

# “The chains of the Constitution” Foundations of American Constitutionalism

## Chapter II Athens and the Origins of Political Rights Aristotle’s *Politics*

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.  
*Declaration of Independence, July 4, 1776.*

### Table of Contents

- A Place, A Time, A People
- Law And Justice
- Solon the Lawgiver
- Who Was This Man, Aristotle?
- Method and Purpose
- The Nature Of The Political Association
- Goodness As The Aim Of The Political Association
- Constitutions
- Who Is A Citizen?
- The Law As Sovereign
- Honesty In Government
- The Unfit Ruler Of A Free People
- Democracy And Polity
- Factions – Danger To Society
- The Social Classes In A Democracy
- The Size Of The State
- Slavery
- Women
- Conclusion
- References

**A Place, A Time, A People** The character of the Greek countryside impresses itself quickly upon the traveler. Take a day's journey away from modern Athens in almost any direction and the two essential features of this land make their indelible mark: sea and rugged hills.

The hills are natural and considerable barriers to intercourse, dividing the land into broad valleys and defining territories. Traveling by car over winding highways, dropping down into flat valleys, and rising again into the mountains provides sure evidence of the natural origin of the many city-states of ancient Greece and of their often changing alliances and frequent wars.

Venturing into the sea, the convoluted Greek coast always feels proximate, encouraging one more day's voyage and promising the night's rest. The Mediterranean was the route for trade and colonization; sailing this inland sea was cheaper and easier than building and using a roadway. Classical Greece was primarily, although not exclusively, a coastal civilization.

In ancient times the people all across this land were united by language, customs, and laws. In the times after Homer, to be Greek meant to be part of a superior civilization, even though the city-states continually fought with one another. A sense of this Panhellenism can be felt today by a visit to Delphi on the slopes of Mount Parnassus. A daunting trip by foot or horse, majestic Delphi drew people together from all over Greece and permitted them to temporarily set aside their quarrels. The Pythian games saw Greeks engaged in musical, theatrical, and athletic contests. People of all sorts submitted questions regarding colonization and war, as well as more mundane concerns, to the oracle. Solon, the great lawgiver of the seventh century before the Common Era, had his impact there, when he lent his assistance in the war that led to Delphi's autonomy. The temple was finally destroyed in the time of the Christian Roman emperor Theodosius II in 390 A.D., although it had been repeatedly plundered by the Romans over the years.

From 750 to 550 B.C.E., Greek cities, among them Corinth, Megara and Miletus, colonized the northern shore of the Mediterranean from modern-day Spain eastward to the coast of Asia Minor near the island of Rhodes, including sites ringing the Black Sea. By the fifth century B.C.E., when Athens and Sparta became dominant powers, the Hellenic world was far-flung, with extensive travel and trade. The ways of many peoples were known to the Greeks.

Greece is a natural thoroughfare for trade and migration, thrust into the Mediterranean and linked to Asia Minor eastward and southward by a scattering of not widely separated islands. Cultural and commercial stimulation made the time of Classical Greece a dynamic one. The Greeks could compare themselves with people from all around the known world. They were proud of their culture and felt they were a privileged people, yet they were frustrated by their disunity and continual strife. Aristotle, the great philosopher who died the year Athens lost its democratic form of government, 322 B.C.E., expressed this ethnocentrism and frustration in the Politics (7.7):

The peoples of cold countries generally, and particularly those of Europe, are full of spirit, but deficient in skills and intelligence; and this is why they continue to remain comparatively free, but attain no political development and show no capacity for governing others. The peoples of Asia are endowed with skill and intelligence, but are deficient in spirit; and this is why they continue to be peoples of subjects and slaves. The Greek stock, intermediate in geographical position, unites the qualities of both sets of peoples.

It possesses both spirit and intelligence: the one quality makes it continue free; the other enables it to attain the highest political development, and to show a capacity for governing every other people - if it could once achieve political unity.

*Jefferson, too, was an observer of regional traits. While in Paris he wrote to his friend Chastellux, who had traveled through Virginia. After some uncomplimentary remarks on his fellow Virginians, Jefferson continued:*

*“I will give you my idea of the characters of the several states.*

*In the North they are*

*cool*

*sober*

*laborious*

*persevering*

*independent*

*jealous of their own liberties, and just to those of others*

*interested*

*chicaning*

*Superstitious and hypocritical in their religion*

*In the South they are*

*fiery*

*voluptuary*

*indolent*

*unsteady*

*independent*

*Zealous for their own liberties but trampling those of others*

*generous*

*candid*

*Without attachment or pretentious to any religion but that of the heart*

*these characteristics grow weaker and weaker by gradation from North to South ... it is in Pennsylvania that the two characters seem to meet and blend, and form a people free from the extremes both of vice and virtue ...”*  
*September 2, 1785*

The city-states were generally small. Athens, the largest of the city-states, ranged from perhaps ten to fifty thousand citizens (that is, of-age males of proper parentage) in the fourth and third centuries. Society was tribal; the group into which you were born determined who you were. Politics and government were carried out on a face-to-face basis, in a group small enough that most people had personal knowledge of the character of their leaders. In Athens, since the time of the democratic reforms of Pericles in the middle of the fifth century, pay had been provided to those citizens who participated in courts or acted as magistrates. Somewhat later a minimal pay, hardly more than a bare subsistence for a single person, began to be given to those who attended the Assembly, to which any citizen could come. Citizens who chose to participate were thus enabled to do so, but there remained those who did not have the means to have such leisure, even with pay for service. This practice could attract citizens to participate simply on the basis of easy (if not much) money and opened a ready route for demagoguery. However, historical evidence is far from clear that this potential for manipulation was any more than a ready target for the complaints of those already opposed to democracy.

Many city-states, as in Athens for much of its early history, had no standing armies and few mercenaries; they would have been an unacceptable financial drain. Consequently, participation in military service was direct. Where governments permitted participation in political decisions, those who voted on whether to

engage in war were those who fought and died. This didn't stop wars fought for slaves, riches or land, but it must have made for serious attention to decisions on issues of war and peace.

The leisure necessary for participation in government was purchased at the price of incorporating slavery into the fabric of the city-state. The quantification of slavery remains conjectural, although the slave population surely was a large. Some artisans could profit by having slaves as apprentices and helpers, but ownership of slaves appears to have been for the most part a matter for wealthy persons and for the state itself. Whatever the actual extent, slaves were needed to keep mining and agriculture going. Nevertheless, not everyone agreed with the practice of slavery. Aristotle, a proponent of slavery, tells us:

There are others, however, who regard the control of slaves by a master as contrary to nature. In their view, the distinction between master and slave is due to law or convention; there is no natural distinction between them: the relation of master and slave is based on force, and being so based has no warrant in justice.  
*Aristotle, Politics 1.3*

Political structures were highly developed within Classical Greece and the level of learning and expression is deservedly legendary. The great playwrights Euripides, Sophocles, Aeschylus, and Aristophanes, the historians Thucydides and Herodotus, the philosophers Socrates, Plato, Aristotle ... the list goes on and on, all lived in the fifth through the third century B.C.E.

The Greek world made no distinction between society and the state, or between an individual's private and public life. "The rights of the individual," as the term is understood in more modern times, was not at issue. The distinction between the State and the Government with which we are familiar did not develop until the eighteenth century; it was then that it became sensible to speak of "individual immunity against governmental power." <sup>1</sup> If there had been a slogan in Greece analogous with "Liberty, Equality, Fraternity," it might well have been "Stability, Equity, Felicity."<sup>2</sup>

**Law And Justice** The concepts of law and justice in Greek thought require some explanation. First, our contemporary terminology comes from the Roman world by way of almost two thousand years of use, and Roman concepts differed from those of the Greeks from the start. Second, as already mentioned, Greek culture intermingled society and state; nevertheless, this culture was not monolithic and did tolerate a wide range of opinions (not forgetting the shameful prosecution of Socrates). Law and justice were not limited to the courts or to politics; they were, throughout the writings available to us, intimately concerned with morality. And finally, as the eminent historian M.I. Finley put it, "The Greek political vocabulary was normally vague and imprecise apart from formal titles for individual offices or bodies (and often enough not even then)".<sup>3</sup>

One of the clearest statements on the nature of Greek law, *nomos*, is an often-quoted speech made by the famous Demosthenes, contemporary of Aristotle:

Be the *polis* in which they have their abode great, or be it small, men's lives are controlled by nature [*physis*] and by *nomos*. Nature is something unordered, something uneven, something peculiar to each man; *nomoi* are something common, something ordered, something identical for all men. Nature, if it be evil, often wishes for evil things; and you will therefore find men of that type doing wrong. *Nomoi* wish for the just, the good, and the beneficial: this is what they seek; and this is what, once it was found, was shown to men as a common injunction, equal for all and alike for all. This is *nomos*, to which it is proper that all men should render obedience.

There are many reasons why they should do so; but the chief of them are - first, that law is an invention and gift of the gods; next, that it represents the opinion of sensible men; next, that it is a correction of wrongdoings, whether voluntary or involuntary; and finally, that it is the general covenant of a *polis*, in accordance with which it is proper that all the members of a *polis* should live.

Undisciplined human nature opposed law. Law existed already and could be tested: it was religious in origin (solemn and serious, not the whim of a ruler or court); it could be understood and agreed to by sensible persons; it resolved conflicts and set things aright; it could be applied to the general conditions of life in a comprehensive and consistent manner. Perhaps most significant is that law was not to be made by legislators; it was to be "discovered." Law could be improved upon, made fair in the face of circumstances, but new principles were not to be created. This concept of law resembles the respect for Common Law so important in English history, as well as the defense and support of custom that characterized political thought in the Middle Ages. On a practical basis, *nomoi* were indeed made, and somewhat less general decrees (*psephismata*) also were enacted. The Athenians appear to have taken the making of *nomoi* seriously, for in the fourth century the *nomoi* were enacted by a special board (*nomothetai*), in contrast with the decrees, which could be approved by the Assembly. Sometime in the prior century the Athenians had instituted a notable practice, the *graphe paranomon*, intended to defend the lawmaking process from abuse. The *graphe* was an indictment that could be brought against anyone who had introduced to the Assembly a proposal that was allegedly in substantial conflict with an existing law. This indictment could be presented even if the law had already been approved by the Assembly. The *graphe* was voted upon by the Assembly, and if approved, the person against whom it was directed could be fined, and the law set aside.

*Madison, in his later years, was drawn into debates on public issues, although he*

*was reluctant to be so engaged. In an 1831 letter to C.J. Ingersoll he argued for the values of consistency and stability in the interpretation of the fundamental law of the nation. His words strikingly parallel Greek thought, reminding us that human nature remains little changed over millennia:*

*"A Constitution, being derived from a superior authority [the people], is to be expounded and obeyed, not controlled or varied, by the subordinate authority of the Legislature. A law, on the other hand, resting on no higher authority than that possessed by every successive Legislature, its expediency as well as its meaning is within the scope of the latter."*

*"Why are judicial precedents ... regarded as of ... authoritative force in settling the meaning of a law? 1st. Because it is a reasonable and established axiom, that the good of society requires that the rules of conduct of its members should be certain and known ... 2. Because an exposition of the law publicly made, and repeatedly confirmed by the constituted authority, carries with it ... the sanction of those who, having made the law through the legislative organ, appear ... to have determined its meaning through their judiciary organ."*

Aristotle felt that the law of the *polis* was more than a mere covenant; rather, he thought it a rule of life leading to goodness and justice. But other philosophers in Athens, many of whom came from the Greek cities of Asia Minor, were familiar with the great variety of ways of other ancient and successful civilizations. These philosophers, generally referred to as Sophists although they did not belong to one school, denied that any one way was entirely sufficient or intuitively correct. Greek political thought did not follow one narrow path, even though a general cultural context did exist.

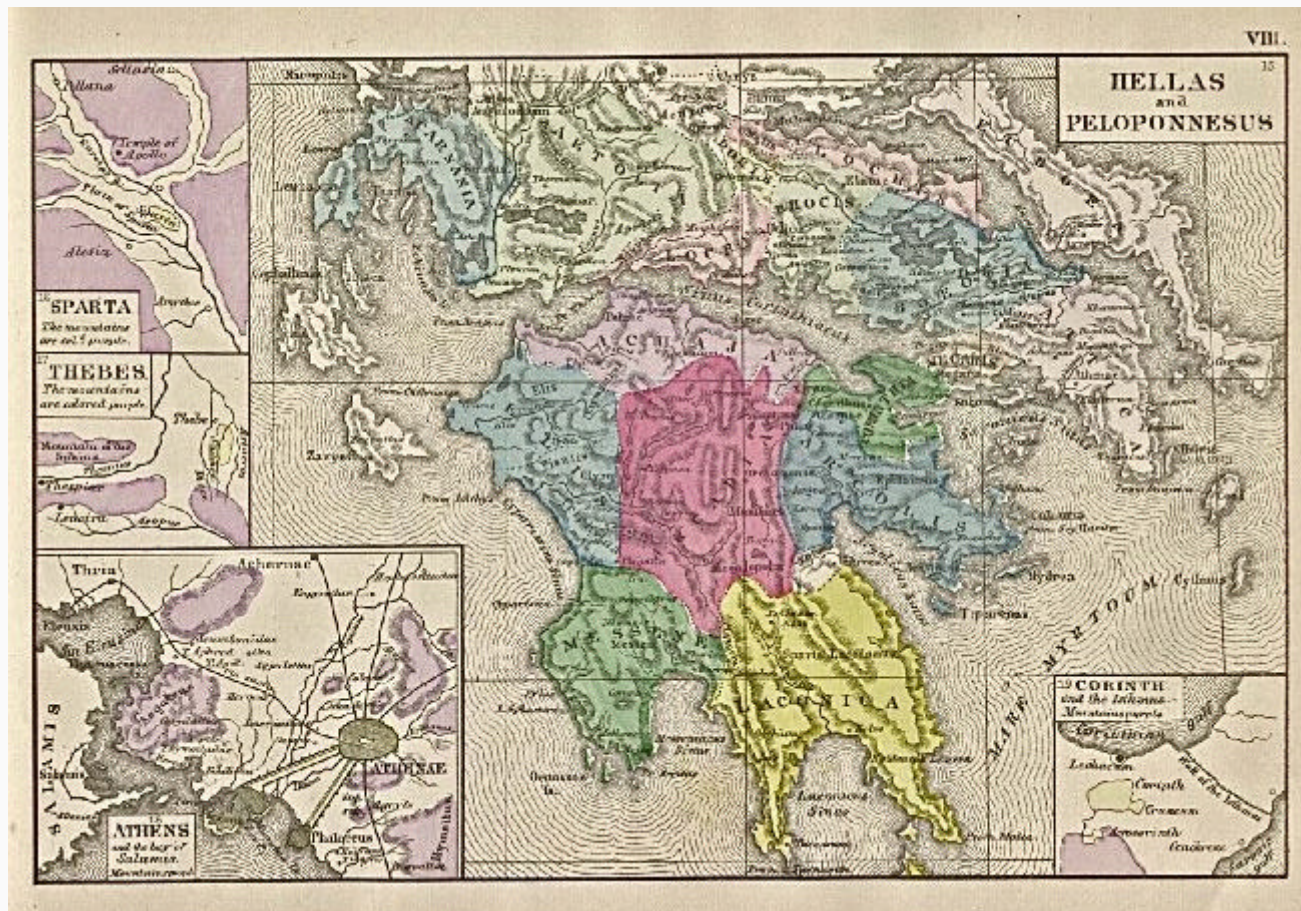
As with law, justice, *dike*, is more than a legal concept; it is a moral virtue. *Dike* is concerned with individual cases, *nomos* with general rules. Justice could be decided in courts and interpreted to meet the needs of individual cases; *nomoi* were received from some ancient source and were a ground upon which a people could stand. Yet justice was directed toward goodness, not merely deciding legal specifics.

Contemporary issues, particularly those concerning freedom of expression and the right to privacy, bring to the front opinions similar to those of the ancient Greeks. On one side, people speak of matters of morality to be enforced by law -- law is to be used as a means to make people behave in a "good" fashion -- and this goodness is held by many today to meet the tests that Demosthenes laid out. On the other side of the issue, law is treated as being strictly rational, leaving moral decision to the individual citizen.

Language deserves one further nod here. The word *polis*, which simply means the city-state, had several important Greek derivatives, and of course, is the root of our word "politics." Another word used in English, if infrequently, is "polity," which refers to the organization of a state rather than to its more magisterial aspect; we shall shortly see that Aristotle used "polity" in different ways at times. In Greek usage the constitution of a *polis*, in the sense that we describe a person's constitution or speak of a state as being constituted, is its *politeia*; *polites* is translated as citizen; *politeuma* as the civic body; a statesman is a *politikos*.

Attempting exact translations of these words can interfere with achieving a sensible and readable text. The practice in medieval times was to translate word for word, even when the differing grammars of Greek and Latin made this literally impossible. The focus of this chapter, the Politics of Aristotle, depends upon the

text as edited and translated in a most thoughtful, pleasant and reasonably consistent way by the English historian, Ernest Barker.



