I. Introduction: Fundamental Issues in Constitutional Design

A. When one thinks about constitutional design, there are a variety of considerations that have to be taken into account.

i. For example, if government is considered to be **a "means"** to an end, then it is important to know how different forms of government affect public policies and how those policies affect social and economic life.

- We have developed some basic properties of institutions using deduction methods so far in this course. (More of this is undertaken in the political economy of public policy course.)
- If government is "a means" rather than "an end," then it is useful both to know the properties of alternative "means" and also how alternative "ends" might be furthered by different institutional designs.

ii. If "good" or "just" or "democratic" government it taken to be **an "end"** in itself rather than a method for advancing the goals of the citizenry then understanding which governments are "good" or "just" or "democratic" is obviously important

- To the extent that governments differ in these qualities, it will again be important to understand how the institutions of governance function insofar as these affect the extent to which particular institutions can be regarded as "good," "just," or "democratic."
- In this sense, most normative arguments about government are partly determined by scientific questions about the performance of alternative institutions.
- However, most are also clearly affected by the (normative) objective of governance as well.
- That is to say, a complete answer to the question of what a government "should" look like depends in part on the normative theory one applies (the objectives of government) and in part on the social and economic effects of alternative institutions that determine how those objectives may be furthered (or achieved) through particular governments.
- This has been evident since the first scholarly analyses of government, as we will see today with Plato and Aristotle.

iii. The selection of norms or objectives for government is a philosophic question that is less open to testing, but is still open to argumentation and mental experiments.

- Even nonscientific questions can often be tested in various ways
- Are the arguments internally consistent, to they conflict with other widely accepted norms, can they be systematized, how well does normative theory "x" function in a variety of settings, etc. ?

iv. However, whether government is an end or a means, it is clear that understanding the effects of institutions remains a central concern.

B. In principle, the task of assessing governmental design can be done piece meal or one can attempt to assess and design a new government de novo, from the ground up.

i. In the real world, constitutional design tends to be undertaken in steps, as evolution rather than revolutions.

- This is in part because real world institutional designers rarely have the power to impose totally new systems of government,
- and moreover rarely, if ever, have sufficient information to thereby improve governance as a whole.
- Constitutional development, consequently, tends to reflect efforts to improve rather than to replace existing institutional arrangements.

ii. Philosophers and other political theorists, however, enjoy wresting with the great questions that must be overcome to design a "perfect" constitution.

- This has long been true, and it is evident in the two famous Greek philosophers we use as our starting point in the theory of constitutional design.
- This requires all the issues of governmental design to be addressed at once, which is clearly a more difficult enterprise,
- but it also allows the essential questions about institutional design to be addressed in an integrated and internally self-consistent manner..

iii. These early efforts of Plato and Aristotle are of interest for several reasons.

- Essentially all modern work has been directly or indirectly influenced by their analysis and conclusions.
- Plato and Aristotle's analyses "frame" much of the modern analysis of constitutional design through the questions that they raise and analyze--perhaps more so than through their answers.
- They also provide windows into early efforts at constitutional design, and thereby illustrate forgotten alternatives and provide both real and philosophical "benchmarks" from which to judge recent contributions to constitutional design.

iv. What is remarkable about their 2000 year old writings is how modern they seem in most respects, and how far they penetrated into the issues of constitutional design.

- To appreciate the Greek philosophers, especially Aristotle, you should think a bit about the European middle ages when power rather than principle largely determined governance, in which education was reserved for the nobility, and ideas of representation and citizenship were rarely if ever pressing concerns.

v. It is only in the past three hundred years, or so, that we have recovered and deepened the Greek analyses of constitutions.

- "We" post enlightenment westerners have gone beyond the Greeks, because "we" have developed new ideas and new analyses, and also because we have benefited from their contributions, confusions, and errors.
- On the other hand modern analyses have certainly not progressed beyond their analyses on every issue.

- Some of the questions that they addressed have been lost, in part because of specialization and a tendency to focus on existing institutions.
  - For example, the issue of citizen ship has not been taken seriously by recent designers, nor the role of a state in helping to educate persons so that they will lead good lives.
  - Be alert for questions that Plato and Aristotle took seriously, but which are neglected by modern political theorists.

vi. Of course, Plato and Aristotle are not the first philosophers to tackle the question of constitutional design, but they are clearly among the first to do so carefully and have their conclusions survive to the present.

- Aristotle says that the first academic to study government was: "Hippodamus, the son of Euryphon, a native of Miletus, the same who **invented the art of planning cities**, and who also laid out the Piraeus- a strange man, whose fondness for distinction led him into a general eccentricity of life, ... he, besides aspiring to be an adept in the knowledge of nature, was the **first person not a statesman who made inquiries about the best form of government**.
- And, it is also evident that their work reflects the analysis of their teachers and older political analyses done by historians and practitioners, hints of which are included throughout their famous books.
- Moreover, surely the tradition of research whether academic or applied extends back much further than the Greeks.
  - For example, there were clearly constitutional theorists among the Sumarians, more than a thousand years earlier, who were evidently very much concerned with good laws and good governance.
  - See for example, the legal code of Hammurabi (1775 BC) which was evidently chiseled into the walls of the city courts (http://www.lawresearch.com/v2/codeham.htm)
  - The Chinese were also interested in good governance, or at least peaceful governance.

C. However, the efforts of the Greek philosophers survived largely intact, and these are the earliest **thorough** analyses that survive in a form that we can read (thanks to the efforts of talented translators)--more than two thousand years after their thoughts were put to paper

D. The lecture notes below are centered about a series of excerpts (snippets) from Plato's *Republic* and from Aristotle's *Politics,* which seem especially relevant for our analysis of constitutional design.

- (The complete works are available on the web, and more extensive series of excerpts is included as an appendix to the lecture notes)

II. Plato's Republic (written about 360 BCE)

A. Plato's republic is available on the "web" at http://classics.mit.edu/Plato/republic.1.introduction.html.

- All the quotes included in this handout come from that translation of the Republic.
- There have been many other translations, and serious scholars often debate the relative quality of the translations, but four our purposes this version is sufficient.
- Plato also wrote another piece on governance called the *Laws*, which is neglected below. It seems to lay out more detailed vision of the administration of the state and society.

B. Plato's *Republic* was the first major tract on the design of government that we have available to us.

i. It, however, acknowledges earlier traditions in law and in government design--more or less in passing--and often to refute the existing theories. So we know that the Republic was not the first serious effort of Greek scholars to think about constitutional design.

- Plato's effort to design the perfect state, a utopia, clearly inspired many other to undertake similar tasks, as with Cicero's De Republica, of St. Augustine's City of God, of the Utopia of Sir Thomas More, and of the numerous other imaginary States.
- Moreover, to a considerable extent Aristotle's the Politics was written as an alternative view of the ideal (feasible) government, and a good deal of the Politics is occupied with various criticisms of Plato's argument.

ii. Plato begins by talking about the historic origins of the state and also of the law. He proposes a version of we have called the "productive" model of the state.

C. Snippets from Book II [*Origins of the State, the "agreeing comments" have been omitted.*]

i. A State, I said, arises, as I conceive, out of the needs of mankind; no one is self-sufficing, but all of us have many wants. Can any other origin of a State be imagined?

ii. Then, as we have many wants, and many persons are needed to supply them, one takes a helper for one purpose and another for another; and when these partners and helpers are gathered together in one habitation the body of inhabitants is termed a State.

iii. And they exchange with one another, and one gives, and another receives, under **the idea that the exchange will be for their good**.

iv. Then, I said, let us begin and **create in idea** a State; and yet the **true creator is necessity**, who is the mother of our invention.

D. [Plato also mentions in passing a preexisting "contractarian theory of the state" and then proceeds to criticize it, essentially for not being able to achieve an ideal state.]

