory, the selection of what he regards as relevant criteria and the special weight which each of these criteria is given.

Before examining these criteria it is worth noticing the formulation Aristotle employs to express the idea of proportionate equality. This proportion takes the form, he says, of a "geometrical progression". I talked in the previous chapter of geometrical proportion and the role it played in the arguments against democracy. As we have seen, the term was much in use at the time and had a history among oligarchic and aristocratic circles. Aristotle found it handy and adopted it.

A geometrical progression exists when the ratio between one number

and the previous number equals the ratio between this number and the next number. (For example: 2,4,8,16,32.... where the ratio remains constant, 2). What does this mean for distributive justice? First, the ratio between the worth of a citizen and his reward must remain constant in every individual case. (This is famous real equality of the anti-democrats). If there is a citizen A with worth 4 and a citizen B with worth 6 and the things for distribution are 5, A is entitled to a share a, when a= 2, and B to share b, when b=3, so A/a = B/b and consequently, A/B = a/b. Secondly, a hierarchical stratification of the citizenry is implied in which the position of each one can be determined and compared with the position of the others according to his contribution to the well-being of the polis. For example, the citizen with a contribution of 4 is placed as high above the citizen with a contribution of 2 as the citizen with a contribution of 8 stands above him. In consequence, everyone takes his proper place.

An obvious reaction to the above is to wonder how contributions and rewards can be made commensurable. This is a very serious issue for every theory of distributive justice. Shortly, we shall examine how successful Aristotle was in struggling with this problem.

Relevance and commensurabity: Aristotle's distributive citeria

Some scholars have claimed that Aristotle sets only vague criteria, if any at all, for his theory of distributive justice. This criticism takes two forms: The first questions the existence of any criteria, while the second, assuming their existence, nevertheless questions their usefulness and consistency with Aristotle's broader political ideas.

According to H. Kelsen, Aristotle does not say more than "to each, his due" which is a tautology of little worth[75]. F. Rosen finds that for Aristotle "there is a sense in which for Aristotle distributive criteria are at hand in any given society" though "He indicates some criteria which would be applicable in the best regime"[76]. Even if this were the case, it might be argued that what Aristotle says referring to the "best regime" has practical critical value. Such criteria could be applied as correctives to the practice of less perfect constitutions.

Harvey accuses Aristotle of vagueness, epitomised in the expression "to those contributing more to the political community". He also finds him guilty of employing irrelevant criteria and of taking statements of moral belief for statements of empirical fact[77]. With respect to the accusation of vagueness, it should be noted that Aristotle makes this assertion after examining what he takes to be the true nature and purpose of the political community and immediately goes on to clarify what he means:

> Hence those who contribute most to such fellowship have a larger part in the state than those who are their equals or superiors in freedom and birth but not their equals in civic virtue (politike arete), or than those who surpass them in wealth but are surpassed by them in virtue. (1281a4-9)

Elsewhere, after recognising the relevance of freedom (free-status), good descent and wealth, he stresses again the superior claim of justice, civic virtue and education. Such a hierarchy is imposed by teleological concerns:

> As a means, therefore, towards a state's existence all or at all events some of these factors would seem to make a good claim, although as means to a good life, education and virtue would make the most just claim. (1283a24-6)

Since the end of the *polis* is not merely living together but living well, those contributing more to such an end ought to receive more recognition and reward. The others may be said to provide the necessary conditions for the achievement of the good life and deserve also some reward. At this point Harvey doubts the relevance of good descent as a relevant criterion. *Prima facie*, his claim that Aristotle misinterprets moral claims for empirical facts seems to bear some truth. Aristotle, however, was careful to stress, as we have just seen, how restricted and secondary the significance of this criterion is. He justifies the relevance of good descent by maintaining that:

> good birth is in every community held in honour at home and also because it is probable that the children of better parents will be better for good birth means goodness of breed. (1283a36-38)

Is this claim defensible? If one were to identify what constituted virtuous

behaviour according to the public opinion of the era and then went on to assess the citizens according to that standard, it is highly probable that those of good descent would have come closer to that standard. Aristotle's mistake lies not in the misrepresentation of reality but in a wrong assumption about its explanation. If people of good descent live a more virtuous life, the explanation probably lies elsewhere than in a direct causal relationship between descent and behaviour[78]. Virtuous behaviour may be better explained by reference to the superior access to education and culture enjoyed by those of good descent. Culture and education, however, are themselves placed much higher than descent in Aristotle's scale of criteria which determine the allocation of "honours".

It seems also that there are problems with some of Aristotle's other criteria: wealth and free status. Although they are regarded as less important for distributive purposes, Aristotle insists on granting them some independent significance. He is probably right to take them as prerequisites of the virtuous life. He repeatedly argues for the necessity of the presence of resources as facilitating virtuous action. It is also evident, according to Aristotle, that a state consisting of slaves cannot achieve happiness[79]. But these are characteristics which, as Aristotle clearly states, refer to the existence (*syzen*) of the polis not its flourishing (*eu zen*). But, assuming that Aristotle was right to include them in the *polis* in the first place, one wonders whether it is consistent for Aristotle to disenfranchise manual workers (who are free and contribute to the existence of the *polis*) on the grounds that their activities prevent them from developing political virtues.

There are other problems as well, arising from Aristotle's desire to construct a distributive model which attempts to give a proper place to all these criteria. First, there is a problem of fairness. Take two persons who are equal in virtue, the one rich and of good descent, the other neither. If wealth and good descent are of independent value, then the first citizen must be rewarded more in distributive terms. But the latter, one may say, deserves more since he managed to develop into a virtuous person without the initial advantage of money and a good name. Second, as is implied from the above example, Aristotle's insistence on rewarding past and present

achievements is hardly teleological. Although it may be teleological as regards the character of the distributive criteria, in terms of realising the *telos* of the political community, the good life (which for Aristotle means the common good, the just and virtuous life of the citizens) it seems insufficiently effective. I shall return to this question of effectiveness when democracy enters our discussion. For the moment, I shall turn to a third problem, that of the relevance and commensurability of Aristotle's criteria and the quantification of virtue.

Aristotle is fully aware of the magnitude of these problems. He is concerned with them in a long section of the latter part of Book III of the *Politics*. He poses the seemingly silly question: If people are different in one respect, are they different in every respect? Also, is there a single criterion which should determine the distribution of political power? His first point in response is that not all criteria are relevant (otherwise, for example, someone with a better complexion would be entitled to a larger share of political power). He also remarks that at least some criteria are not commensurable (e.g. height and goodness). He attempts to clarify the notion of relevance through an analogy:

> Suppose someone is superior in playing the flute but much inferior in birth or in good looks, then, even granting that each of these things -- birth and beauty -- is a greater good than ability to play the flute, and even though they surpass flute-playing proportionately more than the best flute-player surpasses the others in flute-playing, even so the best flute-player ought to be given the outstandingly good flutes; for otherwise superiority both in wealth and in birth ought to contribute to the excellence of the excellence of the performance, but they do not do so at all. Moreover, on this theory every good thing would be commensurable with every other." (1282b36-83a4)

The above example, in other words, suggests that distribution should be determined by relevant capacities. Transferred to the realm of politics, we may read "political power" for "flutes" and "the good life of the polis" for "musical achievements".

The flute-playing analogy, however, could be used against Aristotle. His main criterion is virtue. But virtue may not always be the relevant capacity for the exercise of political office. Or at least, it may not be enough[80]. Barker seems to suspect the possibility of conflict arising between capability and virtue. Barker believes that Aristotle finally sides with virtue, without ignoring capacity. He is also eager to minimise the importance of this problem which, he thinks, is enlarged by the fact that when, nowadays, we talk about capacity "we mean the capacity of a keen intellect: [Aristotle] meant the capacity of a moral character" and also that "the supreme function of office is to make the citizens good men, so the officer must be a good man too, in order to do the job"[81]. However, the passage cited by E. Barker in defence of his claim actually gives quite the opposite picture and Barker himself notices this in a foot-note in his translation where he writes:

> The same persons who have been soldiers in youth should be councilors and judges in age...This is policy because it will give the state a more efficient (because younger) army, and a more efficient (because older) government[82].

Virtue hardly seems to dominate the distribution of political power in this case. Barker rightly observes that such an arrangement is guided by considerations of "policy" and efficiency. And Aristotle himself further supports this interpretation when he suggests that in this manner the antithesis between those ruling and those being ruled would be resolved since the latter (the young) would sustain the rule of the former (the older) knowing that their turn shall come in due time. Aristotle's argument here thus ignores what he has posited as the prime criterion of distribution, virtue. On this arrangement, everyone who has served in the army is bound to be granted political power when he grows older, regardless of his moral character. Such an arrangement is not meritocratic even in a loose sense since it ignores not only virtue but any kind of individual political capacity too. The only relevant criteria are those of collective capacity in the sense that those who are older (taken as a group) are thought to be more capable of conducting politics and the young of conducting war.

Let us return to the analogy of the flute-player. The moral, as we have seen, was that we should only use relevant criteria when we distribute prizes or (implicitly) political power. But does this resolves the problem? It seems to be a restatement of it rather than a solution. Aristotle identifies several criteria as relevant. To take account of all of them, and so to avoid the error of the partial regimes Aristotle criticises, we need some way of resolving their competing claims, a kind of a common denominator. Aristotle speaks in the *Ethics* of how money performs such a role in the realm of markets[83]. Unfortunately, we lack such a quantifiable medium in politics and, consequently, we are left with the problem why, if height and goodness are not commensurable, wealth and virtue should not be too.

The best interpretation seems to be that Aristotle's purpose is to stress the fundamental importance of virtue in any distributive arrangement, and to argue that other factors are less important, so that, if he were to concede his inability to solve the issue of commensurability, he would opt for the supremacy of virtue. After all, when he speaks of *politike arete*, he really means political excellence, because the scope of the word virtue is for him wider than our own. Being virtuous means performing virtuous actions, actions which are predominantly characterised by the application of reason and as such they cannot harm but, on the contrary, they are bound to serve the community.

Even so the idea that virtue should determine distribution is not without its own problems. C. Castoriades, in an article on distribution in Aristotle and Marx questions the autonomy of this concept[84]. His argument runs as follows:

1) Virtue is created by *paideia* (education, culture)

2) *Paideia* depends on the law

hence 3) Virtue, being an acquired habit or disposition, takes place on the basis of and by way of what is given to/imposed upon the individual by the law of the city[85].

But, this is a rather superficial objection. After all, Aristotle was not a Marxist (or an ex-Marxist) prepared to reduce morality to a mere epiphenomenon, a product of the material conditions. He states that:

> The regulations laid down for the education that fits a man for social life are the rules productive of virtue in general. As for the education of the individual as such... it would seem that to be a good man is not in every case the same thing as to be a good citizen. (*Nic. Eth.* 1130b25-9)

The implication is that one can still be a good (virtuous) man under a tyrannical regime though, of course, the good man will not be a good (obedient) citizen.

Another more obvious and more formidable objection to Aristotle questions whether it is possible to compare the virtue of two individuals since such a process requires the quantification of their virtue or virtues. Here the reservations previously expressed concerning commensurability also stand.

As if these difficulties were not enough, the latter part of Aristotle's discussion of distributive justice raises some additional problems. He returns to the question of what ought to have priority when several conflicting claims are raised simultaneously with respect to the constitutional structure of the *polis* and, accordingly, to its distributive pattern. Aristotle's position is that no claim should exclusively dominate the distribution. There is none of the simplicity of the analogy with the flute-player here. That was concerned with the allocation of a material object whereas now Aristotle is discussing the dilemma of the law-giver who has to decide conflicting claims based on different criteria. His initial answer, in fact, begs the question. He says that in this case the law-giver should avoid condoning sectional interests and should aim at the common interest (which for Aristotle is synonymous to justice). The problem is what pattern of distribution ought to be adopted by the law-giver in order to serve the common interest.

Aristotle does not elaborate on the above difficulty. Instead, he introduces two more difficulties into the discussion. The first problem is that claims based on virtue, wealth, and nobility could be challenged:

1) either by the many who "have a just claim as compared to the minority (the few) since together they are stronger and richer and better".(1283a40-b1)

2) or by the citizen who exceeds all the others in virtue, wealth, or nobility.

The first part of the problem is dealt with in detail in a passage just prior to the above quotation[86]. There Aristotle takes a sympathetic attitude towards the claims of the many; he even elaborates some quite interesting pro-democratic arguments. Since this is a central issue for this thesis, a special chapter will be devoted to a detailed discussion of these arguments. Nevertheless, one remark seems pertinent here. Aristotle often pursues two lines of argument, one referring to the individual citizen judged on his individual qualities, the other referring to social groups and professional classes with the qualities pertaining to these categories. For Mulgan "neither account is more fundamental than the other but both are to be seen as complementary."[87] As we shall see, however, this is not always the case. When Aristotle judges the manual workers as not worthy of political rights (or, at least, of full political rights) he ignores the possibility of the existence of exceptional manual workers who, despite their profession, may be virtuous enough to conduct politics in a prudent way. Conversely, when he supports the rights of the many as a class he ignores the fact that, from another point of view, some of them may not be individually worthy of such rights.

The second problem is created by the presence, however rare this may be, of an eminent citizen who surpasses the others in every respect. A state defending its constitution on the basis of the predominance of a particular characteristic ought to recognise the superiority of the citizen who possesses such a characteristic to the greatest degree. At first, this seems to be an argument against oligarchy. Oligarchs base their rule on the criterion of wealth and one is entitled to ask why then should not the most affluent citizen rule alone. But Aristotle thinks that this is also a problem for aristocracy (based on virtue) and democracy (based on the claim that the multitude is "better" than the few). Yet Aristotle does not offer an immediate answer to the above difficulties. Instead, he turns suddenly to a description of how several states treat their most eminent citizens. He sees some justice in the institution of ostracism. But, perhaps, he says, it would be fairer, if, instead of being sent into exile, these men

were to be declared kings, thus opening a new chapter on kingship and leaving the questions he first raised without a clear answer. We are left with the impression that all claims of political power can be challenged by apparently justified competing claims. But this is just what Aristotle was trying to show from the beginning when he stated that:

> All these considerations, therefore, seem to prove the incorrectness of all of the standards on which men claim that they themselves shall govern and everybody else be governed by them. (1283b28-30)

Or, to summarise in Newman's words:

> All elements contributing to the being and well-being of the state should receive due recognition in the award of authority...We see also that Aristotle does not believe in the divine right of the One or the Few, neither would he accept the doctrine of the sovereignty of the people,even in the limited sense of the sovereignty of the *eleutheroi* [Greek in Newman's text]. Sovereignty rightfully rests with those who, contributing elements of importance to the life of the state, can and will rule for the general good.[88]

It is from these premises that Aristotle launches his critique of democratic distributive justice which we are now in a position to discuss.

2.3. ARISTOTLE'S CRITICISM OF DEMOCRATIC DISTRIBUTIVE JUSTICE

In the previous chapter I sketched the democratic attitudes towards the distribution of political power. The key notion of *isonomia* was shown to signify equality in the distribution of political power. *Isonomia* was also described as antithetical to, and preventive of, the exercise of arbitrary power, as a guarantor of political and individual freedom and also as a prerequisite of *eunomia*, the good conduct of law. I then turned (in the first part of this chapter) to the examination of Aristotle's theory of distributive justice. These two discussions form the background to my current subject (Aristotle's criticism of democratic justice): the first tells us what Aristotle was criticising, the second from what premises such a criticism was developed.

As we have seen, the initial claim with which Aristotle opens the discussion of distributive justice in the *Politics* is that both democrats and oligarchs follow only partial conceptions of justice. We also know from the *Ethics* that all people somehow recognise the principle of assignment by desert (*kat' axian* 1131a2). In fact, though, democrats, oligarchs and even aristocrats undermine this principle by relying exclusively on one criterion determining the distribution of political power be it free birth, wealth or virtue as the case may be. (*Nic. Eth.* 1131a24-29).

We have also seen how Aristotle endeavours to show why all these are mistaken by relying on a theory of the state constructed on a teleological basis, namely that societies aim at their flourishing and not mere survival.

His argument in formal terms can be said to be as follows:

i) Societies aim at achieving the good, happy (and hence, for Aristotle, inevitably moral) life for citizens (*eudaimonia*).

ii) In the pursuit of *eudaimonia* all contributing factors should be acknowledged and properly (i.e. proportionately) rewarded.

Thus iii) Democrats and oligarchs are wrong to acknowledge what is, in effect, only a partial criterion and ignore or undermine all others.

At first sight, it seems that not only democracy and oligarchy but also aristocracy would be subject to the same criticism, namely that they allocate political power by recognising only one and not all the qualities of the citizens who are to be rewarded. Indeed, Aristotle himself asks the following question about aristocracy: But ought the good to rule and be in control of all classes? If so, then it follows that all the other classes will be dishonoured[89] if they are not honoured as holding the offices of governments for we speak of offices as honours, and if the same persons are always in office the rest must necessarily be excluded from honour. (1281a29-33)

But of course it was not Aristotle's intention to equate aristocracy (by which he meant mainly meritocracy) with oligarchy and democracy. As we have seen, he regards political excellence as a quality far more important than wealth or free-status. And aristocracy was by definition the constitution where the politically excellent (*aristoi*) governed. In spite of finding the aristocratic pattern of distribution in need of correction, Aristotle classifies aristocracy among the "correct" constitutions, whereas oligarchy and democracy are labelled "deviant" constitutions.

They are deviant constitutions because they divert from the pursuit of the common good and cater only for the sectional interests of the ruling body, the Few and the Many respectively. In fact, Aristotle accuses the partisans of oligarchy and democracy of holding views on distributive justice which are purely instrumental to serving their own interests and the implication seems to be - although Aristotle himself refrains from stating it - that they care little for a theory of distributive justice as such for they "strip away the qualifications of persons concerned, and judge badly...perhaps most men are bad judges when their own interests are in question" (1280a13-16).

But is Aristotle right to regard the democratic and oligarchic patterns of distribution as equally defective?[90] By criticising democracy and oligarchy in the same terms, Aristotle fails to recognise a difference between the two which seems to be of vital importance. The oligarchic distributive pattern definitely excludes from the domain of politics all those free-men who do not possess the required amount of wealth. It is

indeed a partial constitution since the initial exclusion prevents these men from being assessed according to other possible values which they may possess. Neither virtue nor capacity receive any recognition when their possessor fails the necessary property assessment test. With democracy, however, it is a different story. Granted that someone is of free status (a free, adult, native born male), he is allowed to participate in a process of contribution and assessment where all relevant criteria could, theoretically at least, be of use. In short, the essential difference, which Aristotle seems to ignore, is that in oligarchy the lack of wealth renders irrelevant all the other criteria which he would like to see applied in the process of allocating political power. In democracy, however, free-status as a criterion does not prevent any citizen from further assessment.

Such, at least, was the claim of democrats which their opponents would not accept. What the latter claimed and what Aristotle adopted from their claims I shall examine now.

According to the opponents of democracy, the democratic pattern of distribution involves absolute equalisation of the citizens, regardless of their individuality. It is, as they term it a matter of arithmetical equality, in contrast to geometrical equality favoured by democracy's critics. The expression "arithmetical equality" derives from the discipline of mathematics. It refers to the arithmetical progression. A progression is given the name "arithmetical" where the difference between any two consecutive terms of such a progression remains constant, e.g.:

" 2, 4, 6, 8, 10 " where the difference is 2.

The analogy is supposed to signify a distribution which takes place regardless of personal qualities. In a paradoxical way, what everyone stands to receive is symbolised by the ratio between consecutive numbers. It is implied that, in a manner similar to the case of this progression where the ratio remains constant, in democracy everyone stands to receive equal reward regardless of his contribution to the *polis*.

Needless to say, democrats never used this kind of analogy. Had democrats indeed advocated the equalisation of all citizens this analogy would have been useless. It assigns different values to each citizen,

something which would be unacceptable to the true egalitarian. On the other hand, if they rejected egalitarianism it would be pointless to adopt a description the implication of which is that they were distributing equal rewards (constant ratio) to unequal people (different numbers). It is not only simple logic which leads us to believe that a democrat would not use the term "arithmetical equality." We also know, from various texts, as we have seen in the previous chapter, how much they objected to such a term.

"Arithmetical equality" was, however, a notion much used by anti-democrats[91]. Aristotle's use of this notion is very careful. He sometimes employs the term in a loose manner, without an explanatory analysis, probably because he was aware of the logical nonsense behind it. For Aristotle, arithmetical equality can mean, as it is implied in the *Ethics*, either redistribution aiming at equalisation or distribution regardless of the merit of the participants. It is the proper rule to adopt for corrective justice but only for corrective justice, i.e. in relation to transactions among citizens especially when conflicts between them come before the courts. Redistribution aiming at equalisation here denotes the obligation of the courts to correct a violation of equality conceived to have existed before while distribution regardless of the merit of the participants describes the laws of the market where the value of the objects is to be assessed regardless of the individual sellers or buyers. It refers also to the practice of the courts to regard all as equals before the law.

The literal meaning of *isonomia* is equality before the law and by adopting it Aristotle approaches, at least partially, a fundamental democratic ideal. One may, however, be tempted to ask why arithmetical equality should be adopted only for corrective and not also for distributive justice. At first it seems that Aristotle does not face this question directly. Although he has claimed that distributive justice should not treat equals and unequals alike, equals and unequals are properly treated alike before the law or during economic transactions. The reasoning behind Aristotle's position lies, I think, in the fact that the notion of corrective justice can be conceived only after distributive justice has already taken place. That is, distributive justice arranges the

distribution of "divisible goods" (honours included) in a proportionate way which respects and addresses the individual qualities of each citizen and then, and only then, can corrective justice play a role in remedying any violation of the already established proportionate equality. In this sense, corrective justice must be "arithmetical" in order to safeguard the proportionality of distributive justice.

But, the main question still remains unanswered. Did ancient democracy adopt and implement a model of distribution of political power based exclusively on the notion of the absolute equality of its citizens? Some evidence tends to make such a claim plausible. The method of appointing political officers by lot was widespread and the Assembly, the most powerful body of government, conducted its business based on the principle of majority rule so that the vote of every citizen counted the same as the vote of any other citizen.

But, in fact, reality was somewhat more complicated. Aristotle seems to be aware of this when he presents us with the following description of democracy:

> There is the election of officers by all, and from all, there is the system of all ruling over each and each, in his turn, over all, there is the method of appointing by lot to all offices - or, at any rate, to all which do not require some practical experience and professional skill; there is the rule that there should be no property qualification for office - or, at any rate, the lowest possible, there is the rule that, apart from the military offices, no office should ever be held twice by the same person - or, at any rate, only on few occasions, and those relating only to a few offices, there is, finally, the rule that the tenure of every office - or, at any rate, or as many as possible - should be brief. There is the system of popular courts, composed of all the citizens or of persons selected from all, and competent to decide all cases - or, at any rate, most of them...there is the rule that the popular assembly should be sovereign in all matters - or, at any rate, in the most important; and conversely that the

> executive magistracies should be sovereign in none - or, at any rate, in as few as possible.[92] (1317b19-30)

We have seen in the previous chapter how eager democrats were to stress that the reward of excellence was not incompatible with democracy. We have also referred to the strict constitutional procedures under which the power of the Assembly and the conduct of the magistrates were kept in check. In the passage just quoted Aristotle appears, if reluctantly, to recognise these qualifications (notice the frequent use of the expression "or, at any rate" and the modifications it introduces.[93])

Thus, Aristotle presents us with a description of the institutions of democracy based upon the alleged adoption of the principle of absolute equality only to weaken such a thesis crucially when that description is modified in the light of the "phenomena". That Aristotle is quite well aware of the inequalities of political power in democracy is made clear by the term he uses in the *Athenian Constitution* to describe the powerful democratic politicians. He calls them "*prostatai tou demou*" which literally means protectors of the lower classes[94]. Such a term does not indicate an egalitarian distribution of actual power since it is the weak (the *demos*) who needs the protection of the powerful (democratic politicians, such as Pericles, usually from the upper class). Indeed, some scholars of the Athenian politics have gone so far as to doubt whether the *demos* possessed any real power apart from the enjoyment of political rights of a rather symbolic character, a view which, however, seems to me to exaggerate matters. For Paul Veyne:

> Participation in politics was a kind of honour, a way of affirming ones dignity before the powerful...Political democracy was the opium of the people.[95]

Now we have seen that Aristotle's response to the question whether democracy was entirely dependent upon the pattern of absolute "arithmetical" equality is far from being clear.[96] Absolute equality was assumed to be the opposite of proportional equality. References to Aristotelian texts affirm that, in his view, all constitutions follow, at least theoretically, some sort of proportionality through the adoption of the principle of desert, even if they undermine this in reality. For

example, Aristotle states in the *Nicomachean Ethics* that:

> all are agreed that justice in distribution must be based on desert of some sort, although they do not all mean the same sort of desert. (1131a24-27)

However, elsewhere, arithmetical equality is openly attributed to democracy:

> for the popular [democratic] principle of justice is to have equality according to number not worth. (1317b3-4)

There is a serious omission in Aristotle's analysis of the democratic distributive pattern, however. Surprisingly, he fails to differentiate between "equality according to number" regarding the distribution of political rights, on the one hand, and distribution of political power in general on the other. The omission is striking because every observer of modern or ancient democracy could not fail to see the difference. Indeed, democratic equality refers to equal opportunities, to a common starting point and not to the indiscriminate equalisation of everyone and everything. It is true that ancient democracy emphasised popular participation in everyday politics to an extent unknown to modern democracy. But it is also true that political leaders were, as we have seen, exceptionally powerful and unrestricted by the existence of modern bureaucracy.

Perhaps there is an element of expediency in Aristotle's failure to distinguish between equality of political rights and absolute equality. The introduction of such a distinction would have made the criticism of democratic justice a more complicated matter, although this is not to say that Aristotle's objections would have been eliminated altogether. Let us reconstruct the distributive argument put forward in favour of democracy, taking account of all the above clarifications and distinctions and speculate on Aristotle's reactions to it. Such an argument could be stated as follows:

i) Citizens deserve equal opportunities

ii) Equal opportunities entail equal political rights.

thus iii) Distributive justice requires the recognition of equal political rights.