The full-sized image may be found at on the World Wide Web [http://www.lib.utexas.edu/Libs/PCL/Map\\_collection/historical/Hellas\\_Peloponnesus\\_1884.jpg](http://www.lib.utexas.edu/Libs/PCL/Map_collection/historical/Hellas_Peloponnesus_1884.jpg) or [http://sunsite.informatik.rwth-aachen.de/Libs/PCL/Map\\_collection/historical/Hellas\\_Peloponnesus\\_1884.jpg](http://sunsite.informatik.rwth-aachen.de/Libs/PCL/Map_collection/historical/Hellas_Peloponnesus_1884.jpg)

**Solon the Lawgiver** Before engaging Aristotle, we should look at Greece near the year 600 B.C.E., some three centuries before Aristotle lived. At that time a remarkable event took place in Athens, an event which, though its details are obscured by a lack of records, stands as a tribute to the rationality of humankind and a beacon of hope in our own strained and stressful times: the political right to life and liberty was proclaimed and written into law.

At that time, Athens and the large territory it controlled was a productive land and an exporter of grain. Rich and politically powerful families had accumulated large areas of the productive lands, and were able to provide for themselves and produce a surplus. In contrast, many smaller farmers trying to make a living off less arable lands had fallen into debt. These destitute farmers had to pledge their land for the loans they needed to get from one year to the next. The law permitted creditors to bodily seize defaulting citizens, along with their families, and to sell them as slaves at home and abroad. Many families fled their homeland to live as foreigners, estranged from their own people.

The tension that existed was exacerbated by laws rooted in custom, not written down, but spoken and interpreted by judges who themselves were members of wealthy families. Pressures grew strong enough to force the laws to be reduced to writing. What emerged has left its mark on our own present-day vocabulary: these were the laws of Dracon, and "draconian" they were. These laws read as those of the rich against the poor; death being a penalty for almost every offense. They were not designed to foster harmony and equity but to control through fear. They endorsed what we have learned to expect from such laws: concentration of power and wealth in the hands of a few, a desperate gap between rich and poor, and dissatisfaction that threatened to destroy the productive capacity of the state and bring about revolution. Citizenship, that is, participation in government, was restricted by significant birth and property requirements, which assured that the poor would have no capability of relief through any legitimate political power of their own. Factional political strife, an ever-present and destabilizing Athenian behavior, also contributed to the overall disunity.

*In discussing the objections raised to the proposed Constitution, Madison reviewed the history of the origins of government in the ancient Greek city-states. He began the [Federalist No. 38](#) with:*

*“It is not a little remarkable that in every case reported by ancient history in which government has been established with deliberation and consent, the task of framing it has not been committed to an assembly of men, but has been performed by some individual citizen of pre-eminent wisdom and approved integrity.”*

An event of the most striking nature occurred, born of interest in preserving the Athenian state, avoiding revolution, and restoring stability and equity. Somehow agreement was reached to give dictatorial powers to the man of that hour, Solon, who by his achievements, integrity and fair-mindedness had already earned wide trust. Here was a man who could have done whatever he wished by concentrating power in himself, but who chose otherwise.

The details are lost to us forever, since few historical records were kept during that time and even fewer remain available; however, enough exist to give insight. Four principle sources give information regarding Solon's actions: Aristotle in the [Politics](#) (2.12); the [Athenian Constitution](#), generally attributed to Aristotle but more likely written by a member of his school; Plutarch's [Lives](#); and some poems attributed to Solon. None of these alone gives an entirely comprehensive or

reliable picture -- a careful reading of them shows additions of a politically partisan nature may well have been made during the period from Solon to Aristotle -- but together, and with additional scholarship, they provide an exciting view of that time.

Solon proved that his first interest was in the Athenians, not in self-aggrandizement. His strategy was to give neither rich nor poor all they wanted, but to give each something. He forbade any loans, present or future, from being secured by the person of the debtor; he freed from slavery those Athenians who had been enslaved for debt and brought home many who had emigrated from fear. He canceled all debts (or perhaps the interest on debts, the actual provisions being unclear), termed "the shaking-off of burdens." In this same popular vein, Solon replaced the laws of Dracon (except those concerning homicide) with ones that were more moderate, had them posted in writing in public places so that they could be known by all, and caused oaths to be sworn to obey them. He did not attempt to establish a democratic state; he did not alter the institution of slavery except as it affected Athenians; he did not redistribute the land nor extend citizenship or political power without restriction; and it appears that he did not provide the landless or impoverished with any additional resources. He did check the growth of large estates and assure that small and medium farms would continue to exist, and this established the basis for civil peace.

We should recall that indentured servitude, though not quite slavery, was a lawful practice in the eighteenth century. This, as well as indefinite jail terms for debtors, were among the practices that forced the desperate action of the debt-ridden rural citizens of Massachusetts in 1786 that goes by the name of Shays' Rebellion. This legalized injustice was similar to that with which Solon had dealt in 600 B.C.E., confirming that the lessons of history are poorly remembered, and that government left to itself cannot be trusted to act in the best interests of the people. Shays' Rebellion, though limited in scope, remained large in the minds of many of those at the Federal Convention. This abortive but startling rebellion contributed to the fear of both "democracy" and weak national government.

*In the Constitutional Convention debate over the basis for representation in Congress, Gouverneur Morris of Pennsylvania argued the case for property versus population:*

*"Life & liberty were generally said to be of more value, than property. An accurate view of the matter would nevertheless prove that property was the main object of Society. The savage State was more favorable to liberty than the Civilized; and sufficiently so to life. It was preferable by all men who had not acquired a taste for property; it was only renounced for the sake of property which could only be secured by the restraints of regular Government."*  
*Madison, Notes July 5, 1787*

*After his retirement from the Presidency, Jefferson responded to the messages of appreciation he had received. He took the opportunity to bluntly put his view of the proper aim of government:*

*"The care of human life and happiness, and not their destruction, is the first and only legitimate object of good government."*  
*Letter to "The Republican Citizens of Washington County, Maryland," 1809.*

With somewhat less dependability (particularly with regard to placing events in time, for history was not a profession until the time of Herodotus, one hundred and fifty years after Solon), these sources tell us that Solon divided the citizens into four

categories based on an assessment of their wealth. Those in the three richer groups were admitted to hold specified offices. The poorest, the unpropertied class called the *thetes*, were restricted to the assembly and jury-courts which met en masse.<sup>4</sup> This initially sounds one-sided in favor of the rich; but in practice may not have been, for many of the laws were intricate, hard to apply, and at any rate hard to change, which gave the large jury-courts substantial power. As the Athenian Constitution says, "it inevitably results that many disputes take place and that the jury-court is the umpire of all business both public and private." The relationship of wealth to participation in government continued as an important theme in Aristotle's theory of the state.

*Madison reports that in debating the term of office of the legislative branch, Alexander Hamilton of New York, stated that "he acknowledged himself not to think favorably of Republican Government; but addressed his remarks to those who did think favorably of it, in order to prevail on them to tone their Government as high as possible." Hamilton went on to say:*

*"It was certainly true: that nothing like an equality of property existed: that an inequality would exist as long as liberty existed, and that it would unavoidably result from that very liberty itself. This inequality of property constituted the great & fundamental distinction in Society."*

*Madison, Notes June 26, 1787*

*In the Federal Convention debate over the qualifications for electors of the House of Representatives, Gouverneur Morris expressed his concern regarding the proper basis of civic responsibility, and his suspicion of those without property:*

*"Give the votes to people who have no property, and they will sell them to the rich who will be able to buy them ... The time is not distant when this Country will abound with mechanics & manufacturers who will receive their bread from their employers. Will such men be the secure & faithful Guardians of liberty?... As to Merchants &c if they have wealth & value the right [to vote] they can acquire [property]. If not they don't deserve it."*

*Madison, Notes August 7, 1787*

*In this same debate, John Dickinson of Delaware agreed with Morris' distrust of the poor:*

*"Mr Dickinson ... considered [property holders] as the best guardians of liberty; And the restriction of the right [to elect the House] to them as a necessary defense against the dangerous influence of those multitudes without property & without principle with which our Country like all others, will in time abound."*

*Madison, Notes August 7, 1787*

*George Mason of Virginia declared his disagreement regarding the possession of real property as being the sole basis for the right to vote for members of the House:*

*"The true idea in his opinion was that every man having evidence of attachment to & permanent common interest with the Society ought to share in all its rights & privileges ... Ought the merchant, the monied man, the parent of a number of children whose fortunes are to be pursued in his own Country, to be viewed as suspicious characters, and unworthy to be trusted with the common rights of their fellow Citizens[?]"*

*Madison, Notes August 7, 1787*

Plutarch relates that Solon, who "gave general liberty of indicting for an act of injury [and] being asked what city was best modeled, said, "That where those that are not injured try and punish the unjust as much as those that are." This particular liberty could be misused, but it should be seen in the setting of marked divisions between poor and rich, where the poor could well require an "intervenor" to fairly pursue their grievances.

Solon continued as a proponent of civic involvement by legislating that all men who stood neutral during a sedition would be disenfranchised -- no standing aside in those times. Whether this is true or an embellishment added later, its spirit foresees what Jefferson had to say in a letter written in 1787, "If once [the people] become inattentive to public affairs, you & I, & Congress & Assemblies, judges & governors shall all become wolves."

At about this time, the early part of the sixth century B.C.E., a Council of four hundred was created, one hundred from each of the four Athenian tribes. Plutarch states that the Council "was to inspect all matters before they were propounded to the people, and to take care that nothing but what had first been examined should be brought before the general assembly." Whether this was carried out by Solon or another statesman near in time to him, it testifies to a sophisticated governmental organization implementing one of the checks and balances needed if a democracy is to succeed.

The Athenian Constitution summarizes the key political acts attributed to Solon:

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

Solon's rule was not entirely successful. By satisfying neither the rich nor the poor, he made powerful enemies and had to leave Athens for an extended period. Aristotle says, "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." Solon was not the founder of a democracy; that entered into the Greek city-states later. His political achievements were to bring about an immediate fairness and prepare the way for the participation of an increasing number of citizens in the government of the state.

Of himself Solon is reputed to have said:

If I have spared my country  
by not descending into tyranny and unrelenting violence;  
If I have not piled odious dung on my good name,  
I am unashamed.  
No, I contend that my policy  
won far greater victories with the common man.  
*trans. W. Barnstone, in Greek Lyric Poetry*

During Solon's absence from Athens a dictatorship was formed under Peisistratus; although Solon seems to have attempted to raise resistance to it upon his return home, the dictatorship remained. However, Aristotle tells us that Peisistratus "proceeded to carry on the public business in a manner more constitutional than

tyrannical," and Plutarch says that most of Solon's laws were retained. Under the rule of Peisistratus the "final shape of the Athenian social formation emerged"<sup>5</sup>. It was he who assured the survival of the small and medium farmers by providing them with direct subsidies from the Athenian treasury. Solon and Peisistratus were part of a succession of rulers who acted as a wedge to break the power of the aristocracies, and to assure the existence of the middle class making it possible for future democracies to flourish.

The Athenian Constitution recounts that Solon was betrayed by friends in what appears to be the first documented case of insider trading. When he was about to enact the "shaking-off of burdens," some wealthy persons were informed and used their knowledge to borrow money and purchase land, becoming rich when the cancellation of debts took place. This particular story may have been made up, or at least embellished, prior to Aristotle's time for partisan reasons: supporters of oligarchy could have used it to discredit democratic rule. Regardless of that, it shows such perfidious behavior has been considered reprehensible for millennia.

Solon was a legislator who through his laws and his organization of the state sought to assure citizens their life and liberty. State and society were not distinguishable; religion was part of the fabric of public and private life, so their frame of reference was different from ours. Nevertheless, Solon's worked out his ideas in the realm of politics through legislation, not in the realm of religion, not based on divine power or intent. People were not subjected to slavery, nor driven from the country because of their religion, nor brought back in the name of religion. His was the embodiment of a doctrine of fairness and compassion, with the recognition that life and liberty were the political rights of all citizens no matter their economic status.

The rationalism of the Greeks, integrated as it was with a love of living in this world and not delaying enjoyment to the next, saw that a body of law based on fairness, and a state organized in such a way as to foster fairness, was the best way to ensure the continued existence of the state and assure the good of the people. This is more than the charming story of an honest statesman. It is the heritage that belonged to Aristotle some two hundred years later. The Greeks, particularly the Athenians, went through many changes, through democracies and oligarchies, through times of war and peace, triumph and defeat, but in those two hundred intervening years, they never lost sight of their desire to remain free of bondage and to pursue a political life of their own choosing. They had discovered they could come together to provide harmony and equity, and Aristotle was to make the insistent point that the measure of a statesman, as well as of a state, was the degree to which those particular ends were met.

## Who Was This Man, Aristotle?

Is it more advantageous to be ruled by the best men or the best laws?

*Politics* 3.15 (Loeb translation 1286a)

...between people not free and equal, political justice cannot exist...

*Ethics* 5.6

Aristotle was the student of Plato, and Plato was the student of Socrates, and Socrates lived in the golden age of Classical Greece when theater, history, philosophy, science, medicine all blossomed. We know of Socrates, his life, teachings and death, primarily from Plato; what we know of Plato is from himself; what we know of Aristotle is from his own writings and those of his students. Although ancient sources tell us that Aristotle published many works, none of these edited works have survived. What we have is more in the way of lecture notes, some perhaps prepared by Aristotle, some by his students, many passages in outline and with a general unevenness of detail, and none providing any degree of biographical information. In addition to that uncertainty, occasional interpolations and copying errors appear to have taken place. Nevertheless, these writings form a rich and varied insight into a rare mind and into the time in which he lived.

Aristotle was born at Stagira, on the northwest Aegean coast, in 384 B.C.E.; his father was a physician to King Amyntas II of Macedon. At seventeen, Aristotle went to Athens where he attended the Academy of Plato until Plato's death in 348. Abraham Edel remarks in his biography of Aristotle, "Now both Athens and Plato became his teachers. And in the long run he was both to accept and to reject much from each." Aristotle left Athens to study and write, and in 343-42 he was invited to tutor Alexander, the son of Philip of Macedon, which he did for some three years. Philip had become king of Macedon in 359; after Philip's assassination in 336, Aristotle returned to Athens and founded a school outside the city. Alexander died in 323; the considerable anti-Macedonian feeling which erupted prompted Aristotle to leave Athens again; he died one year later on the island of Euboea, homeland of his mother. That same year Macedonian forces defeated a weak Greek alliance and did away with Athens' independence. The year Aristotle died, Athenian democracy ended not with a convulsive bang, but with a whimper.

In the sixty-two years of his life, Aristotle investigated almost every topic known to man; the Loeb Classical Library allots twenty-three volumes to his works, which cover natural history, ethics, politics, logic ... "He was the first to conceive the idea of organized research, and himself contributed considerably to the organization of science by his systematic survey and classification of the knowledge of his time". The central spirit of Aristotle's method was what we would call "field work," combined with categorization and generalization. He spanned almost all the knowledge of his time, and his methods remain models of organization. After his death, his school eventually foundered in a morass of unoriginality and the loss of its central ideas. His methods were resurrected, so to speak, in Medieval times where they became even more removed from reality – all technique and no substance. This later misuse is the main source of the common, but incorrect, association of Aristotle with black-and-white categorizations and an emphasis on simplistic logic.

The exciting and incisive *Politics* of Aristotle is the work of primary interest here. Two other sources will also be of use, but to a lesser degree; these are the *Nicomachean Ethics* and the *Athenian Constitution*. The *Politics* and *Ethics* were available to scholars of the Middle Ages, having been preserved in centers of

learning through the Dark Ages. In contrast, the Athenian Constitution was discovered on papyrus in Egypt in 1880; it is an account of the government of Athens and the sole remaining constitution of the one hundred fifty-eight collected by Aristotle's school. Aristotle's personal authorship of the Athenian Constitution is doubtful since the text is intellectually inferior to other works more surely attributed to him, but it does appear to be a product of his method.

The Politics follows directly upon the conclusion of the Ethics, as the last page of the Ethics tells us will happen. Politics and ethics were, in Aristotle's thought, part and parcel of one another, and the Ethics treats also of politics. While the Ethics reads as a finished book, the Politics is eloquent but appears unedited. The Politics seems either Aristotle's draft, or perhaps the work of his students, conscientiously transcribing each of the master's lectures. The Politics has the much more extensive and better thought out consideration of political science than the Ethics, although we should not forget that Aristotle always treated political science as subordinate to ethics (we will see that when we come to Aristotle's classification of good and bad constitutions). The Ethics often reads like a manual on good behavior, along with only the beginnings of an organized approach to political science. The Politics combines concise analysis, compassion, and the conclusions of a lifetime of observation. The Politics reveals Aristotle, the person, just as Jefferson's letters reveal the man – giving insight into personality, likes and dislikes, preferences and prejudices.