E. Book II Snippets (*concise statement of the contractarian theory of the state, and some weaknesses thereof*)

i. And so when men have both done and suffered injustice and have had experience of both, not being able to avoid the one and obtain the other, they think that they **had better agree among themselves to have neither**;

- **hence there arise laws and mutual covenants**;

- and that which is ordained by law is termed by them lawful and just.

ii. This they affirm to be the origin and nature of justice;

- It is a mean or compromise, between the best of all, which is to do injustice and not be punished, and the worst of all, which is to suffer injustice without the power of retaliation;
- and justice, being at a middle point between the two, is tolerated not as a good,
- but as the lesser evil, and honored by reason of the inability of men to do injustice.

iii. **For no man who is worthy to be called a man would ever submit to such an agreement if he were able to resist**; he would be mad if he did.

- *Such is the received account, Socrates, of the nature and origin of justice.*

F. [However, Plato subsequently argues, that such contracts cannot achieve the perfect state because under the present circumstances, because such contracts conceive *justice is a means rather than an end*, and thus justice is not part of the mentality of the rulers (guardians).]

G. *[Fallibility of All Men and Women]*

i. Suppose now that there were two such magic *[invisibility]* rings, and the just put on one of them and the unjust the other; no man can be imagined to be of such an iron nature that he would stand fast in justice.

- No man would keep his hands off what was not his own when he could safely take what he liked out of the market, or go into houses and lie with any one at his pleasure, or kill or release from prison whom he would, and in all respects be like a God among men.
- Then the actions of the just would be as the actions of the unjust; they would both come at last to the same point.
- And this we may truly affirm to be a great proof that a man is just, not willingly or because he thinks that justice is any good to him individually, but of necessity, for wherever any one thinks that he can safely be unjust, there he is unjust.

H. *[Thus, Plato seems to conclude that "just men" in an ideal society will need to be watched to be kept just, which is the main task of the guardians, although this task may be made easier by the proper education.]*

I. Education, I said, and nurture:

i. If our citizens are well educated, and grow into sensible men, they will easily see their way through all these, as well as other matters which I omit; such,

- for example, as marriage, the possession of women and the procreation of children,
- which will all follow the **general principle that friends have all things in common**, as the proverb says.
- [Plato uses this idea to develop various spheres (evidently quite large ones) where private property will not exist, particularly among the guardians, however, in many places he notes the necessity and benefits of exchange, which implies that some areas of private property must also exist in his perfect state. Aristotle attacks this large sphere of communal property in the *Politics*. See below.]

ii. [The "of course" nature of these remarks on education reveals a great difference between Greek attitudes about education and those of medieval and even post enlightenment Europe. Of course, it bears noting that these pieces were written by teachers, who made their living by teaching the children of relatively elite parts of the Greek society. Aristotle's students included Alexander the Great.]

J. Snippets from Book V *[Equal Opportunity]*

i. Then, if women are to have the same duties as men, they must have the same nurture and education?

ii. Yes. The education which was assigned to the men was music and gymnastic.

iii. Yes. Then women must be taught music and gymnastic and also the art of war, which they must practice like the men?

iv. That is the inference, I suppose.

III. [The Guardians]

A. If people need to be watched to remain "just," the character of the watchers--the guardians--needs to be carefully considered.]

B. Snippet from Book 5 *[Elitism, the guardians as a meritocracy]*

i. I replied: Well, and may we not further say that our guardians are the best of our citizens?

- **By far the best.**

ii. And will not their wives be the best women?

- Yes, by far the best. And can there be anything better for the interests of the State than that the men and women of a State should be as good as possible?
- There can be nothing better.

iii. And this is what the arts of music and gymnastic, when present in such manner as we have described, will accomplish?

- Certainly. Then we have made an enactment not only possible but in the highest degree beneficial to the State?

C. Snippet from Book 5 *[Communal Families, at least among the guardians, as a source of common interest and solution to the problem of factions.]*

i. Then in our city the language of harmony and concord will be more often beard than in any other.

- As I was describing before, when any one is well or ill, the universal word will be with me it is well' or 'it is ill.' Most true.

- And agreeably to this mode of thinking and speaking, were we not saying that they will have their pleasures and pains in common?

ii. Yes, and so they will. And they will have a common interest in the same thing which they will alike call 'my own,' and having this common interest they will have a common feeling of pleasure and pain?

iii. Yes, far more so than in other States.

- And the reason of this, over and above the general constitution of the State, will be that the guardians will have a community of women and children?

iv. That will be the chief reason.

- And this unity of feeling we admitted to be the greatest good, as was implied in our own comparison of a well-ordered State to the relation of the body and the members, when affected by pleasure or pain?

v. That we acknowledged, and very rightly. **Then the community of wives and children among our citizens is clearly the source of the greatest good to the State**?

vi. [Aristotle spends a good deal of time criticizing this conclusion.]

D. Snippet from Book 8 (Overview: **the ruling aristocracy** and the guardians)

i. And so, Glaucon, we have arrived at the conclusion that **in the perfect State** wives and children are to be in common; and that all education and the pursuits of war and peace are also to be common, and **the best philosophers and the bravest warriors are to be their kings**?

- That, replied Glaucon, has been acknowledged.

ii. Yes, I said; and we have further acknowledged that **the governors**, when appointed themselves, will take their soldiers and place them in houses such as we were describing, which are common to all, and **contain nothing private**, or individual; and about their property, you remember what we agreed?

iii. Yes, I remember that no one was to have any of the ordinary possessions of mankind; they were to be warrior athletes and guardians, **receiving from the other citizens, in lieu of annual payment, only their maintenance**, and they were to take care of themselves and of the whole State.

iv. *[A less extreme form of this part of Plato's design should remind you of senior government officials and members of the military and foreign service today, who often receive housing food and transportation as part of their "compensation," but work for "below market" wages?]*

IV. Digressions on the effects of reputation, poverty, wealth, and virtues

A. Snippet from Book II (*A digression on normative training, effects of reputation and religion on "just" behavior*)

i. There is another side to Glaucon's argument about the praise and censure of justice and injustice, which is equally required in order to bring out what I believe to be his meaning.

ii. Parents and tutors are always telling their sons and their wards that they are to be just; but why? not for the sake of justice, but **for the sake of character and reputation**; in the hope of obtaining for him who is reputed just some of those **offices, marriages, and the like** which Glaucon has enumerated among the advantages accruing to the unjust from the reputation of justice.

- More, however, is made of appearances by *this class of persons than by the others*;
- for **they throw in the good opinion of the gods**, and will tell you of a shower of benefits which the heavens, as they say, rain upon the pious;
- and this accords with the testimony of the noble Hesiod and Homer, the first of whom says, that the gods make the oaks of the just.

B. More Snippets from Book IV (*A digression on wealth and the quality of work--some indirect precursors of the middle class and perhaps the modern welfare state*)

i. What may that be? There seem to be two causes of the deterioration of the arts.

ii. What are they? Wealth, I said, and poverty.

iii. How do they act?

- The process is as follows: When a potter becomes rich, will he, think you, any longer take the same pains with his art?
- Certainly not. He will grow more and more indolent and careless?
- Very true. And the result will be that he becomes a worse potter? Yes; he greatly deteriorates.
- But, on the other hand, if he has no money, and cannot provide himself tools or instruments, he will not work equally well himself, nor will he teach his sons or apprentices to work equally well.
- Certainly not. Then, under the influence either of poverty or of wealth, workmen and their work are equally liable to degenerate?
- That is evident.
- **Here, then, is a discovery of new evils, I said, against which the guardians will have to watch**, or they will creep into the city unobserved.