Aristotle would have been willing to accept the above argument under one condition, that it would be applied to citizens who are equal. When citizens are more or less equal, political equality is the proper route, as he says[97]. Political rule is defined by Aristotle as "in most cases" interchange between ruling and being ruled (1259b5-6) and such is the form of rule adopted by his ideal state[98]. But the ideal state keeps its farmers and craftsmen without political rights because they lack the leisure necessary for the achievement of political excellence (1329aff). The problem with democracy is that it makes such people citizens (1277b30ff) forgetting that:

> there is no element of virtue in any of the occupations in which the multitude of artisans and market-people and the wage-earning class take part. (1319a26-28)

Today a democrat supporting the notion of equal political rights might refer to, among other things, the potential all people have to be educated and distinguish themselves or to the common humanity of all of us. The former was a popular argument among ancient democrats as well. The fact that Aristotle does not adopt it here has to do, I think, with the retrospective, rather than prospective, character of his theory of distributive justice -- its concern to reward past or present merit; a teleological conception of politics and justice should have made him more receptive to such a view. On the other hand, Aristotle would probably answer that there are limits to the improvement we may hope for. His point seems to be that the nature of the pursuits of certain classes leaves them little room for such improvement[99]. This is a very serious issue and one faces it often in Aristotle's discussion of democracy; it is by no means settled today and as one of the translators of the *Politics*, T. Saunders, has remarked:

> Can a man with some menial and grindingly repetitive job lay claim to social and political wisdom entitling him to a say in public affairs? Aristotle would say "no", but the answer "yes" may, on examination, be found to depend on assumptions about merit, virtue, judgement, and the good life which are just as arbitrary as his.[100]

Turning now to the other argument, it should be said that the ancient democrat would have found it difficult to argue for equality based on our common nature (*physei*) without contradicting himself since women and slaves were excluded from politics, even by democrats, despite their common humanity. It is thus wrong to depict the ancient democrat as an egalitarian in the modern sense.

Overall, Aristotle appears quite reluctant to insist too much on associating democracy with the doctrine of absolute equality. Perhaps he was aware of the discriminatory character of actual democracies -- a practice towards which he had no objection. But, I think, the main reasons for Aristotle's position (or his lack of a clear position) have their origins elsewhere. To tie democracy to the doctrine of absolute equality would be to make it incapable of improvement. One of the main aims of the *Politics*, however, is to argue for moderation and promote change towards better forms of political organisation. Aristotle's strategy is to argue in favour of those features which are under-represented in the constitution under correction. Aristotle wants to make a number of suggestions of this kind aimed at the democrats. As we shall see when we examine this issue, one of the main areas where democrats are advised to make alterations is distributive justice. Aristotle's advice concentrates on the need for more emphasis on values other than equality such as virtue and wealth. Had he identified democracy with the recognition of only one value, free-status, no room for improvement would have been left. If absolute equality had been the essential nature of democracy, any alteration, even a minor one, would have represented a qualitative departure from democracy itself. With this in mind Aristotle advises that "the proper course is to employ numerical equality in some things and equality according to worth in others" (1302a8-9).

Undoubtedly Barker had in mind statements such as the above when he observed that Aristotle's treatment of democracy is important because, instead of simply comparing it with a utopian ideal, aristocracy, he is prepared to recognise the reality or even the virtues, however limited, of democracy and propose ways in which actually existing political systems can achieved their maximum potential[101].

Was then Aristotle's theory of distributive justice a proper corrective to the excesses of democracy? This is one of the questions I shall now attempt to answer.

Conclusions

F. Harvey, in his well-known article called "Two Types of Equality", puts forward the follwing three theses:

i) Democrats never held "arithmetical" opinions on the subject of distributive justice.

ii) On the contrary, they recognised and rewarded the merits of citizens.

iii) "Geometrical" conceptions are so vague that they can render contradictory conclusions[102].

Our examination, so far, leads us to agree with Harvey's second and the third conclusions. Although some reservations may be necessary, historical facts and philosophical analysis, as we have seen, seem to be in general on Harvey's side. The first thesis, however, cannot be readily accepted.

I have noted that Aristotle refrains from applying the term "arithmetical equality" as an exhaustive characterisation of democracy, possibly for tactical reasons having to do with the reformist nature of his political enterprise and his wish to show democracy as open to improvement. His claim, however, is that democracy is dominated by the value of free-status, downplaying, even ignoring sometimes, other values. But he fails to differentiate adequately between political rights on the one hand and political offices and power on the other. This is important because, while democracy allocated the former indiscriminately among citizens, the latter were subject to a process of assessment.

Political rights were distributed in a manner which took no notice of the recipients' qualities, apart, of course, from the necessary conditions of them being free (and also male and native-born)[103]. It is true that such a practice violates proportionality. Adopting the anti-democratic vocabulary, one might speak of the application of arithmetical equality in this instance.

Aristotle brings political rights, political offices and political power together under the name of "honours". Perhaps he is right in doing so since any political right embodies some political power and conversely

its denial can be interpreted as lack of political power. The question then follows whether he is right to insist that all political power, rights included, should be allocated according to the contributions of the prospective recipient to the welfare of the community? Were Aristotle an adherent of the view that political associations should simply safeguard the coexistence of citizens, his commitment to distribution in proportion to contribution would have been consistent since it grants to each his due. But this is, of course, not his understanding of the nature of political communities. The aim of a political community is, for him, the achievement of the good life. Its purpose is the actualisation of human potential[104].

It is, then, an Aristotelian argument in favour of democracy, that the strict proportionality favoured by Aristotle himself undermines the pursuit of *eudaimonia* by irreversibly excluding a considerable number of citizens from any chance of self-improvement and making a contribution to the welfare of the *polis*. Surprisingly, perhaps, Thomas Aquinas is closer than Aristotle to the democratic conception when he states that the proper function of justice is to lead unequals to equality and only then justice is achieved[105]. If we take the licence to move ahead by some centuries, John Ruskin puts the point as follows:

> Either the poor are of a different race and unredeemable...or else by such care as we ourselves received, we may make them continent and sober as ourselves - wise and dispassionate as we are.[106]

Ancient democrats believed that under favourable circumstances (i.e. democratic institutions) every free man could contribute to the welfare of the community since everyone was endowed with the ability to develop political judgement[107]. Since Aristotle identifies justice with the common good (another name for *eudaimonia*). Newman is justified in observing that:

> It may well be that the Common Good is a safer standard in questions of this kind than the Distributive Justice of Aristotle, and that the State is more likely to be successful in attaining the ends for which it exists, if it abstains from attempting to balance contribution and recompense, and is

> guided in its distribution of power simply by considerations of the Common Good.[108]

We may now turn to what is taken to be Aristotle's criticism of the democratic conception of distributive justice as being instrumental or, as Aristotle would say, "partial" or "sectional". T. Irwin states the objection as follows:

> A true conception of the value of political activity makes it clear how a false conception shapes the oligarchic and democratic views about distribution. For both sides take a purely instrumental attitude to political activity; while the oligarch thinks it should be designed to promote the state's function of promoting private accumulation, the democrat thinks it should be designed to promote the state's function of providing conditions for living as we please.[109]

What Aristotle in fact says is that:

> A fundamental principle of the democratic form of constitution is liberty...one factor of liberty is to govern and be governed in turn; for the popular principle of justice is to have equality according to number, not worth, and if this is the principle of justice prevailing, the multitude must necessarily be sovereign and the decision of the majority must be final and must constitute justice. (1317a40-b7)

Here, Aristotle's implicit criticism of democracy is that it follows a pattern of political justice which leads to the lower classes dominating political life and that it is therefore unjust because it is unfair to the better citizens. As we have seen, democrats would probably reply that their egalitarianism is restricted to the allocation of political rights. It is also true that they would sometimes justify such an arrangement in what may be thought to be an instrumental manner, namely by arguing that granting political rights to all guarantees their freedom, especially freedom from being oppressed by arbitrary power. But one can not be certain, as Irwin claims, that democrats did not see the intrinsic benefits of political participation, for they did indeed defend popular political participation by pointing to its educative and ennobling aspects[110].

It might also be argued that at least some element of instrumentality exists in Aristotle's own conception of distributive justice in the sense that it is directed towards the promotion of a certain political order. As Irwin remarks:

> Aristotle assumes that a conception of justice is properly examined by appeal to general justice and that the right basis for principles of general justice is a conception of happiness.[111]

It is thus not political activity as such which counts as praiseworthy for Aristotle but only that which is organised by the principles of justice and aims at the *eudaimonia* of the community.

In conclusion, we may ask whether Aristotle's theory of distributive justice is anti-democratic and whether it is directed against democracy in particular. As we have seen, the principle of proportionality, when adhered to strictly, undermines equality of political rights and consequently equality of opportunities. In addition, the emphasis on virtue, with all its ancient anti-democratic connotations, would have made democrats uncomfortable. Still, we should not jump to conclusions. Aristotle's theory of distributive justice is critical of all kinds of contemporary constitutions.

It recognises the validity of a variety of claims whereas actually existing constitutions were usually focused upon the recognition and reward of one claim in particular. By promoting virtue, education and culture as the criteria most relevant for determining distribution, Aristotle sets himself not only against democracy but against oligarchy, inherited aristocracy and kingship. Anyone advocating meritocracy is bound to displease the authorities.

With whom then does Aristotle side? My own view (in agreement with F. Rosen) is that Aristotle is attempting to defend the virtuous citizen[112]. It is the virtuous citizen who is weak and under threat both in democracies and in oligarchies. Such a citizen follows the principles of general justice and devotes his activities to the common good. But he lacks protection and Aristotle attempts to safeguard him by developing a theory of distributive justice which advocates recognition of his

contribution and giving it its proper reward. In fact, it is fair to say that Aristotle attempts to protect whoever does not get fair treatment under any particular constitution -- the poor and the virtuous under oligarchy, the rich and the virtuous under democracy, the poor under aristocracy. As he notes:

> To find theoretically where truth resides, in these matters of equality and justice, is a very difficult task. Difficult as it may be it is an easier task than that of persuading men to act justly if they have power enough to serve their own selfish interests. The weaker are always anxious for equality and justice. The strong pay no heed to either. (1318b2-6, Barker's translation)

I have argued that Aristotle's view of of democratic justice is open to objection in many respects. I have also tried to demonstrate ways in which the retrospective character of his theory sometimes comes into conflict with the teleological nature of his analysis of the *polis* and to argue that democracy would serve the end of the *polis* better. As we shall see, Aristotle must have been aware of these considerations since they are an ingredient in his arguments in favour of the, albeit restricted, political participation of the populace.

Still, Aristotle's theory of distributive justice plays a key role in his political philosophy. To a large extent it shapes his attitude towards political forms. Consequently it is a vital element of his theory of democracy.

2.4. POSTSCRIPT

SOLON, A JUST MAN.

It has been remarked that:

> In our times, the term democracy has become what students of political science call "a hurrah-word"...hurrah-words were also used in constitutional debates in Classical Greece...*patrios politeia, hoi patrioi nomoi* or *he epi ton progonon poleteia*[113]

The above Greek phrases mean either the ancestral constitution or the ancestral laws. In Aristotle's time the ancestral constitution was held to have been a democracy, whose father was Solon. Aristotle described Solon as "the first and original head of the people"[114]. It is also remarkable that all past constitutional reforms were ascribed to Solon and orators and writers of the fourth century were in the habit of defending their proposals by attributing a Solonian origin to them[115].

The fact that the Solonian democracy was acknowledged both by the democrats' and the not-so-democrats' own ideal of democracy is much helpful to the student of ancient political philosophy. Aristotle takes the conventional contemporary view that Solon was both the founder of Athens' ancestral democracy and a just man. Thus his attitude to Solon has particular relevance to our problem.

Solon, the legislator, is described as a paragon of justice, both in its absolute and also in its distributive sense. The fact that he is described in this way despite being the initiator of democracy is indicative of Aristotle's ambivalent attitude towards democracy. In order to explain this point let us compare two texts; the first, from the *Ethics*, expounds Aristotle's views on political (that is, distributive) justice, the other from the *Athenian Constitution*[116], is a description of Solon's character and actions and also of the reforms attributed to him.

At the beginning of the first text Aristotle wants to distinguish political justice from domestic justice which pertains to the relation between a father and his child or a master and his slave[117]. He states

that:

> Political Justice means justice between free and (actually or proportionately) equal persons, living a common life for the purpose of satisfying their needs. Hence between people not free and equal political justice cannot exist, but only a sort of justice in a metaphorical sense. (1134a26-30)

In the *Athenian Constitution* Solon is described as setting out to fulfill the above condition:

> Solon having become master of affairs made the people free both at the time and for the future by prohibiting loans secured on the person, and he laid down laws, and enacted cancellations of debts both private and public (*Ath. Pol.* C. vi.1)

Solon then is described as enacting laws, requiring all citizens to swear to observe them and setting them up to stay unchanged for a hundred years (*Ath. Pol.* C. vii.2) This is something which, of course corresponds to the *Ethics*' principle that:

> We do not permit a man to rule, but the law, because a man rules in his own interest, and becomes a tyrant; but the function of the ruler is to be the guardian of justice and if of justice then of equality. (1134a35-34b2)

The description of the just man which immediately follows fits Solon perfectly:

> A just ruler seems to make nothing out of his office;...so that he labours for others, which accounts for the saying mentioned above, that Justice is the good of others. Consequently some recompense has to be given him, in the shope of honour and dignity. It is those whom such rewards do not satisfy who make themselves tyrants. (1134b4-8)

Solon's only motive, as Aristotle understands him, was his wish to do justice and help his city[118]. Aristotle's uses the following poem of Solon in order to make his point:

> For to the people gave I grace enough,
> Nor from their honour took, nor proffered more;

While those possessing power and graced with wealth.
These too I made to suffer nought unseemly;
I stood protecting both with a strong shield,
And suffered neither to prevail unjustly. (*Ath. Pol.* C. xii.1)

It is characteristic of Aristotle's own political views that Solon is presented as someone who leaves both the notables and the populace unsatisfied in their greedy demands. In so doing, Solon damages his own interests but he would not have been a just man if he had done otherwise:

> both the factions changed their attitude to him because the settlement had disappointed them...Solon went against them both, and when he might have been tyrant if he had taken sides with whichever of the two factions he wished, he chose to incur the enmity of both by saving the country and introducing the legislation that was best. (*Ath. Pol.* C. xi.2)

There is a tone of pessimism running through this text. Both sides had agreed to appoint Solon as a mediator. Their motives, however, were not the desire for justice but the hope of coming out of a possible settlement with profit. On the other hand, Solon's conduct counteracts this pessimism.

I wish now to turn briefly to Solon's constitutional reforms as described by Aristotle. In Book II of the *Politics* the following reforms are reported:

(1) The election of magistrates, a practice taking place also before Solon but not with the participation of the populace (1274a3)

(2) The upholding of the powers of the Areopagos (1274a1)

(3) The introduction of popular courts balancing the power of magistrates and the conservative Areopagos (1274a3)

(4) The granting to the populace of the right to elect and control the magistrates (and not the right to be elected to these offices) (1274a15-18; 1281b32-34)

At this point, the *Athenian Constitution's* main difference from the above account is the claim that magistrates were chosen by lot from a pool of candidates previously elected by tribes. Both accounts, however, point to a model of indirect democracy.

Now a democracy of this form reappears in Aristotle's classifications

of democratic constitutions as being the first (best) type. Since I shall discuss these classifications in more detail in the next chapter I shall restrict myself to the following remarks at this point:

(1) Aristotle's account of Solonian democracy stands in agreement with his distributive principles. It is not, of course, an ideal aristocracy. It manages, however, to balance the power of the two main classes, the notables and the populace.

(2) Aristotle, does not differ in his description of Solonian democracy from the other writers, orators and politicians of his time. As M. H. Hansen remarks:

> the Solonian democracy...seems to be the ideal of the fourth-century political leaders: Demosthenes, Aischines, Hypereides, and probably Androtion and many others as well. Furthermore, appeal to the ancestral Solonian democracy is made in speeches delivered in the assembly and in the popular courts.[119]

(3) Aristotle shares his contemporaries' view that their own time falls short of the ideals of the past. He thinks that by contemporary standards Solonian democracy would be a "*politeia*"[120], a mixed constitution.

Chapter Three

3. TYPES OF DEMOCRACY: ARISTOTLE'S CLASSIFICATION

I shall turn now to Aristotle's classifications of democracy. Since Aristotle does not merely describe different types of democracy but also evaluates them, this is an area where many of the principles which dominate his theory of democracy, including the considerations of distributive justice which we have just discussed, become explicit.

This chapter consists of three parts. The first one examines the criteria employed by Aristotle in the classification of constitutions with emphasis on those pertaining to the classification of types of democracy. The second and main part is a critical analysis of Aristotle's three classifications of types of democracy. Finally, the last part attempts to provide arguments in defence of Schlosser's emendation of the first classification in order to account for four variants of democracy, in compliance with the other two classifications.

3.1. METHODOLOGICAL CRITERIA

In this part of the current chapter I shall attempt a brief examination of Aristotle's definition and classification of constitutions. In contrast to, or, rather, because of the breadth of the subject, I shall for the most part restrict myself to a critical examination of the criteria under which Aristotle defines and classifies constitutions. With respect to Aristotle's methodological criteria, I give particular emphasis to an issue which, as we shall see, lies at the heart of Aristotle's classification of democracies, namely the effects of social differentiation on constitutional variation.

My principal endeavour is to prepare the ground for my main topic which is the classification of different types of democracy in Aristotle and the conclusions we might draw from it.

According to Aristotle's fullest definition, a constitution is:

the regulation of the offices of the state in regard to the

> mode of their distribution and the question what is the sovereign power in the state and what is the object (*telos*) of each community. (1289a16-19)

It is clear that there are two main aspects identified in the above. One is institutional and concerns the arrangement of political offices, but the other is of a more normative nature. It points to the aims of the community and it implies that the philosopher is licensed to classify constitutions according to a criterion which nowadays would be debatable, to say the least. That is because the theorist of today approaches the study of constitutions as a rather technical matter and is mainly interested in the institutional aspects of the constitution.

But, Aristotle is by no means alone among his contemporaries in searching for the aims of a constitution as one of its determining factors. The Greek term for "constitution" is "politeia", a very broad term meaning, apart from constitution, community or society. This term encapsulates both the notion of a community at large and also the narrower constitutional arrangements of such a community. It is indicative that reference to a constitution, for example to the Spartan constitution, is usually made by the broad and simple expression "the Spartans"[121]. Newman comments that:

> The Greeks ascribed to the constitution a far-reaching ethical influence. Every constitution had an accompanying *ethos*. For Aristotle, a constitution is "life" or "imitation of life"[122].

As a result, one is tempted to ask whether the ethos of the community is the consequence of its constitutional structure or whether the latter is a product of the former. In other words, is the character of the citizens an effect or a cause of the constitution? I shall come back to this point later.

Now the Greeks never drew vigorously the modern distinction between descriptive and normative sentences and we might be tempted to explain Aristotle's juxtaposition of ethical and institutional considerations as a confusion made for this reason. However, Aristotle proceeds in such a manner only after he has argued that mere common locality and economic interchanges are not sufficient to define a community. Something else is

needed, namely the pursuit of the common interest of the community[123]. The way a society identifies its common interests and the way it pursues them are crystallised in the form of its constitution. By saying this, Aristotle is probably answering those contemporary thinkers who did not see the sharing of common ethical notions as a *conditio sine qua non* of the identification of a community.

In any case, it seems to me doubtful whether we could obtain a satisfactory insight into a constitution if we were to restrict ourselves to a legalistic approach. There is always a case for going further towards taking into account the motives and aims of a particular constitution and the values and idiosyncrasies of the whole community, even though modern societies are far less integrated compared to societies in ancient Greece.

In Book III of the *Politics* Aristotle sets out a classification of constitutions. According to the aims of constitutions these fall into two broad categories. Those aiming at the common good of the whole people are defined as normal or correct constitutions whereas those serving the private advantage of the ruling body are defined as deviant constitutions[124]. The above criterion in conjunction with considerations on the size of the ruling body gives us six types of constitution[125]. When one person rules according to the common good the constitution is kingship. The deviant form of kingship is tyranny. The tyrant pursues only his own interest. Aristocracy is the rule by the virtuous few. Its corresponding form of sectional rule is oligarchy, the rule by the wealthy few. Rule by the majority for the sake of the good of the whole community is named "politeia", or "polity" as the Greek term is usually translated into English. The term "democracy" is reserved for sectional rule by the poor majority.

Aristotle's introduction of a numerical criterion as a classificatory instrument is not unconditional. From a comparison of oligarchy and democracy he concludes that numbers are merely accidental. What matters is which part of the community is sovereign. In the case of democracy, the poor who also happen to be the majority are dominant whereas in oligarchies the wealthy, who usually constitute a minority, prevail. In both cases, these social groups govern in pursuit of their own interests and thus they

are both categorised as deviant constitutions.

The question arises how to categorise constitutions where a rich majority or a poor minority prevail. Aristotle addresses this question but his final answer is not clear enough. He is aware of the fact that there are usually many poor people and fewer rich people. In Book III he seems to regard poverty and wealth as far more important criteria than the size of the sovereign body, whereas in Book IV both considerations are pertinent[126]. Barker makes an illuminating remark at this point. According to him:

> [Aristotle] applies to the data of popular opinion both the solvent of "difficulties" which arise from that opinion, and the test of his own metaphysical principles, in order to elicit the meaning, or correct the errors, which it contains...It is not the number but the social class of the governing body, which has been made to constitute the differentia of these constitutions...class distinctions are the cause of political distinctions while numerical distinctions are merely symptoms, or, at best secondary attributes[127]

But why is a constitution regarded as flawed when it serves the interests of its dominant social group? After all, if they constitute the majority, aren't they entitled to do as they please? Aristotle's objections are based on two considerations. One is human dignity. In contrast to Plato, he distinguishes between despotic and political rule. Despotic rule suits the "natural slaves" since they are not capable of full deliberation. The despot aims at his own good[128]. Deviant constitutions sanction despotic rule by oppressing the part of the free population which is not sovereign. Free people, however, do not deserve to be treated like this. Political rule is rule among free and equal men. Even if the same people remain in power for ever, they ought to respect the other free-men and aim at the common advantage.

Aristotle also criticises deviant constitutions because of the pattern of distribution they adopt. Whereas correct constitutions follow just distributive principles which respect justice, deviant constitutions

have only a partial respect for it. As we have seen, for Aristotle, distributive justice takes the form of proportionality between someone's contribution to the welfare of the community and the rewards he receives in the form of political power and other benefits. The foremost criterion for the assessment of his contribution is his virtue (or excellence, if we want to be more precise in translation). It should be noted, that just like the hierarchy of constitutions, the hierarchy of distributive criteria is derived using a teleological conception of the community. That is, communities should aim at the flourishing of their citizens, and so whatever facilitates this flourishing is praise-worthy.

What takes place under deviant constitutions is that the ruling groups adopt a partial conception of justice in order to promote their interests. They emphasise only the considerations which justify their rule and they try to minimise the importance of other criteria. Thus, the epicentre of oligarchy is wealth. Wealthy people arrange the constitution so that the allocation of political offices and political power in general relates directly to the amount of wealth citizens posses. The better-off constitute the civic body, the poor are disenfranchised. Oligarchs justify this mode of political arrangement by the claim that wealth is the most important element in the well-being of a community. Democrats attribute great significance to freedom and maintain that equality in free status is sufficient to render citizens equals in political terms as well.

Aristotle objects to both oligarchy and democracy by claiming that they retain a partial notion of justice. He insists that it is necessary to consider all things which contribute to the well-being of the community. Wealth and free-status are some of them but not the only ones. Other things, namely political excellence and education, seem to be far more important.

Considerations of distributive justice lead Aristotle to a slightly modified classification of constitutions. According to the attributes which a constitution uses to award power we now have the following list.

Ideal kingship and true aristocracy are defined as constitutions centring around full virtue, the latter being "virtue furnished with external means". So-called aristocracies are characterised by

considerations of virtue, wealth and freedom or virtue and freedom. Polities take into account wealth and freedom, that is, they are a mixture of democracy and oligarchy, since democracy's attribute is freedom and the attribute of oligarchy is wealth. Tyranny, finally, aims at wealth, although it is not clear whether wealth is its main attribute.

The initial list of constitutions, based on considerations of the size of the ruling body and the aims of the constitution, was highly symmetrical. This symmetry is dropped here for the sake of more essential criteria. The new list is not without problems. Ideal kingship and true aristocracy become indistinguishable since their attribute is the same. Indeed, at later stages Aristotle seems to regard both of them as forms of the ideal constitution and lumps the other constitutions together so that the initial distinction between normal and deviant constitutions is modified to a distinction between constitutions characterised by virtue in absolute terms and all the others. Oligarchy also becomes indistinguishable from tyranny.

It is easy to notice the importance of distributive justice for the definition, classification and assessment of constitutions in Aristotle. The mode of distribution is an expression of the prevailing values of the community and determines the allocation of political power. But, as was argued in the previous chapter, Aristotle's distributive doctrines should not be accepted without any criticism.

Firstly, it is debatable whether Aristotle gives an objective description of the constitutions he wants to rank in distributive terms. We are entitled to question whether democracy, for example, is indeed a constitution professing and practicing egalitarianism as Aristotle maintains. Furthermore, democracy and oligarchy are both regarded as mainly unjust constitutions since they follow only one criterion of distributive justice. Aristotle fails to notice a major difference here. That is that democracy uses free status in order to grant political rights to all citizens and leaves open the adoption of other criteria when citizens seek political recognition and power, whereas oligarchy disenfranchises once and for all citizens who do not comply with a minimum property qualification. His distributive criteria are also debatable. Aristotle claims that justice

requires proportionate equality between one's contribution to the community and one's rewards in terms of political power. It is not clear what one's contribution may be. Sometimes it is, for Aristotle, his general virtue and sometimes it is his ability to help the community. Capacities and virtues, however, may differ significantly. Moreover, it seems impossible to establish a notion of proportionality without a common denominator and such a thing does not exist.

I wish now to look briefly at the classification of subtypes of particular constitutions before embarking on an overall assessment of Aristotle's definition and classifications of constitutions.

There are five types of kingship, their classification depending largely on the amount of power the king enjoys and also on the nature of his rule.

When we come to consider oligarchy and democracy Aristotle's evaluative gradualism becomes more evident. The types of oligarchy and democracy are both classified in a descending scale. As Aristotle says:

> it is not difficult to see, among the other forms of constitution (inasmuch as we pronounce that there are various forms of democracy and various oligarchies), what kind is to be placed first, what second, and what next in this order, by reason of one being better and the other worse. (1296b3-7)

Since oligarchy and democracy are deviant constitutions, the best oligarchy is the one adhering more loosely to oligarchic principles, thus permitting a substantial number of free men to participate in politics. Similarly, the best democracy is the one which places some restrictions on the political power of the poor.

Aristotle makes an interesting statement in Book IV of the *Politics* before proceeding to classify the types of oligarchy and democracy. He declares that:

> There are several varieties of democracy and oligarchy...For there are several classes both of the (common) people and of those called the notables (1291b15-18)

This is a clear statement on what lies behind constitutional variation. His initial classification of democracies, however, is not based

on an enumeration of social groups and their corresponding democratic forms. Rather, it is an account of four types of democracy, placed on a descending scale according to their adherence to the rule of law. In the first three types the law is more or less sovereign, more in the first type, less in the third one. In the fourth type, we are told that "the multitude is sovereign and not the law...the decrees of the assembly override the law"

Sovereignty is one of the most important Aristotelian criteria which determine the form of a constitution. One, however, should always keep in mind that Aristotle's use of this term does not correspond precisely to our modern understanding of it[129]. He uses the term *kyrion* in a rather loose manner referring to a dominant group of the civic body but also to a prevailing feature of the constitution such as the rule of law.