The Politics moves from one subject to the next without the polish of editing and revision. In some instances the same topics are addressed several times and not always with complete consistency; sometimes promises are made, and forgotten, to continue discussions. Nevertheless, the Politics abounds with incisive and concise observations, analyses, and conclusions. I shall not try to make it what it is not – that is, finally edited and revised. In this same spirit of human endeavour, you will find that the remaining portions of this chapter revisit the same subjects and incorporate some inconsistencies. Besides, pretenses to perfection, completeness, and consistency in the observation of human institutions are foolish at best, and often outright lies.

The Politics looks backward. Athenian democracy had already enjoyed heyday; Macedonian hegemony was immanent and Greek unity, rarely strong, had hardly any vitality left. The tone and contents of the Politics pay little attention to the then-current political situation, so, Reader, do not be led astray and think that all was well during Aristotle's lifetime. Perhaps he was cloistered or deliberately ignoring the present so as to be able to remain analytical. Regardless of shortcomings, Aristotle's observations and conclusions remain exciting, clear, and of immediate value in our times.

Aristotle has been accused of many shortcomings: that he was anti-democratic, favored slavery, had a demeaning opinion of women. The first is plain wrong, the second is correct but misses an important point, the third is, regrettably, quite accurate. I shall discuss all of these shortly.

## Method and Purpose

Our purpose is to consider what form of political association is the ideal for those who can count upon the material conditions of their life being, as nearly as possible, just what they would themselves wish.

*Politics 2.1*

Aristotle's method was to seek the ideal, in this case, the ideal State. However, he saw the need for compromise and realistically appraised human qualities. His conclusions, sometimes so steeped in the philosopher's ideal that they seem remote and impracticable, were often tempered by pragmatism. He remains the philosopher, measuring the achievable against the ideal, but never so entirely abstracted that he ignores his acute observations of the human condition. One can argue that the most important role of a philosopher is to pose questions crystallizing matters that would otherwise be obscure and poorly understood. If so, can there be any more a quintessential question regarding political science than Aristotle's:

Is it more advantageous to be ruled by the best men or the best laws?

*Politics 3.15 (Loeb translation 1286a)*

This one question of Aristotle brings into focus the manifold aspects of government. What does "to be ruled" mean? Is it necessary to be ruled? What is a law and how is it determined that laws are good or bad, better or worse? Are some men better than others and in what sense? Aristotle's analyses of government, and the analyses that have followed in the millennia since his time, respond to that question posed over two thousand years ago.

*In 1833, Madison wrote a letter not addressed to anyone, leaving the impression that it was an organization of his thoughts. The subject was "Majority Governments," and the context was the threat to the continuance of the Union that could be seen in the strong feelings being expressed over the slavery issue. Here he asked a question similar to Aristotle's:*

*"It has been said that all Government is an evil. It would be more proper to say that the necessity for Government is a misfortune. The necessity however exists; and the problem to be solved is, not what form of Government is perfect, but which of the forms is least imperfect ..."*

*Jefferson also pondered the relationship of ideal to reality in government. In this letter, Jefferson describes the pragmatic measures he had to take upon being elected to his first term as President:*

*"What is practicable must often control what is pure theory; and the habits of the governed determine in a great degree what is practicable. Hence the same original principles, modified in practice according to the different habits of different nations, present governments of very different aspects."*

*January 18, 1802*

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Aristotle lays out his method for studying constitutions and governments, putting to shame the polemical partisans, then and now, who claim to serve truth but serve only themselves:

We must begin by investigating ideal forms of government other than our own; and we must investigate not only forms which are

actually practiced by states that are accounted to be well governed, but also forms of a different order which have been designed by theorists and are held in good repute.

The gain of such a discussion will be twofold. In the first place, we shall discover what is right, and what is useful, in our field of inquiry. In the second place, when we proceed to seek for something different from the forms of government we have investigated, we shall not be thought to belong to that class of thinkers who desire at all costs to show their own ingenuity, but rather to have adopted our method in consequence of the defects we have found in existing forms.

*Politics 2.1*

Aristotle's methods were systematic and honest. He gathered information, organized and compared it against hypotheses, and went where his logic led him, even if that direction was perhaps other than his preference. In the *Ethics*, he pauses to speak of himself, and we can still hear the sigh of the philosopher who finds that he must differ from his respected teachers, Socrates and Plato:

But perhaps it is desirable that we should examine the notion of a Universal Good, and review the difficulties that it involves, although such an enquiry goes against the grain because of our friendship with the authors of the Theory of Ideas. Still perhaps it would appear desirable, and indeed it would seem to be obligatory, especially for a philosopher, to sacrifice even one's closest personal ties in defense of the truth. Both are dear to us, yet it is our duty to prefer the truth.

*Ethics 1.5*

*Madison writes of himself that he set out to let the debates at the Federal Convention influence him, that he had not come with a closed mind. Even though he held strong opinions on the sort of government the nation should have, he proved to be a builder of principled compromises and would be remembered for his temperance:*

*“[He] said that he had brought with him into the Convention a strong bias in favor of an enumeration and definition of the powers to be exercised by the national Legislature; but he had also brought doubts concerning its practicability. His wishes remained unaltered; but his doubts had become stronger. What his opinion might ultimately be he could not yet tell. But he would shrink from nothing which should be found essential to such a form of Government as would provide for the safety, liberty and happiness of the community. This being the end of all our deliberations, all the necessary means for attaining it must, however reluctantly, be submitted to”.*

*Madison, Notes, May 31*

Aristotle mixed within his works a sense of closure, of satisfaction with things as they were, but always maintained a demanding sense of logic:

Almost everything has been discovered already; though some of the things discovered have not been coordinated [gathered together in a systematic way], and some, though known, are not put into practice. It would shed a great deal of light on the value of Plato's ideas, if we could watch the actual construction of a constitution such as he proposes.

*Politics 2.5*

*This theme of "nothing new under the sun" drew Jefferson's attention when, in 1801, he appeared to criticize John Adams, his predecessor as President, whom he quoted as having said "that we were never to expect to [advance] in real science":*

*"We can no longer say there is nothing new under the sun. For this whole chapter in the history of man is new. The great extent of our Republic is new. Its sparse habitation is new. The mighty wave of public opinion which has rolled over it is new."*

*A decade later, John Adams responded to the remarks he felt had been unfair to him. In doing so, he criticized, by implication at least, Jefferson's propensity to ignore European history:*

*"I can yet say, "there is nothing new under the sun" in my sense. The reformation rolled a wave of public opinion over the globe, as wonderful as this ... The Crusades rolled a wave more mountainous than the French revolution ... What a "wave" has rolled over Christendom for fifteen hundred years."*

Aristotle wrote of his subjective ideals as well as of what actually existed. The picture of Greece he leaves us is replete with his opinions and deficient in counter-statements, not that of an historian or sociologist aspiring to objectivity. He saw himself a member of a privileged people at the high point of their civilization. He built upon the work of his predecessors, and attempted to provide the knowledge that would enable his society to continue to exist and prosper. In truth, Athens was in decline and soon lost its democratic government. Not long thereafter, the center of European vitality became Rome. Greece became a backwater, its language and culture forgotten by Europe's new rulers. We may be hearing the sound of a fourth-century philosopher discussing fifth-century issues. Regardless of all that, Aristotle's observations on human nature remain undated. Aristotle wrote of the particular, of Athens and its friends and enemies, but he gave us the universal.

## The Nature Of The Political Association

This is my prayer: civil war fattening on  
men's ruin shall not thunder in our city.  
Let not the dry dust that drinks the black  
blood of citizens through passion for re-  
venge and bloodshed for bloodshed be given  
our state to prey upon. Let them render  
grace for grace. Let love be their common  
will; let them hate with a single heart.  
Much wrong in the world is thereby healed.  
*Aeschylus, The Furies ca. 458 B.C., trans. R. Lattimore*

Throughout his writings, Aristotle sought balance and harmony, a mean between extremes. In political science, that is, the study of the political association of the state, he sought a way to live in peace, to enjoy the material benefits of a good life. He decried extreme forms of behavior, especially those that were cruel and avaricious.

Man, when perfected, is the best of animals; but if he be isolated from law and justice [*nomos* and *dike*] he is the worst of all. Injustice is all the graver when it is armed injustice; and man is furnished from birth with arms [language, etc.] which are intended to serve the purposes of moral prudence and virtue, but which may be used in preference for opposite ends. That is why, if he be without virtue, he is a most unholy and savage being, and worse than all others in the indulgence of lust and gluttony.

Justice belongs to the *polis*; for justice, which is the determination of what is just, is an ordering of the political association.  
*Politics* 1.2

And he also says,

Man is by nature an animal intended to live in a *polis*. He who is without a *polis*, by reason of his own nature and not of some accident, is either a poor sort of being, or a being higher than man: he is like the man of whom Homer wrote in denunciation: "Clanless and lawless and heartless is he." The man who is such by nature at once plunges into a passion for war; he is in the position of a solitary advanced piece in a game of draughts.  
*Politics* 1.1

*Madison's preface to his records of the debates in the Federal Convention remained only in draft at the time of his death. Written between 1830 and 1836, this work provides us his first-hand view of events, tempered with the added experience of many years as a statesman (and perhaps edited to add hindsight's advantages). Here Madison engages in a description of the political association much like Aristotle's:*

*“[The] weakness and wants of man naturally lead to an association of individuals, under a common authority whereby each may have the protection of the whole against danger from without, and enjoy in safety within, the advantages of social intercourse, and an exchange of the necessaries and comforts of life: in like manner feeble communities, independent of each other, have resorted to a Union, less intimate, but with common Councils, for the common safety against powerful neighbors, and for the preservation of justice and peace among themselves.”*

*In 1796, Jefferson was elected vice-president to John Adams, having run second in the electoral balloting. In this letter to James Madison, Jefferson is frankly pessimistic regarding human nature, but he concludes by saying, "We both, I believe, join in wishing to see [humankind] softened":*

*“In truth I do not recollect in all the animal kingdom a single species but man which is eternally & systematically engaged in the destruction of his own species. What is called civilization seems to have no other effect than to teach him to pursue the principle of 'bellum omnium in omnia' on a larger scale, & in the place of the little contests of tribe against tribe, to engage all the quarters of the earth in the same work of destruction.”*  
*January 1, 1797*

This idea of humankind finding order and goodness in its existence through the association of the *polis*, disorder and destruction when left to its own, was ancient in Aristotle's time, well established long before Solon. An episode in the *Odyssey* of Homer makes this clear. In Odysseus' travels, he and his companions came to rest by accident on the island home of the Cyclopes. These creatures, human and yet not human, act as Aristotle had described: savage, lustful and gluttonous. They killed and ate Odysseus' companions, selecting them at random. The Cyclopes embodied a nightmarish, abhorrent behavior placing them outside of society; they did not share in the political association that distinguished civilization from savagery. Homer drew a picture of ravenous criminals, be they political, economic or simply thugs, that remains current:

*These people have no institutions, no meetings for counsels; rather they make their habitations in caverns hollowed among the peaks of the high mountains, and each one is the law for his own wives and children, and cares nothing about the others.*  
*Odyssey 9.112-115 trans. R. Lattimore*

The Cyclopes were outside of society; they embodied the disorder and chaos that would exist without the political association. Aristotle saw the desirable society as just the converse of that lawless condition. He put in concrete terms the ordered, beneficial society that was implicit in the Athenian *polis*:

*All associations are parts as it were of the association of the State. Travelers for instance associate together for some advantage, namely to procure some of their necessary supplies. But the political association too, it is believed, was originally formed, and continues to be maintained, for the advantage of its members: the aim of lawgivers is the good of the community, and justice is sometimes defined as that which is to the common advantage. Thus the other associations aim at some particular advantage ... But all these associations seem to be subordinate to the association of the State, which aims not at a temporary advantage but at one covering the whole of life.*  
*Ethics 8.9*

Democracy in Athens began in the time of Kleisthenes, in 508 B.C.E., and lasted until 322 B.C.E. when under Philip, Macedonian power overcame an Athens weakened by years of imperialistic wars. Ordered and effective as Athens was, it did not have a permanent professional officialdom or bureaucracy as we know it, not what we think of today as a government, although governance was not lacking. In the days of the democracy, administrative positions were rotated among citizens through a lottery. Citizens who made themselves available for magistracies were

subject to open questioning; they could be removed from office ten times a year and at the end of their year's term, their accounts were audited. Being an officeholder in that participatory democracy was not a casual decision. Of course, people from wealthy or influential families sought political power; those with the natural ability to do so convinced and persuaded; and interests were brokered and bargained. The actual leaders of the city were hardly in that position by happenstance, and public opinion stood ready to be mobilized by those skillful at such doings.

Three formal bodies constituted what we might anachronistically call the executive, legislative, and judicial apparatus. Citizens were chosen by lot for all three of these bodies and were restricted to short terms in office. One of these was the Council (*boule*), a group of five hundred that essentially determined the agenda for the decision-making body, the Assembly (*ecclesia*). We do not know the quorum for the Assembly but many of its sessions ran to perhaps six thousand. The Assembly of Athens met on the hill called the Pnyx, listening to the orators argue the propositions to be voted upon. Finally, there were the juries (*dikasteria*), which could run to as many as 2501 jurors. The juries decided political issues as well as private cases and were frequently used for political purposes – Socrates was tried by one of these juries, not by the Assembly. Awkward as it sounds, this system worked well for several hundred years. This "town meeting" viewpoint was part of the basis for Aristotle's opinion that a state must be limited in size: "Who can give it orders," he says, "unless he has [the legendary] Stentor's voice?"

Aristotle saw a definite categorization of function, although this cannot be read as a modern separation of powers:

What is to be included under the term "magistrate"? A political association needs a large number of different officers. We cannot, therefore, reckon as magistrates all the persons appointed – by election or lot – to any office. We can hardly include, for example, the priests of the public cults, whose office must be reckoned as something different from the political magistracies ... Among all these offices the title of magistracy should, on the whole, be reserved for those which are charged with the duty, in some given field, of deliberating, deciding, and giving instructions.

*Politics* 4.15

The state was involved with people from birth to death, the setting for all events and associations, the source of honors and recognition, as well as rebuke and prosecution. Today, at many levels of government, we have a situation similar in extent although very different in form: the total state exerts control throughout the span of our lives; it's just more impersonal. We struggle to maintain a realm of personal action independent of the state, and it remains that – a struggle.

**Goodness As The Aim Of The Political Association** Aristotle maintained that the end of the state was not merely safety and life, but a good quality of life:

... the end of the state is not mere life; it is, rather, a good quality of life ... it is the cardinal issue of goodness or badness in the life of the *polis* which always engages the attention of any state that concerns itself to secure a system of good laws well obeyed. The conclusion which clearly follows is that any *polis* which is truly so called, and is not merely one in name, must devote itself to the end of encouraging goodness. Otherwise, a political association sinks into a mere alliance, which differs only in space from other forms of alliance where the members live at a distance from one another. Otherwise, too, law becomes a mere covenant – or, in the phrase of the Sophist Lycophron, "a guarantor of men's rights against one another" – instead of being, as it should be, a rule of life such as will make the members of a *polis* good and just.

*Politics* 3.9

Aristotle felt that the *polis* was not at all by chance, not by choice. The *polis* was not "A mere alliance...a mere covenant," not something to be agreed upon, nor to be taken or left as anyone would so choose. The *polis* had widened the idea of kinship beyond direct biological ties so that, in some important ways, "every citizen was of kin to every other". The political association was necessary for survival. More than that, it was necessary for the realization of a good life; ethics and political science were inseparable.

"Encouraging goodness..." Is this distant from today? Or does it ring true as an accurate observation of human affairs? Many controversial issues, such as abortion rights and prayer in public schools, take on aspects of this "end of encouraging goodness." The necessity of the political association for the preservation of life and liberty is always partner in the balancing act featuring independent, unfettered actions, societal pressures, and the ethical judgments of individuals.

*The Constitution of Virginia was revised in the Convention of 1829-30. Madison, although not in good health, served as a member of this body. He used this opportunity to return to a discussion of securing minority rights under a republican form of government, which had been the extended subject of his attention in the Federalist Papers and in the debates of the Federal Convention:*

*"The essence of Government is power; and power, lodged as it must be in human hands, will ever be liable to abuse ... Respect for character ... is but too often overruled by other motives. When numbers of men act in a body, respect for character is often lost, just in proportion as it is necessary to control what is not right. We all know that conscience is not a sufficient safeguard; and besides, that conscience may itself be deluded ... "*

*"As to the permanent interest of individuals in the aggregate interests of the community, and in the proverbial maxim, honesty is the best policy, present temptation is often found to be an overmatch for those considerations. These favorable attributes of the human character are all valuable, as auxiliaries; but they will not serve as a substitute for the coercive provisions belonging to Government and Law."*

Athenian statesmen entertained considerable disagreement, going back to the days of Pericles, about this idea of covenant *versus* "rule of life such as will make the members of a *polis* good and just.." Aristotle presents his own view without any

counterbalancing opinions. You, the reader, will have to decide to what extent his conclusions depend on his way of looking at the purpose of the political association, that is, whether the conclusions are invalid if the premise is changed. Of course, you may argue that the premise is valid ...