C. More Snippets from Book IV (The **4 virtues** and **3 principles** of a man and of a state, some remarks about 3 classes in passing)

i. Because I think that this [justice] is the only virtue which remains in the State when the other **virtues of temperance and courage and wisdom** are abstracted; and, that this is the ultimate cause and condition of the existence of all of them, and while remaining in them is also their preservative; and we were saying that if the three were discovered by us, **justice would be the fourth** or remaining one.

ii. If we are asked to determine which of these four qualities by its presence contributes most to the excellence of the State,

- whether the **agreement of rulers and subjects**,
- or the preservation in the soldiers of the opinion which the law ordains about the true nature of dangers,
- or wisdom and watchfulness in the rulers,
- *[Note, that here are three measures of "excellence," one of which seems to return to the contractarian notion disposed of earlier.]*

V. The Aims of Governance

A. Snippets from Book IV *(passing comments on the compensation of the "guardians" and some remarks that show that the history of* ***utilitarian ideas*** *emerged well before Bentham)*

i. Yes, I said; and you may add that they [the *guardians]* are only fed, and not paid in addition to their food, like other men; and therefore they cannot, if they would, take a journey of pleasure; they have no money to spend on a mistress or any other luxurious fancy, which, as the world goes, is thought to be happiness; and many other accusations of the same nature might be added...

- Yes. If we proceed along the old path, my belief, I said, is that we shall find the answer.

ii. And our answer will be that, even as they are, our guardians may very likely be the happiest of men; **but our aim in founding the State was not the disproportionate happiness of any one class, but the greatest happiness of the whole;**

- We thought that in a State which is ordered with a view to the good of the whole we should be most likely to find Justice, and in the ill-ordered State injustice: and, having found them, we might then decide which of the two is the happier.

iii. **At present, I take it, we are fashioning the happy State, not piecemeal, or with a view of making a few happy citizens, but as a whole**; and by-and-by we will proceed to view the opposite kind of State.

iv. [Thus, Plato adopts what later philosophers will refer to as the utilitarian concept of the "good society." The "good society" is a happy or well-satisfied society.]

- [Given this utilitarian statement of the goals of constitutional design, Plato's recommended ethics and social ordering **are a means** for maximizing the happiness of the community's citizens, rather than ends in their own right.]

VI. The Five Kinds of Government

A. Snippet from Book 8

i. That question, I said, is easily answered: the four governments of which I spoke,

- so far as they have distinct names, are, first, those of Crete and Sparta, which are generally applauded; [These evidently somewhat resemble Plato's ideal forms of **Kingdoms** and **Aristocracy,** of the wise and brave.]
- what is termed **oligarchy** comes next; this is not equally approved, and is a form of government which teems with evils:
- thirdly, **democracy**, which naturally follows oligarchy, although very different:
- and lastly comes **tyranny**, great and famous, which differs from them all, and is the fourth and worst disorder of a State.

ii. I do not know, do you? of any other constitution which can be said to have a distinct character.

- There are lordships and principalities which are bought and sold, and some **other intermediate forms** of government.
- But these are nondescripts and may be found equally among Hellenes and among barbarians.
- *[Note that* ***this discussion suggests that mixed forms of government are more common*** *than the pure times discussed by Plato, and more over that in some cases kingdoms can be bought and sold at a profit!]*

B. Snippet from Book 8 *[Utilitarian comparative politics: judging societies by their relative happiness]*

i. If the constitutions of States are five, the dispositions of individual minds will also be five? Certainly.

- Him who answers to aristocracy, and whom we rightly call just and good, we have already described.
- Then let us now proceed to describe the inferior sort of natures, being the contentious and ambitious, who answer to the Spartan polity; also the oligarchical, democratical, and tyrannical.

ii. Let us place the most just by the side of the most unjust, and when we see them we shall be able **to compare the relative happiness or unhappiness of him who leads a life of pure justice or pure injustice**.

iii. *[Here Plato refutes the widespread belief noted above that it an unjust life is better than a just one, because the later is difficult and unrewarding. E.g. as in a PD game, if all are just all are better off than if all are injust.]*

C. [Snippet from Book 8, instability of the ideal and other forms of state.]

i. I believe that you have rightly conceived the origin of the change.

- And the new government which thus arises will be of a form intermediate between oligarchy and aristocracy?
- True. But in the fear of admitting philosophers to power, because they are no longer to be had simple and earnest, but are made up of mixed elements; and in turning from them

to passionate and less complex characters, who are by nature fitted for war rather than peace;

- and in the value set by them upon military stratagems and contrivances, and in the waging of everlasting wars --this State will be for the most part peculiar.

ii. And they are miserly because they have no means of openly acquiring the money which they prize; they will spend that which is another man's on the gratification of their desires, stealing their pleasures and running away like children from the law, their father: **they have been schooled not by gentle influences but by force**, for they have neglected her who is the true

- And so at last, instead of loving contention and glory, men become lovers of trade and money; they honor and look up to the rich man, and make a ruler of him, and dishonor the poor man.
- They next proceed to make a law which fixes a sum of money as the **qualification of citizenship**; the sum is higher in one place and lower in another, as the oligarchy is more or less exclusive; and they allow no one whose property falls below the amount fixed to have any share in the government.
- These changes in the constitution they effect by force of arms, if intimidation has not already done their work.

iii. And then **democracy** comes into being after the poor have conquered their opponents, slaughtering some and banishing some, while to the remainder they give an equal share of freedom and power; and this is the form of government in which the magistrates are commonly elected by lot.

- Yes, he said, that is the nature of democracy, whether the revolution has been effected by arms, or whether fear has caused the opposite party to withdraw.
- And now what is their manner of life, and what sort of a government have they? for as the government is, such will be the man.
- Clearly, he said. In the first place, are they not free; and is not the city full of freedom and frankness --a man may say and do what he likes? 'Tis said so, he replied.

iv. [Some kind remarks about democracy] And where freedom is, the individual is clearly able to order for himself his own life as he pleases? Clearly.

- Then in this kind of State there will be the **greatest variety of human natures**? There will.
- This, then, seems likely to be the fairest of States, being an embroidered robe which is spangled with every sort of flower.
- And just as women and children think a variety of colors to be of all things most charming, so there are many men to whom this State, which is spangled with the manners and characters of mankind, **will appear to be the fairest of States**.

v. Yes, my good Sir, and there will be no better in which to look for a government.

- Because of the liberty which reigns there --they have a complete assortment of constitutions;
- **and he who has a mind to establish a State**, as we have been doing, must go to a democracy as he would to a bazaar at which they sell them,
- and pick out the one that suits him; then, when he has made his choice, he may found his State. *(Tiebout?)*
- He will be sure to have patterns enough.

vi. And so the young man passes out of his original nature, which was trained in the school of necessity, into the freedom and libertinism of useless and unnecessary pleasures.

vii. And does not tyranny spring from democracy in the same manner as democracy from oligarchy --I mean, after a sort?

viii. *[Redistribution and conflict within democracies]* And do they not share? I said. Do not their leaders deprive the rich of their estates and distribute them among the people; at the same time taking care to reserve the larger part for themselves?

- Why, yes, he said, to that extent the people do share. And the persons whose property is taken from them are compelled to defend themselves before the people as they best can?
- What else can they do? And then, although they may have no desire of change, the others charge them with plotting against the people and being friends of oligarchy? True.
- And the end is that when they see the people, not of their own accord, but through ignorance, and because they are deceived by informers, seeking to do them wrong, then at last they are forced to become oligarchs in reality; they do not wish to be, but the sting of the drones torments them and breeds revolution in them.
- That is exactly the truth. Then come impeachments and judgments and trials of one another.
- True. **The people have always some champion whom they set over them and nurse into greatness.** Yes, that is their way.

ix. *(Rise of Tyranny from Democracy)* This and no other is the root from which **a tyrant springs; when he first appears above ground he is a protector**.

- Yes, that is quite clear. How then does a protector begin to change into a tyrant?
- Clearly when he does what the man is said to do in the tale of the Arcadian temple of Lycaean Zeus. What tale? The tale is that he who has tasted the entrails of a single human victim minced up with the entrails of other victims is destined to become a wolf. Did you never hear it? Oh, yes.
- And the protector of the people is like him; having a mob entirely at his disposal, he is not restrained from shedding the blood of kinsmen;
- by the **favorite method of false accusation** he brings them into court and murders them, making the life of man to disappear, and with unholy tongue and lips tasting the blood of his fellow citizen;

x. *(Tyranny)*

- But when he has disposed of foreign enemies by conquest or treaty, and there is nothing to fear from them, then **he is always stirring up some war** or other, in order that the people may require a leader. To be sure.
- Has he not also another object, which is that they may be **impoverished by payment of taxes**, and thus compelled to devote themselves to their daily wants and therefore less likely to conspire against him? Clearly.
- And if any of them are suspected by him of having notions of freedom, and of resistance to his authority,
- he will have a good pretext for destroying them by placing them at the mercy of the enemy; and for all these reasons the tyrant must be always getting up a war.

xi. Now he begins to grow unpopular. A necessary result.