As we shall see, in the second classification of types of democracy adherence to law is in its turn determined by the nature of the social group -- the part of the *polis* as Aristotle would say -- which prevails. Thus Aristotle is eager to return to his initial classification of democracies and assign to every type the dominance of one part of the populace as its determining factor.

Judging from all the above, one is entitled to suspect that Aristotle has made social class the sole determinant of the form of constitutions. Admittedly, he mentions character and differing conceptions of happiness as highly relevant, but differences of ethical creed are connected by Aristotle with differences of class, especially in the case of the popular classes. As Newman says:

> some classes, we have been told, seek happiness in things not really productive of it, and their admission to power varies and vitiates the constitution[130]

Is Aristotle then a precursor of Marx in the sense that he attributes the political structures of a society to class antagonisms which in their turn are determined by the way production is organised?[131] Aristotle may have been the first to notice the significance of social differences in the formation of constitutions. But I think it would be wrong to regard that as the only determining factor in his conception of constitutions.

Aristotle did not claim that every sovereign body is bound to impose its own narrow interests upon the rest of the people. Had he done so, his distinction between correct and deviant constitutions would have been eliminated and his distributive pattern declared utopian and unrealistic. Furthermore, if social groups were always to impose the mode of distribution which is beneficial to them, there would seem to be little room for virtue, since virtue is not restricted to a particular group. Nothing would prevent any particular group from opting for a distributive criterion which is more pertinent to them and more exclusive of the others. It should also be added, as far as virtue is concerned, that it is true that Aristotle regards the presence of a minimum of external goods as a prerequisite of virtue, but he stresses that wealth is not enough to make one virtuous.

There is, however, one point at which a modern reader will probably attribute prejudice to Aristotle. This is his insistence that most parts of the lower classes are totally incapable of political virtue. There are places where Aristotle assigns to the common people (*hoi polloi*) some political functions. He says, for example that perhaps they should be allowed to elect the magistrates and call them to account. But his general hostility runs contrary to what one is entitled to expect from Aristotelian teleology, namely that citizens should be encouraged to develop their full capacities and states should provide for that.[132]

I have noted that both the definition and classification of constitutions in Aristotle is centred around some particular factors. These were: (1) the quality of the civic body, which usually refers to the sovereign social group; (2) the mode of distribution of political power; and, finally, (3) the end (*telos*) of the community as it is crystallised in the form of its constitution. All these factors are interrelated and it is, I think, one of Aristotle's weaknesses that he did not specify the nature of their interrelation. Thus, Aristotle's constitutional theory is bound to be subject to interpretative controversy. By placing emphasis on the ends of communities his theory is shown in a highly normative and highly teleological perspective. On the other hand, emphasis an the social composition of the populace results in a more "sociological" Aristotle. The

multiplicity of his criteria, however, is not without merits. Evidently, it saves him from the danger of dogmatism apparent in other thinkers.

Finally, it should be stressed that Aristotle's types and subtypes of constitution are not descriptions of actual constitutions. They function as ideal types in a Weberian way and in this sense, although they are the products of observation and taxonomy, they remain highly abstract. Actual constitutions usually possess, as Aristotle shows, characteristics from more than one type of constitution. Thus the Spartan constitution is described as possessing a mixture of oligarchic, monarchic and democratic characteristics[133]. Aristotle has been criticised for leaving open the possibility of a partially correct constitution and also for not anticipating the possibility of a constitution aiming at a common advantage, but a reprehensible one[134]. Most of this criticism would have been avoided if his methodological purposes were understood better. He would answer that partially deviant, partially correct constitutions do exist. But, in order to describe them, we need a concept of the correct and a concept of the deviant constitution.

I now turn to the question of the different types, or subtypes, of democracy.

3.2. ARISTOTLE'S CLASSIFICATION OF DEMOCRATIC CONSTITUTIONS.

Aristotle attributes great significance to distinguishing and describing various types of democracy. This is shown not only by the fact that he gives three different classifications of types of democracy but also by the nature of these classifications. Aristotle attempts to explain the form and the origin of types of democracy. Furthermore, his effort extends to evaluating these different types of democracy and in this way he clearly expresses his preferences.

I wish first to explore what principles Aristotle follows in his classifications; second, to make a critical analysis of them; finally, to compare these classifications with each other and to draw some conclusions.

The initial statement of chapter VI of Book IV declares that:

> There are several varieties of democracy and oligarchy... For there are several classes both of the people and of those called the notables (1291b15-18)

The above comes just after we have been given an exposition of the "parts" of the state, of which, according to Aristotle, there are eight. They include occupational classes, holders of public offices, and finally broad categories such as the poor and the rich[135]. It is obvious that membership of these parts may overlap with the exception of the division between poor and rich.

> But it is not possible for the same men to be poor and rich. Hence these seem to be in the fullest sense the parts of the state... the superior claims of these classes are even made the guiding principles upon which constitutions are constructed. (1291b7-13)

In the previous part of this chapter we examined Aristotle's definition of constitution. We saw that three main factors determine the nature of each constitution: (1) the object (*telos*) of the particular community which becomes also the *telos* of its constitution, (2) the mode of distribution of political power and offices and (3) the answer to the question "which is the sovereign part of the civic body?"[136]

Consequently, we are led to recognise at least three main principles

in Aristotle's classification of democracy. The first one, the *telos* of the community determines whether a constitution aims at serving the common interest of the free population or the sectional interests of the ruling part of the community. We are often told in the *Politics* that democracy is a sectional constitution, not merely the rule of the majority, but the rule of the poor, who seem to be always in the majority, for their own good. Aristotle seems to assume that the popular classes are motivated by the pursuit of their own interests , often against the interest of the whole *polis,* or, at least, the interests of other parts of the civic body. Such an assumption is, of course, highly questionable. Its validity seems to depend on premises holding that the lower classes are all aware of their class interest and that there are no competing class interest conceptions among the adherents of democracy. If the above premises are valid, we could imagine the Athenian poor attending the Assembly always with a clear mind on the way their votes should be cast. Still, having in mind Aristotle's evaluative gradualism, we are entitled to expect the report of the existence of certain degrees of a deviation towards sectionalism, namely bad democracies and less bad democracies.

The second factor in Aristotle's definition of the constitution is in fact twofold. It includes distributive doctrines and the way political offices are actually allocated. As we know, according to Aristotle democracy has a flawed conception of distributive justice because it emphasises only one of the relevant criteria according to which this distribution ought to take place. It treats free status as a sufficient requirement and consequently ignores other equally relevant, or even more relevant, criteria such as wealth, nobility and, above all, political virtue. Still, not all democracies are the same, some adhere to their distributive doctrines move strictly, some less. The second part of the second principle of the definition of the constitution asks who is given what office. A distinction between the fundamental distributive principles and the actual regulation of these offices is necessary because, as we can easily envisage, and as we shall soon see, there is not a straight line between the two in the form of principles which result necessarily in corresponding allocations. This is not to deny the relevance of

distributive principles to the actual mode of allocation. But other factors intervene, usually more practical than abstract ideals, enough to grant a relative autonomy to the question "who at the end gets what?". As Aristotle notes:

> it must not escape notice that in many places it has come about that although the constitution as framed by the laws is not democratic, yet owing to custom and the social system it is democratically administered, and similarly by a reverse process in other states although the legal constitution is more democratic, yet by means of the social system and customs it is carried on rather as an oligarchy. (1292b12-17)

Ideally, of course, in a pure democracy all citizens should be eligible for office and no barriers such as property qualifications should be raised. Offices should also rotate quickly, be held only once, and filled by utilising the lot. All citizens should partake in the judicial processes. Finally, the deliberative body, the Assembly, should be strengthened in relation to the executive and the participation of the lower classes in the Assembly should be aided by the provision of state payments.

The third principle, the question "what is the sovereign power in the state?", seems not to present many complexities when considered by Aristotelian political philosophy. We are expected to identify the particular part of the *polis* which happens to be, politically speaking, the most powerful one. Rephrased, the question is: which part of the city is capable of enforcing its political will through the mechanisms of the constitution?

As we have seen, Aristotle identifies a number of factors as causes of the form of a constitution. Nevertheless, it is the dominant social class which above all, according to Aristotle, shapes the constitution. As Barker remarks, "Tell me the class which is predominant, one might say, and I will tell you the constitution".[137]

We may now return to the text (1291b15ff). We have been told that there are several varieties of democracy since there exist several classes of common people[138]. These are farmers, craftsmen and artisans,

merchants, seamen and also manual, hired workers and common people and also free men who are not "of citizens parentage on both sides".

Aristotle then distinguishes four variants of democracy.

1) The first kind of democracy is one of which "the law...ascribes equality to the state of things in which the poor have no more prominence than the rich and neither class is sovereign" yet "a resolution passed by a majority is paramount...the offices are held on property qualifications but these are low ones".(1291b31-92a1)

2) "All the citizens that are not open to challenge (i.e. on grounds of birth) to have a share in office, but for the law to rule". (1292a1-2)

3) "All to share in the offices on the mere qualifications of being a citizen, but for the law to rule". (1292a2-4)

4) "the multitude is sovereign and not the law,... the decrees of the assembly over-ride the law. This state of things is brought about by the demagogues... the common people become a single composite monarch" however "if then democracy really is one of the forms of constitution, it is manifest that an organization of this kind is not even a democracy in the proper sense, for it is impossible for a voted resolution to be a universal rule" (1292a4-38)

Contrary to Aristotle's initial statement, the above classification does not correspond directly to the division of the free population into parts. We were led to expect different types of democracy to correspond to particular parts of the city. Yet, only when distinguishing between type (2) and type (3) is reference made to the parts of the city. Type (2) relates to persons of unchallenged free-birth sharing political offices; type (3) in contrast, is more liberal in its extension of citizenship.

In fact, the cardinal criterion of this classification seems to be the adherence of democratic variants to the rule of law. In types (1), (2), and (3) the law is said to rule and specifically in type (1) it is stated that neither the poor nor the rich are sovereign. It is consequently the law that is sovereign. Having been told many times before that in democracy the poor are sovereign we may wonder how the sovereignty of the poor is compatible with the sovereignty of the law. In fact there is no contradiction here. The law is sovereign in democracies but it is the

democratic law which is sovereign and it is inevitably flawed in democracies of types (2) and (3). Apparently, for Aristotle, imperfect or flawed law is preferable to the absence of law.

It is tempting to associate the last type of democracy with Athenian democracy. Athenian demagogues are castigated in Aristotle's *Athenian Constitution* on similar lines. On the other hand, we know that Aristotle's contemporary Athens was a moderate democracy with much emphasis on the constitutional order and little space for demagogues. There is no agreement among the various commentators on this issue. To mention only the two most prominent ones, Newman and Barker, the former believes that Aristotle refers to contemporary Athens when he speaks about extreme democracy whereas the latter is more hesitant about making such an association.

Newman writes that when Aristotle mentions extreme democracy "the example of Athens is naturally especially present to [his] mind". He notes that:

> most of the characteristics of *teleutaia demokratia* [last democracy, Greek in Newman] existed wherever demagogues were found, and Aristotle can hardly have held that demagogues did not exist in Athens...it is questionable how far *graphe paranomon* [indictment for illegal proceedings, Greek in Newman] was regarded by Aristotle as an effectual check upon the demagogues[139]

On the other side, Barker enumerates a number of characteristics of the Athenian democracy of which some conform with Aristotle's description of extreme democracy and others do not. His overall view is that:

> These four types [of democracy] represent rather philosophic generalisations of possible forms, than any historic grouping of stages; and what concerns Aristotle most is to distinguish moderate democracy founded on a solid social basis, from the extreme type which is founded on poverty...because any successful construction of the one, or the reform of the other, depends on a sense of this distinction.[140]

On this point I side with Barker, sharing his reservations about a direct association of the Athenian democracy with Aristotle's last and

worst type. As we have seen in Chapter One, historical evidence testifies for a rather moderate democracy in fourth-century Athens. Additionally and most importantly, it is evident that Aristotle's types and subtypes are not mere descriptions of contemporary constitutions. They are, of course, products of observation, but it is observation systematised and taxonomised in broad theoretical categories. The political philosopher could use these abstract types in order to identify the often diverse elements of an existing constitution. The lawgiver and the political reformer could use Aristotle's list for guidance in investigating what features of a higher placed type and subtype could be adopted in order to improve their own.

But there is a serious problem concerning the first type of democracy. This type ascribes equality to the functioning of the constitution with the poor not being more prominent than the rich and neither class being sovereign. What kind of equality is capable of giving such a result? Certainly not absolute, numerical equality, since, by Aristotelian standards, this inevitably leads to the dominance of the poor majority. It is what Aristotle and others called proportionate equality, safeguarded by the inclusion of property-qualifications in the distribution of political offices. This is the type of democracy Aristotle goes a long way towards vindicating in Book III of the *Politics*. Low property-qualifications result in the moderately rich being elected to offices whereas the lowest classes retain the right to elect the magistrates and call them to account.

Where does the problem lie? The text I have used is the version emended by Schlosser which enumerates four types of democracy in compliance, as we shall soon see, with Aristotle's other classifications. The manuscripts, however, account for five types. They distinguish a second type where "offices are held on property qualifications". Schlosser's emendation takes the above sentence as providing further information on the first type. A lot has been written on this controversy and I shall use the last part of this chapter to defend Schlosser's emendation. My position will draw upon the principles of Aristotle's theory of democracy as I have identified them so far. It is, in a way, a field study: the application of theory in dealing with a specific issue.

Aristotle seems to terminate his examination of the types of democracy with the phrase "Let this be our discussion of the different kinds of democracy" (1292a38-9).

He then moves to oligarchy, classifying again four variants of this constitution. Suddenly, however, he turns back to the four types of democracy. We are now presented with a new classification, more specific than the previous one. These are the four new forms:

(1) "The farmer class and the class possessed of moderate property is sovereign over the government...they have a livelihood if they work, but are not able to be at leisure, so they put the law in control and hold the minimum of assemblies necessary" (1292b25-33). We are also told that in order to take part in the government the property-assessment fixed by the law is required.

(2) "It is possible that all the citizens not liable to objection on the score of birth may have the right to take part in the assembly, but may actually take part only when they are able to be at leisure; hence in a democracy of this nature the laws govern because there is no revenue" (1292b35-8).

(3) The third type is identical to type two with the difference that all free men now are entitled to take part in government. (1292b38-41)

(4) The fourth type is the one where "the multitude of the poor becomes sovereign over the government, instead of the laws". This is achieved by the provision of revenue to subsidise the participation of the poor in the political process. Payments guarantee the necessary leisure whereas the rich preoccupied by their own affairs "often take no part in the assembly nor in judging lawsuits".(1292b41-93a10)

This is obviously a far more detailed classification compared with the one just previously given. But is it a substantially different one?

I maintain that Aristotle's aim is to reinforce his first classification by providing additional explanations. These explanations go to answer a question initially raised and then only superficially touched upon. I am referring to the significance of the division of the free population into different parts and the leading role this division plays in the formation of different types of democracy. The additional

information relating to this subject tells us that the first type of democracy requires that farmers and owners of moderate property are the sovereign part of the city. We can easily infer now that the dominant part in the fourth type are propertyless free men of the big cities, and that their participation in politics is made possible by the provision of payments by the state. There is no additional information at this point about the dominant parts of the city in types (2) and (3). It is repeated that in type (2) these are the free citizens of unchallenged parenthood and all free citizens in type (3).

The very first classification was conducted along the lines of adherence to the rule of law. It is reminiscent of Plato who classified constitutions according to the criterion of observance or non-observance of the law. But we were provided with no explanation of the sources of this varying adherence. Aristotle now takes the opportunity not only to consider more seriously the role played by the parts of the city but also to show how the rule of law is related to this theory. In other words, instead of abandoning his first attempt to categorise types of democracy, he actually reinforces it by expanding on the subject of the sovereignty of different social classes and categories. One could say that Aristotle again takes the opportunity to correct and go beyond his teacher.

One question arising from the first type identified in the initial exposition of types of democracy is: why is this type of democracy more compatible with the rule of law? The answer is now seen to be given explicitly through the second exposition. The first type in the initial exposition of types of democracy is more disposed to respect the rule of law because farmers and people of moderate property are sovereign. And since these people are too preoccupied with the conduct of their work, they have little time for public gatherings. They hold the minimum assemblies necessary and they leave the rest to the law as it is traditionally prescribed. (This has an echo in modern themes of the role of apathy).

Similarly, we receive an answer to the question "why does extreme democracy result in the abandonment of law and the dictatorship of the multitude?" We are told that this happens when states have huge revenues and are willing to spend them by subsidising the participation of the lower

class to the conduct of government. By doing so, they provide this social class with much leisure, so the poor seize control of the assembly and they decide according to their wishes and not the law.

We can also produce similar interpretations in regard to types (2) and (3).

Thus Aristotle manages to reconcile the two different kinds of consideration, one pertaining to the rule of law, the other to social stratification, and, what is more, he manages to present and elaborate a theory where these two considerations seem to relate to each other in a very formidable way. The rule of law is presented as a result of social stratification.

However, Aristotle's explanatory scheme includes some dubious assumptions. Let us reconsider types (1) and (4), in their new form.

Type (1) is structured as follows:

-1- Farmers and people of moderate property are sovereign.

-2- The above have to spend most of their time at work and they lack leisure.

-3- Because they lack leisure, they restrict their political participation to the minimum.

-4- If leisure is not present among the populace and if the latter do not participate in politics too energetically the law is followed more closely.

Thus -5-, type (1) respects the rule of law.

Type (4) is structured in a similar way:

-1- The state offers payments to those participating in the political process.

-2- Payments create the necessary leisure for the propertyless urban low class to frequent the assembly.

-3- This class seizes the opportunity and since they constitute the majority, they decide according to their wishes and regardless of the law.

Thus -4-, this type of democracy has no respect for law and constitutes the sectional rule by the poor in its most extreme form.

In both cases Aristotle assumes that: (1) leisure is necessary for the conduct of politics and (2) that if leisure is provided to the lower classes, it is bound to lead to excessive participation in politics and the

pursuit of sectional interests.

Needless to say, there is much to be argued against Aristotle. He regards leisure as a prerequisite of virtuous life and the right political conduct. This seems plausible in the sense that, if someone is pre-occupied with the conduct of his private business, little chance will be left for him to excel in politics. But when democrats attempt to provide the lower classes with the leisure necessary for their participation in politics, Aristotle is adamant that this will harm the state. He implies that the lower classes, lacking the necessary refinement and culture, enter the political domain armed only with the desire to gain personal profit. Aristotle may have some point here but there is a case for educating the lower classes politically and leisure is a prerequisite for such education. Aristotle, however, does not share the democrats' optimism. As we shall see later, he does not believe that one could one day work as a hired manual worker and the next participate in the running of the state in a sober and impartial way.

For the third classification of democracy we must turn to Book VI of the *Politics*. Aristotle introduces his new classification by clearly stating what he regards as the two reasons for the existence of several varieties of democracy:

> In fact there are two causes for there being several kinds of democracy, first the one stated before, the fact that the populations are different...and the second cause is the one about which we now speak. For the institutions that go with democracies and seem to be appropriate to this form of constitution make the democracies different by their combinations, for one form of democracy will be accompanied by fewer, another by more, and another by all of them. (1317a22-34)

He justifies his endeavour to classify these different types of democracy by proclaiming that:

> it is serviceable to ascertain each of them both for the purpose of instituting whichever of these kinds of democracy one happens to wish and for the purpose of amending the

existing ones (1317a34-36).

"Which ever one happens to wish" is, of course, a rhetorical device here. Aristotle is fully aware that there are definite restrictions. Restrictions which are imposed by the nature of the populace and also by the fact that it is disastrous, according to him, to try to impose all the institutions and arrangements which theoretically characterise democracy[141]. The purpose of amending the existing democracies seems to weigh heavily in this new exposition. In fact, Book VI might best be read as an evaluative exercise, not the detached and technical treatment it is usually assumed to be. The spirit of this book also seems more critical and negative to democracy compared with the other books of the *Politics*[142].

Aristotle returns to the classification of democracy only after he has completed a presentation of both the fundamental principles and institutional arrangements of democracy. This classification is also preceded by a paradigmatic case in which Aristotle shows how antagonistic claims based on numerical majorities and wealth can be reconciled in the context of a democratic constitution, although not an extreme one of course.

Finally he turns to the variants of democracy and we are informed that:

> There being four kinds of democracy, the best is the one that stands first in structure, as was said in the discourses preceding these (1318b7-8)

The reference points to Book IV and so provides us with an additional reason to think of there being there four and not five kinds of democracy.

The first and best type of democracy applies where the agricultural populace prevails since "the best common people are the agricultural population". Aristotle then explains his preference for this type of populace:

> Owing to their not having much property they are busy, so they cannot meet in the assembly [they] find more pleasure in working than in taking part in politics... And, also if they have any ambition, to have control over electing magistrates

> and calling them to account makes up for the lack of office...but, the holders of the greatest magistracies to be elected and to have property-qualification...or else for no office to be elected on a property qualification but for officials to be chosen on the ground of capacity...Hence there necessarily [from this type of democracy] results the condition of affairs that is the most advantageous in the government of states for the upper classes to govern without doing wrong, the common people not being deprived of any rights. (1318b11-19a4)

The second-best type of democracies exist, as we are told, "where the people are herdsmen and get their living from cattle". This assertion is justified by the claim that herdsmen's lives have many points of resemblance to agriculture and also that herdsmen are very capable soldiers.

The above two types of democracy are evidently complimented by Aristotle. However, this is not the case for the remaining types since:

> almost all the other classes of populace of which the remaining kinds of democracy are composed are very inferior to these, for their mode of life is mean and there in no element of virtue in any of the occupations in which the multitude of artisans and market-people and the wage-earning class take part,...and also all people of this class find it easy to attend the assembly. (1319a24-30)

Soon after making this remark, Aristotle proceeds in describing the last type of democracy without giving details about a third type. Thus it is very difficult to distinguish a third type of democracy intermediating between the two best and the last one. Aristotle's instruction is that constitutional forms "must diverge in a corresponding order, and at each stage we must admit the next inferior class" (1319a40-b1).

The problem, however is that Aristotle does not appear to follow his own prescriptions. In the introduction of the two inferior types or democracy reference is made to the *banausoi* (manual workers), *agoraioi* (people frequenting the market) and *thetes* (the wage-earning lower class)

together. The borders between these three social categories are not well-defined. The same person may be a *banausos*, an *agoraios* and a *thes* at the same time. On the other hand, a small merchant may be an *agoraios* but not a *thes*, the latter being mainly defined on income basis. It is implied that the political behaviour of these overlapping social categories is similar and so it would be difficult to differentiate the third type by referring to one or two of them (the *banausoi* or the *agoraioi*) and leaving the *thetes* for the last type.

I am inclined to believe that if there is a third type its difference from the last one is just a matter of tone. Perhaps, searching for a distinctive characteristic of this type, we ought to focus on Aristotle's advice, given before embarking on the examination of the last type, that "it is best in democracies not to hold assemblies without the multitude scattered over the country". In that sense, a democracy of this type, though characterised by the strong presence of the urban populace, may be somehow restricted by the compromising role of the rural populace.

Several characteristics are mentioned in relation to the last and worst type of democracy. Democratic leaders of this type of democracy, according to Aristotle:

> admit to citizenship not only the legitimate children of citizens but also the base-born and also those of citizen-birth on one side...every device must be employed to make all the people as much as possible intermingled with one another, and to break up the previously existing groups of associates. (1319b8-27)

Disorderly living is also an appropriate characteristic of this kind of democracy since this is "pleasanter to the mass of mankind than sober living". (1319b32-33)

I have examined two versions of Aristotle's classification of democracy and found them to be substantially similar. The second version appears to aim at clarifying issues which the laconic formulation given in the first version left vague and puzzling. The third classification, however, is cited in a different book, Book VI. Although the *Politics* forms a unified whole, each book has its own specific purpose. We might then

expect there to be some differences in this classification, and this is indeed the case, as I shall now endeavour to show.

But first I would like to note some important similarities between the three classifications.

All three classifications derive from Aristotle's constitutional theory. Constitutions are classified mainly in respect of their adherence to the common good. Thus, it is not surprising that types of democracy should be classified not in a mere descriptive way but evaluatively. All three accounts of the types of democracy follow this pattern. They start from the best democracy to conclude at the worst democracy.

Aristotle's account transcends a mere description in another important way. His types of constitution and his types of democracy are not actual, existing constitutions. They are abstract types which are related to an actual constitution in the sense that the latter may possess characteristics of one or more of these abstract types. It may well be the case, for example, that there never existed a pure bucolic democracy of the kind Aristotle refers to. Attempts to draw strict parallels between the Athenian democracy of the fourth century and the fourth and worst type of democracy in Aristotle's classifications therefore miss the point.

Finally, it is evident that Aristotle's evaluative account of the types of democracy presents as preferable those democracies which possess fewer of the typical characteristics *ex definitio* assigned to this constitution. Conversely, the worst democracies are those manifesting those characteristics to the utmost. All three classifications evaluate types of democracy in respect of the degree of participation of the common people in the allocation of political power. The less the common people participate in and dominate the constitution the better in Aristotle's view; or, to speak strictly, the less deviant he judges a democracy to be.

The differences between Aristotle's classifications, in contrast, are less fundamental.

There is, first, some discrepancy in the subject-matter of the classifications. Whereas the first two accounts are taxonomies of types of democracy which make reference to their corresponding parts of the city, the third is a classification primarily of categories of the common people

and types of democracy corresponding to them. Referring to the best type of democracy in the account of Book VI Aristotle explains that:

> by first I mean first as it were in a classification of the kinds of common people. The best common people are the agricultural population. (1318b8-10)

He then shifts more to classifying types of populace:

> After the agricultural community the best kind of democracy is where the people are herdsmen (1319a20-1) ...but almost all the other classes of populace, of which the remaining kinds of democracy are composed are very inferior to these (1319a24-26)

The implication here is that certain types of populace give rise to certain types of democracy. But if the role of the philosopher is merely to describe types of populace and correlate them with their corresponding form of democracy, much of the first classification is beside the point, for it describes a phenomenon without identifying its cause. In that case the second classification would make the first redundant.

However, I do not think that Aristotle in putting forward his third classification is claiming that there is an absolutely inevitable correspondence between types of populace and types of democracy, nor that the role of the philosopher is merely to observe and systematise such a correspondence. He had stated from the outset that his aim was to provide advice to the lawgiver who sets out either to create or to improve a democracy. Knowledge of the above correspondence is helpful since it illuminates certain characteristics and restrictions the lawgiver ought to consider. But neither he nor the political philosopher are restrained by the existence of mechanical laws governing this correspondence. There is always room for correction and improvement. Even for the last type of democracy of the third classification, Aristotle has some advice to offer, for example, that the multitude should not seriously outnumber the notables.