Despite Aristotle's opinion that the State had to take an active role in fostering goodness and not merely be a guarantor of rights, he refused to permit the individual to become submissive and passive. He denied the attainment goodness was possible merely by following instructions.

Felicity is a state of activity; and it is the actions of just and temperate men which are the fulfillment of a great part of goodness.  
Politics 7.3

He makes the connection between the character of a State and the character of its citizens:

To "do well" is impossible unless you "do right"; and there can be no doing right for a State, any more than there can be for an individual, in the absence of goodness and wisdom. The fortitude of a State, and the justice and wisdom of a State, have the same energy, and the same character, as the qualities which cause individuals who have them to be called brave, just, and wise.  
Politics 7.1

Goodness of the person and justice in the *polis* were inextricably intertwined in Aristotle's view of humankind. Goodness was not merely obedience to authority, nor was it sufficient for a person to merely stand aside and abdicate moral judgment, permitting the state to do what it would. Goodness was an activity, part of a way of life that led to happiness, or to use a word better suited to describing this state of being, to felicity. This was the balance Aristotle sought: felicity and virtue in the individual, law and justice in the *polis*; all in the presence of goodness and wisdom.

Aristotle, the humanist, arises in what otherwise might be a dry, technical discussion:

...man is an animal impelled by his nature to live in a *polis*. A natural impulse is thus one reason why men desire to live a social life even when they stand in no need of mutual succor; but they are also drawn together by a common interest, in proportion as each attains a share in the good life. The good life is the chief end, both for the community as a whole and for each of us individually.

But men also come together, and form and maintain political associations, merely for the sake of life; for perhaps there is some element of the good in the simple act of living, so long as the evils of existence do not preponderate too heavily. It is an evident fact that most men cling hard enough to life to be willing to endure a good deal of suffering, which implies that life has in it a sort of healthy happiness and a natural quality of pleasure.  
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Politics 3.6

*Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed.*  
*Declaration of Independence*

**Constitutions** Aristotle defined a constitution as the organization of a *polis*; whether written or not was irrelevant for it could be discerned by observation. In particular, a constitution described the way in which sovereignty was exercised: what were the offices of the state, who could hold them, how and by whom decisions were made. Even beyond that, a constitution incorporated the ends to which the state was dedicated.

A constitution may be defined as an organization of offices in a state, by which the method of their distribution is fixed, the sovereign authority is determined, and the nature of the end to be pursued by the association and its members is prescribed. Laws, as distinct from the frame of the constitution, are rules by which the magistrates should exercise their powers, and should watch and check transgressors.

*Politics 4.1*

A constitution was not merely a technical memorandum, although it did need to explicate the means by which its ends would be achieved. A constitution could be judged in moral terms by the ends it served. This shows once again that ethics and political science were not separate subjects for Aristotle:

There is one thing clear about the best constitution: it must be a political organization which will enable all sorts of men to be at their best and live happily.

*Politics 7.2*

*The subject of the Federalist No. 62 was the general constitution of the Senate, the qualifications of the members, the manner of appointing them, and so on. Madison argues that the term of office of the Senate must be sufficient that its members can be knowledgeable in matters of public affairs:*

*“A good government implies two things: first, fidelity to the object of government, which is the happiness of the people; secondly, a knowledge of the means by which that object can best be attained.”*

If the good of all sorts of men, not only the rulers, was the aim of the state, then it follows that:

Those constitutions which consider the common interest are right constitutions ... Those constitutions which consider only the personal interests of the rulers are all wrong constitutions, or perversions of the right forms.

*Politics 3.6*

*The Federalist No. 52 through 63 dealt with the House of Representatives. In No. 57, Madison addressed the benefits of having the House elected directly by the entire citizenry, without any mediation or interposition. This was controversial; the Senate remained elected by the state legislatures until the Seventeenth Amendment was ratified:*

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*“The aim of every political association is, or ought to be, first to obtain for rulers men who possess wisdom to discern, and most virtue to pursue, the common good of society; and in the next place, to take the most effectual precautions for keeping them virtuous whilst they continue to hold their public trust.”*

*Madison takes a strong stand on the need for checks and balances in the*

*Federalist No. 48, and he uses words of a Jeffersonian flavor to provide emphasis:*

*“One hundred and seventy-three despots would surely be as oppressive as one ... As little will it avail us that they are chosen by ourselves. An elective despotism was not the government we fought for; but one which [should] be founded on free principles.”*

*“A mere demarcation on parchment of the constitutional limits of the several departments is not a sufficient guard against those encroachments which lead to a tyrannical concentration of all the powers of government in the same hands.”*

The state had as an end the good actions of its members, but not to reduce its citizens to ciphers. Aristotle kept returning to his respect for the individual as part of the aggregate that made up the state:

The object which Socrates assumes as his premise is contained in the principle that 'the greatest possible unity of the *polis* is the supreme good.' Yet it is obvious that a *polis* which goes on and on, and becomes more and more of a unit, will eventually cease to be a *polis* at all. A *polis* is by its nature some sort of aggregation ... Not only is the *polis* composed of a number of men: it is also composed of different kinds of men, for similars cannot bring it into existence.

*Politics 2.1*

... the state is composed of many individuals; and just as a feast to which many contribute is better than one provided by a single person, so, and for the same reason, the masses can come to a better decision, in many matters, than any one individual ... The judgment of any one man is bound to be corrupted when he is overpowered by anger, or by any other similar emotion; but it is not easy for all to get angry and go wrong simultaneously.

**Politics 3.15**

*Madison's participation in the Virginia Convention of 1829-30 gave him the opportunity to make clear his opinion on the need for a broad-based citizenry:*

*“[It is] proper to embrace in the partnership of power, every description of citizen having a sufficient stake in the public order, and the stable administration of the laws ...”*

*Jefferson was in Europe, primarily France, during 1786, when Shay's Rebellion in Massachusetts shook the confidence of many Americans. Jefferson had already seen worse in Europe, but was not dismayed, nor did he veer from his faith in republicanism. This turmoil colored his language and shaped his metaphors. He had seen excess and injustice but maintained belief in the ultimate triumph of good sense in an educated citizenry. This extract is from a letter written to Edward Carrington in January, 1787:*

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*“I am persuaded myself that the good sense of the people will always be found to be the best army. They may be led astray for a moment, but will soon correct themselves.”*

**Who Is A Citizen?** Any state is made up of the ruled and the rulers. A further division exists within this division of the ruled, for some may have greater political rights than others. Slaves in the Greek states might have no rights to their own person; resident aliens might have limited rights, such as appeal to courts of law, but not others, such as voting for legislation. During the Athenian democracy, citizenship usually depended on a person's father having been a citizen. In some periods, however, even someone who was native-born might not be a citizen if both his parents had not been citizens. The general rule regarding women was that they were not competent to deserve rights. Addressing himself to dispassionate observation, not to issues of equality, Aristotle said,

The nature of citizenship, like that of the state, is a question which is often disputed: there is no general agreement on a single definition: the man who is a citizen in a democracy is often not one in an oligarchy.  
*Politics 2.1*

Aristotle firmly held the opinion that the aim of the state was the goodness of the people who constituted it, and that the state was a necessary association of people. The state provided the structure without which felicity could not be attained. He argued that people who could not contribute to the workings of their state must be less than they could otherwise be; in some sense, these people would be incomplete. Regardless of how well one carried out one's daily tasks, Aristotle continued, these all took place within the overall setting of the political association of the state. No amount of honest, or dishonest, workaday chores could have the impact government had. In this way Aristotle established a distinction between membership and citizenship. A member was a participant in such tasks as self-defense and the provision of food and articles of daily living, but a citizen fully participated in governance. The role of people in government determined their ultimate contribution to the common good and, accordingly, their share in the rewards to be received from the state; Aristotle termed this "distributive justice."

It is for the sake of good actions, and not for the sake of social life, that political associations must be considered to exist [otherwise, a club or a family could be a State]. Those who contribute most to an association of this character have a greater share in the *polis* than those who are equal to them (or even greater) in free birth and descent, but unequal in civic excellence, or than those who surpass them in wealth but are surpassed by them in excellence.  
*Politics 3.9*

A citizen must actually take part in the governing of the State, any less would disqualify a person from receiving any of its honors:

The citizen in this strict sense is best defined by the one criterion, "a man who shares in the administration of justice and in the holding of office."  
*Politics 3.1*

Aristotle blended together the concept that the individual was bound to contribute to the stability and continued existence of the state, and the conviction that the state – the political association of citizens in conformance to its constitution – provided the setting in which the individual could live a good and full life, one of felicity. He disparaged the idea of the state being "a mere guarantor of men's rights"; but he also argued, if somewhat elliptically, for a radical view of the relationship between the political and moral identities of the individuals who qualified to be citizens:

Constitutions obviously differ from one another in kind, and some of them are obviously inferior and some superior in quality; for constitutions which are defective and perverted ... are necessarily inferior to those which are free from defects. It follows that a citizen under each different kind of constitution must also necessarily be different.

*Politics 3.1*

... the end [all citizens] serve is the safety in the working of their association ... the excellence of the citizen must be an excellence relative to the constitution [since the excellence of an individual is determined by the ends toward which that person's life is directed] ... It is thus clear that it is possible to be a good citizen without possessing the excellence which is the quality of the good man.

*Politics 3.4*

Since excellence, that is, living a good and moral life, is the proper aim of each individual, any state constituted in such a way as to interfere with this must put itself at risk. The individual's right and duty is to seek to be morally good, as well as to share the good life that a state can provide, and on that basis the perverted state may be resisted. A good citizen may follow the laws of the state and does what he or she is told; but if those laws are not in the interest of the common good, the individual can still fail at being a good person. If the ends of the state foster strife, if the state institutionalizes violence and corruption, if a portion of the citizenry is persecuted, then the citizen who obeys those laws is prevented from being a good person. The submission of conscience to "duty" is not a virtue of a good person, but merely of a good citizen. Did being a patriot of the legitimate authority of the moment make heroes of the Nazis and their collaborators, of Stalin's courts of law, of the death squads in South America? Is "my country, right or wrong," the measure of a good citizen? It takes more than mere obedience; it takes personal responsibility and action to be a good person.

The step is small from Aristotle's statement of his political philosophy to the realization that the right – and indeed, the duty – of an individual is to resist unjust authority. Obedience to authority is not an ultimate virtue, but is always subordinate to acting with justice, that is, with regard to others:

Justice is perfect virtue because it is the practice of perfect virtue; and perfect in a special degree, because its possessor can practice his virtue towards others and not merely himself; for there are many who can practice virtue in their own private affairs but cannot do so in their relations with another. That is why we approve the saying of Bias, "Office will show a man;" for in office one is brought into relation with others and he comes a member of community.

The same reason, namely that it involves relationships with someone else, accounts for the view that Justice alone of the virtues is "the good of others," because it does what is for the advantage of another, either a ruler or an associate.

*Ethics 5.1*

**The Law As Sovereign** Aristotle saw government based upon standards of justice that existed of themselves, needing only to be found; standards that were supported, but not created, by legislation. Rulers and legislators were a necessary part of the state, however Aristotle was suspicious of the ability of individuals to rule with consistent fairness. Laws were ideally the "neutral authority" through which justice could be achieved.

Politicians in office have a habit of doing a number of things in order to spite their enemies or favor their friends.

*Politics* 3.16

Most men, as a rule, are bad judges where their own interests are involved.

*Politics* 3.9

*The circumstances of the recent political campaign of 1800 were heavy upon Jefferson's thoughts at the beginning of his presidency. He felt the nation had been heading towards a loss of its republican spirit, retrogressing into an English form of government with hereditary offices and a "union between Church and State." He wrote of his distrust of politicians:*

*"I sincerely wish ... we could see our government so secured as to depend less on the character of the person in whose hands it is trusted. Bad men will sometimes get in, and with such an immense patronage, may make great progress in corrupting the public mind and principles. This is a subject with which wisdom and patriotism should be occupied."*

*From a letter to Mr. Moses Robinson, 1801.*

Aristotle recognized that government could be more efficient (to use a modern term) if the rulers were selected from those citizens of superior merit. He also recognized that this led to a conundrum: no one basis of merit could be satisfactory in all cases, and even the most noble of men were subject to emotions. He analyzed each of the principles that might determine a meritorious superiority -- wealth, birth, goodness, numbers -- and concluded that none were proper; qualities are not commensurable:

Take for example, those who claim to be sovereign over the citizen body on the ground of goodness; or take, again, those who base their claim on the ground of wealth. The claims of both may be justly challenged by the masses; for there is nothing whatever to prevent the Many -- collectively if not individually -- from being better, or richer, than the Few ... Suppose that the Many are actually better, taken as a whole, than the Few: what, in that case, is the proper policy for a lawgiver who wishes to enact right laws to the best of his power? Should he direct his legislation to the benefit of the better sort, or should he direct it to that of the majority?

*Politics* 3.13

*On August 10, 1787, the Federal Convention was discussing "the proper qualifications of property for the members of the National Legislature." Considerable opinion existed in favor of such requirements, but Ben Franklin argued against them:*

*"Doctor Franklin expressed his dislike of every thing that tended to debase the spirit of the common people. If honesty was often the companion of wealth, and if poverty was exposed to peculiar temptation, it was not less true that the possession of property increased the desire for more property. Some of the*

*greatest rogues he was ever acquainted with, were the richest rogues."*  
*Madison, Notes*

Aristotle shifted the argument from considering the qualities of the rulers to considering the results of their rule. This was a bold step, one still objected to by ideologues and would-be dictators all around the world. While hardly complete, Aristotle's statement lays the foundation for an objective evaluation of any government:

We may reply that what is "right" should be understood as what is "equally right"; and what is "equally right" is what is for the benefit of the whole state and for the common good of its citizens.  
*Politics 3.13*

Any code of law, Aristotle believed, had its limitations, never being entirely adequate to cover all situations; appeal to the customs of a people was the guarantor of an ultimate fairness. While custom, in modern context, has the connotation of being merely what one is used to, for Aristotle's it went beyond that. The Greeks saw custom as having existed from time immemorial, as having been decreed by legendary rulers of great moral stature. Custom was the common possession of a people, holding the people together and guaranteeing that right would be carried out. A similar attitude prevailed through the Middle Ages and well into the eighteenth century when it transformed, in Western culture, into the concept of natural or unalienable rights.

Whether we speak of custom or inherent rights, whether we speak of a distant past shrouded in shadows or the virtues of progress is not the issue. What lies at heart is the search for justice:

To seek for justice is to seek for a neutral authority. But laws resting on unwritten customs are even more sovereign, and concerned with issues of still more sovereign importance, than written laws; and this suggests that, even if the rule of a man be safer than the rule of written law, it need not be safer than the rule of unwritten law.  
*Politics 3.16*

Law could catalog only so much and could not anticipate every possible case. Equity made law flexible. In describing equity, Aristotle anticipated the way in which our courts interpret legislative intent:

... law is always a general statement, yet there are cases which it is not possible to cover in a general statement ... it is then right ... to rectify the defect by deciding as the lawgiver would himself decide if he were present on the occasion, and would have enacted if he had been cognizant of the case in question ... This is the general nature of the equitable: it is a rectification of law where law is defective because of its generality.  
*Ethics 5.10*

*The subject of the [Federalist No. 37](#) was in part the difficulty in clearly and precisely wording legislation. Madison analyzed the "sources of vague and incorrect definitions":*

*"All new laws, though penned with the greatest technical skill and passed on the fullest and most mature deliberation, are considered as more or less obscure or equivocal, until their meaning be liquidated and ascertained by a series of*

*particular discussions and adjudications ... No language is so copious as to supply words or phrases for every complex idea, or so correct so as not to include many equivocally denoting different ideas.”*

Though imperfect, law provided something more than the arbitrariness found in human nature:

If there are a number of cases which law seems unable to determine, it is also true that a person would be equally unable to find an answer to these cases. Law trains the holders of office expressly in its own spirit, and then sets them to decide and settle those residuary issues which it cannot regulate, 'as justly as in them lies.' It also allows them to introduce any improvements which may seem to them, as the result of experience, to be better than the existing laws.

He who commands that law should rule may thus be regarded as commanding that God and reason alone should rule; he who commands that a man should rule adds the character of the beast. Appetite has that character; and high spirit, too, perverts the holders of office, even when they are the best of men. Law may thus be defined as "Reason free from all passion."