- Then some of those who joined in setting him up, and who are in power, speak their minds to him and to one another, and the more courageous of them cast in his teeth what is being done.
- Yes, that may be expected. **And the tyrant, if he means to rule, must get rid of them; he cannot stop** while he has a friend or an enemy who is good for anything.

xii. Tyrants are wise by living with the wise; and he clearly meant to say that they are the wise whom the tyrant makes his companions.

- Yes, he said, and he *(Euripides)* **also praises tyranny as godlike**; and many **other things of the same kind are said by him and by the other poets**.

xiii. *(Summary of Plato's argument against democracy)* Then he is a parricide, and a cruel guardian of an aged parent; and this is real tyranny, about which there can be no longer a mistake: as the saying is,

- the people who would escape the smoke which is the slavery of freemen, has fallen into the fire which is the tyranny of slaves.
- **Thus liberty, getting out of all order and reason, passes into the harshest and bitterest form of slavery.**

D. *[So in the end it is stability or long term happiness, evidently, that makes an ideal aristocracy or kingdom better than a democracy. Note also the basic comparative argument is utilitarian and even has faint contractarian roots.*]

- [Plato has also written a book called *The Laws*, which is evidently much more detailed in the organization of political and social life, and some would say more totalitarian. Some of Aristotle's criticisms are directed toward this work rather than the Republic.]

VII. Aristotle's *the Politics* (written about 350 BCE)

A. Aristotle and his school may be regarded as the first scientists insofar as they stressed the application of logical arguments grounded in data.

i. Aristotle is, thus, credited with pioneering extensions of logic, ethics, epistemology, the origin of the field of biology, and, more importantly for this course, the origin of the field of political science.

ii. His work on constitutional design is grounded partly on an extensive study of the constitutions of Greek city states--most of which have been lost--and partly on his work in Ethics.

B. (*From Book 2*) Our purpose is to consider what form of political community is **best of all for those who are most able to realize their ideal of life**.

i. We must therefore examine not only this but other constitutions, both such as actually exist in well-governed states, and any theoretical forms which are held in esteem; that what is good and useful may be brought to light.

ii. And let no one suppose that in seeking for something beyond them we are anxious to make a sophistical display at any cost; we only undertake this inquiry because all the constitutions with which we are acquainted are faulty.

C. (Snippet from Book 3 of the Politics) He who would inquire into the essence and attributes of various kinds of governments must first of all determine **'What is a state?'**

i. At present this is a disputed question.

- Some say that the state has done a certain act;
- others, no, not the state, but the oligarchy or the tyrant.
- And the legislator or statesman is concerned entirely with the state; a constitution or government being an arrangement of the inhabitants of a state.

ii. But a state is a composite, like any other whole made up of many parts;

- these are the citizens, who compose it.

iii. It is evident, therefore, that we must begin by asking, Who is the citizen, and what is the meaning of the term?

D. (Snippets from Book 3) What is a Citizen?

i. Leaving out of consideration those who have been made citizens, or who have obtained the name of citizen any other accidental manner,

ii. we may say, first, that a **citizen is not a citizen because he lives in a certain place**, for resident aliens and slaves share in the place; nor is he a citizen who has no legal right except that of suing and being sued; for this right may be enjoyed under the provisions of a treaty.

   - Nay, resident aliens in many places do not possess even such rights completely, for they are obliged to have a patron, so that they do but imperfectly participate in citizenship;

- And we call them citizens only in a qualified sense, as we might apply the term to children who are too young to be on the register, or to old men who have been relieved from state duties.

   - Of these we do not say quite simply that they are citizens, but add in the one case that they are not of age, and in the other, that they are past the age, or something of that sort; the precise expression is immaterial, for our meaning is clear.

- Similar difficulties to those which I have mentioned may be raised and answered about deprived citizens and about exiles.

iii. But the citizen whom we are seeking to define is a **citizen in the strictest sense**, against whom no such exception can be taken, and **his special characteristic is that he shares in the administration of justice, and in offices**.

- Now of offices some are discontinuous, and the same persons are not allowed to hold them twice, or can only hold them after a fixed interval; others have no limit of time- for example, the office of a dicast or ecclesiast.
- It may, indeed, be argued that these are not magistrates at all, and that their functions give them no share in the government.
- But surely it is ridiculous to say that those who have the power do not govern.
- Let us not dwell further upon this, which is a purely verbal question; what we want is a common term including both dicast and ecclesiast.

iv. Let us, for the sake of distinction, call it '**indefinite office**,' and we will assume that those who share in such office are citizens. This is the **most comprehensive definition of a citizen**, and best suits all those who are generally so called.

v. The citizen then of necessity differs under each form of government; and **our definition is best adapted to the citizen of a democracy**; but not necessarily to other states.

- For in some states the people are not acknowledged, nor have they any regular assembly, but only extraordinary ones; and suits are distributed by sections among the magistrates.
- At Lacedaemon, for instance, the Ephors determine suits about contracts, which they distribute among themselves, while the elders are judges of homicide, and other causes are decided by other magistrates.
- A similar principle prevails at Carthage; there certain magistrates decide all causes.
- We may, indeed, modify our definition of the citizen so as to include these states.
- In them it is the holder of a definite, not of an indefinite office, who legislates and judges, and to some or all such holders of definite offices is reserved the right of deliberating or judging about some things or about all things.

vi. The conception of the citizen *(and state)* now begins to clear up.

- ***[Definitions of citizen and the state.]***

- He who has the power to take part in the deliberative or judicial administration of any state is said by us to be a citizens of that state;
- and, speaking generally, a state is a body of citizens sufficing for the purposes of life.

vii. *(Failings of usual legal definition)* In practice a citizen is defined to be one of whom both the parents are citizens; others insist on going further back; say to two or three or more ancestors.

- This is a short and practical definition but there are some who raise the further question:
- How this third or fourth ancestor came to be a citizen?
  - Gorgias of Leontini, partly because he was in a difficulty, partly in irony, said- 'Mortars are what is made by the mortar-makers, and the citizens of Larissa are those who are made by the magistrates; for it is their trade to make Larissaeans.'
- Yet the question is really simple, for, if according to the definition just given they shared in the government, they were citizens.
- T**his is a better definition** than the other.
  - For the words, 'born of a father or mother who is a citizen,' **cannot possibly apply** to the first inhabitants or founders of a state. ...
  - It is further asked: When are men, living in the same place, to be regarded as a single city- what is the limit?

E. (More snippets from Book 3) *[A contractarian theory of the state, by citizens],*

i. For, since **the state is a partnership**, and is **a partnership of citizens in a constitution**,

- when the form of government changes, and becomes different, then it may be supposed that the state is no longer the same,
  - just as a tragic differs from a comic chorus, although the members of both may be identical.
- And in this manner we speak of every union or composition of elements as different when the form of their composition alters;
  - for example, a scale containing the same sounds is said to be different, accordingly as the Dorian or the Phrygian mode is employed.

ii. And if this is true it is evident that **the sameness of the state consists chiefly in the sameness of the constitution**,

- and it may be called or not called by the same name, whether the inhabitants are the same or entirely different.

iii. It is quite another question, whether a state ought or ought not to fulfill engagements when the form of government changes.

F. (More snippets from book 3) **Definition of a constitution**

i. **A constitution is the arrangement of magistracies in a state, especially of the highest of all.**

- The government is everywhere sovereign in the state, and **the constitution is in fact the government.**
- For example, in democracies the people are supreme, but in oligarchies, the few; and, therefore, we say that these two forms of government also are different: and so in other cases.