In conclusion, although the third classification starts from the variety of the populace, this is a difference of emphasis, not of substance. From this point of view, the first classification does not lose any of its significance.

There is another difference that is more a matter of emphasis than a substantial discrepancy of view. Both the first and the second classifications seem to centre around the observance of the rule of law. Forms of democracy are assessed accordingly. Specifically, in the second version the rule of law is defined as being opposed to the availability of leisure and the political participation of the lower classes. In the last classification emphasis shifts from adherence to the law to the balancing of competitive and conflicting class claims, namely those of the rich and the poor. In this classification, the first type of democracy is seen to be the best because both the multitude and the notables are satisfied, the latter by administering the political offices and the former by exercising control over the magistrates. Even the adherents of the worst type of democracy are advised, as we noted, not to upset the political equilibrium too much. The above is not an entirely new theme. In the description of the best democracy in the first classification, the balancing of rival class claims was highly commended. If there is any significant difference between the two approaches, it lies in the fact that adherence to the rule of law was initially presented as a result of fair allocation of political power among antagonistic social classes whereas later these reconciling political arrangements are stressed independently and the rule of law hardly appears. But there is no strong reason why we should not take the two expositions to be complementary at this point. It seems highly likely that Aristotle takes for granted that a democracy managing to keep satisfied both the rich and the poor is bound to observe the rule of law. Let it be noted parenthetically that such a democracy tends to upset Aristotle's characterisation of democracy as a deviant constitution. It comes close to the constitution which is regarded by Aristotle to be most common and most worthy after the best, i.e. the *politeia*[143].

Lastly, one may trace some differences when comparing individual types of democracy from each classification. Type (1), the best democracy, does not present any problem. It is broadly presented along the same lines in all cases. But type (2) of the last classification, the herdsmen democracy, has no equivalent in the previous accounts. The reason for its appearance lies in Aristotle's enterprise of classifying the parts of the

common people. He felt obliged to give a place to herdsmen insofar as their resemblance to farmers entitles them to second place in his evaluation. Type (3) of the first two classifications actually corresponds to both type (3) and (4) of the last classification. In the first two accounts this type of democracy is described as a democracy where all citizens share in power and the granting of citizenship is not so stringent. Similarly, the leaders of the fourth and worst democracy of the third classification are alleged to admit to citizenship not only the legitimate children of citizens but also the base-born and those of citizen birth on one side[144].

There is also an affinity between this type and the fourth type of the first classification, namely the prominent role played by the "demagogues" (class. 1 and 2) and the "popular leaders" (class. 3) in the manipulation of the populace.

But there is also some difference. The popular leaders of the last classification are spared several pieces of advice for moderation by Aristotle whereas the worst democracy of the first classification is characterised as "not even a democracy in the proper sense" (1292a36-7) and it is understandable why it seems not to appear again in the last classification under the same form.

However substantial these discrepancies may seem, they should be set against the similarities previously noted. Whereas the differences seem to arise from shifts in emphasis and methodological purposes, similarities centre around fundamental Aristotelian principles.

In conclusion, Aristotle appears to be broadly consistent in his application of constitutional theory.

3.3. FOUR OR FIVE TYPES OF DEMOCRACY?[145].

As we have just seen, at 1291b30-1292a39 of Book IV of the *Politics* Aristotle gives his first version of the classification of different types of democracy. Two other versions appear later. One comes shortly afterwards in Book IV. This is more or less an expansion of the theme of the previous classification with more emphasis on the social make-up behind the different types of democracy. The last classification appears in Book VI. This, also, shows no major differences from the previous two. It is therefore puzzling that the text accounts for five types of democracy in the first classification, whereas the following classifications speak only of four types.

The passage at 1291b30-92a1 (1st classification, 1st and 2nd types) reads as follows:

> Of forms of democracy first comes that which is said to be based strictly on equality. In such a democracy the law says that it is just for the poor to have no more advantage than the rich; and neither should be masters, but both equal. For if liberty and equality, as it is thought by some, are chiefly to be found in democracy, they will be best attained when all persons alike share in the government to the utmost. And since the people are the majority, and the opinion of the majority is decisive, such a government must necessarily be a democracy. Here then is one sort of democracy. There is another (*allo de*) in which the magistrates are elected according to a certain property qualification, but a low one; he who has the required amount of property has a share in the government, but he who loses his property loses his rights.[146]

Immish in the 1929 Teubner text and Rackham in the Loeb edition follow Schlosser in deleting the words "*allo de*" and hence the passage is rendered "This therefore is one kind of democracy where the offices are held on property qualifications..." After this emendation, the passage enumerates only four types of democracy and stands in compliance with the

other classifications. Commenting on such drastic editorial action, M. Chambers remarks that "the obvious objections against resolving contradictions through emendation require this to be a last resort".[147] In that sense, it is obvious that the case for emendation requires more support than a mere reference to 1318b6 which says:

> There being four kinds of democracy, the best is the one that stands first in structure, as was said in the discourses preceding these.

I shall endeavour to provide arguments strengthening the case for emendation. I wish to show that the first type of democracy is not coherent unless what is presented as the second type of democracy is taken as a further explanation of the first type. Although the discussion relates to the deletion of only two words, I hope to avoid the appearance of triviality by showing that the issue connects to important topics in Aristotle's theory of democracy.

A. As we have seen, according to the manuscripts, we have the following types of democracy:

1st classification (1291b30-1292a39)

1. "...receives the name chiefly in respect of equality...the poor have no more prominence than the rich, and neither class is sovereign, but both are alike..."

2."...offices are held on property-qualifications, but these are low ones..."

3."...citizens that are not open to challenge (are) to have a share in office, but for the law to rule"

4."...all (citizens) to share in the offices...but the law to rule."

5."...the multitude is sovereign and not the law..."

2nd classification (1292b25-1293a10)

1."...the farmer class and the class of moderate property is sovereign...they govern according to laws...the right to take part when they have acquired the property-assessment..."

2."...all citizens not liable to objection...may have the right to take part in the assembly...the laws govern because there is no revenue..."

3."...all...free men have the right to take part in the government...the law governs."

4."...the multitude of poor becomes sovereign over the government, instead of the laws."

3rd classification (1318a7-1319b33)

1."...the multitude lives by agriculture or by pasturing cattle...to have control over electing magistrates and calling them to account makes up for the lack of office..."

2."...people are herdsmen..."

3."...no element of virtue in the occupations in which the multitude...take part...easy to attend the assembly..."

4."...all the population share in the government...with a view to...making the people powerful, their leaders admit to citizenship...also the base-born..."

Various modern commentators have noticed and commented on the asymmetry between 1291b30-1292a39 on the one side and 1292b25-1293a10 and 1318b7-1319b33 on the other. However, none of them has discussed the problem in detail.

The explanation offered by E. Barker is that the first classification uses criteria referring to the social structure whereas the others use criteria referring to social composition[148]. However, for Aristotle, social structure cannot be explained adequately without reference to social composition since "there are several varieties both of democracy and oligarchy...For there are several classes both of the people and of those called the notables" (1291b15-18). Also, "the superior claims of these classes are even made the guiding principles upon which constitutions are constructed." (1291b12-13)

Were it the case that the above classifications used different criteria, there might be some justification for the asymmetry between the five types of the first version and the four of the rest. However, it is clear from the above quotations that Aristotle gives cardinal importance to the "parts of the city", as he names the social groups making up the citizenry in democracies. Furthermore, careful examination and juxtaposition of the first and the second classification can show that they

are complementary, the latter explaining in some detail the way the characteristics of the former come into being. The first classification is conducted with reference to the rule of law. Types of democracy are taxonomised according to their varying degree of adherence to law in a descending order.In this way, the first type is characterised as the most respectful of the law and the last type as the least. The second classification makes use of social stratification in order to explain the mechanisms by which the above differentiation takes place. Aristotle's argument attempts to show that the last type of democracy has the least respect for law. The propertyless urban populace seize the opportunity given to them by the provision of state payments for participating in political activities and, since they constitute the majority, they decide according to their wishes, regardless of the law. Thus, this type of democracy has no respect for the law.

Considered along similar lines, the first type of democracy respects the law more because farmers and people of moderate property are the dominant part of the city. Since these people are too preoccupied with their own work, they have little time for public gatherings; they hold the minimum number of assemblies necessary and leave the rest to the law as traditionally prescribed.

One may justifiably question the tacit assumptions lying behind Aristotle's argument. For my current purposes, it is sufficient, however, to show the organic link between the first and the second classification of democracy in order to answer a possible claim, namely, that the first classification could stand independently of the others.

We have examined the links between the "first democracy" under discussion and the corresponding first forms of democracy in the other classifications and so we may now turn to its inner structure.We have been told that this type of democracy "is based strictly on equality" (*malista kata to ison*) and that strict equality is implemented when "it is just for the poor to have no more advantage than the rich; and neither should be masters, but both equal" (*homoious amphoterous*) and in such democracy "all persons alike share in the government alike" (*homoios*, which does not mean "to the utmost" as Jowett's translation renders it). Most modern

commentators accept that Aristotle is speaking here of numerical equality, that is "one to count only for one". Morrall's version of the first type of democracy is described as "based on strict numerical equality"[149]. For Robinson, this is "the western idea of democracy as the equal sharing by everybody in the government"[150]. For Mulgan,

> The "extra" type is unlike the moderate democracy...it is valuable not because democratic principles are blunted and compromised in it but because it implements these principles in an ideal way...The most likely reason for the suppression of the extra type is that it upsets the theoretical pattern of Aristotle's analysis of democracy. Democracy is a perverted constitution...the ideal or pure type must be the worst because it carries bad principles to their extremes[151].

Since numerical equality is one of democracy's "bad principles", Mulgan assumes that Aristotle is here using numerical equality in a positive way and that he later changes his mind and drops the first type altogether.

Is it then possible that Aristotle committed such an inconsistency? I shall try to show that this question, involving two of the most important topics of the *Politics* (that of democracy and that of equality), could not have escaped Aristotle's attention in such a casual and thoughtless manner. Despite the fragmented character of the *Politics*, Aristotle is fairly consistent in his attitude to democracy. As all readers of the *Politics* know, Aristotle is critical of democratic constitutions and openly hostile to extreme democracies which profess and practice egalitarianism to its utmost. At those times when he is most sympathetic towards "the rule of the Many", Aristotle offers arguments justifying the participation of the "common people", the demos in the political process. Only a limited participation is justified, however. His sympathies lie with the moderate democracies initiated by Solon and other lawgivers who:

> appoint the common citizens to the election of the magistrates and the function of calling them to audit, although they do not allow them to hold office singly [*kata monas*, as individuals]. (1281b33-5)

Indeed, this passage offers such a limited and conditional advocacy for

democracy that Mulgan has mistakenly regarded it as vindication of polity (*politeia*) rather than democracy.

To understand the nature of Aristotle's taxonomy of democracies, to understand why the extra type is placed first, we have to understand the nature of the equality with which the latter is endowed. When in the previous chapter we recalled Book V of the *Nicomachean Ethics* together with numerous passages of the *Politics*, we saw that Aristotle's conception of equality is profoundly different from our own numerical understanding of this notion. For Aristotle" justice is equality...not for everybody, but only for those who are equals and inequality is just...for those who are unequal".(1280a11-13)

As I noted earlier, the allocation of political power to an individual ought to take place in proportion to his contribution to the well-being of society. Aristotle's equality is thus proportionate equality, always retaining the same ratio between contribution and reward, the latter being political power together with other "divisible things"[152]. He puts forward a rather obscure list of criteria for assessing an individual's contribution to the *eudaimonia* of the city which includes free status, wealth, nobility, and, above all, political virtue or excellence (*politike arete*)[153]. But, "because men are bad judges where they themselves are concerned"(1280a20-1) they have only a partial conception of justice and democrats, for example, think that "if they are equal in some respects, for instance in free-status, they are entirely equal".(1280a25) Consequently, for Aristotle, democrats, by employing numerical or absolute and not proportionate equality, violate political justice and provide for their own sectional interests and not for the common good. This is the reason why democracy is said to be a deviant form of constitution. It is, however, one of the great virtues of Aristotelian politics that the Stagirite, when judging either abstract or existing types of democracies, does so by employing his theory of equality in a practical and constructive manner. Types of democracy are assessed according to their compliance to strict numerical equality: the less they adhere to this the more acceptable they become. His consistent strategy in the *Politics* is to render democracy acceptable by moderating it.

B. I have just argued that the form of equality attributed to the first (and best) type of democracy should not be read as numerical equality between individual free citizens, as our modern bias could easily lead us to believe. I am suggesting that :

1. The form of equality Aristotle employs is equality between social classes. The Greek passage specifies "*to meden mallon hyperechein tous aporous e tous euporous mede kyrious einai hopoterousoun all'homoious einai amphoterous*" I take "*homoious amphoterous*" (both equal) to refer to "*aporous*" (the poor class) and "*euporous*" (the rich class). I maintain that the explanation immediately following "*koinonounton hapanton malista tes politeias*" (when all equally share in the government) suggests that "all" refers to poor and rich as social entities and not to isolated individuals.

2.The above form of equality between social classes is best served by the implementation of property qualifications determining access to important political offices. Consequently, what is usually taken to be the second type of democracy is a mere explanation of the first type and Schlosser's emendation should be accepted.

A large number of references can be given to establish that the above suggestion is a perfectly Aristotelian one. At 1318a4-11 Aristotle comments on the fundamental principles of democracy:

> what is thought to be the extreme form of democracy and of popular government comes about as a result of the principle of justice that is admitted to be democratic, and this is for all to have equality according to number. For it is equality for the poor to have no larger share of power than the rich, and not for the poor alone to be supreme but for all to govern equally; for in this way they would feel that the constitution possessed both equality and liberty. But the question follows, how will they have equality?

Aristotle then goes on to propose a system where equality is based on both property and numbers. That is, equal blocks of property carry equal weight, though the number of persons in each block is different. The above passage is very significant. Not only does Aristotle clarify his attitude

towards the bitterly contested problem of equality, but he goes further by putting forward his solution. A good democracy should, according to Aristotle, accommodate the claims of the rich by accepting qualifications in its distribution of political power. In general, the more a type of democracy diverges from strict democratic principles and is compromised by the adoption of non-democratic characteristics, the more praise (or the less criticism) it deserves. Indeed, turning to the best democracies of the second and third classification, we see that these are "watered-down" moderated democracies.

At 1292b25-30 we are told that:

> the farmer class and the class possessed of moderate wealth is sovereign over the government...the other persons have the right to take part when they have acquired the property-assessment fixed by the laws.

At 1318b29-1319a4 the best democracy is also an agricultural democracy where it is a:

> customary institution in it, for all the citizens to elect the magistrates and call them to account, and to try law-suits, but for the holders of the greatest magistrates to be elected and to have property qualifications...or else...to be chosen on the ground of capacity...Hence there necessarily results the conditions of affairs that is the most advantageous in the government of states -for the upper class to govern without doing wrong, the common people not being deprived of any rights

Aristotle here presents two alternatives for democrats. They could either set property qualifications for political office or judge the candidates according to their merits. In the former case, democracy acquires characteristics of a mixed constitution. It resembles *politeia* in the sense that equality is maintained and the majority is not disenfranchised, but it resembles also the lower types of aristocracy for it implements meritocratic criteria. One is entitled to wonder why Aristotle does not repeat more often his suggestion that democrats should allocate offices according to capacities but instead stresses more the

necessity of imposing restrictions according to the wealth of the candidates. It seems that the idea that the common people are always capable of judging effectively an individual's capacities was not acceptable to Aristotle. In the above mentioned passage he suggests selection according to capacities assuming that the result would favour the prosperous classes and class balance would in this sense be maintained. Elsewhere, Aristotle is not so certain. In the passage I shall quote below Aristotle states that the abolition of property restrictions may lead to the installation of extreme democracy:

> revolutions also take place from the ancestral form of democracy to the one of the most modern kind; for where the magistrates are elective, but not on property-assessments, and the people elect, men ambitious of office by acting as popular leaders bring things to the point of the people's being sovereign even over the laws (1305a28-32)

The poor are also excluded from holding political office in the type of democracy Aristotle attributes to Solon "and certain other lawgivers" and which he goes on to defend at length. Their rights, as we have seen, are restricted to electing the magistrates and calling them to audit.

All of which makes it clear that the idea of imposing property requirements for the higher political offices is central to Aristotle's attempts to moderate democracy. Such a measure returns some of the lost political power to the wealthy class and may even succeed in establishing a balance between rich and poor. Admittedly, this is not the only device Aristotle offers as a means of political moderation. The influence of the lower classes could be checked by such means as, for example, avoiding the provision of payments to the lower classes for participating in the Assembly; favouring election by vote instead of by lot; encouraging the rich to civic duty; avoiding frequent meetings of the Assembly and adhering more to traditional law. It is, however, the imposition of property barriers to allow for access to political office which is Aristotle's preferred solution. Both the "best" democracies, as identified according to Aristotle's other classifications and the Solonian democracy, so much praised by Aristotle, do not allow the populace access to political office.

Newman, in order to avoid the emendation, assumes that the equality of the extra type is secured by the fact that "holders of office, members of the assembly and dicasts would be unremunerated"[154]. The problem of this reading is that such regulation is not mentioned by Aristotle. Even if Aristotle really meant here that no payments should be provided, it is not certain that this would be enough to counterbalance the power of the poor. Finally, if we were to accept that what distinguishes the extra type of democracy is the fact that it prohibits payments to the people, then it would follow that the lesser type of democracy, which succeeds it and involves the far more drastic measure of establishing property qualifications for access to public office, should, according to the logic of the classification, have been placed ahead of the extra type and not in second place, as Aristotle in fact does.

Let us return finally to the disputed text. If we were to leave the text unaltered, we would be confronted with a situation where, contrary to the other classifications and assertions made by Aristotle, an extra type of democracy appears. This type is structured around equality. As we have seen, despite the misconceptions of several modern commentators, it was clearly logical to interpret the form of equality mentioned as proportionate equality. Had we interpreted the extra type in terms of numerical equality, we would have set this type in opposition to the most fundamental notions of the *Politics*. Further, we would not have found any evidence to support such a reading elsewhere. We would then have had a second type of democracy, very briefly described, in which offices were held on property qualifications. Property qualifications,as we have seen, are characteristic of the best (or first) types of democracy, not the second, inferior ones.

It is not only for reasons of symmetry that Schlosser's emendation, uniting the extra type and the second type, should be accepted. Most importantly, it was shown that Aristotle's notion of equality refers here to the two main social classes, rich and poor. Property qualifications, being Aristotle's preferred device for restoring social equilibrium, are, in fact, organically a description of the first type. There is, therefore, no extra type of democracy.

Chapter Four

LEISURE, FREEDOM, THE RULE OF LAW AND DEMOCRACY

4.1 INTRODUCTION

In this chapter I conclude the discussion of the principles which shape Aristotle's conception of democracy by examining three further principles: leisure, freedom and the rule of law. Although Aristotle is not very informative about them, they deserve some attention, if for different reasons.

Leisure is important to Aristotle since he regards the lack of it as a serious obstacle in developing political excellence. As such, it is used to justify his low political estimation of the lower classes and to castigate democracies, which depend on this class. The democrats' attempt to ensure that the poor have leisure by subsidising their attendance of the political bodies is regarded by Aristotle as being both ineffective and dangerous.

Democrats are accused of placing too much emphasis on freedom. Rather than proposing a different conception of freedom, Aristotle attempts to show that other considerations are more important.

Finally, the rule of law is important both for Aristotle and the democrats. But it is a subordinate notion for Aristotle, since broadly speaking it is the nature of the constitution which defines what constitutes good laws . As a result, the democrats' version of the rule of law is found wanting, though it is still thought to be a far better situation than the lack of laws.

4.2. LEISURE

A point which surfaces again and again in Aristotle's theory of democracy is that the granting of equal political rights to the members of the lower classes a negative thing. Depending on the principle which happens to be under discussion, Aristotle has different justifications for this view. He argues that granting equal political rights to the poor is unfair since it violates the principle of proportionality in distributive justice. Also, it is not conducive to the *eudaimonia* of the *polis* because the poor take advantage of their greater numbers and install a dictatorial and selfish rule instead of aiming at the common good. Finally, the sectional rule of the poor is divisive since it harms and outrages the rich and the notables, leading them to revolt.

The above seem to represent explanations which are only loosely related. One may become suspicious of Aristotle always arriving at the same conclusion from different angles and so be tempted to see it as a product of Aristotle's prejudices against the lower classes. Nevertheless, there may be an argument, albeit in embryonic state, which explains Aristotle's dislike of the conduct of the lower classes. Basically, the argument claims that these classes lack both virtue and political capacities because of the menial nature of their work which leaves to them no leisure and so are prone to exploit the constitution for their own benefit.

The term "leisure" has a special meaning for Aristotle. It is synonymous neither with lack of activity, nor with amusement or recreation. It is a state in which one is free from menial work and any work undertaken as a means of survival (especially that undertaken under the instructions of somebody else). It is an active state, in the sense that deliberation and philosophical speculation are best exercised under these circumstances[155].

According to Aristotle, "leisure is needed both for the development of virtue and for active participation in politics" (1329a2-3). This applies to the individual but also to the state and especially those running the state. Aristotle advises that:

the persons who should be in office are those most capable of

> holding office. And even if the lawgiver neglected to secure comfortable means for respectable people, it would at all events be better that he should provide for their leisure while in office. (1273b5-8)

Since leisure is a necessary condition for good rule, which, of course, for Aristotle is synonymous to virtuous rule, the lack of it is a major impediment. As Aristotle writes:

> a person living a life of manual toil or as a hired labourer cannot practise the pursuits in which goodness is exercised. (1278a20-1)

Consequently, it is hardly surprising that in his ideal state Aristotle assigns all manual work to non-citizens and that the democracies which he regards as the most repellant are those in which manual workers and hired labourers control the Assembly and the constitution in general.

The importance of leisure, at least in one way, was obvious to the ancient democrats too. This is indicated by the fact that they institutionalised the provision of attendance payments to the poor with the aim of creating the necessary leisure which would enable this class to assume an active role in government. Aristotle, however, not only disapproves of this practice but regards it as by and large responsible for the evils of extreme democracy:

> all actually take part in it [the government] and exercise their citizenship because even the poor are enabled to be at leisure by receiving pay. Indeed the multitude in this kind of state has a very great deal of leisure, for they are not hampered at all by the care of their private affairs, but the rich are, so that often they take no part in the assembly nor in judging lawsuits. Owing to this the multitude of the poor becomes sovereign over the government, instead of the laws. (1293a2-10)

It is evident that Aristotle does not believe that the poor utilise their leisure as in the ideal situation in which a rational and detached citizen would deliberate and practise his virtue. In circumstances of leisure and affluence the poor are said to tend to accumulate material

goods (1271b2-10) and become insolent and aggressive (1334aa22-40). Commenting on the above passage T. Irwin asks why Aristotle thinks that menial workers given leisure would choose to rule instead of satisfying their slavish instincts for gain and sensual pleasure[156]. But the answer from Aristotle's point of view is quite simple: these two things are not incompatible, in fact they go together; the menial workers want to rule in order to secure material gains.

Do we have reasons to believe that the poor are prone to make bad use of leisure? Aristotle would say that the man who has spent his life practising repetitive work, who is accustomed to receiving orders and not using his own mind, should not be expected to be transformed suddenly by leisure into a virtuous statesman. Admittedly, there is some element of common sense in such a claim but there is also much exaggeration. Even if we accept Aristotle's fundamental view that the aim of politics is to make the *polis* virtuous and thus that the virtuous are the most appropriate rulers, we could claim that some elements of virtue and exercise of judgement exist in manual, even repetitive work as Aristotle would admit at least in the case when one works for himself or his friends.

Also, is it to be taken for granted that leisure is the best environment for conducting politics? Leisure may be conducive to philosophical speculation but the complexities and urgencies of politics may require other ingredients in political life. Even if the democrats were to recognise the significance of leisure to the extent Aristotle does, they would still have plenty of arguments to defend the political participation of the lower classes, arguments which, as we shall see in the next chapter, Aristotle is himself willing to accept and defend up to a point. Barring ideal conditions, Aristotle does not insist on excluding the working men from politics. But the importance of leisure clouds his attitude, one might say as a gentleman's prejudice. Nevertheless, it is a doctrine with force even for democrats who see themselves as defenders of the value of freedom. What Aristotle tells them is that one is not really free unless he is free from the struggle to obtain the bare necessities of life.

4.3. DEMOCRATIC FREEDOM

It would go beyond the scope of this thesis to examine in detail the notion of freedom (*eleutheria*[157]) in ancient democracy. This is a very broad issue, some aspects of which I touched upon in Chapter One. I therefore do not intend to discuss how Aristotle understands freedom in general; rather I shall restrict myself to a critical examination of a passage of Aristotle which represents his fullest account of democratic freedom. The passage reads as follows:

> a fundamental principle of the democratic form of constitution is liberty -- that is what is usually asserted, implying that only under this constitution do men participate in liberty, for they assert this as the aim of every democracy. But one factor of liberty is to govern and be governed in turn; for the popular principle of justice is to have equality according to number, not worth...And one is for a man to live as he likes; for they say that this is the function of liberty, inasmuch as not to live as one likes is the life of a man that is a slave. This is the second principle of democracy, and from it has come the claim not to be governed, preferably by anybody, or failing that, to govern and be governed in turns. (1317a40-b17)

Aristotle has several objections to both kinds of democratic freedom[158]. As far as the rotation between ruling and being ruled is concerned, he objects to it when its only requirement is that the participants are people of free status (that is, when there is a distribution of political power by numbers and not by dessert). When he claims that simply being a free man is not enough to justify the granting of equal political power to someone, he has of course in mind the people who are involved in sordid occupations. These people exist "for the convenience of another" (*Rhet.* 1367a31) whereas the really free man is "he who exists for his own sake and not that of another" (*Met.* 982b25).

Since a life bereft of leisure and real freedom is assumed by Aristotle to produce a slavishly abased character, one may wonder (as

indeed Irwin does) how this conforms with Aristotle's idea that when the lower classes are given the liberty to participate in the government, they are self-assertive, even despotic[159]? We do not have any indication that Aristotle felt that he was in any way inconsistent at this point. But we can say that the main reason he objects to the first element of democratic freedom has to do with his belief that such a system is fundamentally unfair to the most capable and virtuous citizens and that it also undermines the achievement of the common good. These must have become familiar arguments by now and I shall not discuss them further.

Let us now turn to the second aspect of democratic freedom according to Aristotle (the freedom to do as one likes). Aristotle elsewhere claims that "this is bad; for to live in conformity with the constitution ought not to be considered slavery but safety" (1310a34-36). In another book he puts forward the view that free men are less at liberty to act at random inside their household than are slaves. The acts of the free man are ordered by the pursuit of the common good of the household[160]. Aristotle also often implies that private life is governed by unwritten law[161].