*Politics* 3.16

*Commenting in particular upon criminal justice, Jefferson stated his consistent view regarding the errant nature of man:*

*“Let mercy be the character of the lawgiver, but let the judge be a mere machine. The mercies of the law will be dispensed equally & impartially to every description of men; those of the judge, or of the executive power, will be the eccentric principles of whimsical, capricious designing man.”*

*From a letter to Edmund Pendleton, 1776.*

*In the Federalist No. 62, Madison discussed the characteristics of a good government. He took the opportunity to treat of a practical aspect:*

*“It will be of little avail to the people that the laws are made by men of their own choice if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood; if they be repealed or revised before they are promulgated, or undergo such incessant changes that no man, who knows what the law is today, can guess what it will be tomorrow. Law is defined to be the rule of action; but how can that be a rule, which is little known, and less fixed?”*

Aristotle built up a conundrum: no rational basis for an aristocracy of merit existed, nor a way to find a perfect king, and no law could decide, beforehand, every case. He suggested a resolution is to be found partly in an examination of political justice:

We must not forget that the subject of our investigation is at once Justice in the absolute sense and Political Justice. Political Justice means justice as 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 ... To act unjustly means to assign oneself too large a share of things generally good and too small a share of things generally evil.

This is why 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 a ruler is to be the guardian of justice, and if of justice, then of equality.  
*Ethics 5.6*

Aristotle's logic brought him quietly to a clarion-call conclusion that is at the heart of legitimate resistance to political injustice, whether in the city-states of Greece or the nations of today: "between people not free and equal, political justice cannot exist." His context is important for he advocates a government based upon law which assures the rights of all, not permitting majorities to trample minorities.

He develops this further, bringing justice and law together,

... justice for equals means their being ruled as well as their ruling, and therefore involves rotation of office. But when we come to that, we already come to law; for the arrangement is law. The rule of law is therefore preferable, according to the rule we are stating, to that of a single citizen. In pursuance of the same view it is argued that, even if it be the better course to have individuals ruling, they should be made 'law guardians' or ministers of the law.  
*Politics 3.16*

*Madison looked for a basis on which to decide the term of office of the House of Representatives. Within this context, in the Federalist No. 53, he made this statement on the nature of constitutional government:*

*“The important distinction so well understood in America between a Constitution established by the people and unalterable by the government, and a law established by the government and alterable by the government, seems to have been little understood and less observed in any other country.”*

*“Wherever the supreme power of legislation has resided, has been supposed to reside also a full power to change the form of the government ...”*

*“[In Great Britain they] have accordingly, in several instances, actually changed, by legislative acts, some of the most fundamental articles of the government. They have in particular, on several occasions, changed the period of election ... [and] continued themselves in place four years beyond the term for which they were elected by the people.”*

*John Adams wrote carefully and without compromise about the role of law in a republic:*

*“... the only valuable part of the British constitution is so because the very definition of republic is "an empire of laws, and not of men." ... as a republic is the best of governments, so that particular arrangement of the powers of society ... which is best contrived to secure an impartial and exact execution of the laws is the best of republics.”<sup>8</sup>*

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Impelled by his logic, Aristotle makes this remarkable statement:

Rightly constituted laws should be the final sovereign; and personal rule, whether it be exercised by a single person or a body of persons, should be sovereign only in those matters on which law is unable, owing to the difficulties of framing general rules for all contingencies, to make an exact pronouncement ...

The one clear fact is that laws must be constituted in accordance with constitutions; and if this is the case, it follows that laws which are in accordance with right constitutions must necessarily be just, and laws which are in accordance with wrong or perverted constitutions must be unjust.

*Politics 3.11*

This example of "Aristotelian logic" sets out two exclusive alternatives. Is a law in accordance with a right constitution necessarily just? And if it is not, then is the alternative, that laws under a wrong constitution are unjust, also invalid? Surely, some laws under even the best constitution will be in error, leading to injustice even if by accident. Whatever the imperfections in laws and rulers, Aristotle was not about to permit uncertainty to be found in his intent. He made himself clear in an ice cold statement:

Where the laws are not sovereign, there is no constitution.

*Politics 4.4*

**Honesty In Government** Aristotle, as a philosopher, expressed idealism in many instances; but as an observer of humankind, he understood that men were not angels:

Any modicum of goodness is regarded as adequate; but wealth and property, power, reputation, and all such things, are coveted to an excess which knows no bounds or limits.

*Politics 7.1*

He applied that to politics, observing that the lust for power was not restricted to tyrannies:

When the constitution of a state is constructed on the principle that its members are equals and peers, the citizens think it proper that they should hold office by turns. At any rate this is the natural system, and the system which used to be followed in the days when men believed they ought to serve by turns, and each assumed that others would take over the duty of considering his benefit, just as he had himself, during his turn of office, considered the benefit of others.

Today the case is altered. Moved by the profits to be derived from office and the handling of public property, men want to hold office continuously. It is as if the holders of office were sick men, who got the benefit of permanent health: at any rate their ardour for office is just what it would be if that were the case.

*Politics 3.6*

*July 26, 1787, saw the Constitutional Convention in spirited debate over the qualifications for holding Executive or Legislative office. In the course of this session, Mason of Virginia and Franklin of Pennsylvania, Southerner and Northerner, agreed on the merits of limited terms. Mason spoke in a rather formal way, reminiscent of his friend, Jefferson; Franklin was not so very serious:*

*“Having for his [own] primary object ... the preservation of the rights of the people, he held it as an essential point ... that the great officers of the State, and particularly the Executive, should at fixed periods return to that mass from which they were at first taken, in order that they may feel & respect those rights & interests, which are again to be personally valuable to them.”*

*Madison, Notes, quoting George Mason*

*“It seems to have been imagined by some that returning to the mass of the people was degrading the magistrate. This he thought was contrary to republican principles. In free Governments the rulers are the servants, and the people their superiors & sovereigns. For the former to return among the latter was not to degrade but to promote them. And it would be imposing an unreasonable burden on them, to keep them always in a state of servitude, and not allow them to become again one of the masters.”*

*Madison, Notes, quoting Franklin*

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*“My reason for fixing [the Senate] in office for a term of years rather than life, was that they might have an idea that they were at a certain period to return into the mass of the people & become the governed instead of the governor which might still keep alive that regard to the public good that otherwise they might perhaps be induced by their independence to forget.”*

*Jefferson in reference to the Virginia Constitution, 1776*

Apparently neither Aristotle nor any of the Framers imagined the wonderfully creative mind of the modern American officeholder. These individuals have, in many cases, designed for themselves a package of "retirement benefits" so that, even upon leaving public service after only a short tenure, they may be assured of receiving the largesse of the nation and of continuing to distinguish themselves from the mass of the electorate.

"Ethics in government" is nothing new, although politicians have the effrontery to periodically take credit for discovering it. Aristotle enjoined against corruption by saying,

The most important rule of all, in all types of constitution, is that provision should be made – not only by law, but also by the general system of economy – to prevent magistrates from being able to use their office for gain.

*Politics* 5.8

*Abuses and corruption of public office were of concern during the Federal Convention, although the modern role of lobbyist was beyond anyone's perception. Article I Section 6 of the Constitution resulted from the discussions held June 22 and 23, which were directed at the practice of appointing members of the legislature to civil offices. Madison reports George Mason's argument during the debate:*

*"[He] was for shutting the door at all events against corruption. He enlarged on the venality and abuses in this particular in G. Britain: and alluded to the multiplicity of foreign Embassies by Congress. The disqualification he regarded as a corner stone in the fabric."*

*It was at this point that Hamilton made this characteristically cynical comment on human nature:*

*"There are inconveniences on both sides. We must take man as we find him, and if we expect him to serve the public must interest his passions in doing so. A reliance on pure patriotism had been the source of many of our errors."*

*"When a great expense is involved in running for office there is a danger to the political process. While this might be particularly troublesome in our time, it is not a new phenomenon:"*

Not much has changed since Aristotle's time.

When money has been spent to get office, the purchasers may naturally be expected to fall into the habit of trying to make a profit on the transaction. If men who are poor but honest are likely to want to make a profit, how can we expect the worse sort to refrain, when they are already out of pocket?

*Politics* 2.11

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Aristotle had some practical advice on how to keep watch on "magistrates." The detection and prosecution of corruption in government are not modern inventions, no matter how continually surprised politicians may appear to be when these issues are brought to light:

The most important rule of all, in all types of constitutions, is that provision should be made – not only by law, but also by the general

system of economy – to prevent the magistrates from being able to use their offices for their own gain ... what really annoys [the masses] is to think that those who have the enjoyment of office are embezzling public funds ... To prevent the embezzling of public funds, the outgoing officers should hand over such funds in the presence of the whole civic body; and inventories of them should be deposited with each clan, ward or tribe. To ensure that no profit should be made by any magistrate [by bribes, etc.], the law should provide for the award of honors to those who earn a good reputation.

*Politics 5.8*

Aristotle was not only concerned with pecuniary behavior, but with a broader honesty as well. Contemporary America certainly has seen the aptness of this observation:

We may lay down the rule that a confidence should never be placed in devices intended to hoodwink the masses. They are always exploded in actual experience.

*Politics 5.8*

He had some blunt words for those who felt the wealthy were not subject to corruption,

The actual downfall of aristocracies, and also of polities, is chiefly due to some deviation from justice in the constitution itself ... with men of considerable means, when the constitution gives them a position of superiority, they are apt to fall into arrogance and to covet even more.

*Politics 5.7*

*Writing to Edmund Pendleton, August 26, 1776, Jefferson acerbically stated his opinion of the wealthy:*

*“My observations do not enable me to say I think integrity the characteristic of wealth. In general I believe the decisions of the people, in a body, will be more honest & more disinterested than those of the wealthy.”*

Aristotle had similar words to say, two thousand years before:

The better, and the more equitable, the mixture in a polity, the more durable it will be. It is here that an error is often made by those who desire to establish aristocratic constitutions. They not only give more power to the well-to-do, but they also deceive the people [by giving them sham rights]. Illusory benefits must always produce real evils in the long run; and encroachments made by the rich are more destructive to a constitution than those made by the people.

*Politics 4.12*

*Jefferson expressed his disapproval of disproportionately large representation of propertied persons:*

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*“One half of our brethren who fight and pay taxes, are excluded, like Helots, from the rights of representation, as if society were instituted for the soil, and not for the men inhabiting it; or one half of these could dispose of the rights and the will of the other half, without their consent.”*

*From a letter to Samuel Kercheval, 1816. Jefferson is addressing his remarks to the Virginia state constitution extant at that time.*

*Madison's opinions regarding the right of suffrage changed over his lifetime. Looking back to the Federal Convention he took time to write out his "more full & matured view." Originally, he had stated that "the freeholders of the Country would be the safest depository of Republican liberty":*

*“Under every view of the subject, it seems indispensable that the Mass of Citizens should not be without a voice, in making the laws which they are to obey, & in chusing the Magistrates, who are to administer them, and if the only alternative be between an equal & universal right of suffrage for each branch of the Government and a confinement of the entire right to a part of the Citizens, it is better that those having the greater interest at stake namely that of property & persons both, should be deprived of half their share in the Government; than, that those having the lesser interest, that of personal rights only, should be deprived of the whole.”*

*Note to a Speech on the Right of Suffrage, ca. 1821, in reference to the debate of August 7, 1787.*

Speaking realistically of one further aspect of human nature, Aristotle addressed not only the internal government of a state but also relations between states:

*Doctors and pilots are never expected to use coercion or cajolery in handling their patients or crews. But when it comes to politics most people appear to believe that mastery is the true statesmanship; and men are not ashamed of behaving to others in ways which they would refuse to acknowledge as just, or even expedient, among themselves. For their own affairs, and among themselves, they want an authority based on justice; but when other men are in question, their interest in justice stops.*

*Politics 7.2*

**The Unfit Ruler Of A Free People** Aristotle was as adamant in his opposition to tyranny as any of the Founders, if more subdued and analytical. He considered the advantages of a government headed by a single person but understood just how delicately that was balanced. He argued that if there was, indeed, one person "of outstanding eminence in goodness," one person standing out from all the rest, then the only alternative would be for "all others to pay a willing obedience to [that person]. Such men will accordingly be the permanent kings in their states" (Politics 3.13). But the king was not without his own imperatives; he must carry out his role of protecting the people from injustice:

It is the aim of a king to be in the position of a guardian of society, protecting the owners of property from unjust treatment, and saving the bulk of the people from arrogance or oppression.  
Politics 5.10

Aristotle went on to leave no doubt as to the moral standards a king must meet, painting a picture of a philosopher as well as a statesman. With such standards to meet, how often could there be a legitimate monarchy?

A king must have two attributes -- he must be sufficient to himself, and he must excel his subjects in every quality [material and moral]. If he has these attributes, he needs nothing further; and therefore he will not seek to compass his own advantage, but will only look to that of his subjects.  
Ethics 8.10, transl. Barker

Something very important comes from this consideration of Kingship: if a Kingship were to be ideal, then a Tyranny, being the corruption of this ideal, would be the worst form of government. Aristotle anticipated the justification of the right to revolt against properly ordained temporal authority that was no longer acting in the good of the people. Here is the combination of, on one hand, the claim of dictators and absolute rulers that they are in some way better than all others and thus properly rulers, and on the other hand, the unyielding criteria against which such a claim must be measured.

Tyranny is the very opposite of kingship of the true sort; the tyrant pursues only his own good.  
Ethics 8.10, transl. Barker

Kings cease to be kings when their subjects cease to be willing subjects, though tyrants can continue to be tyrants whether their subjects are willing or no.  
Politics 5.10

*The Declaration of Independence expresses much the same thoughts:*

*"The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states ...*

*In every stage of these oppressions, we have petitioned for redress, in the most humble terms; our repeated petitions have been answered only by repeated injury.*

*A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people."*

Aristotle refused to grant the right of determining what is in the interest of the citizenry to the errant and subjective judgment of only one individual. Whether it was city-state or modern nation, a petty tyrant supported by hired goons or a megalomaniacal dictator surrounded by jack-booted sycophants, Aristotle was not willing to yield to the dictum that "might makes right."

He continues in a more censorious mood and in words which remind us that human nature has not changed, nor has the nature of the just and unjust,

Kings are maintained and secured by their friends; tyrants, going on the principle "All men want my overthrow, but my friends have the most power to effect it," distrust them above all others ... Democracies are fond of demagogues, who may be called the courtiers of democracies, and tyrants like obsequious associates -- which it is the business of courtiers to be. Tyranny is thus a system which chooses bad men for its friends. Tyrants love to be flattered, and nobody with the soul of a freeman can ever stoop to that; a good man may be a friend, but at any rate he will not be a flatterer ... It is the habit of tyrants never to like a man with a spirit of dignity and independence. The tyrant claims a monopoly of such qualities for himself; he feels that anybody who asserts a rival dignity, or acts with independence, is trenching on his prerogative and the majesty of his sovereign power.

*Politics 5.11*

He then catalogues the techniques by which tyrannies are maintained in power, sadly accurate for our century as well as those past,

Their first end and aim is to break the spirit of their subjects. They know that a poor-spirited man will never plot against anybody. Their second aim is to breed mutual distrust. Tyranny is never overthrown until men can begin to trust one another; and this is the reason why tyrants are always at the outs with the good. They feel that good men are doubly dangerous to their authority - dangerous, first, in thinking it shame to be governed as if they were slaves; dangerous, again, in their spirit of mutual and general loyalty, and in their refusal to betray one another or anybody else. The third and last aim of tyrants is to make their subjects incapable of action. Nobody attempts the impossible. Nobody, therefore, will attempt the overthrow of a tyranny, when all are incapable of action.

*Politics 5.11*

*Jefferson's long tenure in Europe, from 1784 to 1790, gave him intimate and first-hand experience of monarchies, aristocracies, and state religions. He had always objected to authoritarian governments; now, he knew them on their own grounds:*

*"If anybody thinks that kings, nobles, or priests are good conservators of the public happiness send them here [to Europe]. It is the best school in the universe to cure them of that folly ..."*

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*"Preach, my dear Sir, a crusade against ignorance; establish and improve the law for educating the common people. Let our countrymen know that the people alone can protect us against these evils, and that the tax which will be paid for this purpose is not more than the thousandth part of what will be paid to kings, priests & nobles who will rise up among us if we leave the people in ignorance."*  
*From a letter to George Wythe, 1786.*

**Democracy And Polity** The 6000 person Assembly, the large jury-courts, rotation of office, and so on, existed in Athens from 508 B.C.E. until just after Aristotle's death. In 322 B.C.E., Macedonian military power under Philip defeated an Athens dissipated by imperialistic wars, and Athenian democracy vanished. The term, democracy, seems to have come into use in the 420s. The events the century and a quarter of popular rule, no doubt intimately familiar to Aristotle, provided several examples of the failings of broad-based government, as well examples of the dangers of concentration of power. Three events directly involved Socrates. In the first, Socrates was one of the chief magistrates, a rotating office, when Athens won a sea battle against Sparta at Arginusae in 406, but at great cost. In the course of the battle the Athenians lost many ships, and the generals, *strategoï*, ordered to pick up survivors failed to do so in the face of a storm. Several thousand men were lost, and sentiment was so strong against the *strategoï* that the Assembly voted to execute all of them. Socrates was among those who protested that it was outside the law (unconstitutional) to try these men collectively, but the outrage of the Assembly overrode such legalities and the six *strategoï* who had returned to Athens were executed. It was clear to all that a radical democracy could exercise its power without regard to constitutional limitations. The second event involving Socrates occurred in 404, when a group of aristocrats took over the government of Athens for about a year, forming an oligarchy called The Thirty. They quickly moved to consolidate power by installing a garrison of 700 soldiers from Sparta. Their reign was characterized by terror directed at their political and personal enemies. They restricted political rights to 3000 citizens of the wealthy families, and declared that anyone else was subject to summary execution. Socrates had remained in Athens and defied the orders of the oligarchy to arrest a citizen. The Thirty soon fell out with each other, and Athenians who had fled formed a force to regain power. In spite of the bloody rule of the oligarchy, a policy of reconciliation was adopted, and the radical democracy was slowly restored. The third event involving Socrates was his shameful execution in 399. While there might have been opportunities for Socrates to escape the death penalty, he refused to exercise any of them. Whatever the extent to which he might have brought such great antipathy upon himself (one of his students, Alcibiades, had proved to be a traitor to Athens), the judicial murder of the great philosopher remained a stain on democratic government.