G. (Book 4 part 1) [Voluntary agreement as the mechanism for constitutional reform!]

i. **Any change of government which has to be introduced should be one which men, starting from their existing constitutions, will be both willing and able to adopt,** since there is quite as much trouble in the reformation of an old constitution as in the establishment of a new one, just as to unlearn is as hard as to learn. *(Echos of Buchanan, 1976, but 2400+ years earlier)*

- And therefore, in addition to the qualifications of the statesman already mentioned, he should be able to find remedies for the defects of existing constitutions, as has been said before.

H. (More Snippets from Book 3) *[Purpose of a state, and rotation in office]*

i. First, let us consider what is the **purpose of a state**, and how many forms of government there are by which human society is regulated.

- We have already said, in the first part of this treatise, when discussing household management and the rule of a master, that man is by nature a political animal.
- And therefore, men, even when they do not require one another's help, desire to live together;
- but that they are also brought together by their **common interests** in proportion as they severally attain to any measure of well-being. *(the productive state again)*
- **This is certainly the chief end, both of individuals and of states**.
  - And also for the sake of mere life (in which there is possibly some noble element so long as the evils of existence do not greatly overbalance the good) mankind meet together and maintain the political community.
  - And we all see that men cling to life even at the cost of enduring great misfortune, seeming to find in life a natural sweetness and happiness.

ii. There is no difficulty in distinguishing the **various kinds of authority**; they have been often defined already in discussions outside the school.

- The rule of a master, although the slave by nature and the master by nature have in reality the same interests, is nevertheless exercised primarily with a view to the interest of the master, but accidentally considers the slave, since, if the slave perish, the rule of the master perishes with him.
- On the other hand, the government of a wife and children and of a household, which we have called household management, is exercised in the first instance for the good of the governed or for the common good of both parties, but essentially for the good of the

governed, as we see to be the case in medicine, gymnastic, and the arts in general, which are only accidentally concerned with the good of the artists themselves.

- The trainer or the helmsman considers the good of those committed to his care.
- But, when he is one of the persons taken care of, he accidentally participates in the advantage, for the helmsman is also a sailor, and the trainer becomes one of those in training.

iii. And so in politics: **when the state is framed upon the principle of equality and likeness, the citizens think that they ought to hold office by turns.**

- Formerly, as is natural, every one would take his turn of service;
- and then again, somebody else would look after his interest, just as he, while in office, had looked after theirs.
- But **nowadays, for the sake of the advantage which is to be gained from the public revenues and from office, men want to be always in office**.
  - One might imagine that the rulers, being sickly, were only kept in health while they continued in office; in that case we may be sure that they would be hunting after places.
- The conclusion is evident: that **governments which have a regard to the common interest are constituted in accordance with strict principles of justice**, and are therefore **true forms**;
  - but **those which regard only the interest of the rulers are all defective** and perverted forms, for they are despotic, whereas a **state is a community of freemen.**

iv. *[Would Aristotle favor term limits?]*

I. [More on rotation in office, from Book 2, Part 2.]

i. Wherefore the principle of compensation, as I have already remarked in the *Ethics*, is the salvation of states.

- Even among freemen and equals this is a principle which must be maintained, for they cannot all rule together, **but must change at the end of a year or some other period** of time or in some order of succession.
- The result is that upon this plan they all govern; just as if shoemakers and carpenters were to exchange their occupations, and the same persons did not always continue shoemakers and carpenters.
- And since it is better that this should be so in politics as well, it is clear that while there should be continuance of the same persons in power where this is possible,
- yet where this is not possible by reason of the **natural equality of the citizens**, and at the same time it is just that an should share in the government (whether to govern be a good thing or a bad).

ii. An approximation to this is that **equals should in turn retire from office and should, apart from official position, be treated alike**.

- Thus the one party rule and the others are ruled in turn, as if they were no longer the same persons.

iii. In like manner when they hold office there is **a variety in the offices held**.

- Hence it is evident that a city is **not by nature one** in that sense which some persons affirm; and that what is said to be the greatest good of cities *(by Plato)* is in reality their destruction.
- But surely the good of things must be that which preserves them.
- Again, in another point of view, this extreme unification of the state is clearly not good; for a family is more self-sufficing than an individual, and a city than a family,
- and a city only comes into being when the community is large enough to be self-sufficing.
- If then self-sufficiency is to be desired, the lesser degree of unity is more desirable than the greater.

J. (More Snippets from Book 3, part vii) The 6 Types of Government

i. The <u>words constitution and government have the same meaning</u>, and the government, which is the supreme authority in states, must be in the hands of one, or of a few, or of the many.

ii. The true forms of government, therefore, are those in which the one, or the few, or the many, govern with a <u>view to the common interest</u>;

iii. *[The 3 true forms]*Of forms of government in which one rules, we call that which regards the common interests,

- kingship or royalty;
- that in which more than one, but not many, rule, aristocracy; and it is so called, either because the rulers are the best men, or because they have at heart the best interests of the state and of the citizens.
- But when the citizens at large administer the state for the common interest, the government is called by the generic name- a constitution.

iv. And there is a reason for this use of language.

- One man or a few may excel in virtue;
- but as the number increases it becomes more difficult for them to attain perfection in every kind of virtue, though they may in military virtue, for this is found in the masses.
- Hence in a constitutional government the fighting-men have the supreme power, and those who possess arms are the citizens.

v. *[The 3 perverse forms.]* Of the above-mentioned forms, **the perversions are as follows**:

- of royalty, tyranny;
- of aristocracy, oligarchy;
- of constitutional government, democracy.
- *For tyranny is a kind of monarchy which has in view the interest of the monarch only; oligarchy has in view the interest of the wealthy; democracy, of the needy: none of them the common good of all.*

K. (More snippets from book 3, part 11) *A defense of constitutional democracy*

i. The principle that the multitude ought to be supreme rather than the few best is one that is maintained, and, though not free from difficulty, yet seems to contain an element of truth.

- For the many, of whom each individual is but an ordinary person, when they meet together may very likely be better than the few good, if regarded not individually but collectively, just as a feast to which many contribute is better than a dinner provided out of a single purse.
- For each individual among the many has a share of virtue and prudence, and when they meet together, they become in a manner one man, who has many feet, and hands, and senses; that is a figure of their mind and disposition.
- Hence the many are better judges than a single man of music and poetry; for some understand one part, and some another, and **among them they understand the whole**.
- There is a similar combination of qualities in good men, who differ from any individual of the many, as the beautiful are said to differ from those who are not beautiful, and works of art from realities,
- because in them the scattered elements are combined, although, if taken separately, the eye of one person or some other feature in another person would be fairer than in the picture.
- Whether this principle can apply to every democracy, and to all bodies of men, is not clear.
- (more from part 15) Again, the many are more incorruptible than the few; they are like the greater quantity of water which is less easily corrupted than a little.
  - The individual is liable to be overcome by anger or by some other passion, and then his judgment is necessarily perverted;
  - but it is hardly to be supposed that a great number of persons would all get into a passion and go wrong at the same moment.
  - Let us assume that they are the freemen, and that they never act in violation of the law, but fill up the gaps which the law is obliged to leave.
  - Or, if such virtue is scarcely attainable by the multitude, we need only suppose that the majority are good men and good citizens, and ask which will be the more incorruptible, the one good ruler, or the many who are all good?

ii. (Other remarks on democracy, from book 4, part 4) **It must not be assumed, as some are fond of saying, that democracy is simply that form of government in which the greater number are sovereign, for in oligarchies, and indeed in every government, the majority rules**;

- nor again is oligarchy that form of government in which a few are sovereign.

iii. *[On constitutional and non-constitutional democracy.].*

- For in democracies which are subject to the law the best citizens hold the first place, and there are no demagogues; but where the laws are not supreme, there demagogues spring up.
- *[Tyranny of the Majority]* For the people becomes a monarch, and is many in one; and the many have the power in their hands, not as individuals, but collectively.
  - This sort of democracy, which is **now a monarch**, and no longer under the control of law, seeks to exercise monarchical sway, and grows into a despot;
  - the flatterer is held in honor; this sort of democracy being relatively to other democracies what tyranny is to other forms of monarchy.
  - The spirit of both is the same, and they alike exercise a despotic rule over the better citizens.
- The decrees of the demos correspond to the edicts of the tyrant; and the demagogue is to the one what the flatterer is to the other.
- ***Such a democracy is fairly open to the objection that it is not a constitution at all;*** for where the laws have no authority, there is no constitution. The law ought to be supreme over all, and the magistracies should judge of particulars, and only this should be considered a constitution.

iv. (From book 4, part 6) When the class of husbandmen and of those who possess moderate fortunes have the supreme power, the government is administered according to law.