Does Aristotle, then, imply that the democrats led lawless lives or that they were so short-sighted that they did not notice that such a life would have been impossible? In fact, he does not claim that in democracies people are free to do whatever they wish. Aristotle believes, however, that such a view of life is the ideal of democracy, and, as such, is more closely achieved in extreme (hence purer) democracies. That Aristotle thinks that the democratic view of freedom is deficient is more or less evident. He does not regard political participation (democracy's first aspect of freedom) as always beneficial to the common good. Nor does he think that it is the only proper form of government; kingships and aristocracies are thought to be "correct" forms of constitution. Additionally, with regard to the second aspect of democratic freedom, Aristotle must have thought that non-interference would prevent some from becoming virtuous since this requires a long process of education and instruction.

Newman has made the claim that "it is probable that Aristotle would define freedom as obedience to rightly constituted law"[162]. Barker

follows Newman at this point[163], but as a more modern commentator, Mulgan, has pointed out:

> the evidence for such a definition is extremely slight...It is quite logical to say that the free man should obey the law and at the same time to deny that his freedom *consists* in his obedience[164].

In agreement with Mulgan, I believe that Aristotle does not propose an alternative view of freedom to the democratic one. Aristotle too defines freedom as non-interference. What Aristotle tells the democrat is that they are wrong to make freedom the main principle of their ideology and practice. Freedom to participate in government may undermine the pursuit of the common good if it implies that the members of the numerous lower class (who according to Aristotle are not really free) are individually given equal political rights to the rest of the citizens. The same applies to individual freedom; Aristotle thinks that it is not always a good thing. How much authoritarianism his views contain is a matter of debate[165], but it is plain that Aristotle thinks that other principles are more important than freedom, as defined by the democrats, in securing the felicity of the city[166]; things such as rule which is virtuous and as such is not sectional, friendship and stability in the life of the city, and the respect for the rule of law.

4.4. DEMOCRACY AND THE RULE OF LAW

Let us now move to a notion which seems more highly valued by Aristotle than democratic freedom, the rule of law. As we have seen in the discussion on justice, Aristotle identifies lawfulness with complete justice[167]. We have also seen that when classifying the various types of democracy, Aristotle describes all but one type as observing the rule of law. Considering that democracy is criticised by Aristotle as following a principle of justice which is either unjust or not completely just, one is tempted to wonder whether there is some inconsistency between the above assertions.

The answer to this question is, in fact, quite simple. Aristotle does not regard just any kind of legislation as an embodiment of natural justice. There can be bad laws and these are the laws of the bad constitutions. As Aristotle explains:

> it needs also to discern the laws that are the best and those suited to each of the form of constitution. For laws should be laid down, and all people lay them down, to suit the constitutions -- the constitutions must not be made to suit the laws. (1289a12-6)

After describing some acts of extreme injustice, such as the plundering of the property of those who are not in power or their exclusion from office, Aristotle makes clear that these things may take place even when the rule of law prevails, by which he presumably means that they could be implemented through lawful procedures[168]. As he says:

> Suppose therefore that law is sovereign, but law of an oligarchic or democratic nature, what difference will it make as regards the difficulties that have been raised? for the result will come about just the same. (1281a36-9)

Good law is for Aristotle "reason without passion" (1287a35) and aims at the common good. Bad law, on the other hand, is the result of a mistaken or selfish conception of what constitutes the common good and ofwhat is the proper political organisation in pursuit of the common good. Considering all these, it is plausible to inquire what makes the

democracies which follow the rule of (flawed) law better than those extreme ones that do not. After all, one may claim that the absence of law is better than the imposition of bad law.

Aristotle does not agree with this view. His answer comes in a passage which rebukes the lawless character of extreme democracies and also raises some interesting issues regarding the rule of law. As he notes:

> it would seem to be a reasonable criticism to say that such democracy is not a constitution at all; for where the laws do not govern there is no constitution, as the law ought to govern all things while the magistrates control particulars, and we ought to judge this to be a constitution[169]; if then democracy is really one of the forms of constitution, it is manifest that an organization of this kind, in which all things are administered by resolutions of the assembly, is not even a democracy in the proper sense, for it is impossible for a voted resolution to be a universal rule. (1292a30-7)

The modern overtones of the above passage have prompted M. Hamburger to comment that "Aristotle clearly and succinctly professes his belief in the rule of law, legalism and constitutionalism"[170]. Nevertheless, it should be noted that Aristotle's particular conception of the rule of law in relation to democracy raises a number of questions or objections.

First, the passage does not satisfactorily clarify why we should prefer a situation where the laws are more or less unchangeable over one in which a majority is entitled to establish its own rules even by issuing decrees. In other words, what makes Aristotle's constitutionalism defensible?

To answer this question, we ought, I think, to make use of some of the main principles of Aristotle's conception of democracy. We may assume that Aristotle would claim that the occasional decrees of the Assembly are likely to represent the whims of an occasional majority, rather than those time-tested considerations which are to be found in the old laws. In fact, Aristotle regards a situation where the Assembly runs the state by decree as being the result of the masses being manipulated by power-hungry demagogues. Such a process of decision-making entirely violates Aristotle's

idea of distributive justice. It victimises the rich and notables who are in the minority, whereas the proper course would have been to give them their fair share of power. Aristotle also notes that the disorder and anarchy which usually prevails in an extreme democracy may prompt the rich to revolt against the state. (1302b29)

From an Aristotelian point of view, it could also be said that the decrees of the Assembly contribute nothing to the welfare of society; in fact they are shaped by motives which run contrary to the common good. But this is equally true, one might reply, of the laws of democracy too. At this point Aristotle's position seems difficult. As we have seen, he regards democracy's principles of justice as flawed and as such as giving rise to flawed laws. The manner in which Aristotle deals with this problem is typical of his general approach. He takes the same attitude as the one which he adopted with respect to the criticism of the democratic conception of justice and also in the assessment of the several types of democracy. That is, instead of passing negative judgement and dismissing the issue, Aristotle employs a graduated approach which distinguishes less flawed applications of democratic justice from more flawed ones, less bad types of democracy from worse. Aristotle, one could say, attempts to save whatever can be saved. He seems to do the same with the rule of law[171]. This is a principle which is highly valued by Aristotle. Democracies which apply the rule of law are deemed better (or less bad) than democracies which do not. Also, as we saw when examining the classification of types of democracy, the application of the rule of law is conceived by Aristotle to stand in opposition to the domination of the constitution by the lower classes. The rule of law is undermined as the power of the masses increases.

We may now turn to another question which, although similar to the considerations examined above, cannot be answered completely by them. Consider the Aristotelian man who lives under a democracy and wishes to see its constitution come into line with the principles of justice or who finds some of the established laws unjust. Is he entitled to violate the laws? The debate over civil disobedience is a well-known issue of our times. Unfortunately, however, it is not explicitly raised in the *Politics*, in

spite of the fact that it was not unknown to the ancients, as Plato's description of the last moments of Socrates testifies[172]. We can, of course, speculate about possible answers, based on Aristotle's general ideas. At first, as, I think, is obvious from Aristotle's strong disapproval of lawless situations, we may be quite certain that he would not approve of conduct leading to the destruction of the rule of law, even in cases in which the existing laws deviate from the ideal.

Aristotle would probably also disapprove of a rebellion, even though the chances were that the laws of the new regime would be better than the old ones. As Barker puts it:

> Better we may say, are the bad laws with a spirit of law-abidingness, than good laws without any root[173].

This seemingly paradoxical, or simply conservative stance is, I think, explained by the way Aristotle sees the connection between law and society. Law for him is insufficient without the *ethos* which should accompany it and which is produced by education[174]. It takes a long time to educate the citizens according to the spirit of the constitution and the spirit of the laws. Frequent change undermines the rule of law.

Changes, of course, should sometimes take place. Aristotle believes there are ways to improve the laws of democracy while remaining inside the constitutional framework. As we shall see, reform plays a key role in Aristotle's politics. But the direction of reform is towards moderation, rather than innovation.

Finally one more issue should be raised. As we have seen, Aristotle's contemporaries often associated democracy with the rule of law. One wonders, then, whether the endorsement of this principle by Aristotle represents a concession towards democracy. That suspicion is raised by the fact that the defence of the rule of law at the end of Book III is accompanied by arguments which defend the rule of the Many, rather than the Few or the One, in the cases where the law is unclear. But, as I noted before, ancient democracy, contrary to the claims of its proponents, could not be said to be the only constitution which was characterised by *eunomia*. There were law-abiding oligarchies too and Aristotle would not have been unaware of them. The appearance together of arguments in favour of the

rule of law and the rule of the Many (the latter I shall examine in the next chapter) must be explained by the fact that both are used by Aristotle to counter the claims of a monarch to exclusive political power[175].

Aristotle's defence of the rule of law is not a concession to democracy. Rather, the rule of law is an important political principle which he often uses to criticise and correct democracy.

Chapter Five

ARGUMENTS IN FAVOUR OF THE "RULE OF THE MANY"

5.1 INTRODUCTION

I have up to this point gathered and examined the main points of Aristotle's critique of democracy. Nevertheless, Aristotle is not entirely negative towards democracy.

In the third book of the *Politics*, Aristotle, having examined the definition of citizenship with reference to the citizen's participation in political life and embarked on a discussion of distributive justice, puts forward a number of arguments in favour of the "rule of the Many".

One might well be surprised at the appearance of such philodemocratic arguments, for only a few chapters earlier, Aristotle has characterised democracy as a "deviant constitution" aiming to serve not the common good but the interests of the poor.

In this chapter I shall endeavour to show that:

(i) Some of Aristotle's arguments are logically weak. Not wanting to make too many concessions to democracy, Aristotle does not pursue his syllogisms to all their conclusions. I have therefore insisted on a very detailed analysis of his arguments and their conclusions.

(ii) These arguments are not set out and defended merely for the sake of a descriptive account of contemporary political debates; apart from anything else, it is difficult if not impossible to distinguish the normative from the descriptive level in Aristotle's political thought.

(iii) Even while presenting these arguments, the fundamental ideas of Aristotle's political philosophy (primarily his teleological approach and his conception of distributive justice, but also the pursuit of stability and the tendency towards the mean) remain dominant. He does not accept contemporary democratic constitutions; rather he remains critical of such constitutions, and his arguments are closer to a modern conservative conception of democracy[176].

5.2 ARGUMENTS

Aristotle begins the eleventh chapter[177] of the third book of *the Politics* with a modest declaration:

> the view that it is more proper for the multitude to be sovereign than the few of greatest virtue might be thought to be explicable, and to raise some difficulty but probably to be true. (1280a40-42)

He then gives and examines a series of arguments in favour of the sovereignty of the Many. We may distinguish three main arguments:

(i) The supremacy of collective wisdom

(ii) Arguments embodying an aesthetic analogy, emphasising the unity of artistic representations and hence the unity of the state

(iii) A justification of democracy based on the fact that because citizens bear the consequences of politics they have the right to judge and participate in certain aspects of political life.

There are also some vague assertions which could have provided the basis for arguments, but which are in the end not used. One such statement is that the state (*polis*) would be "full of enemies" if the poor were excluded from political life[178]. Another is that it is not the individual citizen who rules in a democratic society, but its collective bodies[179].

At the end of Book III most of the aforementioned arguments appear again, this time reinforced with some new ideas. I shall refer to these new ideas during the discussion of the eleventh chapter's arguments, rather than separately.

5.21 Collective Wisdom and Virtue

According to Aristotle:

> 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 they 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. (1280a42-81b10)

The essence of the first of the above arguments may be summarised in the following propositions:

(i) Every citizen possesses some wisdom and virtue

(ii) When citizens come together each one contributes his own wisdom and virtue, and thus

(iii) The Many, when they come together, are better than the Few Best.

To reinforce this argument, Aristotle uses the metaphor of a feast where each of the participants contributes his own food. The feast which results is better than any which could have been organised by a single person. Aristotle also likens the Assembly to a being with many hands and many senses, and he also refers to the superiority of the many in judging works of art.

In this form, the argument presents many problems. It is doubtful whether from propositions (i) and (ii) one may draw the conclusion (iii). Regarding sentence (i), one could say that for Aristotle virtue and wisdom are not Platonic forms in which we participate to varying degrees, and it is not clear that we can simply aggregate them.

It is not even clear whether the collective virtue of the Many is actually equal to the aggregate of the citizens' virtues - a case could be made that the collective virtue of the Many can best be approximated by their mean (average) virtue, in which case the collective wisdom of the Few Best would be superior to that of the Many[180].

Even if we were able to aggregate the virtues of every citizen, surely we should take into account the citizens' vices and deficiencies also. One could not claim that these do not accompany the citizens when they gather together, for their assessments are often made using emotional criteria, and their judgments are based not only on the aggregate of their

virtues, but on fear, bias and stereotype. As Newman notes:

> Aristotle forgets that bad qualities will be thrown into the common stock no less than good ones; he forgets that the special liability of great gatherings of men to be mastered by feeling, especially in the discussion of political questions[181].

On this point, the analogy of the feast is not an accurate one. At a rich feast everyone can choose the food he likes; the presence of food which he finds tasteless or which he dislikes does not spoil his enjoyment. At the Assembly, however, the *polis* may be harmed by the presence of disruptive influences, for, contrary to what is implied by sentence (ii), not only good and wise opinions are presented there.

It should be noted that at the end of Book III where the feast analogy is repeated, Aristotle attempts to reinforce his argument by claiming that:

> The multitude is more incorruptible -- just as the larger stream of water is purer; so the mass of citizens is less corruptible than the few...if there were a majority of good men and good citizens, would an individual make a more incorruptible ruler or rather those who though the majority in number yet are all good? The majority, is it not obvious? (1286a31-b1)

The assumption that the multitude is less corruptible than the few or the single ruler needs further backing in order to be accepted. The claim that a virtuous majority will be less corruptible than a single ruler sounds more reasonable. Nevertheless, it is not self-evident. At best it is another testimony of Aristotle's endorsement of democracy as the proper constitutional arrangement only in the case when citizens are equally capable and virtuous.

An oligarch might also reject sentence (i) completely, claiming that the nature of political activity is such that the Many have no virtue at all in politics. This is implicit in the doctrine that politics is a skill. (Aristotle does not accept this doctrine and, as we shall soon see, devotes much argument in rebuffing it).

These, then, are some criticisms of Aristotle's argument on the supremacy of collective wisdom. I shall later examine how the argument may be adapted to counter each of these criticisms.

Aristotle likens the Assembly of the citizens - the sovereign body in democracy -- to a man with many hands, many senses, many abilities. The reservations expressed above regarding the aggregation of virtues also apply in this case. It is arguable whether such an image can be conceived. If we can indeed imagine this weird many-footed, many- handed, many-sensed creature, then we must acknowledge that the monster also has a mind, to direct and co-ordinate its movements and ideas, to prevent it from behaving like a spastic, without co-ordination, without efficiency. But by giving a mind to the monster we have subverted the democratic nature of the whole picture. The picture therefore confirms the efficiency of state unity in general but not the democratic constitution in particular.

Where political unity is concerned, the limits which Aristotle sets are easily perceived. Aristotle's attitude towards politics was never one of social holism; he is enough of a realist to appreciate the inevitability of social and political conflict. The measures he proposes aim at social stability rather than at absolute unanimity. His attitude towards the state was not simply teleological; he also explicitly regarded the state as a compound of many parts[182]. The image of unity is attractive to him, however, and we shall see something of this when we study his second argument for democracy.

Finally, Aristotle uses an *argumentum ad hominem* to reinforce his opinion of the rule of the Many. He makes reference to the Athenians' practice of allowing the Assembly to judge artistic work[183]. It has been remarked that on this point Aristotle is answering Plato, and specifically Plato's dislike of "theatrocracy", which he associates with democracy.[184]

The controversy about art and specifically about who should appreciate and evaluate it - the public or the few experts? - persists to this day. Aristotle's argument that the Many can judge art better is valid only in a situation where art is aimed at the public and not at a small elite. In fact, though, Aristotle's reference to art is not intended to provide logical proof for his position; it aims rather at influencing the

Athenian listener or reader by citing as an example a practice well known and appreciated in contemporary Athens.

5.22 Unity in Art

In his second argument for the rule of the many, Aristotle turns from a quantitative to a qualitative defence. The unity of elements which are not necessarily beautiful in themselves produces beauty in art, and hence, *ad analogiam*, unity in the political structure of the state elevates the citizens and their political virtues. Or, as Barker gives a synopsis:

> In each case there is a general system of unity: in each case this system of unity issues in something which as a whole is the best - though in each case any particular constituent of the whole may not be the best.[185]

That is, the analogy implied by Aristotle is present in the structure of both systems - the state (*polis*) and artistic representation. This structure is capable of qualitatively elevating the separate components to a superior whole.

Aristotle does not describe how this structure works to produce the results which he assumes. There is no causal explanation. The aesthetic result is produced by the concentration of previously isolated elements, and, by analogy, the gathering together of the citizens as the sovereign political body heightens their political abilities and contributes to the *eudaimonia* of the *polis*. If one could show that the unity of forms is not sufficient to produce aesthetic results, the whole argument would collapse.

The premises of the argument do, however, begin at a "common point", an *endoxon*, for the aesthetic conception described above was widely held in ancient Greece[186]. If we accept these premises, we could assume that Aristotle's argument advocates a certain form of collectivism, but is not sufficient to ensure justice for all citizens. It could be argued that a citizen whose capabilities and virtues exceed those of his fellow-citizens does not stand to benefit from the improvement brought about in the *polis* by unity. In the case of artistic representation, the beauty of the best element remains the same as in reality. According to this line of argument, the same is true in the case of the best citizens; their superiority is

unchanged. When the many rule, however, their excellence is shared by citizens who previously were lesser than they.

How could Aristotle refute this objection? Firstly, it must be emphasised that such an objection is based on an individualistic approach which Aristotle would probably have opposed strongly. For him, a citizen is expected to progress and develop in the conditions of the *polis*; the *polis* is a necessity towards its citizens' *telos*. Arguing from an individualistic standpoint may be very common for us today, but this was not so in Aristotle's time.

Aristotle might have conceded that the above objection contained an element of truth as far as distributive justice is concerned[187]. His principle is that everyone should be rewarded according to his contribution; we face an initial violation of this principle both in the case of artistic representation and that of political life. The best citizen remains the best, but other citizens are also declared "best" (*aristoi*) and co-exist with him. It is debatable how far Aristotle believed that all citizens were potentially virtuous, but, even if he had accepted this, the situation would have been one where, if our "best citizen" is marked with a grade 5, then other inferior citizens have been "promoted" from, say, grade 2 to grade 5. The "best citizen" has not been promoted at all. Ancient democracy did not exclude oligarchs and aristocrats from its proceedings, but it put them on the same level as the other citizens[188]. It seems, then, that Aristotle's answer to the criticism should also be directed at, and include, his whole attitude towards, and criticisms of, the contemporary democracy. Aristotle's second argument, like the first, is not meant to defend this type of democracy, which in fact he holds in contempt. It is limited to defending a certain amount of power for the Many.

On the other hand, one could envisage Aristotle simply answering that the elevation of someone's virtue benefits the application of distributive justice rather than undermining it. For Aristotle, distributive justice regulates the allotment of the principal scarce items such as money, land and, above all, political offices and political power. Virtue, however, should not be included among these contested items for its expansion

improves the whole community.

Incidentally, Aristotle would have been in a better position if instead of using painting as an example he had cited musical composition. A musical note alone is not sufficient to produce harmony; the combination of many notes is needed to achieve such a result. Bearing in mind that some themes are dominant in any kind of music, the virtue of this example is that it encourages a moderate democracy rather than an egalitarian one, something which would have been closer to Aristotle's heart.

5.23 A Possible Addition, Serving as a Correction

We have just looked at two of Aristotle's arguments favouring the rule of the Many. The first, a quantitative argument, is founded on the fact that arithmetically the Many present more abilities and virtues than the Few. The second, of a qualitative nature, claims that the unity of the state automatically produces advantages in the same way that the unity of artistic representation does. As we have seen, these arguments, in the form in which they are presented, seem to be somewhat deficient.

In the first case, one may reasonably protest that if we are to aggregate the citizens' qualities, then their negative qualities must be taken into account; additionally, we are not given a description of the mechanism providing the claimed result in either case. Specifically, we must answer the following question: why is the participation of the Many in political activity capable of giving value to the virtues of the Many, and for what reason are these virtues developed under such a constitution? In answer to this it is worth quoting from J.S.Mill:

> Notwithstanding the defects of the social system and moral ideas of antiquity, the practice of the dicastery and ecclesia [assembly] raised the intellectual standard of an average Athenian citizen far beyond anything of which there is yet an example in any other mass of men, ancient or modern...He is called upon, while so engaged, to weigh interests not his own; to be guided, in case of conflicting claims, by another rule than his private partialities; to apply, at every turn, principles and maxims which have for their reason of existence

> the common good: and he usually finds associated with him in the same work minds more familiarized than his own with the ideas and operations, whose study it will supply reasons to his understanding, and stimulation to his feeling for the general interest[189].

The democratic ethos, the democratic procedures, and the educational role played by the state, are the elements which allow the average citizen to be educated politically and to develop his political judgment. The structure of democracy is based not on a static aggregation but on creative participation and interaction. The collective wisdom and virtue, and the advantages of unity, could both be explained in this context.

Aristotle describes this result:

> For all when assembled together have sufficient discernment, and by mingling with the better class are of benefit to the state (1281b35-7)

But he does so without describing the process by which it is achieved. He is very frugal with his references. Twice he uses the expression of people "coming together" (*synelthontes*) without expanding on the creative and educational role of this institution.

Of course, Aristotle does not want to write a justification of democracy in general, let alone of the existing democratic regime, but, given that he accepts that a certain amount of power must be given to the people and that some democratic processes must take place, the absence of any significant reference to these processes is notable. Avoiding such references may help him to keep a critical distance from democracy, but it seriously weakens his argument which stands in favour of, say, a degree of rule by the Many.

5.24. Against the Unlimited Power of the Experts

Having argued for the sharing of political power by the *demos* Aristotle addresses himself to answering a possible objection, namely, that, if every citizen is entitled to judge, then he will judge the experts, although he is not one of them himself.

As we saw in an earlier chapter[190], this was a controversy of great

interest among the Greek intellectuals. Socrates and Plato regarded politics as a kind of skill, and because of this they justified the unlimited sovereignty of the experts and the exclusion from power of all the other citizens. Aristotle therefore has to ask "Why, if politics is an art or science, should non-specialists participate in the process?"

His position is that the *demos* should have the right to elect and call to account their leaders but that the common citizen should not have the right to be elected for these important positions. He claims that this regulation was implemented by Solon, among others:

> For this reason Solon and certain other lawgivers appoint the common citizens to the election of the magistrates and the function of calling them to the audit, although they do not allow them to hold office singly. (1281b32-5)

Aristotle does not question the exclusive right of the experts to occupy the higher positions . He accepts something of the elitist position and gives arguments which aim to reduce the most authoritarian aspects of this position. Such a standpoint would appear close to his political principles, but whether it helps him in the articulation of his arguments is a matter for discussion.

Aristotle makes use of three arguments (one could equivalently view these as one argument using three different approaches).

Firstly, in examining whether one who possesses a skill should be judged only by his fellow specialists, Aristotle notes that in the case of doctors we may distinguish three different meanings of the word "doctor":

(i) One practising medicine in an empirical sense

(ii) The scientist

(iii) One in possession of medical knowledge

He goes on to make clear that:

> in almost all the arts there are some such students, and we assign the right of judgement just as much to cultivated amateurs as to experts (1282a5-7)

The first refutation of the right of statesmen to rule without being regulated by the citizens lies in the analysis of the term "doctor" offered by Aristotle. The arguments may be rewritten for the domain of politics as

follows:

(i) Politics is practised by the political experts, who must be judged by the bearers of political knowledge.

(ii) Political knowledge is possessed not only by the experts, but also (in part at least) by the *demos*, and thus

(iii)The *demos* has the right to judge the political authorities.

Here Aristotle approaches the democratic ideology of his time. In the Platonic dialogue bearing his own name Protagoras claims that every citizen possesses some political judgment (*politike techne*) which is cultivated and developed by his participation in political life. A political community can be built because people are endowed with the qualities of friendship (*philia*), justice (*dike*), and political skill (*politike techne*)[191]. The implementation of *isonomia* and *isegoria* in the Assembly is justified for Protagoras and the other democrats because every citizen has some political skill. Even if politics is an art, it is an art which should be acquired and practised by everyone.

Aristotle would have no difficulty in accepting that human communities are, or at least should be, based on the universal values of friendship and justice. As far as political skill is concerned, however, it is doubtful that he would concede that it is present in all citizens. His definition of "doctor" implies that the many possess some measure of political skill (hence their right to judge and control statesmen), but not that the level of political skill is equal in everyone (thus he opposes the egalitarian leanings of the democrats). Under the Aristotelian principle of proportionate justice, the state rewards its citizens according to their contribution to the common good and not according to their potential ability to participate in politics[192].

A democrat might have criticised Aristotle for not permitting the ordinary citizen to realise his potential and help his *polis*, since he is excluded from the most important administrative posts.

An oligarch might, on the other hand, argue that the fact that the Many have a certain political judgment does not legitimise their demands to assess and control the statesmen, for their critical faculties are not better developed that those of the experts, they do not use objective

criteria, and they may hold biased opinions.

Aristotle appears to realise that his argument is not strong enough to refute the authoritarian elitist conception of politics completely. He states the possible objection:

> For even though in some occupations and arts some laymen also have some knowledge[193], yet they certainly do not have more voice than the experts. Hence according to this argument the masses should not be put in control over either the election of magistrates or their audit. (1282a11-15)

He is careful to reinforce his position. He repeats the claim which we studied before, namely that the Many may be inferior when perceived individually but that together their opinions are at least no worse than those of the Few or the Experts. We have seen the virtues and the drawbacks of this opinion, and we may add another criticism at this point. The ability of the Many to judge political issues is collectively better if we assume that political activity consists of separate, unrelated issues. If, however, this is not the case, if politics is in fact a compound, coherent activity with internal laws and logic, then we cannot merely sum up the abilities of the many non-specialists and claim that these are greater than those of the experts.

Aristotle now articulates his most forceful defence of the right of the Many to elect and call to account the statesmen. The argument is based on the fact that the citizens are affected by political decisions, and they are assumed to be the best judges of how they should be affected.

> about some things the man who made them would not be the only nor the best judge, in the case of professionals whose products come within the knowledge of laymen also: to judge a house, for instance, does not belongs only to the man who built it, but in fact the man who uses the house (that is, the householder) will be an even better judge of it, and a steersman judges a rudder better than a carpenter, and the diner judges a banquet better than the cook. (1282a18-24)

The man who decides to have a house built chooses the architect and the builders, and then, because he will be the one to use the house, he has

every right to judge whether or not the house is good. More than this, he is in a better position to judge than the builders. Similarly, in political life, the citizens give the power of executive to the experts, retaining the right to elect and judge them. This right is founded on the fact that it is they, the citizens, who are affected by the consequences of the decisions of the experts[194].