A final example of radical democracy gone awry was the treatment of the citizens of the city of Mytilene, on the island of Lesbos. This city had revolted against Athenian rule in 428, and absent promised Spartan help, the city was forced to surrender in 427. At the time the Assembly was unofficially led by Cleon, whose policy of imperialism was supported by his brutality toward the enemies of Athens. Cleon insisted on the death of the male inhabitants of Mytilene and the Assembly authorized this terrorist action. Fortunately, the next day sense had returned and the resolution was revoked. After a career of ups and downs, Cleon died fleeing from the Spartans in 422, in a military action he had initiated. The action towards Mytilene shows the goods and bads of direct democracy. The Assembly was manipulated, but it did recover and correct its mistake.

*In his first inaugural address, 1801, Jefferson used wording very similar to Madison's, quoted in the first chapter of this book (from the [Federalist No. 51](#)). The reference could well be to Plato, who in the [Republic](#) and the [Statesman](#), discusses the qualities of the ideal state and the ideal ruler:*

*"Sometimes it is said that man cannot be trusted with the government of himself. Can he, then, be trusted with the government of others? Or have we found angels in the forms of kings to govern him?"*

*The Federalist No. 10 is one of the cornerstones of the arguments in favor of a republic. Madison speaks at length of the dangers of factions and the advantages of a large population in preserving the stability of a government of republican form:*

*"When a majority is included in a faction, the form of popular government ... enables it to sacrifice to its ruling passion or interest both the public good and the rights of other citizens. To secure the public good and private rights against the danger of such a faction, and at the same time preserve the spirit and the form of popular government, is then the great object to which our inquiries are directed."*

In the Politics, the two words, democracy and polity, are used with an unfortunate degree of inconsistency. Difficulties of translation add to the problem of clear understanding. This has left the impression that Aristotle was opposed to democracy. But we in our time also use democracy in an inconsistent fashion. Our government is of a republican form, in spite of all the references to it as a democracy. Democracy, in the sense of all citizens voting on all issues without any mediation by representation, is not found in practice in America on any but the smallest scale.

Indeed, Aristotle said, "The *polity* may be described, in general terms, as a mixture of [democratic and oligarchical] constitutions; but in common usage it is confined to those mixtures which incline to democracy, and those which incline more to oligarchy are called aristocracies" (Politics 4.8). Our American government is also mixed, with varying levels of direct popular participation in the election of officials as well as in voting on legislative issues. And not very long ago property, race, and sex requirements lawfully determined who could vote and hold office.

Aristotle classified governments as being of the One, the Few, or the Many. The first, his preferred system, was a Kingship when it was a good government and a Tyranny when the ruler forsook the interest of the ruled for his own. That of the Few was an Aristocracy when it was just and an Oligarchy when unjust. That of the Many was a Polity in its best form and a Democracy in its worst (Politics 3.7).

This classification of government into three types was not original on Aristotle's part. A century before, Herodotus had laid this out similarly in what may be the earliest example of political theory recorded. In an exchange of opinions put in the form of a discussion one would expect among Greeks, Herodotus reports Persian rulers comparing the three forms of government. Megabyzus has the last word, saying:

*I hold monarchy to be preferred by far There is no better ruler than the best of men ... In oligarchies bitter private enmities arise from the desire to serve the common interest ... From enmity they pass to factions, and from factions to bloodshed ... When the populace rules, there is certain to be corruptness ...*  
*Histories, 3.80ff*

Aristotle used the word "polity" to try to resolve some of the confusion regarding the classification of governments. His use of polity, however, seems to vary from time to time and the reader is advised to try to keep track of the particular context.

*When the masses govern the state with a view to the common interest, the name used for this species is the generic name common to all constitutions - the name of "Polity." ... Democracy is directed to the interest of the poorer classes. None of the three*

[Tyranny, Oligarchy and Democracy] is directed to the advantage of the whole body of citizens.

*Politics* 3.7

*Madison saw a weakness in a republic. Those citizens at the bottom of the economic ladder, who would, he thought, ultimately constitute a majority, might institute "a tyranny of the majority":*

*“The essence of Government is power; and power, lodged as it must be in human hands, will ever be liable to abuse. In monarchies, the interests and happiness of all may be sacrificed to the caprice and passions of a despot. In aristocracies, the rights and welfare of the many may be sacrificed to the pride and cupidity of the few. In republics, the great danger is, that the majority may not sufficiently respect the rights of the minority.”*

*During the Virginia Constitutional Convention, 1829.*

*John Adams, second President, was fully in favor of America as an independent nation, but uneasy with a republic with such a wide right of suffrage. Adams was concerned to make clear what he considered to be his objectivity:*

*“The fundamental article of my political creed is, that despotism, or unlimited sovereignty, is the same in a majority of a popular assembly, an aristocratical council, an oligarchical junto, and a single emperor. Equally arbitrary, cruel, bloody, and in every respect diabolical.”*

*From a letter to Jefferson, 1815.*

We have no theoretical discussions of democracy from ancient Athens, nor of the practice of choice by lots or of the basis for this seemingly casual combination of direct and representative democracy. Perhaps whatever documents existed are lost, or maybe Athenians gave little thought to theory and their practices just evolved to fit circumstances. That is not to say it was happenstance, for Athens stubbornly and proudly defended its democracy. Their various councils were representative, probably for practical reasons rather than from principle – forty-five or fifty thousand citizens at an Assembly would not have been practicable, to say the least. Yet despite seeming unwieldy and cumbersome, the large assemblies of citizens (roughly six thousand persons) were the ultimate powers during the periods of extreme democracy. Aristotle omitted a full discussion of the possibilities of a representative democracy, commenting briefly:

It is also in the interest of a democracy that the parts of the state should be represented in the deliberative body by an equal number of members, either elected for the purpose or appointed by use of lots.

*Politics* 4.14

*In the Federalist No. 52, Madison made some historical comments regarding representative governments:*

*“The scheme of representation as a substitute for a meeting of the citizens in person being at most imperfectly known to ancient polity, it is in more modern times only that we are to expect instructive examples.”*

Aristotle's main concern with democratic governments, specifically where the sovereignty of the people dominates the laws, was founded on instances well known to him, when the people had been led to bad decisions by demagogues. Such was the shameful destruction of Melos in 416 B.C.E. This island, a colony of Sparta, had been conquered as part of Athens' imperial expansion. The men were

executed; the women and children sold into slavery. This tragic event was not forgotten, not by its contemporaries and not even in the millennia that have followed. Another event was the execution of the Athenian generals (*strategoí*) after the loss of thousands of lives to the Spartans in a naval battle in 406 B.C.E.. The vote of the assembly on the collective guilt of all the generals was out-and-out unconstitutional; custom called for a court trial to be conducted. And of course, history has memorialized the prosecution and execution of Socrates in 399 B.C.E. In fact, political trials in Athens were fairly frequent; the trial of Socrates was not such an unusual event.

*Elbridge Gerry, of Massachusetts, appears as an irascible figure in the debates of the Federal Convention. Substantive debate began on May 29, 1787, and on May 31, Madison reports Gerry as saying:*

*“The evils we experience flow from the excess of democracy. The people do not want virtue, but are the dupes of pretended patriots ... Mr Gerry did not like election [of the Legislature directly by the people] ... He had no objection however to an election by the people if it were so qualified that men of honor & character might not be unwilling to be joined in the appointments. He seemed to think the people might nominate a certain number out of which the State legislatures should be bound to choose.”*

*Madison, Notes*

*John Adams had stated his consistently held philosophy of government ten years before. Here he addresses the issue of how a representative assembly should be constituted. Of course, his idea of sameness included only those limited persons permitted the vote.*

*“The principal difficulty lies, and the greatest care should be employed, in constituting this representative assembly. It should be in miniature an exact portrait of the people at large. It should think, feel, reason, and act like them.”*  
*Thoughts on Government, c. 1776.*

Aristotle did not give up hope or endorse the alternative of tyranny in any of its forms. He classified the various forms of democracy; traditional eighteenth-century thought was a replay of Aristotle's reservations about rule by the majority:

The first variety of democracy is the variety which is said to follow the principle of equality closest. In this variety the law declares equality to mean that the poor are to count no more than the rich: neither is to be sovereign, and both are to be on a level. If we hold, as some thinkers do, that liberty and equality are chiefly to be found in a democracy, it will be along these lines – with all sharing alike, as far as possible, in constitutional rights – that they will most likely be found. A constitution of this order is bound to be a democracy; for the [poorer] people are the majority [of necessity] and the will of the majority is sovereign.

A second variety of democracy is that in which offices are assigned on the basis of a property qualification [a timocracy], but the qualification is low; those who attain it have to be admitted to a share in office, and those who lose it are excluded.

A third variety is one in which every citizen of unimpeachable descent can share in office, but law is the final sovereign. A fourth variety is one in which every person provided only that he is a citizen, can share in office, but law is still the final sovereign. A fifth

variety of democracy is like the fourth in admitting to office every person who has the status of citizen; but here the people, and not the law, is the final sovereign.

Politics 4.4

This diagnosis was shared by Madison, Hamilton, and many other of the Federalists. The fear of demagoguery and tyranny is certainly not a vision restricted to a distant past:

This is what happens when popular decrees are sovereign instead of the law; and that is the result which is brought about by leaders of the demagogue type. In democracies which obey the laws there are no demagogues; it is the better class of citizens who preside over affairs. Demagogues arise in states where the laws are not sovereign. The people then becomes an autocrat – a single composite autocrat made up of many members, with the many playing the sovereign, not as individuals, but collectively.

... It is popular leaders who, by referring all issues to the decision of the people, are responsible for substituting the sovereignty of decrees for that of the laws. Once the people are sovereign in all matters, [the popular leaders] are sovereign themselves over their decisions; the multitude follows their guidance; and this is the source of their great position.

... Where the laws are not sovereign there is no constitution ... Democracy may be a form of constitution; but this particular system, under which everything is managed by decrees, is not even a democracy, in any real sense of the word.

Politics 4.4

*In 1816, Jefferson made a clear statement of faith in republican government:*

*“I believe ... that morality, compassion, generosity, are innate elements of the human constitution; that there exists a right independent of force; that a right to property is founded in our natural wants, in the means with which we are endowed to satisfy these wants, and the rights to what we acquire by those means without violating the similar rights of other sensible beings;*

*that no one has a right to obstruct another, exercising his faculties innocently for the relief of sensibilities made a part of his nature;*

*that justice is the fundamental law of society; that the majority, oppressing an individual, is guilty of a crime, abuses its strength, and by acting on the law of the strongest breaks up the foundations of society;*

*that actions by the citizens in person, in affairs within their reach and competence, and in all others by representatives, chosen immediately, and removable by themselves, constitutes the essence of a republic;*

*that all governments are more or less republican in proportion as this principle enters more or less into their composition; and that a government by representation is capable of extension over a greater surface of country than one of any other form.”*

*To P.S. Dupont de Nemours, 1816.*

If democracies were so vulnerable to demagogic control, how could this be

prevented? One way is by forestalling the accumulation of power by individuals:

In any state where the members of the governing class are numerous ... it will be expedient to restrict the tenure of office to a period of six months, and thus enable all who belong to the class of 'peers' to enjoy their turn ... Officers with a short tenure can hardly do as much harm as those who have a long tenure; and it is long possession of office which leads to the rise of tyrannies in oligarchies and democracies.

*Politics* 5.8

*During Jefferson's European duties, he and Madison stayed in touch on the subject of the proposed constitution. In this letter, Jefferson lays out some of his objections; his concern over rotation in office is almost identical to Aristotle's:*

*“[A feature which] I dislike, and greatly dislike, is the abandonment in every instance of the necessity of rotation in office, and most particularly in the case of the President. Experience concurs with reason in concluding that the first magistrate will always be re-elected if the Constitution permits it. He is then an officer for life.”*

*From a letter to Madison, December 20, 1787.*

*The Federal Convention saw considerable debate over the term of office of the Senate. On June 26, 1787, the term of six years found agreement. Roger Sherman of Connecticut found this acceptable, but voiced his concern regarding the possible dangers of long terms:*

*“Government is instituted for those who live under it. It ought therefore to be so constituted as not to be dangerous to their liberties. The more permanency it has the worse if it be a bad Government. Frequent elections are necessary to preserve the good behavior of rulers.”*

*Madison, Notes*

Aristotle was a consistent proponent of moderation and disapproved of unfettered behavior. He was concerned that in a democracy, liberty would be confused for license:

The democrat starts by assuming that justice consists in equality; he proceeds to identify equality with the sovereignty of the will of the masses; he ends with the view that liberty and equality consist in doing what one likes. The result of such a view is that, in these extreme democracies, each man lives as he likes - or, as Euripides says, 'For any end he chances to desire.' This is a mean conception of liberty. To live by the rule of a constitution ought not to be regarded as slavery, but rather as salvation.

*Politics* 5.9

*In the Federalist No. 10, Madison contrasted democracies and republics. He provided his reasons for preferring the latter over the former and discussed the ways in which diversity contributed to the strength of a large republic:*

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*“A pure democracy, by which I mean a society consisting of a small number of citizens, who assemble and administer the government in person, can admit of no cure for the mischiefs of faction ...”*

*“Theoretic politicians, who have patronized this species of government, have erroneously supposed that by reducing mankind to a perfect equality in their*

*political rights, they would at the same time be perfectly equalized and assimilated in their possessions, their opinions, and their passions."*

Aristotle's ultimate position was that a mixed form of government, a "polity," would be best. It would be made up of democratic and oligarchic elements, but now the onus has been removed from those terms, and the mixed form amounts to a broad-based oligarchy. The oligarchic content would be the inclusion of persons from the wealthier classes who would have the proper training and education to attend to the more difficult issues of statesmanship, and who also be sufficiently well off that they would not be tempted to make money from their positions. The democratic would be the mass of the people, participating in the government of the state, but the law would remain sovereign.

A properly mixed polity should look as if it contained both democratic and oligarchical elements - and as if it contained neither. It should owe its stability to its own intrinsic strength, and not to external support; and its intrinsic strength should be derived from the fact, not that a majority are in favor of its continuance (that might be the case even with a poor constitution), but rather that there is no single section in all the state which would favor a change to a different constitution.

*Politics* 4.9

Strongly reminiscent of Solon, it is also modern in its attempt to achieve a consensus without overly rewarding any particular constituency. Of course, we did fight a civil war when majority and minority differed over the nature of the constitution as well as over economic issues; this violence, no doubt, would have drawn another sigh from Aristotle. In words that may remind us of Lincoln, Aristotle had voiced his opinion of the need for pulling together in spirit:

If a constitution is to survive, all the elements of the state must join in willing its existence and its continuance.

*Politics* 2.9

**Factions – Danger To Society** If the concerns for safety and a good quality of life are the centripetal forces drawing people together into political associations, factions are the centrifugal forces pulling them apart. The history of Athens and Greece records no end of instances of factious disputes. Book 5 of the Politics recounts one episode after another, and democracies, oligarchies and aristocracies are catalogued in their failings. Athens itself had been the scene of two periods of oligarchic rule, in 411 and 404 B.C. These were relatively recent events for Aristotle who had come to Athens in 367, and he must have heard first-hand accounts of those unhappy days. Aristotle sought to identify the origins of faction and its extreme consequence, revolution. Faction divided the state:

There are some who stir up sedition because their minds are filled by a passion for equality, which arises from their thinking that they have the worst of the bargain in spite of being the equals of those who have got the advantage. There are others who do it because their minds are filled with a passion of inequality, which arises from their conceiving that they get no advantage over others although they are really more than equal to others.