- **For the citizens being compelled to live by their labor have no leisure; and so they set up the authority of the law, and attend assemblies only when necessary**

L. [DEF] A constitution is the organization of offices in a state, and determines what is to be the governing body, and what is the end of each community.

- But laws are not to be confounded with the principles of the constitution; they are the rules according to which the magistrates should administer the state, and proceed against offenders.
- So that we must know the varieties, and the number of varieties, of each form of government, if only with a view to making laws.
- For the same laws cannot be equally suited to all oligarchies or to all democracies, since there is certainly more than one form both of democracy and of oligarchy.

i. Now it appears to be an impossible thing that the state which is governed not by the best citizens but by the worst should be well-governed, and equally impossible that the state which is ill-governed should be governed by the best.

- But we must remember that **good laws, if they are not obeyed, do not constitute good government**.

ii. Hence there are two parts of good government;

- one is the actual obedience of citizens to the laws,
- the other part is the goodness of the laws which they obey;

M. (Snippets from book 4, parts 8 and 9) On *the ideal constitution of mixed governments*

i. Now **in most states the form called polity exists**, for the **fusion** goes no further than the attempt to unite the freedom of the poor and the wealth of the rich, who commonly take the place of the noble.

- But as there are three grounds on which men claim an equal share in the government, **freedom, wealth, and virtue** (for the fourth or good birth is the result of the two last, being only ancient wealth and virtue),
- it is clear that the admixture of the two elements, that is to say, of the rich and poor, is to be called a polity or constitutional government;
- **and the union of the three is to be called aristocracy** or the government of the best, and more than any other *(feasible)* form of government, except the true and ideal, has a right to this name.

ii. *[Selecting legislative assemblies]* Now there are t**hree modes in which fusions of government may be affected**.

- In the first mode we must combine the laws made by both governments, say concerning the administration of justice.
  - In oligarchies they impose a fine on the rich if they do not serve as judges, and to the poor they give no pay;
  - but in democracies they give pay to the poor and do not fine the rich.
- Now (1) the union of these two modes is a common or middle term between them, and is therefore characteristic of a constitutional government, for it is a combination of both. This is one mode of uniting the two elements.
- Or (2) a mean may be taken between the enactments of the two: thus democracies require no property qualification, or only a small one, from members of the assembly, oligarchies a high one; here neither of these is the common term, but a mean between them.
- (3) There is a third mode, in which something is borrowed from the oligarchical and something from the democratical principle.

iii. For example, the appointment of magistrates **by lot** is thought to be democratical,

- and the election of them oligarchical;
- democratical again when there is no property qualification,
- oligarchical when there is.

N. *[Representative Democracy as a Feasible form of Aristocracy!]*

i. **In the aristocratical or constitutional state, one element will be taken from each-**

- from oligarchy the principle of electing to offices,
- from democracy the disregard of qualification.
- Such are the various modes of combination.

ii. (Digression: Examples of existing Greek mixed forms of constitutional government)

- The **Lacedaemonian** constitution, for example, is often described as a democracy, because it has many democratical features.
  - In the first place the youth receive a democratical education.
  - For the sons of the poor are brought up with the sons of the rich, who **are educated in such a manner** as to make it possible for the sons of the poor to be educated by them.
  - A similar equality prevails in the following period of life, and when the citizens are grown up to manhood the same rule is observed;
  - there is no distinction between the rich and poor.
  - In like manner they all have the same food at their public tables, and the rich wear only such clothing as any poor man can afford.
  - Again, the people elect to one of the two greatest offices of state, and in the other they share; for they elect the Senators and share in the Ephoralty.

iii. By others the **Spartan** constitution is said to be an oligarchy, because it has many oligarchical elements.

- That all **offices are filled by election** and none by lot, is one of these oligarchical characteristics;
- that the power of inflicting death or banishment rests with a few persons is another; and there are others.

iv. In a well attempted polity there should appear to be both elements and yet neither;

- also the government should rely on itself, and not on foreign aid,
- and on itself not through the good will of a majority-
- they might be equally well-disposed when there is a vicious form of government-
- but through the general willingness of all classes in the state to maintain the constitution.

VIII. (Snippets from Book 4, part 11) *The Best Constitution*

A. We have now to inquire what is the **best constitution for most states**, and the best life for most men,

- neither assuming a standard of virtue which is above ordinary persons,
- nor an education which is exceptionally favored by nature and circumstances,
- nor yet an ideal state which is an aspiration only,
- but having regard to the life in which the majority are able to share, and to the form of government which states in general can attain.

i. As to those *(hypothetical ideal)* aristocracies, as they are called, of which we were just now speaking, they either **lie beyond the possibilities** of the greater number of states, or they approximate to the so-called constitutional government, and therefore need no separate discussion.

- And in fact the conclusion at which we arrive respecting all these forms rests upon the same grounds.

- For if what was said in *the Ethics* is true, that **the happy life is the life according to virtue lived without impediment**, and that virtue is a mean, then the life which is in a mean, and in a mean attainable by every one, must be the best.
- And the **same the same principles of virtue and vice are characteristic of cities and of constitutions**; for the constitution is in a figure the life of the city.

ii. *[Inequality and governance.]* Now in all states there are three elements: one class is very rich, another very poor, and a third in a mean.

iii. It is admitted that moderation and the mean are best, and therefore it will clearly be best to possess the gifts of fortune in moderation; for in that condition of life men are most ready to follow rational principle.

- But he who greatly excels in beauty, strength, birth, or wealth, or on the other hand who is very poor, or very weak, or very much disgraced, finds it difficult to follow rational principle.
  - Of these two the one sort grow into violent and great criminals, the others into rogues and petty rascals.
  - And two sorts of offenses correspond to them, the one committed from violence, the other from roguery.
- Again, the middle class is least likely to shrink from rule, or to be over-ambitious for it; both of which are injuries to the state.
- Again, those who have too much of the goods of fortune, strength, wealth, friends, and the like, are neither willing nor able to submit to authority.
  - The evil begins at home; for when they are boys, by reason of the luxury in which they are brought up, they never learn, even at school, the habit of obedience.
- On the other hand, the very poor, who are in the opposite extreme, are too degraded.
  - So that the one class cannot obey, and can only rule despotically; the other knows not how to command and must be ruled like slaves.
- Thus arises a city, not of freemen, but of masters and slaves, the one despising, the other envying; and nothing can be more fatal to friendship and good fellowship in states than this:
  - for good fellowship springs from friendship; when men are at enmity with one another, they would rather not even share the same path.

iv. But a city ought to be composed, as far as possible, of equals and similars; and these are generally the middle classes.