In the example of building the house, an Athenian democrat might have advised his fellow citizens to learn how to build their own houses, if the matter of architecture had been of similar importance to the ruling of the state. Alternatively, he might have said that people hire builders and give them instructions as to how the house should be built. Similarly, the Athenian democracy restricted the role of the expert to technical matters without significant political influence.

An oligarch might have claimed that, in the case of buildings, a person has the right to choose who shall build his house, and to assess their work, because it is the person's own house, and how it is built does not affect other people. Where politics is concerned, however, it is unfair for the common citizen to be able to elect and judge the statesmen, because it affects the life of the state and the lives of the Best.

Aristotle seems to be aware of this objection; he takes care to stress that it is not the individual citizen who is sovereign, but all the citizens collectively:

> it is not the individual juryman or councillor, or member of the assembly in whom authority rests, but the court, the council and the people, while each of the individuals named (I mean the councillor, the members of the assembly and the juryman) is a part of those bodies.

This extract (1282a34-8) in fact presents a problem which has not been noticed by the commentators, namely, that it reads like a defence of democracy, justifying not a degree of restricted power for the Many but the absolute sovereignty of the citizenry (*demos*) and this is, of course, in conflict with the line which Aristotle has taken before. It seems that he realises this danger and he is eager to clarify in the last paragraph that it is the law which must be sovereign and not the rulers, many or one.

5.3 CONCLUDING REMARKS

After a detailed examination of Aristotle's philodemocratic arguments one is left with the impression that they stand wanting. Perhaps some exception might be made with respect to his rejection of the exclusive right of the experts which is by and large convincing. On the whole, however, Aristotle's arguments here are weak and incomplete. As I have attempted to show, they would fare better if they were expanded and corrected. But Aristotle abstains from doing so and the question is raised whether he really endorses them.

In a recent article Mary Mackenzie concludes that these prodemocratic arguments are "glaringly un-Aristotelian"[195]. For Aristotle, virtue is, she says, "an organic whole" whereas for the democrat of the argument virtue is "a bag of rags". There exists indeed a major question concerning the unity of the concept of virtue in Aristotle's ethical theory. Nevertheless, whatever one's attitude towards this debate, it is evident that Aristotle uses the notion of virtue in the *Politics* in a looser manner. Reference is made to many kinds of virtue, indeed one could go so far as to call them different virtues. For example, military virtue is said to be characteristic of the middle class[196]. Also Aristotle's theory of distributive justice requires, as I remarked earlier, the quantification of virtue if the maxim "to each according to his contribution" is to be of any value to the lawgiver. Generally speaking, Aristotle's notion of *politike arete* corresponds more closely to our own "political excellence" than the restrictive in modern term "virtue".

Another of Mary Mackenzie's remarks is, I think, even more questionable. She claims that:

> The point, that is, of the detailed and careful presentation of a democratic case is to offset it against the established structure of Aristotelian political theory.[197]

Now, first of all, it is surely quite obvious that Aristotle does not present us with a democratic case as such. The position presented by Aristotle is that the *demos* should be restricted to the election and the auditing of the magistrates and not be allowed to hold these posts itself.

(No ancient democrat would have been happy with this). Even this highly restricted democracy is said by Aristotle to require a better kind of populace than that that often existed, and which was, as we are informed in the course of the argument was "of too slavish a character" (1282a15) and might indeed sometimes be "practically no different than animals" (1281b20). The type of democracy advocated by these arguments is in fact commended by Aristotle consistently throughout the *Politics:* it stands as the first, and best, democracy in the classificatory schemes offered by him; it represents a compromise between the Few and the Many.

After establishing that the philodemocratic arguments of the eleventh chapter are not "glaringly un-Aristotelian", we are confronted with another reasonable question: why do these arguments appear? After all, they succeed Aristotle's denunciation of democracy as a deviant constitution. The answer, I think, lies in purpose of their appearance. They come at a point where Aristotle criticises all constitutions for making the mistake of using only one criterion of distributive justice. As we saw, for Aristotle, everything which contributes to the well-being of the state should be properly rewarded in terms of political power. He recognises that some truth exists in each of the claims put forward by the proponents of the various constitutions. What he wants to dismiss is the exclusivity and the one-sidedness of these claims. He states that:

> All these considerations therefore seem to prove the incorrectness of all of the standards on which men claim that they themselves shall govern and everybody else be governed by them. (1283b28-30)

Newman notes that chapter 11 can be read as a refutation of the claims of the Few by throwing against them the claims of the Many. Similarly, in chapter 9 claims of the wealthy and free-born are refuted by the claims of the good. In chapters 12-13, claims of all the above are refuted by arguments based on the claims of a single individual surpassing the others in all[198]. All these do not mean that Aristotle reports various arguments in a merely descriptive way. He believes in their validity, at least as far as some kinds of populace are concerned. (Newman reports and criticises these arguments as Aristotle's arguments[199])

As we know, Aristotle's position is that all the citizens' claims to power should receive their due recognition according to their contribution to the *eudaimonia* of the *polis*. Such a message, however, would not have been conveyed had he used arguments which he himself thought to be flawed. By endorsing the aforementioned arguments, he makes the point that the allotment of some political power to the populace is justifiable. Once again he reminds us of the type of democracy which he thinks is better, or, to be precise, less bad. It is a restricted, one could say conservative, democracy which is careful not to give too much to the masses.

Chapter Six

MODERATING DEMOCRACY

> The adherents of the deviation-form, thinking this form is the only right thing, drag it to excess, not knowing that just as there can be a nose that although deviating from the most handsome straightness towards being hooked or snub nevertheless is still beautiful and agreeable to look at, yet all the same, if a sculptor carries it still further in the direction of excess, he will first lose the symmetry of the feature and finally will make it not even look a nose at all (1309b21-8).

6.1. INTRODUCTION

Having examined Aristotle's conception of democracy, we are now in a position to see how this conception finds expression in Aristotle's practical recommendations for the improvement of democracy.

I have referred frequently to the difficulty presented by the fact that no Aristotelian text is devoted specifically to the subject of democracy. The problem is nowhere more acute than in the examination of Aristotle's suggestions aiming at reforming democracy by moderating it.

Many suggestions are put forward by Aristotle, especially in Books IV, V and VI. Sometimes Aristotle puts forward several reformist proposals as a means of correcting the evils of extreme democracy. Elsewhere, Aristotle's theme is the construction of a polity by mixing characteristics of democracy and oligarchy or by suggesting the control of the government by people of moderate wealth, and consequently, for Aristotle, of moderate temper. In other cases, advice aiming at reforming and moderating democracy appears when Aristotle examines ways of preserving a constitution and avoiding civil strife (*stasis*).

Aristotle suggests at the beginning of Book IV that political science must, on the analogy of gymnastics and other arts and sciences, discuss not only the ideal constitution but other possibilities as well. As he writes:

it is proper to consider not only what is the best

> constitution but also what is the one possible of achievement, and likewise also what is the one that it is easier and more generally shared by all states. (1288b37-9)

The above is just one of the schemes of the programme Aristotle declares that he wishes to pursue in Books IV, V and VI[200]. Aristotle, in fact, does not follow any of them to the letter. Nevertheless, the main idea, to which Aristotle remains loyal, is that politics should be concerned not only with the ideal but also with the practical, by assessing and proposing to reform existing situations. As Aristotle explains:

> some students inquire which is the highest form of all...[they] sweep aside the constitutions actually existing and praise that of Sparta or some other; but the proper course is to bring forward an organization of such a sort that men will easily be persuaded and be able in the existing circumstances to take part in it, since to reform [correct] a constitution is no less a task than to frame one from the beginning. (1288b39-9a5) At this point Barker has claimed that:
>
> The moral meaning of Political Science disappears: the science acquires a technical and practical aspect[201].

Barker also refers to a previous remark of his own according to which:

> Political science vindicates its independence in three books of the *Politics*: setting aside moral considerations, it discusses perverted constitutions, and the methods of their preservation[202].

Barker's view is neither peculiar nor new. He seems to follow Jaeger in regarding Books IV, V and IV as differing from the other books of the *Politics* in being descriptive and technical and thus belonging to a later stage of Aristotle's intellectual development. These books stand, according to this conception, in contrast to the other books, especially Books VII and VIII which are assumed to have been written earlier, when Aristotle was still under the influence of Platonic philosophy[203]. I strongly disagree with this view. I think that when we examine Aristotle's proposals for the

reform of democracy, it is possible to show that no such division exists in the *Politics*.

My thesis, *contra* Jaeger and Barker, is that Aristotle's reformist endeavour is not void but full of moral judgments[204]. It relates to and is in conformity with Aristotle's political philosophy in general and with his theory of democracy in particular. This is the main point I wish to make in the following exposition. I am assisted here by the fact that the so-called practical books of the *Politics* are full of references to democracy. In the context of the discussion of actual constitutions, or easily achievable constitutions, Aristotle concentrates either on polity or on reforming democracy and oligarchy. The problem of the reform of oligarchy does not receive as much consideration as the reform of democracy, probably because of Aristotle's assessment of it being a less desirable constitution than democracy which is, as he says, "the most moderate" of the deviant constitutions[205].

6.2. *POLITEIA*

Before examining Aristotle's specific suggestions on how to moderate democracy, it is necessary to give some attention to polity. Polity is, in a way, a form of moderate democracy. It comes into existence either by mixing characteristics of a democratic and an oligarchic nature or by elevating the political power of people with moderate wealth. For Aristotle, polity is the achievable ideal at which democracies with an eye to reform could aim.

The term "polity" is, in fact, a transliteration of the Greek term "politeia", a generic term, meaning, among other things, what we call today "constitution"[206]. Aristotle notes this strange situation (the use of a generic term for a specific signification) by writing that:

> when the multitude govern the state with a view to the common advantage, [the constitution] is called by the name common to all the forms of constitution, polity[207]. (1279a38-40)

Aristotle then defines the civic body of polity by writing that "it is those who possess arms who are admitted to the government". These are the people who are affluent enough to provide their own armour, the *hoplites*. They are contrasted to the lower class who would usually serve in the navy as rowers[208]. Such a constitution is close to democracy[209]. It follows the principle of majority rule and does not disenfranchise the majority of the free population. Polity is based on political rather than despotic rule, by which Aristotle means that the relations between the citizens are not those of slave-masters and slaves but those of men "alike and equal" (1295b26). We are also told that the constitutions known in Aristotle's time as polities in earlier times were called democracies (1297b24-5).

Aristotle explains the moderate character of polity and justifies the selection of people of average wealth as the material cause for such a constitution with references to well-known maxims of his ethical theory. In the *Ethics,* the happy life (towards which every constitution should aim) was described as a life lived in accordance with virtue. Virtue was defined as a middle course between two extremes (1101a14). Since "a constitution

is a certain mode of life of a state" (1295b1), Aristotle endeavours to show that the middle class live a life which is characterised by virtue and moderation and consequently are the proper people to run the state.

Aristotle argues that the "middle" people are "the readiest to obey reason" whereas the rich "turn more to insolence and grand wickedness" and the poor "to malice and petty wickedness" (1295b6-10). He also claims that the poor do not know how to rule but only how to be ruled in a servile manner whereas the rich do not know how to be ruled and only know how to govern in a despotic manner. It is only the middle class, according to Aristotle, that know both how to rule and be ruled as "persons that are equal and alike" (1295b26). The fact that they obey reason implies, for Aristotle, that they follow the general principles of justice; they rule for the common interest without taking advantage of public office in order to secure personal profit. Finally, Aristotle claims that if the middle people are not powerful in the state, an extreme constitution may come about causing faction between the citizens.

Considering the attributes which Aristotle bestows upon the "middle" men, one is entitled to ask whether the causal relation between moderate wealth and moderate behaviour really exists[210]. Although this is a reasonable question, it misses, I think, Aristotle's point. Aristotle is not just describing the assumed virtues of the middle classes. Rather, he is describing a praise-worthy (but still widely achievable) model of political behaviour and organisation which he happens to attribute to the preponderance of the middle classes.

That Aristotle's interests are not restricted to the mere description of the virtues of a situation where the "middle" people prevail is indicated by the fact that, although he recognises that the instances of the existence of a strong middle class are rare[211], he does not abandon polity as a political goal. The latter reappears, this time "to put it simply, as mixture of democracy and oligarchy" (1293b34), a compromise between the rich and the poor with or without the presence of the middle class[212].

Aristotle describes three ways in which the mixture of democracy and oligarchy can be effected. The first is by a combination of the

legislative schemes of the two different constitutions. He exemplifies this with reference to the rules for serving on juries. Oligarchies fine the rich if they do not serve without paying the poor for serving. Democracies assign pay for the poor without fining the rich when they fail to attend. "The common and intermediate principle is to have both payment and fine" (1294a41). The second mode is "to take the middle course between the regulations of each" (1294b2-3). Instead of permitting membership of the Assembly on no property-qualification or a quite small one, as democracies do, or, setting a large property-qualification which is the oligarchic practice, polity should take the middle route and establish a moderate property-qualification. Finally, there is a third way which takes some features from each constitution. In Aristotle's example, it is democratic to assign public offices by lot without a property-qualification; it is oligarchic to elect the magistrates and impose a property-qualification. Combining some features from each, Aristotle suggests the election of magistrates by vote, without, however, a property-qualification.

It is evident that, when imposed, the above constitutional arrangements create a balance between the rich and the poor. (Or, one could say, they reestablish an equilibrium which was upset by the dominance of one of the two opposite classes). There is, admittedly, an element of expediency in these proposals; Aristotle stresses that pushing your opponent too hard may lead to civil war. Nevertheless, one should not fail to see that Aristotle's proposals flow consistently from his ethical and political ideas. For example, the principle derived from Aristotle's theory of justice is that no class alone should impose its rule on the state and that all contributions to the welfare of society should be given their proper recognition and reward in terms of political power. When Aristotle advises the adoption of constitutional features from both oligarchy and democracy, he aims at the expansion of those two deviant constitutions' criteria of distributive justice which are partial precisely because they are restrictive.

Aristotle nowhere gives a detailed description of the constitutional operations characteristic of polity. But even as a more or less abstract idea, polity is useful to Aristotle in his endeavour to reform democracy.

As Newman points out:

> We shall best understand why Aristotle, like Theramenes and probably Thucydides before him, was in favour of the polity, if we bear in mind the characteristics of extreme democracy in ancient Greece[213].

Indeed, as we shall see now by turning to Aristotle's direct proposals for reform, the same ideas which lie behind Aristotle's commendation of polity shape also his scheme for democracy's reform.

6.3. REFORMIST PROPOSALS

Aristotle defines democracy as the rule of the poor for their own interests[214]. Being a selfish constitution, democracy is labelled "deviant". Aristotle makes it his aim to advise statesmen on how this deviation can be corrected. However, Aristotle knows that there are certain practical limits to reform. This is natural when one believes, as Aristotle does, that political behaviour is to a large degree determined by economic status. Aristotle allows that the virtuous and the educated can act in a just manner (which in his conception means that they are capable of behaving in a way which serves the common good, rather than advancing what are in the narrow sense their personal interests) but he clearly does not believe that the poor could ever reach such a level of moral refinement.

How much space does the statesman have in his reformist endeavour, according to Aristotle? Obviously, if there is a strong middle class in the city, the work of reform becomes easier. As we have just seen, democracy can be improved by making constitutional changes which increase the political weight of this class. The problem, however, is when the city is full of very poor people. Should the statesman avoid the evils of extreme democracy and civil strife by implementing the transfer of wealth from the rich to the poor ? Aristotle does not deal with this issue directly. But there are strong indications that he does not approve of such a measure. He criticises Plato's ideal of communal ownership[215] and Phaleas' proposals for equalising privately-held property[216]. Given that both Plato and Phaleas made their proposals in the context of the creation of an ideal state and that Aristotle opposes them even in that context, it is no surprise that he does not consider this possibility when he deals with practical politics. In fact, Aristotle thinks that it is a prime example of injustice "if the poor take advantage of their greater numbers to divide up the property of the rich" (1281a15-6). He also condemns the demagogues of his time for bringing about the confiscation of property in order to court the favour of the people (1320a5-7).

Nevertheless, Aristotle advises the democratic statesman on "how the multitude may be saved from extreme poverty; for this is what causes

democracy to be corrupt" (1320a33-5). His proposals sound surprisingly modern, echoing themes of the controversy over social welfare. Aristotle sets some conditions, however, before proposing a series of "measures...that may bring about lasting prosperity" (1320a35).

It should be noted first that he intends his proposals only for a situation where there are public revenues available for distribution (1320a29). He strongly opposes the creation of a public surplus "obtained from a property-tax and confiscation and from corruption of the law-courts" (1320a20-1).

The second of Aristotle's qualifications dictates that where there are available revenues:

> men must not do what the popular leaders do now (for they use the surplus for doles, and people no sooner get them than they want the same doles again, because this way of helping the poor is the legendary jar [of the daughters of Danaus][217] with a hole in it) (1320a29-32).

If Aristotle sounds like a member of the Conservative Party at this point, his proposals which follow are of a more social-democratic nature. According to them, the proper course is:

> to collect all the proceeds of the revenues into a fund and distribute this in lump sums to the needy, best of all, if one can, in sums large enough for acquiring a small estate, or, failing this to serve as capital for trade or husbandry (1320a37-b1).

Aristotle then praises the practise of Carthaginians (Carthage was regarded by Aristotle as a polity) who "constantly send out some of the people to the surrounding territories and so make them well-off" (1320b6-7) and also the practice of the Tarentines who provided land for use by the needy[218]. Aristotle also advises the notables, if they are "men of good feeling and sense", to "divide the needy among them in groups and supply them with capital to start them in business" (1320b7-9).

Of Aristotle's proposals the most interesting seems to be the one advising the creation of a public fund for providing capital to the poor to start farming or a trade business. This is so for two reasons, I think,

one positive the other negative.

Positively, this proposal addresses a major weakness of ancient democracy, namely its inability to realise that its egalitarian political institutions were not enough to secure equal rights and respect in societies where there were sharp divisions in the distribution of wealth[219].

The rest of Aristotle's proposals, on the other hand, seem to be either ineffective or unacceptable to democrats. The practice of sending the poor as settlers to the surrounding territories is applicable only in cities where such territories are available[220]. Taking into consideration the geography of Greece, it should be noted that the only way to implement this policy would be to settle the poor in far distant areas. Indeed this was the Greek practice for centuries. However, this is not what Aristotle has in mind at this point. When the city creates a colony it relieves itself of many of its poor population (which it would probably not be able to support), whereas Aristotle is trying to suggest ways of improving the economic situation of the poor inside the boundaries of the city.

The other two proposals -- the provision of either land or money by the rich directly to the poor -- would be, I claim, unacceptable to the Greek democrat. The latter was motivated by the pursuit of freedom and dignity and would have easily noticed that the philanthropy and the charity of the rich towards the poor would not help his aims. On the contrary, they would undermine them. Effectively or not, ancient democracy tried to secure the citizens' freedom from arbitrary power by granting equal political rights to all. The institutional arrangements necessary for this, such as the participation of the poor in the Assembly and the courts, were indeed funded in part[221] by money extracted from the rich. But this money came through the state and not by donations from the rich to individual poor people.

One may justifiably suspect that the cases where public revenues are available without being forcibly extracted from the rich, or where the rich are exceptionally charitable must be rare. What is then to happen in other cases? Aristotle, constrained by his hostility to the radical redistribution of wealth, must turn to the other factor which determines

the form of a democracy, namely its political arrangements and institutions. As Aristotle puts it:

> There are two causes for there being several kinds of democracy, first...the fact that the populations are different...and the second cause is...[that] the institutions that go with democracies and seem to be appropriate to this form of constitution make the democracies different by their combinations; for one form of democracy will be accompanied by fewer, another by more, and another by all of them (1317a22-34).

It is understandable, then, why Aristotle makes many, often detailed, proposals in Books IV, V and VI for the restructuring of the deliberative, executive and judicial institutions of democracy. It is useful, however, before examining these proposals, to see under which principles democratic institutions are shaped, according to Aristotle. This is because one important aspect of Aristotle's reformist endeavour is the critical examination and restating of those fundamental principles.

As we have seen, Aristotle distinguishes two closely connected principles of democracy[222]. The first is freedom and dictates that individuals are "not to be governed, preferably not by anybody, or failing that, to govern and be governed in turns" (1317b6-7). The other principle is a special conception of justice according to which:

> Each of the citizens ought to have an equal share; so that it results that in democracies the poor are more powerful than the rich, because there are more of them and whatever is decided by the majority is sovereign (1317b7-10).

To realise all the features which correspond to the fundamental principles in practice is, for Aristotle, a mistake which leads to the emergence of extreme democracy. Since he does not oppose the idea of interchange between ruling and being ruled, Aristotle concentrates his reformist efforts on trying to commit democracy to the expansion of its distributive criteria in order to include considerations which are not characteristic of the lower class. This can be achieved by taking notice not only of "numbers" or "quantity" (the democratic majoritarian principle)

but also of "quality", by which Aristotle means "freedom, wealth, education, good birth" (1296b18). In another passage, Aristotle attempts to give an example of how a decision making process can take place which is based both on numerical majority and property assessment. This results in the rich man's voting power being greater than that of the poor man's[223].

Such solutions represent a compromise between the claims of the Many and the claims of the Few. They benefit the city by securing the co-operation or at least the coexistence of the two opposite classes. They are not ideal solutions since for Aristotle the best conception of distributive justice is the one which considers all the contributions to the common good (the practice of virtue being prominent among them). Nevertheless, such a solution is more just (or less unjust) than the partial conceptions of justice of the democrats and the oligarchs which, according to Aristotle, "involve inequality and injustice" (1318a22-3).

Aristotle's ideas on the reform of the democratic principles of freedom and justice find an expression in his specific advice concerning the elements of democratic government. As in any form of government, these are, according to Aristotle, three in number: (a) the deliberative (the Assembly), (b) the executive (the magistracies) and (c) the judiciary (the popular courts)[224].

It should be noted in passing that Aristotle's three elements do not precisely correspond to the modern division of government into the legislature, the executive and the judiciary[225]. The deliberative body in Aristotle is formed by the Assembly to which there does not exist today a corresponding institution. The modern legislature refers to a body of elected representatives, whereas the ancient body resembling it, the Council, is regarded by Aristotle as part of the executive. Finally, the ancient judiciary consisted of the citizenry acting as judges. Judges today are drawn from to a professional body and popular participation is restricted to the custom of citizens serving as jurors.

6.32. The deliberative.

Extreme democracies have, according to Aristotle, the tendency to

strengthen the deliberative at the expense of the executive element. The masses, being in the majority, are led by demagogues to believe that they can do whatever they want. The situation comes to a point where the decrees of the Assembly override the law. The omnipotence of the Assembly undermines not only the executive but also, and most importantly, the order of society and the rule of law[226]. This is the situation Aristotle attempts to correct in a specific passage in Book IV and also in various other instances in the rest of the *Politics*. (For purposes of logical coherence I examine all these references jointly).

Aristotle points out that for "all to meet in council about all matters, and for the magistrates to decide nothing but only to make preliminary decisions" (1298a3-4) is just one of the modes according to which the Assembly could function in a democracy. There are other ways which Aristotle describes and which he considers preferable. "One is for the citizens to serve in rotation and not all in a body" (1298a12). It is questionable whether any significant alteration would take place if such a system were adopted; Aristotle does not comment on its possible merits. Probably, at this point he just wants to show the democrats that the principle dictating that in the Assembly "all (citizens) should decide about all (matters)" is not an absolute one and that it could be violated without undermining the democratic nature of the constitution.

Two other modes are also described in which the power of the Assembly is restricted to the election and the auditing of the magistrates, the enactment of legislation (only in one of these modes) and the declaration of war and peace. The rest is left to the elected magistrates.

Evidently, Aristotle's first solution to the problem of the populace acquiring dictatorial power through the control of the Assembly is simply to restrict the authority of the Assembly[227]. Along similar lines, Aristotle observes that frequent meetings of the Assembly increase the power of the multitude, especially when pay is provided to fund their attending (1300a3). Consequently, fewer meetings are recommended (1320a23).

If the democrats wish to retain the predominance of the Assembly over the other elements of government, they are advised to ensure that this body remains representative of all social classes. It is a matter of fact, he

claims, that the rich cannot attend the Assembly frequently for they have to attend to their property and private affairs (1293a7). Aristotle, however, echoing an argument of their own[228], reminds the democrats that:

> They will deliberate better when all are deliberating jointly, the common people when with the notables and these when with the masses (1298b20-2).

Democrats are advised to take measures ensuring the attendance of the other classes. They should impose a fine for those of the rich and the notables who fail to attend. They should also make sure that there is a balance of power in the Assembly between "quantity" (the multitude) and "quality" (the notables). This could be achieved by having "those who deliberate...elected by vote or by lot equally from the different sections" (1298b23-4). On this proposal Newman comments that:

> his meaning seems to be that half of it [the deliberative body] is to be elected by the notables and half by the demos. If this is so, his recommendation amounts to a recommendation of a representative deliberative body.

Such an arrangement is closer to the modern practice of assigning power to a body of elected representatives, i.e. a parliament, though, of course, without the class quotas Aristotle suggests. Possibly we might infer that Aristotle favours an indirect democratic government compared with a direct one. Aristotle, though, does not expand on this issue. It could be said that his main concern at this point is to avoid the exclusion of the upper classes from government, rather than to correct any ineffectiveness of direct democracy.

The above conclusion is strengthened by the fact that after recommending a representative body, Aristotle immediately puts forward an alternative proposal. He now advises that:

> if the men of the people [the lower classes] far exceed the political class [the middle and the upper class] in number, it is advantageous either not to give pay to all but only to as many as are commensurate with the number of the notables, or to discard those who exceed this number. (1298b24-7)

This new recommendation retains the constitutional framework of direct

democracy and thus the predominance of the Assembly over the other bodies of government. In this case correction is achieved through alteration of the balance of power inside the Assembly. Two techniques are employed for this purpose. The first, a soft option, is the withholding an attendance fee from a part of the multitude. The second, of a more rigid nature, is the exclusion of a part of the multitude by lot from attendance. This amounts to a virtual, albeit temporary, disenfranchisement of these people.

6.32. The executive and the judiciary

On the issue of the reform of the executive and the judiciary, Aristotle does not go into much detail. In all likehood, the reason that he concentrates more on the reform of the Assembly is because of his belief that this, the dominant body in democracy, is more powerful than the magistrates. He notes that:

> the power of the Council is weakened in democracies of the sort in which the people in assembly deals with everything itself. (1299b38-1300a2)

Aristotle does not, however, examine ways of increasing the authority of the magistracies, as one might expect him to do. That such an expansion of authority is favoured by Aristotle would appear to follow from the fact that he insists on the restriction of the Assembly's power. On the other hand, considering Aristotle's insistence on the need to establish the rule of law and to avoid frequent and unnecessary alterations in legislation, we could say that, if Aristotle favours a strong executive, he certainly wants it restricted inside the limits of the rule of law.