Politics 5.2

*Once again, Madison's Federalist No. 10 provides his thoughts regarding the dangers to self-government:*

*“By faction I understand a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community”.*

*“The most common and durable source of factions has been the various and unequal distribution of property. Those who hold and those who are without property have ever formed distinct interests in society.”*

At times, it seems that Aristotle could well have been in Philadelphia in 1776,

Factionous disputes and struggles readily arise between the masses and the rich; and no matter which side may win the day, it refuses to establish a constitution based on the common interest and the principle of equality, but, preferring to exact as the prize of victory a greater share of constitutional rights, it institutes, according to its principles, a democracy or an oligarchy.

Politics 4.11

Aristotle seemed to grope unsurely for a solution to this problem, and summoned friendship as a bonding force that might obviate the necessity for justice:

Friendship appears to be the bond of a state; and lawgivers seem to set more store by it than they do by justice, for to promote concord, which seems akin to friendship, is their chief end, while faction, which is enmity, is what they are most anxious to banish. And if men are friends, there is no need of justice between them; whereas merely to be just is not enough – a feeling of friendship is also necessary.

Ethics 8.1

A philosopher dealing with the ideal, he remained the acute observer of the political process, which is particularly clear in Books 5 and 6 of the Politics:

To know the causes which destroy constitutions is also to know the causes which ensure their preservation.

Ordinary men cannot see the beginning of troubles ahead; it requires the genuine statesman.

*Politics 5.8*

He proceeded to make a number of observations on preserving the state, which show the intermediate position of the Greek city-state between village and nation, clan and commonwealth. Some of these remarks are as applicable today as they were in Aristotle's time. Some describe an intrusive government which appears to be involved with the details of citizen's personal lives. All are worth consideration for what they have to say about human nature:

In constitutions where the elements are well mixed [i.e., in polities] there is one thing as vitally important as any – to keep a look-out against lawlessness, and, more particularly, to be on guard against any of its petty forms. Lawlessness, when it takes such forms, may creep in unperceived.

A confidence should never be placed in devices intended to hoodwink the masses. They are always exploded in actual experience.

Some states owe their stability not so much to the solidity of their constitutional systems, as to the good relations in which their officers stand alike with the unenfranchised and the members of the civic body.

When danger is imminent, men are alarmed, and they therefore keep a firmer grip on their constitution. All who are concerned for the constitution should therefore foster alarms ... They must make the remote come near.

An endeavor should be made, by legislation as well as by personal action, to guard against quarrels and seditions among the notables; and watch should also be kept in advance on those who are not yet involved, before they too have caught the spirit of rivalry.

No person should be advanced by the state out of all proportion to others. It is a better policy to award small honors over a period of time than to give great honors rapidly ... It is also a good policy to aim at providing, by means of appropriate legislation, against the risk of a man gaining a position of superiority by the strength of his wealth and connections. Failing that, men who gain such a position should be removed from it by being sent out of the country.

Men tend to become revolutionaries from circumstances connected with their private lives [as well as from causes connected with public life]. This suggests that a magistracy should be instituted to supervise those who live in a way out of harmony with the established constitution.

In democracies, the rich should be spared ... In oligarchies, on the other hand, a good deal of attention should be paid to the poor.

*Politics 5.8*

*Madison frequently addressed the counter-themes of stability and factionalism,*

as in this passage from the *Federalist No. 10*:

*“Among the numerous advantages promised by a well-constructed Union, none deserves to be more accurately developed than its tendency to break and control the violence of faction ...”*

*“The instability, injustice and confusion introduced into the public councils have, in truth, been the mortal diseases under which popular governments have everywhere perished, as they continue to be the favorite and fruitful topics from which the adversaries of liberty derive their most specious declamations.”*

**The Social Classes In A Democracy** Aristotle held a low opinion of all those who actually had to work in order to make a living; he distanced himself from the common folk. These people just wouldn't have had the time to participate in political activity, and accordingly could not contribute to the overall benefit of the political association:

... none of the occupations followed by a populace which consists of mechanics, shopkeepers and day laborers, leaves any room for excellence.

*Politics* 6.4

He clarified this by saying,

The citizens of our state must have a supply of property [in order to have the leisure for goodness and political activities]; and it is these persons who are citizens - they, and only they. The class of mechanics has no share in the state; nor has any other class which is not a "producer of goodness."

*Politics* 7.9

In what may be the only humorous statement in the *Politics*, he said,

The first and best kind of populace [in a democracy] is one of farmers; and there is thus no difficulty in constructing a democracy where the bulk of the people live by arable or pastoral farming. Such people, not having any great amount of property, are busily occupied; and thus they have no time for attending the assembly.

*Politics* 6.4

He held his class consciousness as firmly as his low regard for women and his high regard for the Greek civilization. Prejudice or not, a note of experience comes through in what he had to say regarding "the masses," continuing the above quotation:

... they find more pleasure in their work than they do in politics and government – unless there are large pickings to be got from having a finger in government.

He immediately followed this with an intriguing statement, touching on social mobility as well as on the patience of the poor:

The masses covet profits more than they covet honors; witness the patience with which they bore the old-time tyrannies, and still continue to tolerate oligarchies if only they are allowed to get on with their work and are not robbed of their earnings. Give them the chance and they soon make their way – either up into riches, or, at any rate, out of poverty.

He was opposed to the practice of paying citizens to attend the Assembly and the courts, although historical research has shown that the amounts provided were insufficient to provide anyone with even a subsistence living:

A populace provided with [state-payment for attendance] may indeed be said to have more leisure than any other section. They are not hindered in any way by the duty of attending private affairs; the well-to-do are, with the result that they often absent themselves from the assembly and the courts. Under these conditions the mass of the poor become the sovereign power in the constitution,

instead of the laws.

Politics 4.7

Regardless of his contemptuously expressed view of the poorer classes, he understood that the continued existence of a polity could be threatened by ignoring their needs and permitting demagogues to mobilize them. He suggested a modern sort of welfare measure to help them (it already had been the practice of many Greek city-states to establish their poor in conquered land as colonies or cleruchies, thus relieving political pressure at home as well as providing people a new start abroad):

It is [the habit of demagogues nowadays] to distribute any surplus among the people; and the people, in the act of taking, ask for the same again. To help the poor in this way is to fill a leaky jar. Yet it is the duty of the genuine democrat to see to it that the masses are not excessively poor. Poverty is the cause of the defects of democracy. That is the reason why measures should be taken to ensure a permanent level of prosperity. This is in the interest of all classes, including the prosperous themselves; and therefore the proper policy is to accumulate any surplus revenue in a fund, and then to distribute this fund in block grants to the poor. The ideal method of distribution, if a sufficient fund can be accumulated, is to make such grants sufficient for the purchase of a plot of land: failing that, they should be large enough to start men in commerce or agriculture.

Politics 6.5

Moderation – in wealth, consumption, emotion, and so on – was foremost in Aristotle's philosophy. He looked for an achievement of the ends of the political association not through coercion, but through cooperation. He spoke of friendship in his small *polis* as we might speak of a sense of political unity today, saying, "friendship appears to be the bond of a state" (Ethics 8.1). The ends of the *polis* went beyond the mere social bonding of friends; somehow, there had to be a broad-based consensus. He found that basis in the existence of the middle class, no surprise from this philosopher who always advocated the mean:

In all states there may be distinguished three parts, or classes, of the citizen body - the very rich, the very poor, and the middle class which forms the mean ... We may therefore conclude that in the ownership of all gifts of fortune a middle condition will be best. Men who are in the condition are the most ready to listen to reason. Those not belong to either extreme - the over-handsome, the over-strong, the over-noble, the over-wealthy; or at the opposite end the over-poor, the over-weak, the utterly ignoble - find it hard to follow the lead of reason ... It must also be added that those who enjoy too many advantages ... are both unwilling to obey and ignorant how to obey ... But there are also defects in those who suffer from the opposite extreme of a lack of advantages: they are far too mean and poor-spirited ...

We have thus, on the one hand, people who are ignorant how to rule and know only how to obey, as if they were so many slaves, and, on the other hand, people who are ignorant how to obey any sort of authority and only know how to rule as if they were masters of slaves. The result is a state, not of freemen, but only of slaves and masters; a state of envy on one side and contempt on the other. Nothing could be further removed from the spirit of friendship [sense of community] or the temper of a political community.

Community depends on friendship; and when there is enmity  
instead of friendship, men will not even share the same path.

*Politics 4.11*

*Jefferson never yielded his belief in a broadly based republic:'*

*“The true foundation of republican government is the equal right of every citizen, in his person and property, and in their management ... Let every man who fights or pays, exercise his just and equal right in their election.”*

*From a letter to Samuel Kercheval, concerning the revision of the Virginia state constitution, 1816.*

Aristotle saw a sound political community rising from equanimity, if not equality:

A state aims at being, as far as it can be, a society composed of equals and peers; and the middle class, more than any other, has this sort of composition. It follows that a state based on the middle class is bound to be the best constituted in respect of the elements of which, on our view, a state is naturally composed. The middle classes enjoy a greater security themselves than any other class. They do not, like the poor, covet the goods of others; nor do others covet their possessions, as the poor covet those of the rich. Neither plotting against others, nor plotting against themselves, they live in freedom from danger.

*Politics 4.11*

*Continuing, Jefferson took an opportunity to combine two recurrent themes: the people as the source of liberty, and strong central government as the source of its loss:*

*“I am not among those who fear the people. They, and not the rich, are our dependence for continued freedom. And to preserve their independence, we must not let our rulers load us with perpetual debt.”*

Aristotle may appear sentimental when speaking of friendship and community; but as a philosopher, he saw an essential merit in the uniformity and lack of conflict in the middle classes. He expected that size and diversity would lead to disintegration. Madison and many of his contemporaries were worried about a republican form of government in which the Executive and Legislature were elected directly or indirectly on the basis of population. They felt that such a government would result in a tyranny of the majority. In more direct words, they worried that the unpropertied class would take away the property of the wealthy.

It remains the challenge of our American republic to maintain its balance and not permit the concerns of Aristotle, as well as of some of the Founders, to prove themselves correct. This challenge is to maintain the vested interests of the broadest possible portion of our society in the success and justice of our nation, or run the risk of a nation where justice means little to most of society and where a good life is restricted to only a few.

**The Size Of The State** Aristotle was convinced that a state must be limited in size and population in order to be successful. He bases his belief on observation:

Experience shows us that it is difficult, if not indeed impossible, for a very populous state to secure a general habit of obedience to law. Observation tells us that none of the states which have a reputation for being well governed are without some limit of population.

*Politics 7.4*

His state was one where people knew one another, where kinship was important, and where there was a high degree of homogeneity in all things cultural. The Athenian direct democracy, with often six thousand in the Assembly, would have been impossible in a country of large extent. Order, the result of general obedience to law, appeared unlikely to be maintained if population or territory exceeded the modest limits imposed by his experience. Nevertheless, even though the Greek city-states were small, they tore themselves apart by factionalism and rash decisions; and this can also be said for later periods in history, such as that of the Italian city-states in the late Middle Ages.

Aristotle's ideal state was small because of the practical difficulties of assembling and communicating with the citizenry, and also because he saw custom (and language) varying widely even over relatively small distances. The ideal state of the Founders had less clear-cut size limitations, and as they discussed the issue of geographical extent, they touched on some interesting aspects of practical and theoretical politics:

*Madison, concerned with his fear of factionalism and tyranny of a majority, had this to say in the [Federalist No. 10](#):*

*"The smaller the society, the fewer probably will be the distinct parties and interests composing it; the fewer the distinct parties and interests, the more frequently will a majority be found in the same party; and the smaller the number of individuals composing a majority, and the smaller the compass within which they are placed, the more easily will they concert and execute their plans of oppression. Extend the sphere and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of the other citizens."*

*Madison's position seems to be much the way things have turned out. Local and state interests frequently are more important to the electorate than national issues; outside of presidential elections, few occasions create a national consensus substantial enough to threaten an "invasion of rights."*

*Jefferson, in a letter written the summer prior to his election to the Presidency, expressed his suspicion of power removed from public scrutiny. This demonstrates a view from a different perspective than Madison's, closer to that of Aristotle:*

*"Our country is too large to have all its affairs directed by a single government. Public servants at such a distance, & from under the eye of their constituents, must, from the circumstance of distance, be unable to administer & overlook all the details necessary for the good government of the citizens, and the same circumstance, by rendering detection impossible to their constituents, will invite the public agents to corruption, plunder & waste ..."*

*Jefferson's was more suspect of human nature than of size; after all, he did extend the nation through the Louisiana Purchase. His suspicions were confirmed in many of the western territories, but the times changed, and statehood, telegraph, newspaper, railroad, law and order brought light into the dark corners of corrupt government.*

*Madison returned to the issue of size in the Federalist No. 14, taking the opportunity to clarify the differences between democracies and republics:*

*“The error which limits republican government to a narrow district ... seems to owe its rise and prevalence chiefly to the confounding of a republic with a democracy, applying to the former reasonings drawn from the nature of the latter. The true distinction between these forms ... is, that in a democracy, the people meet and exercise the government in person; in a republic, they assemble and administer it by their representatives and agents. A democracy, consequently, will be confined to a small spot. A republic may be extended over a large region.”*

*August 13, 1800.*

Size, encompassing diversity and distributing power, has proved an advantage rather than a detriment to our republic. We are, however, still early in the electronic age, with its instantaneous communication and homogenization of culture, and size may yet hold surprises for us.

**Slavery** Aristotle was a proponent of the rightness of slavery, and Athens depended on the labor of slaves to provide its citizens the time to participate in its democratic government. Most of the slaves belonged to rich landowners or to the state. If the poorer class did find time to participate in government, they were enabled to do so through direct subsidies based on their attendance in court or assembly, although this dispensation depended on the nature of the government in power and appears never to have amounted to even a subsistence wage. Of course, slavery was an integral part of Colonial America's economy.

*On June 30, 1787, the Federal Convention debated the basis for representation in the Legislature. Madison quotes himself clarifying the position expressed by Ellsworth of Connecticut. Madison's words were unambiguous:*

*“... [Madison] contended that the States were divided into different interests not by their difference of size, but by other circumstances; the most material of which resulted partly from the climate, but principally from the effects of their having or not having slaves. The two causes concurred in forming the great division of interests in the U. States. It did not lie between the large & small States: It lay between Northern & Southern ...”*

*In July, debate continued on the basis for representation and considerable suspicion was expressed along sectional lines and also concerning the possibility of larger States dominating the smaller. Madison returned to his previous statement regarding the true basis for a differentiation of interest:*

*“He enumerated the objections against an equality of votes in the 2nd branch, notwithstanding the proportional representation in the first ... the perpetuity it would give to the preponderance of the Northern against the Southern Scale was a serious consideration. It seemed now to be pretty well understood that the real difference of interests lay, not between the large and small but between the N. & Southern States. The institution of slavery & its consequences formed the line of discrimination ...”*

*[Madison, Notes, July 14, 1787](#)*

Slavery had been a part of the warfare of ancient times and was viewed with a peculiar mixture of compassion and utter disregard of the humanity of others. In the Odyssey of Homer, there appear two closely placed, contrasting passages that illustrate these conflicting attitudes:

*So the famous singer sang his tale, but Odysseus melted, and from under his eyes the tears ran down, drenching his cheeks. As a woman weeps, lying over the body of her dear husband, who fell fighting for her city and people as he tried to beat off the pitiless day from city and children; she sees him dying and gasping for breath, and winding her body about him she cries high and shrill, while the men behind her, hitting her with their spear butts on the back and shoulders, force her up and lead her away into slavery, to have hard work and sorrow, and her cheeks are wracked with pitiful weeping.*

*8:521-530, transl. R.Lattimore 2000 <http://www.cassiodorus.com/>*

Scarcely into the next chapter, Odysseus relates,

*From Ilion the wind took me and drove me ashore at Ismaros by the Kikonians. I sacked their city and killed their people, and out of their city taking their wives and many possessions we shared them out, so none might go cheated of his proper portion.*

9.39-43

Aristotle spends six chapters of the first book of the Politics discussing various aspects of slavery – how to acquire slaves, manage them, and so on. At one point he makes the statement, remarkable from this philosopher who taught the importance of moderation,

As nature makes nothing purposeless or in vain, all animals must have been made by nature for the sake of men. It also follows that the art of war is in some sense a natural mode of acquisition. Hunting is a part of that art; and hunting ought to be practised – not only against wild animals, but also against human beings who are intended by nature to be ruled by others and refuse to obey that intention – because war of this order is naturally just.

Politics 1.8

In this passage, Aristotle appears cold and devoid of compassion. He is the Greek male, satisfied with the way things are and intolerant of the humanity of those different from himself. Slavery had been a feature of Near Eastern civilizations for millennia, but prior to the Greeks, slave economies had not existed. Democracy was an original invention of the Greeks, as was the rendering of slavery "absolute in form and dominant in extent"<sup>6</sup> and making it the essential basis for the economic and political strength of the city-states.