- Wherefore the **city which is composed of middle-class citizens is necessarily best** constituted in respect of the elements of which we say the fabric of the state naturally consists.
  - And this is the class of citizens which is most secure in a state, for they do not, like the poor, covet their neighbors' goods;
  - nor do others covet theirs, as the poor covet the goods of the rich;
  - and as they neither plot against others, nor are themselves plotted against, they pass through life safely.
  - Wisely then did Phocylides pray- 'Many things are best in the mean; I desire to be of a middle condition in my city.'

v. *(A big jump)* Thus it is manifest that **the best political community is formed by citizens of the middle class**, and that those states are likely to be well-administered in which the middle class is large, and stronger if possible than both the other classes, or at any rate than either singly;

- for the **addition of the middle class turns the scale**, and prevents either of the extremes from being dominant. *(Hint of the median voter theorem?)*
- Great then is the good fortune of a state in which the citizens have a moderate and sufficient property;

vi. *(Economic prerequisites for democracy)* The **mean condition of states is clearly best**,

- for no other is free from faction;
- and where the middle class is large, there are least likely to be factions and dissensions.
- For a similar reason large states are less liable to faction than small ones, because in them the middle class is large;
- whereas in small states it is easy to divide all the citizens into two classes who are either rich or poor, and to leave nothing in the middle.

vii. And democracies are safer and more permanent than oligarchies, because they have a middle class which is more numerous and has a greater share in the government;

- for when there is no middle class, and the poor greatly exceed in number, troubles arise, and the state soon comes to an end.
- A proof of the superiority of the middle class is that the best legislators have been of a middle condition; for example, Solon, as his own verses testify; and Lycurgus, for he was not a king; and Charondas, and almost all legislators.

IX. Miscellaneous Political Musings by Aristotle that seem relevant for today

A. (Snippets from Book 3, part 12) *On Equality*

i. In all sciences and arts the end is a good, and the greatest good and in the highest degree a good in the most authoritative of all- this is the political science of which the good is justice, in other words, **the common interest**.

ii. All men think **justice to be a sort of equality**; and to a certain extent they agree in the philosophical distinctions which have been laid down by us about Ethics.

- For they admit that justice is a thing and has a relation to persons,
- and that equals ought to have equality.

iii. But there still remains a question: equality or inequality of what?

- Here is a difficulty which calls for political speculation.

- For very likely some persons will say that offices of state ought to be unequally distributed according to superior excellence, in whatever respect, of the citizen,
- although there is no other difference between him and the rest of the community;
- for that those who differ in any one respect have different rights and claims.

- But, surely, if this is true, the complexion or height of a man, or any other advantage, will be a reason for his obtaining a greater share of political rights.

B. (From Part 1 of Book 2) *[On the Nature of Ownership.]*

i. We will begin with the **natural beginning of the subject**.

ii. **Three alternatives are conceivable: The members of a state must either have (1) all things or (2) nothing in common, or (3) some things in common and some not.**

- That they should have nothing in common is clearly impossible, for the constitution is a community, and must at any rate have a common place- one city will be in one place, and the citizens are those who share in that one city.
- But should a well ordered state have all things, as far as may be, in common, or some only, and not others?
- For the citizens might conceivably have wives and children and property in common, as Socrates proposes in the Republic of Plato.

iii. **Which is better, our present condition, or** *[Plato's]* **proposed new order of society?**

C. (Book II of the Politics) *Aristotle on* ***Private Property***

i. Next let us consider what should be our arrangements about property: should the citizens of the perfect state have their possessions in common or not?

ii. This question may be discussed separately from the enactments about women and children. Even supposing that the women and children belong to individuals, according to the custom which is at present universal, may there not be an advantage in having and using possessions in common?

iii. Three cases are possible: (1) the soil may be appropriated, but the produce may be thrown for consumption into the common stock; and this is the practice of some nations. Or (2), the soil may be common, and may be cultivated in common, but the produce divided among individuals for their private use; this is a form of common property which is said to exist among certain barbarians. Or (3), the soil and the produce may be alike common.

iv. When the husbandmen are not the owners, the case will be different and easier to deal with; but when they till the ground for themselves the question of ownership will give a world of trouble.

- If they do not share equally enjoyments and toils, those who labor much and get little will necessarily complain of those who labor little and receive or consume much.

v. But indeed **there is always a difficulty in men living together and having all human relations in common**, but especially in their having common property.

- The partnerships of fellow-travelers are an example to the point; for they generally fall out over everyday matters and quarrel about any trifle which turns up.
- So with servants: we are most able to take offense at those with whom we most we most frequently come into contact in daily life.

vi. These are only some of the disadvantages which attend the community of property; the present arrangement, if improved as it might be by good customs and laws, would be far better, and would have the advantages of both systems.

- Property should be in a certain sense common, but, as a general rule, private;
- for, when everyone has a distinct interest, men will not complain of one another, and they will **make more progress**, because every one will be attending to his own business.

vii. And yet by reason of goodness, and in respect of use, 'Friends,' as the proverb says, 'will have all things common.'

- Even now there are traces of such a principle, showing that it is not impracticable, but, in well-ordered states, exists already to a certain extent and may be carried further.
- For, although every man has his own property, some things **he will place at the disposal of his friends**, while of others he shares the use with them.
  - The Lacedaemonians, for example, use one another's slaves, and horses, and dogs, as if they were their own; and when they lack provisions on a journey, they appropriate what they find in the fields throughout the country.

viii. **It is clearly better that property should be private**, but the use of it common; and the special business of the legislator is to create in men this benevolent disposition.

D. Other constitutions have been proposed; some by private persons, others by philosophers and statesmen, which all come nearer to established or existing ones than either of Plato's.

i. No one else has introduced such novelties as the community of women and children, or public tables for women: other legislators begin with what is necessary.

ii. In the opinion of some, the regulation of **property is the chief point of all, that being the question upon which all revolutions turn**.

E. (Snippets from Book 4, part 2, of the Politics) *[On the Ideal of Virtue-based government]*

- [King and aristocracy are the best, virtue being scarce. On this, surprisingly, <u>Aristotle and Plato seem to agree</u>]

i. Of <u>kingly rule and of aristocracy</u>, we have already spoken, for the inquiry into the perfect state is the same thing with the discussion of the two forms thus named, since <u>both imply a principle of virtue provided</u> with external means.

ii. We have already determined in what aristocracy and kingly rule differ from one another, and when the latter should be established.

F. (Snippets from Book 4 , part 1,of the Politics) *[The value of a Science of Politics]*

i. In all arts and sciences which embrace the whole of any subject, and do not come into being in a fragmentary way, it is the province of a single art or science to consider all that appertains to a single subject.

ii. Hence it is obvious that government too is the subject of a single science, which has to consider what government is best and of what sort it must be, to be most in accordance with our aspirations, if there were no external impediment, and also what kind of government is adapted to particular states.

iii. For the best is often unattainable, and therefore the true legislator and statesman ought to be acquainted, not only with (1) that which is best in the abstract, but also with (2) that which is best relatively to circumstances.

- We should be able further to say how a state may be constituted under any given conditions (3);
- both how it is originally formed and, when formed, how it may be longest preserved;
- the supposed state being so far from having the best constitution that it is unprovided even with the conditions necessary for the best; neither is it the best under the circumstances, but of an inferior type.
- He ought, moreover, to know (4) the form of government which is best suited to states in general; for political writers, although they have excellent ideas, are often unpractical. *(Another attack on Plato?)*

iv. We should consider, not only what form of government is best, but also what is possible and what is easily attainable by all.

- There are some who would have none but the most perfect; for this many natural advantages are required.

G. Others, again, speak of a more attainable form, and, although they reject the constitution under which they are living, they extol some one in particular, for example the Lacedaemonian.

X. Some of Aristotle's Criticism's of Plato's Ideal Community/State (see Plato's *the Republic* and *the Laws*)

A. (*From Book 2, Part 2*) There are many difficulties in *(Plato's)* community of women.

- And the principle on which Socrates rests the necessity of such an institution evidently is not established by his arguments.
- Further, as a means to the end which he ascribes to the state, the scheme, **taken literally is impracticable**, and how we are to interpret it is nowhere precisely stated.
- I am speaking of the premise from which the argument of Socrates proceeds, 'that the greater the unity of the state the better.'
- [Is this really Plato's premise? See the various utilitarian remarks noted above.]

i. Is it not obvious that a state may at length attain such a degree of unity as to be no longer a state?