Aristotle is more concerned with making the executive more representative, just and efficient than with strengthening it. He notes that the election of the magistrates by vote is an oligarchic and aristocratic measure whereas selection by lot is democratic. (This may sound strange to many today since free elections are widely perceived as the main feature of modern democracy. Still, Aristotle's belief that the wealthy and the well-known stand a better chance of being voted into office than the average citizen is, I think, as accurate today as it was in his own time). Consequently Aristotle recommends the adoption of the practice

of the Tarantines who:

> divided the whole number of their magistracies into two classes, one elected by vote and the other filled by lot, -- the latter to ensure that the people may have a share in them, and the former to improve the conduct of public affairs. And it is also possible to effect this by dividing the holders of the same magistracy into two groups, one appointed by lot and another by vote. (1320b12-6)

Elsewhere, however, Aristotle doubts whether the adoption of voting is enough to produce the wanted results. He notes that:

> where the magistracies are elective but not on property-assessments, and the people elect, men ambitious of office by acting as popular leaders bring things to the point of the people's being sovereign over the laws. (1305a30-3)

At this point Aristotle suggests that the tribes should elect the magistrates, and not the people collectively. But elsewhere, when he goes into the matter in detail, his favoured solution, as I noted in the passage examining the existence of an extra type of democracy, is the imposition of a property qualification for the contestants of office. This is assumed to be a feature of the ancestral, Solonian democracy and also the types of democracy which Aristotle places first in his classifications. With the imposition of property qualifications people having some or, indeed, much property dominate the executive, whereas the poor control the Assembly and also the election and the auditing of the magistrates. Thus the rich, far from being excluded from public life, are given a prominent role to play. Such an arrangement can safeguard democracy:

> it is expedient both in a democracy and an oligarchy to assign to those who have a smaller share in the government -in a democracy to the wealthy and in an oligarchy to the poor- either equality or precedence in all other things excepting the supreme offices of the state. (1309a27-31)

The result for Aristotle is not only a more stable and peaceful society but also a more just one since the claims of rich receive recognition alongside the claims of the poor.

On the issue of the judiciary Aristotle is not particularly illuminating. He clearly deplores the use of the popular courts by the demagogues and the mob in order to confiscate and plunder the property of the rich. He suggests that the possessions of persons condemned at law should not be assigned to the public treasury but to the service of religion so that the mob would cease to have a motive for arbitrary convictions without at the same time making penalties more lenient (1320a5-12).

It may come as a surprise to us today that Aristotle does not attack the principle of popular justice which allows the ordinary citizen to assume, together with his fellow-citizens the role of a judge. But we should not forget that the volume of legislation and the technicalities of the law were less of an obstacle then than now. Also, ancient democracy was associated more strongly with mass participation than modern democracy. As we have seen, Aristotle accepted and defended some degree of participation by the multitude. In any case, the suggestion that the masses should be excluded from the judiciary would have run contrary to one of the most fundamental characteristics of democracy and as such it would have been unacceptable even to the reform-minded democrat.

Aristotle's efforts concentrate on making the courts more just and efficient within the democratic context. He suggests that democrats,

> must always make the public trials that occur as few as possible, checking those who bring indictments at random by big penalties; for they do not usually indict men of the people but notables. (1320a11-4)

He also advises that the courts should sit *en masse*, but only for a few days so that the rich will not have to pay much to subsidise the attendance of the poor and so that they too could take part since they can usually stay away from their business affairs for only a short time (1320a24-29). Aristotle does not mention at this point, as he does when dealing with the polity[229], the imposition of a fine on the rich for failing to attend. Nevertheless, the aim remains the same: to make the courts more representative and efficient in rendering justice. The courts become more representative when the better-off citizens, instead of staying

away and leaving the poor to dominate, take an active role in them. They also become more efficient by utilising the skills and better education of the notables.

6.4. SUMMARY AND CONCLUDING REMARKS

Aristotle wishes to bring democracy into line with what he regards to be a correct constitution: a constitution which does not serve sectional interests but the common good and is not prejudiced against any particular social class in its distribution of political power.

Aristotle realises that there are limitations on his reformist endeavour. Obviously, no statesman can expect the multitude to turn suddenly into the detached, leisured and educated citizens required by an ideal constitution[230]. There are, however, other more easily achievable models towards which the democratic statesman could aim. These are included in the notion of polity. One form of polity is a constitution dominated by the middle class. The merits of the "middle" people are praised by Aristotle who regards them as the most appropriate people for implementing political rule, that is, a form of rule which is characterised by the citizens' interchanging between ruling and being ruled (an arrangement which is essential also to democracy).

The problem, though, may be that the middle class people are frequently not numerous enough to guarantee the moderate character of the constitution. The situation is especially serious when the impoverished part of the city is large. This is because Aristotle regards poverty as the material cause of the extreme, sectional and dictatorial forms of democracy. He puts forward some proposals aimed at improving the economic fortunes of the poor. He opposes, however, any radical redistribution of wealth and this leaves little space for altering the economic basis of democracy's evils.

Instead, the democratic statesman is advised to concentrate his efforts on the reform of the institutional aspects of democracy. A model for such an approach is provided by another form of polity which is a result of mixing characteristics of democracy and oligarchy.

Accordingly, the democrats are advised to restrict the powers of the Assembly, which is often used by the masses against the interests of the rich. They should reform the Assembly and also the other elements of government by taking measures aimed at increasing the participation of the

rich and the notables in them. To this end, several institutional changes are proposed.

It is usually assumed that, when suggesting the opening of democracy to other classes, Aristotle is mainly concerned with the stability and preservation of the constitution. Indeed, Aristotle's suggestions often come under labels referring to such themes. But close examination of these suggestions indicates that far from diverging from the main doctrines of Aristotle's political philosophy and theory of democracy, they actually stem from them. Of course, they would not manage to make democracy an ideal constitution (it would cease to be a democracy then) but they do bring it closer to Aristotle's principles.

CONCLUDING REMARKS

Such is the nature of Aristotle's discussion of democracy that this thesis has had to deal with several distinct topics. In the context of these topics conclusions on the various aspects of Aristotle's theory of democracy were produced. For the sake of a more unified exposition, it seems useful to repeat the main conclusions, this time jointly.

I have identified certain factors which influence the form and also the content of Aristotle's theory of democracy. Evidently, one such factor is the context in which Aristotle develops his theory. That is, first, the historical circumstances which have to do with the appearance and development of Greek democracy. There are certain peculiarities which characterise Greek democracy and a discussion of Aristotle's theory of democracy which was entirely ahistorical, though not perhaps impossible if it were to restrict itself to an examination of the conceptual aspects of it, would run the danger of misinterpreting Aristotle.

Considerations of a historical nature are also important in providing the background for the intellectual debate on democracy to which Aristotle is a contributor. As I have shown, Aristotle's main concerns derive from this debate; he attempts to give answers in his own way to questions which were already raised by his contemporaries. These concerns are the nature of political life, the endeavour to identify the best political organisation for the common good, the nature of the common good and, consequently, the question of distributive justice. Also in more specific terms, as far as democracy is concerned, Aristotle has to address questions such as whether democracy, by securing equal political rights for all, is the best constitution for the common good, whether it is a just constitution and whether the priorities of the democrats, those of maximising freedom and also observing the rule of law, are the right ones.

These were the main issues Aristotle had to address. Being neither a partisan of democracy or oligarchy, nor an eclectic philosopher, Aristotle comes out, as I hope that I have shown, with some authentic answers. These are answers which relate to fundamental principles of his

political philosophy.

Aristotle believed that a political community must not only cater for the peaceful coexistence of its members. Rather, it should be organised in a way which aims at the achievement of good life. By good life (*eudaimonia*) Aristotle does not mean simply a life of affluence. A good life is, for Aristotle, a life which corresponds to the most important human characteristic, reason. By exercising rational choice, Aristotle believes that people should opt for a life of virtue endowed with a sufficient provision of external goods. This is, of course, an arguable point but it results in conclusions which may seem to make good sense even to the modern reader.

The main such conclusion is that reason dictates that the constitution should aim at serving the common good rather than sectional interests. Aristotle regards democracy as the rule of the poor people over the other sections of the citizenry. He believes that when the common people are given equal political rights they take advantage of their greater numbers and impose a dictatorial, selfish rule. I have at this point attributed some prejudice to Aristotle, although I tried to show that he puts forward several arguments in order to defend his conviction. Aristotle shares neither Plato's conception of politics as an art best left to the experts, nor the oligarchs' plutocratic ideology. He does share, however, a certain mistrust of the political abilities of the (almost always uneducated) poor. He doubts whether people who are constantly involved in menial and servile work have anything significant to offer to the common good, on the contrary, he implies, they tend to act in a selfish way when they have the power to do so. Lacking the ability to judge soberly and objectively, they contribute little to the achievement of the good life. Democracy seems here to run counter to Aristotle's teleology. But democracy might also be said to serve Aristotle's teleology. Aristotle accepts, indeed he defends, the idea that collectively the lower classes have some contribution to make to the political life of the polis. But his admission is heavily qualified. As I have said, he is sceptical of the democrats' belief that politics could provide education to the common people and make them capable of taking decisions on the issues which

concern them.

Aristotle's scepticism should not be viewed as shortsightedness. Democrats would say that a free citizen should have the right to make those decisions which most affect his own life, but Aristotle believes that freedom should not be the most important consideration of political life. Democratic rule, for him, is the most appropriate arrangement only for those people who are endowed with the ability to rule themselves. When it comes to the political rights of the lower classes, there is a conflict of principles between Aristotle and the democrats.

Aristotle also believes that it is unfair for the lower classes to be given equal political rights and thus dominate the constitution because of their superior numbers. The allocation of political power is the concern of distributive justice. Aristotle's model dictates that citizens should be assessed according to their contribution to the welfare of the city and be rewarded accordingly. The appropriate criteria are free status, nobility, wealth and political virtue (excellence). The problem with the democrats is that they regard free status as the most important of the above criteria and distribute political power overlooking the other criteria, especially political virtue, which for Aristotle is the most important one. On the issue of distributive justice I have concluded that Aristotle's model may conflict with his teleological concerns. This is because it considers only past or present contributions and not the potential of the citizens under assessment. There is also a case for accusing Aristotle of misrepresenting the democratic position. It is true that the democrats assigned political rights based only on the criterion of free status. Political power, however, was allocated according to the abilities and virtues of the citizens. As such, the democratic mode of allocation may be said to be more effective in actualising the potential of the citizens.

Aristotle concludes from his view of distributive justice that social classes should be given that role to play in the constitution which corresponds proportionately to their contribution. Crudely speaking, this amounts to an arrangement in which the most prominent citizens are assigned to the important magistracies and the poor have the right to elect them and

call them to account but not the right to be elected to these posts themselves. Ironically, this resembles a cynical description of modern democracy and I have speculated, rather lightheartedly, that Aristotle would have been quite content with modern democracy.

I have tried to show that Aristotle's preference for such a restricted version of democracy is not a concession towards the democratic ideology of his time. A restricted democracy is certainly not a partial or dictatorial form of government. It approximates the pursuit of the common interest or, at least, it restricts the ability of the poor to serve their own interests against those of the rest. The latter point brings moderate democracy closer to Aristotle's conception of proportionate distributive justice.

The above two points -- the non-partisan character of the constitution and the observance of proportionality in the allocation of political power -- constitute the main evaluative criteria in Aristotle's classification of democracies. I examined Aristotle's classificatory schemes at length because they reveal a great deal both in relation to his sociological explanation of democracy and his assessment of it.

Aristotle was shown to interpret the existence of the different types of democracy in terms of differences in the composition of the populace. He believed that an agricultural democracy is politically the most moderate one and consequently the least deviant one whereas a democracy of day-labourers is the most extreme. Aristotle's attempt to provide a sociological explanation of political variation is significant not only because it is, historically speaking, the first such serious attempt, but also because it yields some very interesting theses. Aristotle, as we have seen, interprets certain of the vital characteristics of democracy such as its degree of partisanship or the degree of its observance of the rule of law with reference to the nature of the populace. I have noted, however, that Aristotle is not, on the whole, a proponent of deterministic interpretations of social phenomena. Since he does leave space for attributing the behaviour of certain people (usually virtuous men) to the exercise of their free will, we would need more argument in order to be convinced that it was inevitable that the menial worker, for example,

should act as Aristotle describes him doing.

I have referred to the main principles of Aristotle's political theory in order to explain the position Aristotle takes in two other areas: the qualified defence of moderate democracy and also the nature of Aristotle's suggestions regarding the reform of democracy.

On the issue of Aristotle's philodemocratic arguments, I had to resolve what at first looked like an inconsistency, namely, that Aristotle should defend democracy at all. The claim that such arguments are not really Aristotle's own was shown to conflict with their content and also their purpose. These arguments defend a very limited version of democracy which complies with Aristotle's political ideas, not the democratic ideology. Moreover, their appearance comes at a place when Aristotle attempts to undermine any exclusive claim to political power by showing that most proponents of different political and distributive ideals have reasonable claims. These claims could justify the allocation of some degree of political power to the free citizens as well as the rich and the virtuous. The democrats' reasonable claim goes as far as to secure some political power for the masses, not absolute power and not full political rights however.

I chose to examine the issue of Aristotle's proposals for the reform of democracy last for a number of reasons. In a sense, the whole development of Aristotle's theory of democracy could be regarded a preparation for the important task of putting forward practical, corrective proposals. This is, of course, a statement on the logic of Aristotle's exposition and not on the order in which these subjects appear in the *Politics*. In any case, it is difficult to understand the nature of Aristotle's proposals without considering Aristotle's theoretical ideas on democracy.

I have argued that in their general direction Aristotle's suggestions aim at making democracies more moderate in order to comply with his wider political ideals or, at least, to diverge from them less. Aristotle tried to bring democracies closer to polity, either by strengthening the role of the middle class or by adopting certain oligarchic characteristics. In both cases, the more extreme aspects of democracy are suppressed and, although

the constitution is not perfected, it is less deviant than it was before the reforms. Aristotle's reformist endeavour, I claimed, does not represent a shift of position from political idealism to empirical description. Rather, Aristotle attempts to rectify democracy by suggesting the adoption of whatever portion of his ideals has a realistic chance of being accepted.

I suspect that even after reading the above conclusions, one may still want to ask whether Aristotle was in favour of or against democracy. This a very difficult question. All depends on the angle from which it is asked. If we inquire whether Aristotle was historically a democrat, then the answer is negative. It is true that it was rather fashionable in 4th-century Athens to complain about the excesses of democracy and idealise the ancestral constitution. This is much in evidence in the surviving works of the orators, as I indicated at some point. Aristotle however, in contrast to contemporary orators, developed an extensive theory of democracy based on his political philosophy. Some aspects of these theory challenge fundamental democratic notions such as *isonomia* or undermine others such as the democratic conception of freedom. But of course, Aristotle was an even more severe critic of oligarchy. I think that his overall political stance is best described as a defensive one. He felt that what he defined as the virtuous man was under threat in any constitution which gave weight to values other than those which we would call today meritocratic. This may explain why certain aspects of democracy which could be seen as being consonant with Aristotelian philosophy are hardly mentioned by Aristotle.

Nevertheless one could well be a democrat today and simultaneously claim to be an Aristotelian. One could, I assume, lay emphasis on Aristotle's teleology and defend political participation in terms of the role it plays in actualising human potential. However, whether Aristotle's theory of democracy has much to say to us directly today, is a rather different issue. In any case, I have been concerned with neither of these questions in this thesis. It has not been my intention to offer an account of Aristotle's place in the history of democracy or to develop a democratic theory in modern terms from Aristotle's philosophy.

My project has been more modest. I have been concerned with discovering and evaluating in its own terms what Aristotle said about

democracy and also with explaining, if possible, why he held the views he did. Whether these tasks have been accomplished, it is now up to the reader to say.

Notes to the Introduction:

1. In Liddell and Scott, *Greek English Lexicon*, 8th edition, Oxford, M DCCC XCVII, pp. 339-40, the word "demos" is explained, as among other things, "the commons, the common people", "the free-citizens" and also as a term synonymous with democracy. Indeed, classical writers, including Aristotle, refer to democracy simply by using the term "demos" more often than the full term, "demokratia"

2. See 1279b16ff, esp. 1279b34-80a3 and 1290a40, b317-20.

3. Plato is generally hostile to democracy throughout his work, although I agree with Klosko in finding the *Laws* less polemical with respect to democracy than the *Republic*. Cf, G. Klosko, *The Development of Plato's Political Theory*, New York and London, 1986, pp. 183-241.

4. I shall refer to this work as Ps-Xen. *Ath. Pol.*

5. See ch. 11 (1281a41-82b15).

6. Aristotle's own principle is to start from the study of the part and then go on to study the whole. Cf. W. L. Newman, *The Politics of Aristotle*, vol.I, Oxford, 1896, p. 11.

7. See, for example, M. Nussbaum, "Nature, Function and Capability: Aristotle on Political Distribution". *Oxford Studies in Ancient Philosophy*, suppl. vol.1988, pp. 145-84 and the answer by D. Charles, "Perfectionism in Aristotle's Political Theory: Reply to Martha Nussbaum", *op. cit.*, pp. 185-206. I discuss these essays in my chapter on Justice and Equality.

8. For such a thesis see E. Wood and N. Wood, *Class Ideology and Ancient Political Theory*, Oxford, 1978.

9. See 1289b3-5.

10. See W. L. Newman, *op. cit.*, vol 1, p. 12.

Notes to Chapter One

11. Plutarch, *Solon*, xiv.

12. This is the type of democracy Aristotle approved of and defended, especially in the 11th chapter of Book III of the *Politics* (1281a41-1282b15)

13. See Plutarch, *Solon*, v.

14. Demosthenes goes as far as to attribute the establishment of democracy to Cleisthenes. According to Demosthenes, Cleisthenes "expelled the tyrants, brought the people into their own, and established our democratic state" (Demosthenes, *Antidosis*, 306).

15. Cf. J. W. Headlam, *Election by Lot*, Cambridge, 1891, pp. 19ff. Since the discovery of Aristotle's *Constitution of Athens* historians have accepted the lot as a fundamental feature of Athenian democracy.

16. Xen. *Mem.* 1, 2-9.

17. On this procedure (called *dokimasia*) see R. J. Bonner and G. Smith, The Administration of Justice from Homer to Aristotle, vol. 1, 2nd ed., New York, 1968, pp. 268-9.

18. On *epicheirotonia* see Arist. *Ath. Pol.* xliii, 4.

19. See R. J. Bonner, *Aspects of Athenian Democracy*, Berkeley, 1933, p. 41 and R. J. Bonner and G. Smith, *The Administration of Justice from Homer to Aristotle,* p.268.

20. Arist. *Ath. Pol. xli, 2.*

21. See M. Mion, "Athenian Democracy: Politicization and Constitutional Restraints," *History of Political Thought*, vol. VII (1986), pp. 234-5.

22. Cf. Thuc. ii, 38.

23. Plato's ideal states in the *Republic* and the *Laws* are to be without commercial relations to other cities. Aristotle's attitude towards commerce is more complicated but he too is critical of most aspects of trading, esp. towards middle-men and money-lenders (see 1256a1-59a36).

24. I rely here on A. H. M. Jones, "The Economic Basis of the Athenian Democracy," *Past and Present*, I (1952), pp. 13-31 which also constitutes the first chapter of his *Athenian Democracy*, 6th ed., Oxford, 1975, pp. 3-20.

25. See A. H. M. Jones, *Athenian Democracy,* pp. 5-6.

26. According to Plato's Socrates of the *Republic*, "Property, at any rate, is the thing most esteemed by that state [an oligarchy] and that kind of man [the oligarch]" (554B).

27. Pl. *Seventh Epistle,* 326a-b.

28. L. Strauss' school regard the utopian and idealistic structure of the *Republic* as aiming to "point up the dangers of what we call utopianism; as such it is the greatest critique of political idealism ever written." (A. Bloom, *The Republic of Plato*, New York, 1968, p. 410.) Cf L. Strauss, *City and Man*, Chicago, 1964, p.65. Against this rather peculiar thesis see G. Klosko, "The "Straussian" interpretation of Plato's *Republic*", *History of Political Thought* VII (1986), pp. 275-294.

29. See Ps-Xen. *Ath. Con.* i. 4-9.

30. E. R. Dodds, "The Religion of the Ordinary Man in Classical Greece" in *The Ancient Concept of Progress and Other Essays on Greek Literature and Belief,* Oxford, 1973, p.143, quoted by B. Cambell, "Constitutionalism, Rights and Religion: The Athenian Example", *History of Political Thought*, VII (1986), p. 241, n7.

31. I regard as two prime examples of excellent scholarly work on this issue A. H. M. Jones, "Democracy and its Critics", *Cambridge Historical Journal*, IX (1963), pp. 1-26 also reprinted in Jones, *Athenian Democracy*, pp. 41-72 and G. Vlastos, "Isonomia", *American Journal of Philology*, 74, pp. 337-60.

32. Cf. Arist. 1310a, 1317b, 1319b; Isocr. Areopagiticus, 20, 37; Pl. *Rep.* 557B, 563B and Ps-Xen. *Ath. Con.* i, 10-12.

33. Pl. *Rep.* 557B.

34. Pl. *Rep.* 558.

35. Cf. Thuc. ii, 37, 67.

36. Thuc. ii, 40.2.

37. Thuc. ii, 37.2.

38. Thuc. *op. cit.*

39. Aesch. *Against Timarchus*, 4; cf. Aesch. *Against Ctesiphon*, 6.

40. Dem. *Against Timocrates*, 75-76; cf. Dem. *Second Philippic*, 25.

41. Cf. Dem. *Third Olynthiac,* 25; Isocr. *Panegyricus*, 81; Aesch. *Against Leptines*, 91.

42. Arist. 1292a5-38. According to Aristotle, "an organization of this kind...is not even a democracy in the proper sense." (1292a37).

43. On the democrat's approval of the egalitarian principle see: Eurip. *Supplices*, 404-8, 431-41; Dem. *Against Leptines*, 67; *Against Meidias*, 67; Thuc. II, 37.1.

44. Plato, *Rep.*558C, *Laws* 757; Isocr. *Areopagiticus*, 21; *Nicocles or The Cyprians*, 14; Arist. 1289a, 1301a, 1317b, 1318a. I discuss Aristotle's complicated view on this issue in the chapter on Equality and Justice.

45. G. Vlastos, "Isonomia", p. 336.

46. In the famous Debate on Constitutions in Herodotus III, 80ff Otanes defends the "rule of the masses" (which is called here "isonomia") on the premises that this will be a law-abiding state, free from the lawlessness of tyranny. Cf Vlastos, "Isonomia", P. 358.

47. Thucydides reports the Thebans (a law-abiding oligarchy) speaking of their constitution as an *oligarchia isonomos* (Thuc. iii, 62.3). This is also a strong indication of the dominance of *isonomia* as a political ideal.

48. Pl. *Rep.* 558B.

49. Plato associates democratic equality with the lot. See *Laws*, 757b5. Cf. Isocr. *Areop.*, 21-22.

50. Crudely stated, Plato's view, probably inherited from Socrates, is that virtue is essentially knowledge and politics should be assigned to the knowledgeable not because politics resembles the arts but because politics itself is a form of art. Cf. Klosko, *The Development of Plato's Political Theory*, pp. 40-49 and E. Barker, *The Political Thought of Plato and Aristotle*, New York, 1947, (3rd ed.), pp. 72, 242, 244.

51. Pl. *Protagoras*, 319D.

52. Cf. Thuc. VI, 39.1 where Thucydides reports Athenagoras, a Syracusan democrat, saying that in democracy all have their places according to their qualities.

53. Ps-Xen. *Ath. Con.* i, 4-9. Cf. Pl. *Rep.* 557A.

54. Lysias, *Funeral Oration*, ii, 18-19, quoted by Jones, *The Athenian Democracy*, p. 62.

55. *Eudaimonia* literally means the condition of being under a good or benevolent spirit. It has been translated as: "the good life", "the happy life", "felicity" and "happiness". Having in mind that there is no exact equivalent in English, it seems to me proper to use any of the above renderings according to the context of the translation. Barker notes that the term is defined in the *Politics* (1332a8-11 and also Eth. Nic. 1098a16 and 1176b4) as an activity rather than a state of mind. For this reason, Barker prefers the term "felicity" rather than "happiness". E. Barker, *The Politics of Aristotle*, Oxford, 1946, pp. lxxv-lxxvi.

56. The Greek term is *"arete"*. Its meaning is wider than that of the term "virtue" and "excellence" is closer to it. Cf. E. Barker, *The Politics of Aristotle*, pp. lxxiv-lxxv.

57. Such a moral theory equates the good or interest of the individual with the common good. Aristotle is led to this equation by his teleological conception of human nature. For a brief but enlightening discussion of this issue with reference to the recent bibliography see J. Roberts, "Political Animals in the *Nicomachean Ethics*", *Phronesis*, xxxiv (1989), pp. 185-204.

58. In regard to the relation of the *Ethics* to the *Politics* the following passage is highly revealing: "Therefore, the Good of man must be the end of the science of Politics. For even though it be the case that the Good is the same for the individual and the state, nevertheless, the good of the state is manifestly a greater and more perfect good, both to attain and to preserve." (*Nic. Eth.* 1094b7-9).

59. As Aristotle says: "But then the virtue of the state is of course caused by the citizens who share in its government being virtuous; and in our state all citizens share in the government" (1332a33-35).

60. The only significant disagreement between the two works is the fact that the *Athenian Constitution* claims that Solon established the selection of the magistrates by allotment from an elected short list (ch. viii) whereas the *Politics* report them being elected by the people (1273b-74a, 81b).

61. I have omitted here a reference to the "constitution of Draco" which disrupts the original numbered sequence and must be the result of a later addition.

62. The translation is by P. J. Rhodes in Aristotle, *The Athenian Constitution*, Penguin, 1984.

63. Aristotle, *The Athenian Constitution*, trans. by P. J. Rhodes, p. 18. Cf. K. von Fritz and E. Kapp, "The Development of Aristotle's Political Philosophy and the Concept of Nature" in J. Barnes, M. Schofield, and R. Sorabji (eds.), *Articles on Aristotle*, vol. 2, London, 1977, p.129.

Notes to Chapter Two:

64. This is a remark made by F. Rosen ("The Political Context of Aristotle's Categories of Justice", *Phronesis*, XX (1975), p.228.). Rosen refers, *inter alia*, to J. Rawls, *A Theory of Justice*, Oxford, 1972, pp. 10-11 and H. L. A. Hart, "Introduction" to Ch. Perelman, *The Idea of Justice and the Problem of Argument*, trans. J. Petrie, London, 1963, p. viii.

65. Other translations of the this term render "absolute justice" and "universal justice". All these are, more or less, correct translations.