Slavery and related forms of chattel bondage remained a feature of European society for millennia, throughout the Middle Ages and into modern times. It was maintained by Europeans who preyed upon people of their own continent, and as well exchanged slaves with the Moslem world. The slave trade with Africa, one of the primary sources of this human commodity, depended upon that continent's native people preying upon their neighbors. And of course, Americans were engaged in the slave trade just as with any other commodity, a trade that supported a plantation-economy based upon slaves devoid of any right to their own persons or to the products of their own labor. Clear moral vision and great moral fortitude and compassion were required to abolish slavery, to admit its intrinsic injustice.

Yet, in the Politics, so satisfied with the natural superiority of the Greeks, lies a precious kernel: as we saw in the previous quotation, there were people who refused to be slaves, who had to be forcibly subdued. In two other passages Aristotle made clearer what he thought:

... we can see what is the nature of the slave and what is his capacity. We attain these definitions – first, that 'anybody who, by his nature is not his own man, but another's, is by his nature a slave'; secondly, that 'anybody who, being a man, is an article of property, is another's man'

...

Politics 1.4

A man is thus by nature a slave if he is capable of becoming the property of another, and if he participates in reason to the extent of apprehending it in another, though destitute of it himself.

Politics 1.5

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This is a biting attack on those who would set aside their reason and follow any path laid out for them. If you act as a slave, you are one. Give up your own responsibility for your own actions, forsake choice, and just do what you are told, and you are by nature a slave.

*Jefferson was independent of mind and prided himself on this. In a letter written on*

*March 13, 1789, to Francis Hopkinson, one of the signers of the Declaration of Independence, Jefferson explained his stand as an advocate of republicanism but one who shunned party politics:*

*“I am not a Federalist, because I never submitted the whole system of my opinions to the creed of any party of men whatever in religion, in philosophy, in politics, or in anything else where I was capable of thinking for myself. Such an addiction is the last degradation of a free and moral agent.”*

In another instance, discussing goodness, Aristotle says,

Felicity is a state of activity; and it is the actions of just and temperate men which are the fulfillment of a great part of goodness ... Goodness by itself is not enough: there must also be a capacity for being active in doing good.

*Politics* 7.3

There is no easy way out; merely following what one is told to do is not sufficient. The action of just and temperate people is required.

**Women** Aristotle was a strong proponent of what we might now refer to as an old-fashioned, patriarchal family. He advocated the concept that women were inferior to men; open-mindedness within his own society was not one of his virtues:

A man would be thought to be cowardly if his courage were only the same as that of a courageous woman; and conversely a woman would be thought to be forward if her modesty were no greater than that which becomes a good man. The function of a man in the household is different from that of the woman: it is the function of one to acquire, and of the other to keep and store.

*Politics 3.4*

His rule over his wife is like that of a statesman over fellow citizens; his rule over his children is like that of a monarch over subjects. The male is naturally fitter to command than the female, except where there is some departure from nature; and age and maturity are similarly fitter to command than youth and immaturity.

*Politics 1.12*

At times, Aristotle sounds like a man who had things the way he wanted them, and intended to keep them as such although he grudgingly admitted to some possibility for change.

It is true that [freeman and slave, male and female, grown man and child] possess in common the different parts of the soul; but they possess them in different ways. The slave is entirely without the faculty of deliberation; the female indeed possesses it, but in a form which remains inconclusive; and if children possess it, it is only in an immature form.

... We must consider the government [of the whole *polis*] before we proceed to deal with the training of children and women - at any rate if we hold that the goodness of children and women makes any difference to the goodness of the *polis*. And it must make a difference. Women are half of the free population: children grow up to be partners in the government of the state.

*Politics 1.13*

Looking down upon the intelligence of women was common to the Greek culture. Aristotle expressed his opinions in a rather detached fashion. Demosthenese, the great orator, contemporary of Aristotle, found a more succinct way of summarizing contemporary thought:

Mistresses we keep for pleasure, concubines for daily attendance upon our person, wives to bear us legitimate children and be our faithful housekeepers.

*Orations, transl. Kennedy*

In Greek political thought, the state was an association of free males who had sufficient time for participation in political affairs. This was custom and custom determined right and wrong, freedom and slavery. Western tradition fully accepted this and over two millennia would pass before the political rights of women achieved general recognition.

**Conclusion** The Greek *polis* was a face-to-face world of homogeneous culture, integrating society and state into one single structure. Well before the eighteenth century, the nation-states of Western society had made such uniformity a rare possibility, and the faults of such a monolithic structure, even as an exemplar, were recognized. Aristotle could speak of "self-sufficiency" as being a characteristic of an ideal political association, but the necessity of trade and alliances make self-sufficiency an anachronism. Yet those characteristics Aristotle insisted distinguished good governments from bad remain wholly applicable: good governments guarantee political rights and exist for the common benefit; they do not distinguish between the rulers and the ruled as being somehow intrinsically different.

Aristotle expected the political association of the State to be good and just in itself as well as making its citizens good and just. We expect government to provide a setting in which people can be good and just. On the whole, we have an uncertain view as to what moral attributes our government itself should express through its actions, and are even more uncertain about what moral behavior it should mandate for us, the people.

The realization that the system of economy is inextricably intertwined with the system of government came long after the ancient Greek city-states had vanished. The sole emphasis of citizenship on political participation has been replaced by something more complex and realistic. By the eighteenth century, it was natural to think of economic self-interest and ambition as complementing, and sometimes displacing, Aristotle's concept of participation in the governance of the state as basis for public recognition and reward.

Aristotle expected a citizen to take an active part in the functions of governing and judging, thereby distinguishing membership in the *polis* from citizenship, excluding those who may have wanted to participate but did not have the means. We see this direct expression of sovereignty to be unnecessary if not impossible, and we delegate the functions of government to elected officials who we consider -- with varying degrees of frustration and suspicion -- to be our representatives. We have, to a large extent, replaced participation in government with participation in the economy. Membership has merged with citizenship and to a large extent, the exercise of suffrage substitutes for actual participation in governance. We remain jealous of the franchise even if we infrequently exercise it. In the matter of qualifications for suffrage, America has seen a gradual extension of this right beyond almost any test for property, wealth, birth, etc. But the enormous bureaucracy, the wide-ranging power of regulatory authorities, the ready ability to maintain secrecy once the magical phrase "national security" has been invoked, the entrenched power of wealth and influence all make it difficult for any modern citizenry to maintain control over its own government, even when the vigor and will to do so exist.

The local nature of the Greek city-state, the absence of any real federations which gave a person citizenship in an association beyond the *polis* in which he resided, stands in profound contrast to our concept of nationhood. Our allegiance is to a far more complex political association than any Aristotle could have foreseen. Indeed, the concept of the modern state did not develop until nearly fifteen hundred years had passed.

The preponderant Greek view for determining what was right in the political association was that in distant times there had been rulers of great moral stature who had established custom, which had been agreed upon by the people at that time. This gave custom precedence over legislation. Custom is still important to

us although we dress it in other terms, such as precedent, common law or natural rights. Legislation is an active force in shaping our lives; its sheer volume and extent would no doubt be greeted with amazement or disbelief by the ancient Greeks.

The concept that sovereignty resides in the people, and a government's legitimacy depends on the consent of the governed, would be slowly developed but would not become concrete for another two thousand years. The sovereignty of the people was formulated during the Roman Republic, but the Republic never was what we would call a democracy and was replaced by Imperial Rome, where the sovereignty of the people became only a slogan. Similarly, the utility of a written constitution was not acknowledged by the Romans, although the necessity for committing the body of the law to writing was understood.

Within the Athenian framework, where custom was dominant, concern existed regarding specific rights but not for what we would term the broader issue of political rights, or put in different words, there was a concern for a catalog of liberties but not for the abstraction of liberty. The political association dealt in specifics; it was based on ancient agreement and not readily adaptable to change. If a government was sufficiently abusive, Greek political thought saw little choice but to overturn it through revolt and civil war. This threat of civil war and chaos "led to a desire to preserve the *status quo* which to us seems at times almost reactionary"<sup>7</sup>. The idea of it being possible for a people to shape its own political future in any way other than rectifying infringements of ancient or customary rights – this idea of "progress," lay two thousand years in the future. We have incorporated into the American political association the means for its orderly change through frequent elections, constitutional amendments, and judicial review. Our constitution is written, which at least provides a point of reference when opinions conflict. The concepts of political rights and liberties are written into both the Constitution and the Declaration of Independence, but these rights seldom seem to be free from attack of one sort or another.

The world, although not human nature, has changed a lot since Aristotle's time. New political and social problems present themselves in endless array. We are a nation built by immigration and assimilation, containing within itself potential and real contradictions as well as vibrant energy. The concept of national self-sufficiency is almost meaningless and we understand the inseparability of the system of economy from the system of politics. We contain within our social fabric countless different views of morality and of social responsibility. Everything is bigger: more people, more variety ... But human nature remains unchanged, not a whit different. The lust for power still exists, as does the desire for freedom; the confusion of the good citizen with the good person still exists, as does the determination to pursue happiness.

There are important differences between that far distant time and our own, yet the words of the Greek philosopher remain beacons of rationalism and humanism. The essence of Aristotle's thought is at the heart of our political freedoms, at the heart of our expectations of those blessings of liberty that we would secure to ourselves and our posterity, at the heart of our demands for fairness, honesty and equity. This is particularly apparent in our insistence that we have a government based on law, not on the arbitrary whims of rulers.

Aristotle vested sovereignty in the law, particularly in custom, not in the people, or so it might appear upon reading the Politics. But I have attempted to show that whatever he might have said in regard to this inflexible, tradition-bound view was balanced by his equally stubborn belief in the right, the duty, of individuals to lead morally and ethically good lives and to achieve excellence. While in his times this was determined within a framework where state and society were indistinguishable, his observations refuse to be antiquated.

Aristotle's writings contain troubling implications. The "common good" might overwhelm individuality. The rights of the individual could become subordinate to a corporate state, to a tyranny of the majority reaching into all aspects of the lives of citizens, to a tyranny of the few, based upon raw power, legitimated by unquestioning obedience. We have seen all varieties of that in our time, and have seen the price to be paid. We have seen the "rule of law" corrupted. The Nazi state co-opted the law and had cooperation of courts and legislature. Its people were betrayed not only by their corrupt leaders but by the people themselves who confused being good citizens with being good persons. If an individual defers to the State to determine what is right and good, that individual gives up his or her responsibility for moral decisions. That can only lead to disaster.

Slavery was an integral institution of the Greek city-state. Its recognition in law and custom reflected a division of people into those possessing humanity and those not, who accordingly merited brutalization. While this was part of our nation, we have come to see that slavery leads to the corruption of the state and prevents citizens from becoming morally good. Women were denied political rights in the Greek city-states, and only in this century have Western societies begun to fully incorporate women into political affairs.

Aristotle's world was undergoing a major political change: the Macedonian hegemony of Philip and later his son, Alexander, was in full sway; ever since around 340 Athens had seen Macedonian military power as a direct threat. Indeed, in the year of Aristotle's death, Athenian democracy ended as Antipater, one of Alexander's successors, defeated a weak, incomplete, Greek alliance at Krannon and subsequently restricted the Athenian franchise to the well-off and abolished its democratic form of government. Yet in the Politics there is no acknowledgment of what had happened or any foresight of what was to come. Aristotle's birthplace, the island of Stagira, was near Macedonia; he had been Alexander's tutor; but there is nothing except one passing remark about Philip in the Politics. Whatever the reasons for these omissions, the impression is Aristotle was out of touch with or deliberately ignoring the present. Perhaps the present was too burdened by emotion and controversy to be the subject for logic and calm discussion.

Aristotle was a philosopher; is the Politics merely moralizing? He was occupied by concepts of ideal behavior; should the Politics be read as describing an artificial state, a philosopher's invention? Aristotle did not become a ruler; is the Politics no more than editorializing? You will have to decide for yourself. My opinion is that Aristotle carefully collected and organized historical and contemporary information on Athens and other states, that he was in daily contact with the rulers and citizens of Athens and other cities, that he applied his broad-ranging genius to what he had learned of the real world and within a carefully constructed moral framework stated universal human truths. Perhaps he was more at home with the memories of a more congenial past than with the contentious present, but his observations are not dated or invalidated.

Aristotle lays out an inescapable arithmetic. The excellence of a citizen must be an excellence relative to a constitution and every person must be able to strive for his own excellence. Those constitutions which consider the common interest are right constitutions, otherwise not everyone would have the opportunity to achieve excellence. Laws under a wrong constitution are unjust since it is through the laws that the aims of the constitution are achieved, and no person can possibly attain excellence when forced either to follow unjust laws or to live in a state where the arbitrary word of the ruler takes the place of laws. Wrong constitutions may thus be justly resisted.

His philosophical method of categorization into two mutually exclusive classes, just

and unjust, good or bad, frequently seems naive and inadequate. Is it reasonable to say that "laws in accordance with right constitutions must necessarily be just"? Not if it is read literally.. Read it, though, in terms of a "right constitution" having the aims Aristotle laid out, of permitting the good citizen and the good person to be the same. Then it can be seen that these constitutions must permit perfecting, and laws under them can be modified to bring about equity. Wrong constitutions, however, will never be host to more than an occasional right law; they are hopeless since they do not permit perfecting.

From Aristotle's reasoning rises a challenge to the individual: merely obeying the orders of the legitimate government of the moment is not being a good person, but merely being a good citizen. If the underlying constitution is not just, if it is being perverted, if it is not in the common interest, then obedience to duly constituted authority is not in the interest of justice.

The good citizen and the good person may be the same only when the political association of the state is just. From this both the duty and the right of resistance arises. The reverse also applies: avoid or prevent contributing to the justness of the political association and you prohibit the merging of the good citizen and the good person.

From what Aristotle said, one can also see that obedience or loyalty to the rulers instead of the constitution is misguided. Obedience to an individual is in some situations a virtue but not in the daily world of the political association. Nazi Germany mandated allegiance to the person of the Fuehrer, and we know what that came to. From Aristotle to the Founders, one theme appears time and again – "in questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution."

I suggest to you a translation from that time far past, a rewording from present to future perfect tense so that what he wrote becomes directly applicable to our times: a right constitution has within it a structure permitting perfectibility, since it is already striving for the good of the citizenry; a wrong constitution, however, defeats perfecting as much as a building resting on a corrupt foundation resists repair.

The conclusions that follow from Aristotle's logic were long in appearing, not taking form until the struggles of the city-states of Northern Italy, and later in the bloody religious wars of the Reformation. That violence, though, had to be left behind. Not until America's independence were Aristotle's goals of moderation and stability successfully combined with political self-determination. Mixed with the acceptance of the ideas that government is instituted as a compact and that government's form may be altered without a collapse of society, the ultimate conclusions of the Philosopher are set forth in the Declaration of Independence:

We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed, that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish them, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall deem most likely to effect their safety and happiness.

Aristotle's world was static, where "progress" was not sought after; his political thought, however, remains brilliant and incisive. Even the darkness overspreading the West in the first millennium did not ultimately extinguish the humanism and reason that were intrinsically a part of Greek thought. The experience of the Greeks and the uncompromising logic of Aristotle became part of the foundation for the political development that began in the late Middle Ages and led to our own republic.

There was nothing easy or obvious about this long journey from Classical Greece to present times. Throughout the Middle Ages and in the English Constitutional Revolution of the seventeenth century, the pre-eminence of custom and the natural rights of rulers to rule were generally accepted. Yet all the while, the ideas so clearly and forcefully stated by Aristotle were being used to define and clarify the relation of the people to the state. These ideas had not disappeared; they were, it might be said, incubating. Had it not been for the Greek heritage, for the preservation of the works of their philosophers, dramatists, statesmen ... how long would it have taken to rediscover these ideas, prove their value, and confront, on such firm ground, the greed and rapaciousness of unbridled rulers?

The next chapter will treat of the rebirth of political freedom which had vanished in the disorder of barbarian invasions and the Western reaction, feudalism. Remarkably, the writings of Aristotle played a critically important role in this rebirth even though circumstances had greatly changed.

## References

1. J.W. Burgess, *The Reconciliation of Government with Liberty*, New York, 1915.
2. The irony of these two slogans, one for the violent French Revolution and one for the strife-torn Athenian city state, is perhaps illustrated well by Emily Dickinson:

I stepped from Plank to Plank  
A slow and cautious way  
The Stars above my Head I felt  
About my Feet the Sea.

I knew not but the next  
Would be my final inch—  
This gave me that precarious gait  
Some call Experience.

3. *Past & Present* #21, p. 5.
4. Athenian Constitution, Section VII, and R. Sealey, *A History of the Greek City States, 700-338 B.C.*, Univ. Calif. Press, 1976.
5. Anderson, *Passages from Antiquity to Feudalism*.
6. Anderson, *op.cit.*
7. McIlwain, *Constitutionalism, Ancient and Modern*,