- Since the nature of a state is to be a plurality, and in tending to greater unity, from being a state, it becomes a family, and from being a family, an individual; for the family may be said to be more than the state, and the individual than the family.
- [Thus the most unitary state would be a single individual, rather than a community!]
- So that we ought not to attain this greatest unity even if we could, for it would be the destruction of the state.

ii. **Again, a state is not made up only of so many men, but of different kinds of men; for similars do not constitute a state.**

- **It is not like a military alliance**
- [That is, it involves more than one kind of men, soldiers, and one kind of project, war.]
- **The usefulness of the latter depends upon its quantity even where there is no difference in quality (for mutual protection is the end aimed at),**
- **just as a greater weight of anything is more useful than a less**
- **(in like manner, a state differs from a nation, when the nation has not its population organized in villages, but lives an Arcadian sort of life);**
- **but the elements out of which a unity is to be formed differ in kind.**

B. But, even supposing that it were best for the community to have the greatest degree of unity, this unity is by no means proved to follow from the fact 'of all men saying "mine" and "not mine" at the same instant of time,' which, according to Socrates, is the sign of perfect unity in a state.

- For the word 'all' is ambiguous.
  - If the meaning be that every individual says 'mine' and 'not mine' at the same time, then perhaps the result at which Socrates aims may be in some degree accomplished; each man will call the same person his own son and the same person his wife, and so of his property and of all that falls to his lot.
  - This, however, is not the way in which people would speak who had their had their wives and children in common; they would say 'all' but not 'each.'
- In like manner their property would be described as belonging to them, not severally but collectively.

i. There is an obvious **fallacy** in the term 'all': like some other words, 'both,' 'odd,' 'even,' it is ambiguous, and even in abstract argument becomes a source of logical puzzles.

- That all persons call the same thing mine in the sense in which each does so may be a fine thing, but it is **impracticable**;
- or if the words are taken in the other sense, such a unity in no way conducive to harmony.
- And there is another objection to the proposal.

ii. *(Public goods problem of communal families)* For that which is common to the greatest number has the least care bestowed upon it.

- Every one thinks chiefly of his own, hardly at all of the common interest; and only when he is himself concerned as an individual.
- For besides other considerations, everybody is more inclined to neglect the duty which he expects another to fulfill;
- as in families many attendants are often less useful than a few.
- Each citizen will have a thousand sons who will not be his sons individually but anybody will be equally the son of anybody, and will therefore be neglected by all alike.

iii. Further, upon this principle, every one will use the word 'mine' of one who is prospering or the reverse,

- however small a fraction he may himself be of the whole number; the same boy will be 'so and so's son,' the son of each of the thousand, or whatever be the number of the citizens;
- and even about this he will not be positive; for it is impossible to know who chanced to have a child, or whether, if one came into existence, it has survived. But which is better- for each to say 'mine' in this way, making a man the same relation to two thousand or ten thousand citizens, or to use the word 'mine' in the ordinary and more restricted sense?
- This community of wives and children seems better suited to the husbandmen than to the guardians, for if they have wives and children in common, they will be bound to one another by weaker ties, as a subject class should be, and they will remain obedient and not rebel.

C. (From book 3, part 9)

i. It is clear then that a state is **not a mere society** *[it has]* a common place, established for the prevention of mutual crime and for the sake of exchange.

- **These are conditions without which a state cannot exist;**
- **but all of them together do not constitute a state,**
- which is a community of families and aggregations of families in well-being, for the sake of a perfect and self-sufficing life.
- [This is again a critique of Plato's *Republic*, particularly his minimalist definition of the state.]

ii. Such a community can only be established among those who live in the same place and intermarry.

- Hence arise in cities family connections, brotherhoods, common sacrifices, amusements which draw men together.
- But these are created by friendship, for the will to live together is friendship.
- **The end of the state is the good life, and these are the means towards it.**
- And the state is the union of families and villages in a perfect and self-sufficing life, by which we mean a happy and honorable life.

iii. Our conclusion, then, is that **political society exists for the sake of noble actions**, and not of mere companionship.

- Hence they who contribute most to such a society have a greater share in it than those who have the same or a greater freedom or nobility of birth but are inferior to them in political virtue;
- or than those who exceed them in wealth but are surpassed by them in virtue.
  - From what has been said it will be clearly seen that all the partisans of different forms of government speak of a part of justice only.
- *(Continues attack on Plato, by noble acts Aristotle seems to mean the provision of public services, or at least common enterprises.)*

D. (More snippets from book 3) Whether the **virtue of a good man and a good citizen** is the same or not. [This a gain contrasts with Plato who argues that a good state has many of the same properties as a good person and/or good citizen: temperance, wisdom, courage + justice.]

i. But, before entering on this discussion, we must certainly first obtain some general notion of the virtue of the citizen. Like the sailor, the citizen is a member of a community.

- Now, sailors have different functions, for one of them is a rower, another a pilot, and a third a look-out man, a fourth is described by some similar term; and while the precise definition of each individual's virtue applies exclusively to him, there is, at the same time, a common definition applicable to them all.
- For they have all of them a common object, which is safety in navigation.

ii. Similarly, one citizen differs from another, but the salvation of the community is the common business of them all.

- This community is the constitution; the virtue of the citizen must therefore be relative to the constitution of which he is a member.
- If, then, there are many forms of government, it is evident that there is not one single virtue of the good citizen which is perfect virtue.
- But we say that the good man is he who has one single virtue which is perfect virtue.

iii. Hence it is evident that **the good citizen need not of necessity possess the virtue which makes a good man.**

- *(Another attack on Plato who made all the guardians men and women of the highest possible virtue, he continues with the attack below.)*

- And, although the temperance and justice of a ruler are distinct from those of a subject, the virtue of a good man will include both; for the virtue of the good man who is free and also a subject,
- e.g., his justice, will not be one but will comprise distinct kinds, the one qualifying him to rule, the other to obey, and differing as the temperance and courage of men and women differ.
- For a man would be thought a coward if he had no more courage than a courageous woman,
- and a woman would be thought loquacious if she imposed no more restraint on her conversation than the good man;
- and indeed their part in the management of the household is different, for the duty of the one is to acquire, and of the other to preserve.
- Practical wisdom only is characteristic of the ruler: it would seem that all other virtues must equally belong to ruler and subject.
- The virtue of the subject is certainly not wisdom, but only true opinion;
- he may be compared to the maker of the flute, while **his master is like the flute-player** or user of the flute.

iv. From these considerations may be gathered the answer to the question, whether the virtue of the good man is the same as that of the good citizen, or different, and how far the same, and how far different.

XI. Some Thought Questions for Students

A. What differences did you notice between the way in which Plato (Socrates) and Aristotle approached the task of designing an ideal constitution?

i. What issues did they consider that modern theorists continue to study and evaluate?
ii. What issues did they consider that modern rational choice theorists have neglected, perhaps improperly so?
iii. Did either, or both, Plato or Aristotle use models in their analyses? Describe them?
iv. Did you notice the utilitarian and contractarian roots of their analyses of constitutions?
v. On what issues does their analysis seem superficial?
vi. What errors did you notice in their arguments?

B. What essential property does an ideal constitution have under their two theories?

i. Who should be a citizen?
ii. Who should rule?
iii. What collective choice procedure should be adopted.
iv. Is this an elite or non-elite government?
v. How are women treated?
vi. What obligations does the state have for education?
vii. What obligations does the state have for dealing with poverty?

C. I what way, if any, would a medieval European king be more pleased to hear Plato's theory than Aristotle's?

D. Which line of argument seems to be "most modern?"

i. Is Plato's system totalitarian?
ii. Is Aristotle's conception of women different than Plato's?
iii. Do either of them believe in "popular sovereignty?"
iv. Do ether of them regard the ideal state to be the result of a social contract?
v. Are either theory "utilitarian" in its foundation?

E. Why did political science disappear for more than a thousand years? Or did it really disappear?

F. In what way, if any, could Aristotle's approach be termed more scientific than Plato's?