66. W. L. Newman, *The Politics of Aristotle*, vol. 1, Oxford, 1887, p. 266.

67. See *Nic. Eth.* 1130b30ff.

68. See H. B. Acton, "Distributive Justice, the Invisible Hand and the Cunning of Reason", *Political Studies* XX (1972), pp. 421-6; D. G. Ritchie, "Aristotle's Subdivisions of Particular Justice", *The Classical Review* VIII (1894), p. 189 and W. F. R. Hardie, *Aristotle's Ethical Theory*, Oxford, 1968, p.191.

69. See 1329b40ff. Note that in this text the emphasis lies in criticising the idea of communal ownership rather than suggesting an innovative distribution of property. Also, at 1320a33-b16 and in the context of his endeavour to improve democracy, Aristotle proposes several measures including forms of financial aid to the poor for "acquiring a small estate". However, this is a corrective measure and not a fundamental ideal.

70. "if the poor take advantage of their great numbers to divide up the property of the rich, is not this unjust?" (1281a15-6). Also, "Suppose therefore they [the few and rich] also act in the same way and plunder and take away the property of the multitude, is this just?" (1281a26-8).

71. Cf. 1320a5-6.

72. After all, as it is clearly shown by Book I of the *Politics*, Aristotle was not a believer in the unchecked operations of the free market.

73. This expression comes from E. Barker, *The Political Thought of Plato and Aristotle*, New York, 1959, p.340.

74. For a fierce and rather poor attack on this aspect of Aristotle's argument see E. Havelock, *The Liberal Temper in Greek Politics*, London, 1957.

75. H. Kelsen, "Aristotle's Doctrine of Justice" in J. J. Walsh and H. L. Shapiro (eds.), *Aristotle's Ethics*, California, 1967.

76. F. Rosen, "The Political Context of Aristotle's Categories of Justice", *Phronesis*, XX (1975), pp. 235-6.

77. F. D. Harvey, "Two Kinds of Equality", *Classica et Mediaevalia*, 26 (1965), pp. 101ff.

78. Aristotle elsewhere (1253b2-3) remarks that nobility is not a reliably heritable characteristic.

79. Harvey, *op. cit.* p.117, interprets the inclusion of wealth in Aristotle's list of relevant criteria as a case where "his prejudice obscured the force of his own logic". It seems to me, however, that, at this point Harvey simply fails to follow Aristotle's logic.

80. Newman, *op. cit.* vol. 1, p. 250, is aware of this problem. He writes that: "From the one point of view...power comes as a reward rather than as a burden, while from the other point of view power is given, like a tool, to him who can use it best. Aristotle seems sometimes to pass almost unconsciously from the one view to the other."

81. E. Barker, *op. cit.* p.397.

82. E. Barker, *The Politics of Aristotle*, Oxford, 1946, p. 302, n1.

83. In *NE* V.v Aristotle gives the example of builder and a shoemaker exchanging their products.

84. See C. Castoriades, "From Marx to Aristotle, from Aristotle to Us", *Social Research,* 45 (1978), pp. 667-738 also incl. in C. Castoriades, *Crossroads in the Labyrinth*, London, 1984.

85. C. Castoriades, *Crossroads in the Labyrinth*, pp.267-8.

86. See 1281a40-82b13.

87. R. Mulgan, review of "W. von Leyden, *Aristotle on Equality and Justice*", *Polis*, vol. 6, p. 142.

88. W. L. Newman, *op. cit.* vol. 1, p. 266.

89. "dishonoured", according to the translator of the Loeb edition, H. Rackham, is a "technical term for disfranchisement and loss of civic rights".

90. E. M. and N. Wood in their presentation of Aristotle as a "tactician of Conservatism" claim that Aristotle chooses to classify oligarchic distribution as superior to democratic distribution. See E. M. Wood and N. Wood, *Class Ideology and Ancient Political Theory*, Oxford, 1978. This, however, is an arbitrary inference; it is nowhere substantiated in the *Politics*. On the contrary, Aristotle often expresses his preference for democracy rather than oligarchy even though such a choice is not clearly based on distributive criteria.

91. See F. D. Harvey, *op. cit.*, pp.101-129.

92. Here I am quoting from Barker's translation since it makes the point I want to make more emphatic. The underlining of the frequently appearing expression "or, at any rate" is mine.

93. If all these modifications are taken into account as describing a type of democracy in contrast to the initial unqualified type, we are in front of two remarkably different democracies. But Aristotle is not inconsistent here. As we shall see in the chapter on the classifications of democracies, he claims that types of democracy differ from each other substantially.

94. See *Ath. Pol.* C. xxviii.2 and C. ii.2 together with the translator's note (Loeb edition).

95. P. Veyne, "Did the Greeks Invent Democracy?", *Diogenes*, 124 (1983), p.17. Contrary to Veyne we could say that if political participation had little practical effect, the ferocity of the political struggle between the populace and the notables could not be explained.

96. Newman (*op. cit.* vol 3, p. 234) notes that even free-status was subject to grading: "The well-born citizens were citizens in a higher degree than the low-born, for they could reckon more generations of citizen descent, and this was with many a test of citizenship (c. 2 1275b21sqq)".

97. Criticising Plato's *Republic*, Aristotle writes that "among peoples...equal in their nature (*physin*)...it is only just, whether governing is a good thing or a bad, that all should partake in it" (1261b1-3).

98. See M. Nussbaum, "Shame, Separateness and Political Unity" in A. Rorty (ed.), *Essays on Aristotle's Ethics*, 1980, pp. 395-435.

99. At this point it may be claimed that Aristotle doubts whether these people are really free. As Barker in his translation of the *Politics* (Oxford, 1946, p. liii) notes, the recognition of freedom by Aristotle as a criterion of distributive justice has a meaning "not only in the sense of free-birth, but also in the sense of liberty from that dependence on others, and that absorption in mechanical toil which distracts men from the free pursuit of virtue".

100. Aristotle, *The Politics*, trans. T. Saunders, Penguin, 1981, p. 412.

101. See E. Barker, *The Political Thought of Plato and Aristotle*, p.353.

102. Harvey, *op. cit.* pp. 126-7.

103. M. U. Jackson, "Aristotle on Rawls", *Journal of Value Inquiry*, p. 99 remarks that for Aristotle identity (capacities included) is the principal criterion of distribution whereas Rawls deprives persons in the original position of identity so as to prevent them from arriving at principles suited to their own ends. It seems to me that Jackson fails to notice that both philosophers share the belief that a fair theory of justice that transcends sectional interests is feasible and that Aristotle's criteria of distribution are set before any allocation in order to secure the fairness of his distributive pattern.

104. Martha Nussbaum in a long, stimulating article ("Nature, Function and Capability: Aristotle on Political Distribution", *Oxford Studies in Ancient Philosophy,* suppl. vol., 1988, pp. 145-84) makes the point that Aristotle "oscillates oddly" between different and incompatible distributive ideas. One such conception, named the Distributive Conception (DC), requires a political arrangement to secure for all its members the necessary conditions for a good life. Another one, however, the Whole-Part Conception (WP) excludes manual workers since it requires all citizens to be good as individuals. Nussbaum believes that DC is the prominent conception in Aristotle's work. It is true that one may justifiably expect Aristotle to follow such a view, but he does not. The textual evidence is against Nussbaum. D. Charles in an article answering to Nussbaum ("Perfectionism in Aristotle's Political Theory: Reply to Martha Nussbaum, *op. cit.* pp.185-206) thinks that DC is a perfectionist conception and that Aristotle does not advocate a direct theory of justice since his views are modified by other types of goal -- especially stability and social harmony (p. 201). The problem with Charles' argument is that he makes a very loose use of the term "perfectionism" under which he includes such diverse philosophers as Plato, Aristotle, Kant, and Nietzsche. He also fails to see that Aristotle's care for the rule of the virtuous, stability and harmony, far from being concessions to anything, are either parts or results of his teleological conception of politics.

105. See Thomas Aquinas, *Ethic,* viii, lect. 7.

106. Quoted by R. Shaw, "The Legacy of Ruskin", *The Guardian*, Saturday, December 5, 1987, p.14.

107. Cf. Plato, *Protagoras*, 319D.

108. Newman, *op. cit.* vol 1, p.267. Newman (p. 268) adds that "we may, indeed, go further and ask whether the recognition of contribution, or even capacity, is really justice-whether justice is not rather the recognition of desert". At this point he quotes J. S. Mill's remark that "when it depends on natural difference of strength or capacity, this principle of remuneration is in itself an injustice: it is giving to those who have-assigning most to those who are already most favoured by nature" (*Political Economy*, Book ii, c. 1)".

109. Irwin, *op. cit.* p. 433.

110. See, for example Protagoras' line of arguing in Plato, *Protagoras*.

111. Irwin, *op. cit.* p. 437.

112. See F. Rosen, *op. cit.* p. 231.

113. M. H. Hansen, "Solonian Democracy in Fourth-century Athens", *Classica et Mediaevalia*, XL (1989), p. 75.

114. See *Ath. Pol. C. xxviii.2 and* C. ii.2. The translator of the Loeb edition, H. Rackham, notes that this in later times became almost an official title. It is also said in C.xli.2 that "In the time of Solon...democracy took its beginning"

115. See, for example, Dem. *Against Timocrates*, 21-2; *Against Adrotion*, 30-2; *Against Leptines*, 93; Aeschin. *Against Timarchus*, 22-33; *Against Ctesiphon*, 2, 38; Isocr. *Areopagiticus*, 24-5, 36-55.

116. The question whether this book was written by the hand of Aristotle or by a student of his does not affect my argument here. No one has disputed the fact that the *Athenian Constitution* is in line with Aristotelian political philosophy.

117. In order to emphasise this distinction, Aristotle examines domestic justice shortly afterwards (1134b9-18).

118. For Aristotle such praiseworthy conduct is not found exclusively in democrats. In *Ath. Pol.* C. xxviii.5 he defends Theramenes, a moderate antidemocrat politician who "was capable of serving the state under all of them, which is the duty of a good citizen, but did not give in to them when they acted illegally, but faced their enmity."

119. H. M. Hansen, *op. cit., p. 100.*

120. See 1297b24.

Notes to Chapter Three:

121. The precise translation of the title of Aristotle's or Aristotle's school's treatise on the constitution of Athens is *The Constitution of the Athenians*. The same title is used by the "Old Oligarch", or "Ps-Xenophon" for his similar work.

122. W. L. Newman, *The Politics of Aristotle*, Oxford, 1887, vol. 1, p. 209.

123. This is because "the good life then is the chief aim of the community, both collectively for all its members and individually" (1278b23-4).

124. Many translators and commentators, including Barker, use the terms "corrupted" or "perverted" constitutions in order to translate the Greek "*parekbasis*". However, *parekbasis* is not such a strong word. It literally means deviation and, following Newman, I maintain that the correct rendering is "deviant" constitution. Had Aristotle intended to speak of perverted constitutions, there were a number of corresponding Greek words he could have used.

125. Stigen in his work, *The Structure of Aristotle's Thought*, Oslo, 1966 makes the claim that by means of the final cause we get two types of constitution, correct and deviant constitutions. By means of the formal cause we have a threefold division: power invested in one, the few and the many (p. 294). He makes extensive use of the theory of the four causes as a means of interpreting Aristotle's political thought (cf. p. 312). Notwithstanding Aristotle's declared differentiation between practical and theoretical sciences, the problem with such a thesis is that Aristotle himself makes no reference to this theory in relation to such issues. I cannot see any reason why he shouldn't, had he meant it to be relevant.

126. See 1290b10-12.

127. E. Barker, *The Political Thought of Plato and Aristotle*, New York, 1959, p. 312.

128. See Book I (1255b10ff). Plato is also criticised in Books II and V.

129. Cf. R. G. Mulgan, *Aristotle's Political Theory,* Oxford, 1977, p. 59.

130. W. L. Newman, *op. cit.*, vol. 1, p. 122.

131. Similarities between Aristotle and Marx, or rather, Marx's debt to Aristotle, are indicated and discussed by G. E. M. de Ste Croix, *The Class Struggle in the Ancient Greek World*, London, 1981 esp. in c. II.iv (Aristotle's Sociology of Greek Politics).

132. It should be noted here that the improvement of citizens through education plays a vital role in Aristotle's planning of an ideal state. However, Aristotle hardly mentions the elevating role of education in the context of a democratic constitution.

133. See 1265b34-40.

134. See W. L. Newman, *op. cit.*, vol. 3, p. xxix.

135. Newman (*op. cit.*, vol 1, p. 97) counts 9 parts thinking that "*to dikastikon* [the judiciary, Greek in Newman] is again mentioned by an evident slip". He also refers to another list appearing in Book VII, 1328b2ff which includes seven parts.

136. See 1289a15-18.

137. Barker, *op. cit.*, p. 317.

138. At 1289a Aristotle sets a programme of inquiry. He names as his first task "to distinguish and enumerate the varieties of each type of constitution" Since it is considerably later that Aristotle embarks on his defined goal, the suspicion arises whether the intermediate passage, the one referring to the parts of the city, is an interpolation. However, as Barker notes, it is just there that his argument linking the parts of the city to the variants of democracy is developed. (E. Barker, *The Politics of Aristotle*, Oxford, 1946, p. 196, note 1).

139. Newman, *op. cit.*, vol. 1, p. 504. J. Morrall (*Aristotle*, London, 1977, p. 97) also believes that Aristotle associates extreme democracy with fourth-century Athenian democracy often by modifying actually existing facts.

140. Barker, *op. cit.*,p. 450.

141. Cf. 1302b18ff.

142. At 1317b39-41 we read that "as much as oligarchy is defined by birth, wealth and education, the democratic characteristics are thought to be the opposite of these, low birth, poverty, vulgarity" Newman and other commentators have bracketed this sentence. Aristotle despised oligarchy and placed it lower than democracy in his classifications. The Loeb translation is misleading. By wrongly translating *demotica* as popular and not democratic, it obscures the slander against democracy.

143. *Politeia* is defined by Aristotle sometimes as a mixture of democracy and oligarchy and sometimes as a constitution where the middle class, the class of moderate wealth, prevails. For a recent, thorough discussion of *politeia* see J. Creed, "Aristotle's Middle Constitution", *Polis* 8 (1990), pp. 2-27.

144.See 1319b9-11.

145. An earlier version of this part of the chapter was printed as: C. I. Papageorgiou, "Four or Five Types of Democracy in Aristotle?", *History of Political Thought* XI (1990), pp. 1-8.

146. Jowett's translation in: *Aristotle, The Politics*, ed. by S. Everson, Cambridge, 1988.

147. M. Chambers, "Aristotle's Forms of Democracy" in *Transactions of the American Philological Association*, 92 (1961), p.21, n.5.

148. E. Barker, *The Politics of Aristotle*, p. 170.

149. Morrall, *Aristotle*, London, 1977, p. 87.

150. R. Robinson, *Aristotle's Politics, Book III and IV*, Oxford, 1962, p. 82

151. R. G. Mulgan, *op. cit.*, p. 75.

152. See *EN*, 1130b30.

153. Cf 1281a3-10.

154. W. L. Newman, *op. cit.*, vol. 4, p. 175.

Notes to Chapter Four:

155. According to Newman (*The Politics of Aristotle*, Oxford, 1887-1902), *schole* (the Greek term for leisure) is employment in work desirable for its own sake-the hearing of noble music, intercourse with friends etc. (vol. iii, p. 442. See also E. Barker, *The Political Thought of Plato and Aristotle*, New York, 1959, pp. 323-4.

156. See T. Irwin, *op. cit.*, p. 620.

157. *Eleutheria* had several meanings: i) it marked a distinction between the free man and the slave; ii) it contrasted autonomous cities with subjected ones; iii) it signified the individual's right to take part in government and also run his life without interference. Only the last meaning applied specifically to democracy.

158. M. H. Hansen in his work *Was Athens a Democracy?*, Copenhagen, 1989 notes that "Aristotle had no personal view of "true civic liberty" but gives only a critical description of the democratic notion of liberty. (p. 10). Hansen criticises I. Berlin (*Four Essays on Liberty*, Oxford, 1969) for failing to notice the similarities between *eleutheria* and the modern notion of liberty.

159. Irwin, *op. cit.*, p.455.

160. See *Met.* 1075a19-23

161. See R. G. Mulgan, "Aristotle and the democratic conception of freedom", in B. F. Harris (ed), *Auckland Classical Essays*, New Zealand, 1970, pp. 103-4.

162. Newman, *op. cit.*, vol. iv, p. 411.

163. See Barker, *op. cit.*, p. 355.

164. Mulgan, *op. cit.*, p. 106.

165. D. J. Allan has argued against this accusation. See D. J. Allan, "Individual and the State in the *Ethics* and the *Politics*", *La Politique d' Aristote, Entretiens sur l' Antiquite Classique*, Tome ix, Geneva, 1965, pp. 55-95. On the other hand, D. H. Frank ("Aristotle on Freedom in the *Politics*", *Prudentia*, 15 (1983), pp. 109-16) suggests that Aristotle's view of the life style of democrats is "nothing more, and nothing less, than prejudice" (p. 116). My view is that Aristotle, though he was less of an interventionist than Plato, is not without authoritarian credentials; he did after all believe that the right action in ethical and political issues could be determined objectively by the use of reason. Freedom is important for him in order to provide the right conditions for taking the *right* decisions. However, I do not believe that Aristotle's view of democratic freedom is prejudiced. Simply, he had other priorities in his political theory.

166. Characteristically Aristotle does not address the democrats' concern for the value of free expression of opinion (*parrhesia*) and their demand for publicity of government, as Newman notes (*op. cit.* vol. iv, p. 495).

167. See *Nic. Eth.* 1129b11-27 and also Chapter Two.

168. Aristotle's view at this point could be taken as a criticism of Plato's distinction between correct democracies which are law-abiding and deviant democracies which are lawless. Aristotle suggests that law-abidingness is not sufficient to make a democracy a correct constitution.

169. At this point Rackham translates "politeia" as "constitutional government", the term which he uses when he refers to the specific constitutional form of a polity. The passage however has nothing to do with the polity and Rackham's translation is evidently wrong.

170. M. Hamburger, *Morals and Law. The Growth of Aristotle's Legal Theory*, new ed., New York, 1965, p. 179.

171. As T. Irwin (*Aristotle's First Principles*, Oxford, 1988) notes: "A law has to guide and to justify actions for a reasonable length of time, and to provide some publicly known and accepted basis for the action. These features of law will encourage a deviant regime to moderate its claims, and to mitigate the consequences of its false conception of justice. (p. 632, n16)

172. See, especially, Plato, *Crito*.

173. E. Barker, *The Political Thought of Plato and Aristotle*, New York, 1959, p. 326.

174. See 1289a20ff, 1294a3ff and 1302b27ff. Also Newman, *The Politics of Aristotle*, vol. i, p. 538; vol. iii, p. 499; vol. iv, p. 409ff.

175. Aristotle considers absolute monarchy to be desirable in cases of exceptional excellence. These cases are, of course, very rare. See 1287b37-8a29).

Notes to Chapter Five:

176. See M. I. Finley, *Democracy Ancient and Modern*, London, 1985, pp. 3-6 and J. B. Morrall, *Aristotle*, London, 1977, pp. 78-9.

177. 1281a40-2b15. This is the eleventh chapter according to the division of chapters followed by most translators and commentators. It should be noted that the Loeb edition follows a different ordering of chapters.

178. See 1281b29-32.

179. See 1282a34-39.

180. Or, quoting a similar objection, "Empirically even were one to accept Aristotle's claim that many are collectively wiser than a few, the marginal contribution of an average individual to the collective good must diminish beyond a certain number of participants" (A. Gutman, *Liberal Equality*, Cambridge, 1980, p. 184).

181. W. L. Newman, *The Politics of Aristotle*, Oxford, 1887, vol. i, pp. 256-7.

182. Cf. E. Barker, *The Political Thought of Plato and Aristotle*, New York, 1959, c. VI-XII.

183. Susamihl and Hicks (*The Politics of Aristotle, I-V*, London, 1984, p. 396) quote Tradelenburg criticising this analogy (*Naturrecht*, p 453): "in works of art man is essentially a free, unprejudiced spectator; in politics he is a partisan fellow-actor".

184. Plato, *Laws* 700E-701A and *Republic* 492B-C.

185. E. Barker, *op. cit*, p. 124.

186. See Newman, *op. cit.*, vol. III, p. 216 for some examples.

187. Cf. 1284a4-18.

188. See M. I. Finley, *op. cit.*, pp 3-37.

189. J. S. Mill, *Representative Government* quoted by Finley, *op. cit.*, pp. 31-2.

190. See chapter One.

191. Plato, *Protagoras*, 319D.

192. Cf. W. von Leyden, *Aristotle on Equality and Justice*, London, 1985, pp. 17-25.

193. Here Rackham is wrong to translate *metechousi* (have some knowledge or, literally, participate) as "have a voice in appointments". Equally wrong is Barker's translation ("share the ability to choose").

194. At the end of Book III Aristotle states a new argument against the unlimited rule of the experts. This time their impartiality is under doubt. As Aristotle says: "Yet certainly physicians themselves call in other physicians to treat them when they are ill...believing that they are unable to judge truly because they are judging about their own cases and when they are under the influence of feeling. Hence it is clear that when men seek for what is just they seek for what is impartial; for the law is that which is impartial." (1287b1-5)

195. See Mary M. Mackenzie, "Aristotelian Authority" in M. M. Mackenzie and C. Roueche, *Images of Authority*, Cambridge Philological Society, Cambridge, 1989, p. 156.

196. See 1279a41-b1.

197. Mary M. Mackenzie, *op. cit.*, p.158.

198. See Newman, *op. cit.*, vol. iii, pp. xxixff.

199. See Newman, *op. cit.*, vol. i, pp. 256-8.

Notes to Chapter Six:

200. See also 1288b21-37 and 1289b12-26.

201. E. Barker, *The Political Thought of Plato and Aristotle*, p.444.

202. *ibid.*, p. 240.

203. See W. Jaeger, *Aristotle; Fundamentals of the History of his Development*, tr. R. Robinson, 2nd ed., Oxford, 1960. Barker was in agreement with Jaeger when he wrote his article "The Life of Aristotle and the Composition and Structure of the *Politics*", *Classical Review*, 45 (1931), pp. 162-72. He did, however, change his view later after "five years spent in the constant company of the *Politics*", as he declares in the preface of his translation of the *Politics* (*The Politics of Aristotle*, Oxford, 1946, p.xlii. Cf. A. Stingen, *The Structure of Aristotle's Thought*, Oslo, 1966, pp. 43-49.

204. As C. Rowe says in a paper questioning Jaeger's position ("Aims and Methods in Aristotle's *Politics*", *Classical Quarterly* 27 (1977)), "For the most part, IV-VI is concerned...with the reform of existing states, with reference to some kind of ideal" (p. 166).

205. See 1289b3-5.

206. See E. Barker, *The Political Thought of Plato and Aristotle*, p. 311.

207. At this point, as in the rest of the *Politics,* Rackham translates *politeia* as "constitutional government". The problem with this translation is that it could be confusing and misleading. This is because if by "constitutional government" we signify a government conducted according to the law, then for Aristotle aristocracy and most forms of kingship are also constitutional governments.

208. The idea of confining effective political power to the middle class was a part of ancient political controversies as is noted by J. Creed, "Aristotle's Middle Constitution", *Polis* 8 (1990), p. 7. Creed is also right, I think, in his remark that, though Aristotle speaks of polity as being a term of common use, no explicit reference to the term in this sense exists in older or contemporary writings. (*ibid.*, p. 25, n6)

209. "the government formed of the middle classes is nearer to the people than to the few" (1302a14).

210. As Mulgan notes (*Aristotle's Political Theory*, Oxford, 1977, p.106), "we need another premiss, that the men of moderate means are most likely to act together moderately".

211. Newman (*The Politics of Aristotle*, vol. 1, p. 511) points out that: "In discouraging the commercial and industrial spirit, Aristotle unconsciously did much to impede the development of the class which he favoured" One, however, should note that Aristotle's middle class includes all the people with middle incomes, usually small landowners, and does not have the modern, specific meaning to which Newman refers.

212. The precise relation between the middle class constitution and polity is described by Creed as follows: "Aristotle does see the "middle" constitution as a form...of "polity", but...the "polity" embraces a wider range of options than this." (*op. cit.*, p. 13).

213. Newman, *op. cit.*, p. 504.

214. See, *inter alia*, 1318b16ff where we are told that the poor seek profit rather than honour.

215. See 1262b37-3b29.

216. See 1266a40-b5.

217. Rackham, the translator of the *Loeb* edition, notes here that "The fifty daughters of Danaus were married to their cousins, and all but one murdered their husbands on the bridal night, and were punished in Hades by having to pour water into the jar described.

218. The Greek text at this point is obscure. As it stands, it may make the highly improbable suggestion that the use of land in Taras was communal. Rackham's explanation, which I tend to share, is that "This seems to mean that the land was in private ownership, but that there was some system of poor-relief to provide for the destitute out of the produce". In the context of criticising the communism of Plato's *Republic*, Aristotle, indeed, maintains that "it is better for possessions to be privately owned, but to make them common property in use" (1263a39). He claims that "such a system exists even now in outline in some states" although, as he explains this refers only to "the use of...friends' possessions as common property" (1263a31-4).

219. See J. Ober, *Mass and Elite in Democratic Athens: Rhetoric, Ideology and the Power of the People*, Princeton,1989 on "the tensions generated by simultaneously maintaining social inequality and political equality" (p. 304).

220. Cf., Creed, *op. cit.*, p. 26, n19 and Newman, *op. cit.*, vol. iv, p. 534.

221. "In part" because the Athenian democracy, at least during its "imperialist" stage, managed to extract large sums of money from its unwilling allies.

222. On democracy, freedom and equality see, *inter alia*, 1291bff, 1317aff and 1318aff.

223. See 1318a10-6 and 1318a30-40.

224. See 1297b25-8a3.

225. Aristotle is at variance with Polybius and Cicero in not assigning different parts of government to different constitutional forms and different social classes. Mulgan (*op. cit.*, p. 112) claims that Aristotle also differs from Montesquieu and the founders of the American constitution for he does not argue for a balance between different functions of the constitution. As I am about to show, Aristotle makes reference to such a balance especially between the Assembly and the magistrates, but he does not think this is the main solution to the problem of correcting democracy.

226. See 1292a4ff, 1298b13ff, 1305a28ff.

227. An assembly with restricted authority is characteristic of the polity, as we infer from the fact that Aristotle criticises Carthage as giving too much power to the Assembly for a polity. (1273a4ff)

228. This is an argument which, as I noted in the chapter on Aristotle's defence of democracy, is shared and defended by Aristotle.

229. See 1294a39-b2.

230. On the issue of education, Aristotle notes the necessity for a state "to be made a partnership and a unity by means of education" (1263b36-7). He accuses contemporary democrats of not realising the importance of education in safeguarding democracy, but he refers, without going into detail, to an education suited to democracy which, as such, would have only a relative value. (1310a13-23).

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